



Special Commission of Inquiry into the Ruby Princess

EXHIBIT 95

Statement of James Dargaville dated 16 April 2020 (with annexures)

**STATEMENT OF A WITNESS**


In the matter of: SF BAST
Place: Mona Vale Police Station
Date: 16 April 2020

Name: James DARGAVILLE


STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false, or do not believe to be true.
2. I am ■ years of age.
3. I have been engaged as a Ship Pilot in New South Wales since 1996. I worked in the same role in Queensland prior to this, from 1994.
4. Under the New South Wales Marine Safety Act, it is compulsory that every ship over 30 metres in length has a Pilot go on board and take the them into the harbour. All pilots have previously attained the qualification of Ship's Masters in New South Wales.
5. My role as a Pilot is to take the conduct of the ship from the ship's captain before it enters New South Wales Port Authority controlled waters. I then conduct the navigation along with the ship's crew to ensure that the ship safely berths in Sydney Harbour. I work for the Port Authority of New South Wales and take ships into and out of Sydney Harbour and Botany Bay. Throughout summer, cruise ships are very common and there is at least one or two per day.
6. I work on a seven day roster where each day each pilot will take in three to four ships per day. The Ship's Captain remains in charge of the vessel however pilots are responsible for safely bringing the vessel in to harbour.

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7. When cruise ships arrive early in the morning (around 5am) the pilot is usually assigned the night before. This is to ensure that the pilot can be well rested. Container ships operate on a 24-hour cycle. Cruise ships tend to come into Sydney Harbour early in the morning (about 5am) as there is a curfew and ships docking in Circular Quay need to be tied up by 6:45am. If they miss this time they have to come in after 9:30 or 9:45am. Cruise ships depart in the evenings, usually about 4:00pm. If they haven't sailed by 4:30pm they can't sail until 6:45pm. These curfews are due to the Sydney Ferry peak hour times.
8. On the 7 March 2020, I was working and got assigned the cruise ship, Ruby Princess that was due in at 5am on the 8 March 2020. Moore's Warehouse, at Walsh Bay is our Sydney Base. On the morning of the 8 March, I went into the Sydney Base around 3:45am. Before I go out I log on to a computer to check my emails, the weather and tides and details of the ship (length, draft, positioning). On this morning I read the email that was sent to pilots [REDACTED]@portauthority.com.au) from [REDACTED]@portauthority.com.au. This email had come from the Ruby Bridge ([REDACTED]@princesscruises.com). This email stated there were no ill passengers or crew on board.
9. After completing my tasks in the office, I went out to the ship and got on board the Ruby Princess at 4:26am. To get on board I climb up a rope ladder on the ship from my boat and then walk up through the accommodation area (generally through the crew accommodation) to the bridge. This generally takes no longer than three minutes once I reach the deck of the ship. On this day, I walked past the crew mess area and onto an elevator on deck 4. The bridge I think is on deck 10. I was wearing plastic gloves and a mask as I boarded the ship. These had been provided by the Port Authority. My wife works in infection control, so I am conscious about washing my hands and spreading diseases.
10. When I arrived on the Bridge, the Captain and Staff Captain were there waiting for me. I walked on to the Bridge and they came to greet me. The Captain put his hand out to shake my hand, I put my elbow out to tap him. The Captain said something like, "Don't worry, everyone is well on here." I can't recall the Captain's name, it will be on the paperwork, he was an older Italian man and he was the Senior Master or Commodore for the cruise line. I took my gloves and mask off, and did a Master/Pilot exchange in preparation for taking the ship in. I brought the Ruby Princess into Sydney Harbour and the mooring operation was completed at 5:50am at Sydney

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Cove Passenger terminal. I remember that on the Bridge was the Captain, the Staff Captain, a navigator, a co-navigator, the two seamen who are responsible for steering and keeping lookout and a communications operator. There may have been one or two other staff that I don't recall.

11. Once the ship was all fast, I put on a fresh set of gloves and new mask before I walked to the elevator and went down to deck four where the crew gangway is. I walked off the ship straight on to the wharf there. To gain access to this gangway I had to walk past a small area of passenger accommodation on the starboard side. I did not see any passengers.
12. While I was on board, I only encountered crew members on the Bridge and security members who escorted me on and off the vessel. I do not recall seeing anyone who appeared sick.
13. As I was exiting the ship, I spoke with the Ship's Agent in the gun port. The Ship's Agent was a male, I think his name was Alan. I spoke with him about the positioning of the ship because it had been moved slightly. There was a group of people there with the Ships Agent who I later found out be from NSW Health. This group of people were not wearing masks or gloves and no one spoke to me. I then walked to the back of the passenger terminal where Troy, a Port Engineer, was waiting for me in a ute to drive me back to the Sydney Base.
14. Once I arrived at the Sydney Base, I did a few things and spoke with the Duty Pilot. He told me that there were no more ships for the day, so I went home. I drove my personal car home.
15. As I was driving home, at maybe 8:30am, the Sydney Shift Master, Brian Robinson, called me. Brian sounded a bit stressed and told me that NSW Health was holding everyone on board the Ruby Princess and that I should have been held also. I continued home, I waited in my car until my wife left for work, I then went inside.
16. Brian rang me again, sometime later, and told me that it was ok for me to have gone home and he would keep me advised of any changes. He also gave me a number and a name; I think it was Rebecca from the NSW Public Health Unit to contact.
17. About 2:00pm I called the NSW Health phone number which put me through to RPA. I left a voicemail message. About 15 minutes later I got a call back from a young lady doctor, on [REDACTED]. She told me that she had been standing next to the Ship's Agent when I got off

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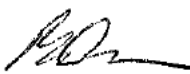

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and that she saw me wearing a mask and gloves. She told me that they had had been notified at least 24 hours before that there were 170 people on board who were sick. She told me that they had screened 300 odd people and they were testing 6 passengers and 3 crew who were in isolation. She told me that I had been a casual contact and therefore low risk. She also told me that no one from the Bridge Team was sick. I feel that we both understood we were talking about Corona Virus.

18. About 4:15pm I sent the doctor a text message on [REDACTED]. I said, 'Hello Doctor, can you tell me if any tests were positive?' I received a reply from the same number at 5:12pm saying 'all negative.'
19. I typed and sent an email to all of the other pilots ([REDACTED]@portauthority.com.au) outlining my experience on board the Ruby Princess. I did this so they knew what was going on and could take steps to keep themselves healthy.
20. Later that night I received a phone call from Emma FENSOM, Chief Operating Officer for the Port Authority NSW. Emma and I discussed why NSW Health had been forewarned and how the declaration given to the NSW Port Authority said no one was sick. She also asked for my version of events of the morning on the 8 March 2020.
21. Following this the Ruby Princess was all over the news in relation COVID-19. I heard that there was an investigation about who was responsible. I checked on the police website and on the 6 April 2020, I contacted Crime Stoppers and told them my version of events.
22. On Sunday 12 April 2020, Detective Senior Constable Adam CHURCHILL contacted me in relation to my Crime Stoppers report. I told him that I was the Pilot on board the Ruby Princess on 8 March 2020 and briefly explained what happened. Later the same day I sent Detective CHURCHILL three emails by text message. One that I had received on 8 March 2020 relating to the Ruby Princess Bio-Security declarations; an email I sent on 8 March 2020 about my experience on board the Ruby Princess; and an email I received on 18 March 2020 relating to the Ruby Princess Bio-Security declarations. These email screen shots are attached to this statement.

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23. Based on my years of training and experience as both a Ship's Master and Marine Pilot, I can say that with regard to the operation of a port in New South Wales the Port Harbour Masters role is to oversee all marine operations within the port and ensure its safe conduct and operation. They hold a great deal of authority under legislation and control over vessels. They can prevent a vessel from entering the Harbour or direct a ship to leave the Harbour and also direct a vessel to carry out their instructions whilst in the port they control. The abbreviation VTS refers to Vessel Traffic Services which is similar to air traffic control at an airport. They take requests for bookings for vessels to come in and tie up within the port and they co-ordinate all the support services required like the tug boat operators, the marine pilots etc. The Ship's Agent is the representative from the ship's owner and has control of all the operations at the wharf whilst the ship is docked, essentially a role as though they were the on-shore Captain. They would look after re-provisioning, the contractors, anyone required to go on board whilst docked and that type of thing.

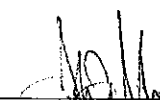
24. Also based on my years of training and experience as both a Ship's Master and Marine Pilot, I can say that with regard to the operation of a ship of this type, the term Ship's Master refers to what is commonly called the Captain. He has ultimate authority over the operation of the ship, it's navigation and safety and the safety of crew and passengers on board. He can even countermand any directions or actions I take as a Ship's Pilot but is required to justify that in a special report to the Port Authority. Also on board is the Staff Captain who is basically the second in charge and would take over authority for the ship should something happen to the Master. There is also the Cruise Director who has control of all the hotel-like operations on the ship and reports back to the cruise company with regards to all the business type operations and customers on board.

It is my understanding that ships are required to complete and submit a Maritime Arrivals Reporting System (MARS) questionnaire to the Department of Agriculture. I do not have access to this information however the NSW Port Authority recently instigated a system of including in the required ships 'arrival email,' which is sent around 4 to 6 hours prior to the scheduled arrival, a section relating to the ships bio-security status. This requires the ship to reply and notify certain relevant information specific to the COVID-19 virus. An example of this is included in the attachments I provided to Detective CHURCHILL.

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James DARGAVILLE
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Sent: Sunday, 8 March 2020 12:22 AM

To: [REDACTED]@portauthoritiesnsw.com.au>

Subject: FW: Ruby Princess - BIO SECURITY DECLARATIONS

Please see below.

Regards

Jimmy McGrath | Vessel Traffic Services Operator (Relief)

Port Authority of New South Wales

Brotherson House, Gate B103 Penrhyn Road | Port Botany NSW 2036 Australia

T: [REDACTED]

www.portauthoritiesnsw.com.au

From: Ruby Bridge <[REDACTED]@princesscruises.com>

Sent: Sunday, 8 March 2020 12:18 AM

To: [REDACTED]@portauthoritiesnsw.com.au>

Cc: Ruby Captain <[REDACTED]@princesscruises.com>; Ruby Staff Captain 1 <[REDACTED]@princesscruises.com>; [REDACTED]@carnivalaustralia.com

Subject: Ruby Princess - BIO SECURITY DECLARATIONS

Good Morning Sir,

As per your recent update to the Bio-Security Declaration please find as below:

➤ What were the last 5 ports of call?

- 4th March - Port Chalmers (New Zealand)
- 3rd March - Akaroa (New Zealand)
- 2nd March - Wellington (New Zealand)
- 1st March - Napier (New Zealand)
- 29th February - Tauranga (New Zealand)

➤ Are any crew members showing symptoms of the novel coronavirus on-board or are there any ill passengers or crew on board?

NO

➤ Has the vessel been in mainland China, Iran, Republic of Korea or Italy in the last 14 days?

NO

➤ Has any person on the vessel been in contact with a proven case of novel coronavirus infection in the last 14 days?

NO

➤ Are there any crew or passengers who have left, or transited through, mainland China or Iran, Republic of Korea or Italy less than 14 days ago?

NO

Our vessel **HAS NOT** visited China for the last 14 days.

Kind Regards

From: Jim Dargaville
Sent: Sunday, 8 March 2020 5:32 PM
To: [REDACTED]@portauthoritynsw.com.au>
Subject: Fw: Ruby Princess Covid-19 testing

Hello Pilots,

Although all the tests were negative this issue has raised a lot of questions about the management of these cruise vessels and what they will do:

I spoke to the Doctor who boarded the Ruby Princess this morning at 1415 this afternoon.

- 170 people had come forward on the ship during the passage expressing concern for their health.
- Health screened 300 people on the ship this morning.
- Health had 24hrs notice of the ships arrival and decided to board and test the ship yesterday.
- I spoke to the Port Agent about the positioning of the ship when I was leaving. He did not inform me of any issues with Health even though that team were standing with him.
- The Captain told me when I arrived on the Bridge that everyone was well.
- I wore a mask and glasses to and from the bridge and did not touch anything when in the accommodation.
- The Sydney Shift master Brian Robinson rang me before I arrived home. This was fortuitous as my wife is a Nurse Manager at an aged care/retirement village who was about to leave for work. I remained in my car to avoid contact with my family until I received more information.

I am disappointed that the Master and agents of this vessel made a false declaration, one I relied on, regarding the health of the passengers and crew.

Regards

Jim Dargaville

Sent from my iPad

Begin forwarded message:

From: [REDACTED]@portauthoritiesnsw.com.au>
Date: 18 March 2020 at 8:51:36 pm AEDT
To: SY_Shiftmasters <[REDACTED]@portauthoritiesnsw.com.au>, [REDACTED]@portauthoritiesnsw.com.au>, [REDACTED]@portauthoritiesnsw.com.au>, Sarah Marshall <[REDACTED]@portauthoritiesnsw.com.au>
Cc: [REDACTED]@portauthoritiesnsw.com.au>
Subject: FW: BIO SECURITY DECLARATION

FYI,

Regards,

Steve Howieson | Vessel Traffic Services Operator

Port Authority of New South Wales
Brotherson House, Gate B103 Penrhyn Road | Port Botany NSW 2036 Australia
T: [REDACTED]
www.portauthoritiesnsw.com.au

From: Ruby Bridge <[REDACTED]princesscruises.com>
Sent: Wednesday, 18 March 2020 8:03 PM
To: [REDACTED]@portauthoritiesnsw.com.au>
Cc: Ruby Captain <[REDACTED]princesscruises.com>; [REDACTED]@carnivalaustralia.com; Ruby Staff Captain 1 <[REDACTED]princesscruises.com>; Ruby Bridge <[REDACTED]princesscruises.com>; Ruby Senior Doctor <[REDACTED]princesscruises.com>
Subject: RE: BIO SECURITY DECLARATION

Good day Sir,

Please read below arrival declaration as per your instruction.

- ➤ What were the last 5 ports of call? - **Napier 15/03/20, Wellington 14/03/20, Akaroa 13/03/20, Port Chalmers 12/03/20, Fiordland 11/03/20**
- ➤ Are there any ill passengers or crew on board? **Yes**
- ➤ Are any crew members showing symptoms of Covid-19 on board? **No**
- ➤ Has the vessel been in mainland China, Iran, Republic of Korea or Italy in the last 14 days? **NO**
- ➤ Has any person on the vessel been in contact with a proven case of novel coronavirus infection in the last 14 days. **NO**
- ➤ Are there any crew or passengers who have left, or transited through, mainland China or Iran, Republic of Korea or Italy less than 14 days ago? **NO**

Kind Regards
F.Savarese
1st Officer