



CORONERS COURT

NEW SOUTH WALES

Inquest:	Inquest into the deaths of Paul ROSSINGTON and Kristen SCHRODER
Hearing dates:	9 June 2015
Date of findings:	30 June 2015
Place of findings:	State Coroner's Court, Glebe
Findings of:	Deputy State Coroner HCB Dillon
Catchwords:	CORONERS – Suspected deaths of missing persons – Whether missing persons have died – Cause and manner of deaths – Undetected disappearance overboard from cruise ship – Whether “Man Overboard” systems can be improved
File numbers:	2013/00166071 & 2013/00165994
Representation:	Sgt E. Mulligan, Advocate assisting coroner Ms Miller for Carnival Australia

	<p>I find that Paul Rossington died on the night of 8 and 9 May 2013 in the Tasman Sea approximately 65 nautical miles east of Foster, New South Wales after jumping overboard from the cruise ship <i>Carnival Spirit</i> with the intention of assisting his partner Kristen Schroder who had accidentally fallen overboard. It is more probable than not that Mr Rossington died of exposure or drowning or a combination of both.</p> <p>I find that Kristen Schroder died on the night of 8 and 9 May 2013 in the Tasman Sea approximately 65 nautical miles east of Foster, New South Wales after accidentally falling overboard from the cruise ship <i>Carnival Spirit</i>. It is more probable than not that Ms Schroder died as a result of a combination of injuries she received when falling, and exposure or drowning.</p>
Recommendations:	<p>I recommend that Carnival Australia, as part of its passenger safety protocols, consider introducing a specific verbal briefing concerning Man Overboard procedures for passengers coming aboard its cruise ships.</p>

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REASONS FOR DECISION

Introduction

1. This is an inquest into the suspected deaths of Paul Rossington and Kristen Schroder who disappeared overboard from the cruise liner *Carnival Spirit* on the night of 8 May 2013 as it steamed off the New South Wales coast towards Sydney.
2. It was only on the following morning, when they did not disembark in Sydney, that their disappearance was discovered and an investigation started. Unfortunately, although an extensive air-sea search and rescue operation was mounted quickly, it was too late to save them.
3. Their disappearance, and their presumed deaths, has caused enormous heartbreak for both families and for their distressed friends. This inquest is intended both to answer questions about their disappearance and to consider measures that may prevent similar deaths occurring in future.

The coroner's functions and the nature of the inquest

4. In New South Wales, if a person disappears and the evidence suggests that he or she may have died, a coroner is obliged to hold an inquest to determine, if possible, whether that person has indeed died and, if so, the circumstances of that death.
5. In this case, there can be little doubt that both Paul Rossington and Kristen Schroder are no longer alive. It is the manner and circumstances of these very sad deaths that raise the difficult questions. They are:
 - How did the deaths of Paul Rossington and Kristen Schroder occur?
 - Why did the deaths occur?
 - Could their deaths have been prevented?
 - Are there any recommendations that ought be made with a view to reducing the risk of similar deaths occurring in future?

The background

6. Paul and Kristen were a couple who met through a mutual friend around August 2012. At the time of their disappearance Paul was 30 years old and Kristen was twenty six. To others who cared about them, they appeared to be in love but they had frequent arguments and periods of breakup and reconciliation.

7. Kristen was an active and outgoing person who loved swimming and running with her dogs, but she had struggled with insecurities. She had separated from her ex-husband in 2012.
8. Paul was also very active, and described as a positive, quiet and compassionate man. He worked for the NSW Ambulance Service. He was a keen surfer and rugby player, but had also had a marriage breakdown and seemingly struggled to cope with the long distance side of the relationship. Kristen had been seeing a psychologist and had struggled with depression, and was also encouraging Paul to talk to someone about his issues.
9. The couple had a 'long distance' relationship initially before moving in together in March 2013 in the town of Barraba, where Paul worked. Their relationship remained volatile with periods of argument. Although they fought, there was never any indication of violence from either member of the couple, neither do they seem to have entertained suicidal thoughts or tendencies.
10. All family members agree that arguments were frequent in their relationship from the beginning. It appears that that they had escalated to the point that they were both considering the future of their relationship.
11. The couple had planned a ten-day Pacific Island cruise aboard the *Carnival Spirit* with Kristen's family. Both apparently viewed the cruise as a 'make-or-break' event. It seems that each felt that if the holiday went badly it may be the end of their relationship.

How did the incident occur?

12. Paul and Kristen left Sydney on the *Carnival Spirit* on 29th April 2013. Their cabin was numbered 5-281 which is located on deck 5 of the ship. For the duration of the voyage they mostly kept to themselves and tended not to socialise with Kristen's family members. The on-board records indicate a modest amount of purchasing and relatively early nights for the pair.
13. On the evening of their final night of the cruise, 8th May 2013, the couple did not arrive at the comedy night that the family had pre-arranged to attend. Instead, they attended the casino where they played a poker machine. It appears they had a terse conversation around 6.52pm, shortly after which Kristen kissed Paul and made her way out of the casino.
14. Paul returned to the cabin at 8.19pm and Kristen shortly after at 8.25pm. They were last seen by a steward who assisted Kristen at this time. At the time he thought she seemed happy. At 8.48pm Kristen climbed over the railing of their cabin where she remained for a few seconds before falling from the balcony. As she fell, Paul jumped from the balcony after her. Whether they resurfaced is impossible to know. Extensive searches failed to locate them.
15. This summary is based on CCTV footage taken from the cruise ship on the night of the incident, records created by the couple's separate 'Sail and Sign' cards as they moved around the ship, and "forward-looking infra-red" (FLIR) footage taken on an infra-red

camera on the starboard side some distance from the point at which the couple went over the side.

Why did the incident occur?

16. This is a more difficult question to answer. The background provided by the family indicates that although that Paul and Kristen were committed to one another, there were issues with the relationship. In Kristen's own words, '*We are damaging but also very good for one another*'; each understood the other's issues, and they strove to build their relationship regardless, but it proved difficult for both of them.
17. There appear to have been problems of trust, and issues overhanging from their previous marriages. Family members commented on their cycle of volatile breakup and swift reconciliation. Kristen was a spirited and outgoing person with a flair for drama.
18. It is clear from her family's and friends' portrayal of her that she felt insecure. In the cabin after her disappearance, anti-depressant medication prescribed for Kristen was found. She also seems to have suffered at times from intense anxiety.
19. In the months before disappearing, Kristen had been in touch with a psychologist from whom she was seeking help. Among other things she wrote, "*My anxiety appears to have spiralled and I'm reacting harshly to Paul... I'm really worried I'm losing control and hate that I am lashing out at the person I care about most in the world and has been the biggest support I could have imagined. I don't like who I am or how I'm treating him and I need to figure it out...*"
20. One of the most tragic aspects of this case is that she had the insight to recognise this, the will to do something to improve her mental state and resilience, and a desire to heal her deteriorating relationship with Paul, but her death deprived her of the time to develop that relationship into a more stable and harmonious one.
21. Paul struggled with the distance between them whilst they lived in separate towns. At different times, each of them felt that the other was too possessive and demanding. These tensions caused frequent arguments. Paul told one witness that Kristen had threatened to commit suicide if he left her. Although there is no other evidence of suicidal thinking or planning on her part, Paul took this threat seriously.
22. It was another argument that appears to have led to the events on the balcony on 8th May. Why Kristen stepped over the railing of the cabin is not known. There is no suggestion that she felt threatened by Paul. It seems improbable that she was intending to end her own life. The most likely explanation is that Kristen, being unafraid of heights, was making a dramatic gesture to alarm and test Paul.
23. The forensic evidence suggests that Kristen lost her footing and was then unable to maintain her grip on the ship's rail before Paul could reach her. Salt spray, humidity and the materials used under foot and on the rail itself made the footing and the rail slippery. The dangers of standing on the wrong side of the rail were probably compounded by the small amount of footspace available on that side of the rail, the width of the rail and the

movement of the ship. Most people would have been deterred from taking such self-evidently dangerous action. Kristen, however, was not afraid of heights and seems to have been in a heightened state of emotion. Her better judgment deserted her.

24. Despite their difficulties in harmonising their lives, the couple clearly cared for each other deeply. The efforts they made to maintain the relationship, as well as the affection and happiness described by friends when they were in a 'good patch', demonstrate a strong love for each other. If any further proof is needed, this love was evidenced at 8.48pm when, despite the speed of the ship, the height of the cabin and the almost certain prospect of drowning, Paul, seeing Kristen fall, jumped off the ship to assist her.

Are Paul Rossington and Kristen Schroder deceased?

25. No sign has ever been seen or heard of either Paul or Kristen since the last sighting by the steward on *Carnival Spirit*. The CCTV footage shows that as Kristen fell she hit the side of the ship, no doubt injuring herself badly, before falling into the water. Paul jumped over the side, a fall of about 18 metres. This in itself is dangerous.
26. Expert evidence was given by Dr Paul Luckin that, even if both had survived entry into the water, the maximum period that they could have survived was only a few hours. There can be no reasonable doubt that both died during that night.

Could their deaths have been prevented?

27. There is no suggestion that Kristen or Paul fell off the ship due to some structural defect or failure on the part of Carnival Cruises.
28. In the circumstances, once Kristen and Paul had fallen off the ship, their deaths were probably inevitable. They were not seen to fall overboard. No one on the ship had any idea that they were missing until the ship arrived in Sydney. Kristen was probably badly injured in her fall and perhaps further injured by landing in the water from a height of 18 metres. Paul may also have been injured by his fall. There seem to have been no other vessels in the near vicinity to rescue them at time and, in any event, no one knew they were in the water.
29. Unfortunately, although such technology is under development at present, there is no technology that works efficiently to alert ship's crews to the fact that a person has fallen overboard.
30. Therefore, unless there is a nearer alternative means of assistance, the traditional procedure when a person is seen to fall overboard of (a) throwing a life-buoy or some other buoyant object to assist them stay afloat, (b) immediately alerting the crew or the bridge, and (c) if possible, keeping the person in the water in sight while the ship turns on a reciprocal course, remains the victim's best chance of surviving.

Can more be done to improve passenger safety?

31. During the inquest, evidence was given that Carnival and other cruise lines are very interested in developing a workable technology for detecting persons falling off their ships. No doubt every navy in the world would also be interested in such a technology if and when it is developed. Although a considerable number of technologies have been tested and trialled, and such trials continue, so far they have not gone beyond that stage.
32. Carnival is, however, working with the International Standards Office in relation to Man Overboard technology standards. I was informed by Carnival that the 21st plenary session of the ISO sub-committee on Ship and Marine Technology, Life Saving and Fire Protection was held in Panama on 27-29 May this year. The Cruise Line Association attended the session and briefed the sub-committee in relation to Man Overboard detection systems being worked on.
33. As a result, a working group has been established to evaluate and make recommendations in relation to a new international standard for Man Overboard detection technologies. I am told that the working group believes that this work can be fast-tracked.
34. Carnival also informed me that its most recent testing program had yielded promising results in terms of effectiveness and reliability. If that is so, a reliable Man Overboard detection system may become standard in the cruise industry in the not-too-distant future.
35. Passenger safety briefings are conducted on board ship and passenger safety information is provided by Carnival in a number of formats, including verbal briefings concerning evacuation of the ship and life-boat drills in the case of an emergency; booklets in cabins and notices in cabins and public areas.
36. One of the primary messages that is emphasised by Carnival to passengers is the importance of alerting a crew member or the bridge immediately they become aware of an emergency, and how to do this.
37. Whether there should be a specific briefing concerning Man Overboard procedures is an open question. It is, however, one that I believe should be considered by Carnival and perhaps the Cruise Line Association more generally. That information is certainly provided in the form of notices and booklets but most people going aboard a cruise ship, I suspect, do not study such notices and booklets intently unless they are specifically drawn to their attention.
38. Man Overboard events are rare but less rare than ships sinking. There are multiple reasons for the safety drill and briefing, one of them being that passengers need to be able to react to an emergency immediately with a clear understanding of what they need to do and where to go. Going to their lifeboat station if the ship is sinking is probably something that is self-evident to most passengers. Man Overboard procedures, however, are probably not instinctively obvious for the inexperienced sea-goer. For that reason, I propose to recommend that Carnival consider adding a briefing concerning the

Man Overboard procedure to its verbal safety briefing for passengers coming aboard its ships.

39. I note Detective O’Keefe’s suggestion that I expressly endorse the recommendations of the Commonwealth House of Representatives Standing Committee on Social Policy and Legal Affairs in its “Troubled Waters” report as it relates to cruise tourism and passenger safety.¹ I have studied the relevant parts of the report and, insofar as my endorsement provides any further support for the committee’s recommendations, I am happy to give it.

Conclusion

39. The premature deaths of young people are always heart-rending and distressing. The deaths of Kristen and Paul are even more distressing than most because of the loneliness of their deaths in a dark ocean, and because they had gone on the cruise in the hope of restoring and reinforcing their relationship. Paradoxically what they had struggled to achieve in life – loving unity – they perhaps managed in their last actions alive.
40. One of several tragic aspects of this case is that their grieving families and friends have been denied both a chance to say goodbye to them and to lay them to rest. It is difficult for those of us who have not had this experience to imagine the pain and frustration such disappearances cause.
41. I hope, however, that Paul’s and Kristen’s families will accept the very sincere condolences of the coronial team and the staff of the Coroners Court.
42. Finally, as suggested by Detective O’Keefe, I propose to nominate Paul for an Australian Bravery Award, noting that he has also suggested that the Cross of Valour. The Cross of Valour is awarded “only for acts of the most conspicuous courage in circumstances of extreme peril”, and may be awarded posthumously. While it is entirely a matter for the Australian Honours secretariat to determine, Paul’s act in jumping off the ship to help Kristen appears to have been conspicuously courageous and undoubtedly placed him in extreme peril.

Findings s 81 Coroners Act 2009

43. I find that Paul Rossington died on the night of 8 and 9 May 2013 in the Tasman Sea approximately 65 nautical miles east of Foster, New South Wales, after jumping overboard from the cruise ship *Carnival Spirit* with the intention of assisting his partner Kristen Schroder who had accidentally fallen overboard. It is more probable than not that Mr Rossington died of exposure or drowning or a combination of both.
44. I find that Kristen Schroder died on the night of 8 and 9 May 2013 in the Tasman Sea approximately 65 nautical miles east of Foster, New South Wales, after accidentally falling overboard from the cruise ship *Carnival Spirit*. It is more probable than not that

¹ Canberra 2013: see http://www.aph.gov.au/parliamentary_Business/Committees/House_of_Representatives_Committees?url=spla/crimes%20at%20sea/report.htm

Ms Schroder died as a result of a combination of injuries she received when falling off the ship, and exposure or drowning.

Recommendations s 82 Coroners Act 2009

45. I recommend that Carnival Australia, as part of its passenger safety protocols, consider introducing a specific verbal briefing concerning Man Overboard procedures for passengers coming aboard its cruise ships.

Magistrate Hugh Dillon
Deputy State Coroner