

(44)



Department of  
**Transport and Main Roads**  
**Maritime Safety Queensland**

Our ref 230/01074  
Your ref MSQ23994-2019  
Enquiries Anthony Alback

11 September 2019



I am writing to you about the marine incident that occurred on 10 February 2019 when the 5.93 metre Bayliner 175 bowrider registered [REDACTED] crossed another unknown ship's wash in the northern Aldershots, south of Couran Point causing injury to a passenger onboard. You are identified as the owner and master of the [REDACTED] at the time of the incident.

Maritime Safety Queensland (MSQ) is the government authority responsible for investigating marine safety incidents. I have carefully reviewed all the information, interviews and statements obtained by the investigator relating to this incident and advise that MSQ does not propose to take any further action in relation to this matter.

After reviewing the information on hand, I consider there is insufficient evidence to recommend charges against the *Transport Operations (Marine Safety) Act 1994* for the parties involved in this incident. The vessel [REDACTED] was operating at a speed less than the prescribed speed limit, however an injury was caused to a person in the bow area of the ship by the operation of the vessel through a wash in the main channel between the Gold Coast and Brisbane.

I take this opportunity to remind you of your general safety obligation under section 43 *Transport Operations (Marine Safety) Act 1994* to ensure your vessel is operated safely at all times. This includes consideration of the location of passengers each time you navigate through wash from other ships whilst underway.

Should you require any further information, please contact Mr Anthony Alback, Acting Area Manager, Maritime Safety Queensland (Gold Coast) on 5585 1810.

Yours sincerely

Glenn Hale  
**Regional Harbour Master (Brisbane)**

Maritime Safety Queensland  
Gold Coast  
40-44 Seaworld Drive  
Main Beach Qld 4217  
PO Box 107 Southport Qld 4215

**SCANNED TO DMS**

Item ID: PG 1050-SEQS  
File ID: 230/01074  
Date: 11 9 19

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Facsimile +61 7 5585 1818  
Website www.tmr.qld.gov.au

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MSC964-2019

Case - Investigation; Case Reference: MSC964-2019; DMS Container: 230/01074;  
Subject of Case: Operation of ship causing serious injury.; TOMSA: Yes; TOMPA: No...

NR

Finding / Conclusion	Review / Close	Case Measures	Notes
Summary	Case Details	Attending Officers	
Case Reference:	MSC964-2019		
DMS Container:	230/01074		
Subject of Case:	Operation of ship causing serious injury.		
Operation Name:			
TOMSA:	Yes		
TOMPA:	No		
National:	No		
Category:	2		
Status:	Case Finalised - Closed CU		
Completion Due Date:	11/09/2019		

Select Cancel

100% 11:43 AM 11/09/2019



## Item

### ITEM DETAILS

<b>Item ID:</b>	61042 - SEQS	<b>Item Type:</b>	Email
<b>Date Created:</b>	11/09/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	11/09/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	Mail Memo - RE: RE MSC964-2019		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSO23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO Feb 2019 - 10	<b>Container ID:</b>	230/01074 [1]

### ACTIONS & OWNERSHIP

<b>Author:</b>	Alain G De Villiers	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>		<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Compliance		
<b>Action Officer:</b>			
<b>Home Location:</b>	RECORDS	<b>Last Movement Date:</b>	11/09/2019

### SECURITY & ACCESS

<b>Security Classification :</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

### ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>		

### DOCUMENT CONTENTS

RE: RE MSC964-2019

**Subject** RE: RE MSC964-2019  
**From** Alain.G.DeVilliers@msq.qld.gov.au  
**To** Anthony.G.Alback@msq.qld.gov.au  
**Cc**  
**Bcc**  
**Sent** 11/09/2019 11:14:23 AM  
**Attached**

Apologies mate .. its now closed

**Alain de Villiers**

Senior Investigations Officer | Maritime Operations (Compliance Unit)

**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

---

Floor 2 | 61 Mary Street | Brisbane Qld 4000

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[www.msq.qld.gov.au](http://www.msq.qld.gov.au)

[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From:** Anthony G Alback

**Sent:** Wednesday, 11 September 2019 10:36 AM

**To:** Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>

**Cc:** Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>; Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>

**Subject:** RE: RE MSC964-2019

Good morning Alain.

I have been requested to contact [redacted] via return (missed) phonecall today. I have reviewed the local file and MSID entries and have found the investigation remains open awaiting closure in the review tab of the investigation (case closed (CU) = blank). This is in contradiction of your task entry #2 that states the investigation is closed by way of MIIR.

It is my understanding that when the AM (on review) refers the investigation to CU (in this instance on 9 August 2019), it remains open until closed by CU? I do not have the MSID access to close the investigation in my chair(s).

I would like to have the status of the investigation confirmed closed or otherwise prior to returning the call to the alleged offender.

Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217

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P: (07) 55851810 | F: (07) 55851818

E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback

**Sent:** Tuesday, 27 August 2019 10:15 AM

**To:** Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>

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**Subject:** Re: RE MSC964-2019

Alain, do you not think that if anyone had the details of this other ship, that I would not pursue them for a version? It is unknown to every person that I have taken a statement from and could not provide any details on his MIR.

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On Tue, Aug 27, 2019 at 9:16 AM +1000, "Alain G De Villiers" <Alain.G.DeVilliers@msq.qld.gov.au> wrote:

Hey mate

Just had another thought about this.

I note witnesses stated the master of the larger vessel (that created the large wash) was taking photos of bikini girl whilst operating the vessel. This demonstrates a level of complacency towards other vessels, and possibly characterises his behaviour.

Have you considered broadening your investigation to potential offences (e.g. s.83 TOMSR) committed by the master of the larger vessel?

Perhaps this would entice [redacted] to take part in an interview, and provide his version of events?

**Alain de Villiers**

Senior Investigations Officer | Maritime Operations (Compliance Unit)

**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

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**From:** Alain G De Villiers

**Sent:** Monday, 26 August 2019 10:39 AM

**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>

**Cc:** Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>

**Subject:** RE: RE MSC964-2019

Anton

Provided you're satisfied there is insufficient evidence to prove [redacted] *caused the ship to be operated unsafely*, albeit momentarily (i.e. immediately prior to the incident), I'm happy for this matter to be finalised with no further action being recommended.

Given the likelihood of civil litigation and the injury sustained, I've changed the marine incident to a Cat 2.

You will need to finalise this matter with a *Marine & Pollution Incident Investigation Report* as per the procedure.

regards

**Alain de Villiers**

Senior Investigations Officer | Maritime Operations (Compliance Unit)



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[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From:** Anthony G Alback  
**Sent:** Friday, 23 August 2019 8:53 AM  
**To:** Alain G De Villiers <[Alain.G.Devilliers@msq.qld.gov.au](mailto:Alain.G.Devilliers@msq.qld.gov.au)>  
**Cc:** Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>  
**Subject:** RE: RE MSC964-2019

Morning Alain,

I shall address your dot points chronologically:

- No other witnesses to the incident.
- Without interview, I cannot put these comments to the master whom may have thought the safest thing to do would be to accelerate, based on his experience ? see my conclusions in MIIR in consideration of s84 [Exception for ship operated at speed necessary for safety] that calls up s83 [Speed limit for ship if wash can cause marine incident or shoreline damage].
- I did not pursue which engine [redacted] was referring to as it was reasonable to assume there was only one engine she would be hearing at that point ? the engine of the 5.3m open bowrider boat she was seated in.
- As [redacted] CTPI [redacted]. She was adamant she was looking at her phone at the time and concentrating on that as ?she didn't like bumps? ? perhaps prepared.
- [redacted] CTPI [redacted]. I doubt there was any prior unsafe actions as there was communication onboard between parties recalled, and nothing raised that I pursued in that space. I don't see any across all available evidence. Again, my comments at conclusion in MIIR.

Considering there is a warning from [redacted] recalled about the impending wakes, I agree the outstanding questions are those surrounding the actions of [redacted] at the time of addressing the wash of the large cruiser. I'd hoped to capture those through EROI as per my draft proforma attached.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
Maritime Safety Queensland | Department of Transport and Main Roads

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**From:** Alain G De Villiers



**Sent:** Thursday, 22 August 2019 4:43 PM  
**To:** Anthony G Alback <Anthony.G.Alback@msq.qld.gov.au>  
**Cc:** Greg L Turner <greg.l.turner@msq.qld.gov.au>  
**Subject:** RE MSC964-2019

Anton,

I've started a review of the above matter, and have a few queries:

- Were any witnesses identified/interviewed, other than the occupants of the vessel?
- In paragraph 12 of his statement, [redacted] states *'We were going fast, but then slowed a bit, and then [redacted] said 'hold on?' and turned into the wake and put the throttle on. I heard the noise of the engine speeding up quite high, I felt the front of the boat go up in the air as the boat sped up and went up the wake of the large yacht that had just passed us. We were between 50 and 80 metres behind the yacht when we hit it's wake. I was about 3 or 4 feet high. It was choppy water but that wake was at least twice as big as any chop out there that day.'* In all the statements that were taken, this is probably the most critical comment, and the only real evidence that the master *'caused the ship to be operated unsafely'* as per s.43 TOMSA. I'm sure you would agree that the act of putting the throttle on, would not be considered the safest way to negotiate the wake of another vessel!
- In paragraph 11 of her statement [redacted] states *'I could hear the engine come right up ??'* however there is nothing about which engines she is referring to. If she is referring to the engines of their vessel, then this would corroborate the version given by [redacted] however she may have been referring to the larger vessel whose wake they negotiated. Either way, it needed to be explored a little further.
- [redacted] says in her statement (paras 14 and 15) that she was facing backwards at the time of the incident, and makes no mention of what happened immediately prior to the incident i.e. whether the master accelerated or not. Was she ever queried about this? (She was facing backwards and may have noticed a change in the water churn from the props.)
- It seems none of the statements refer to the masters' general behaviour whilst operating the vessel on the day i.e. was he reckless or incompetent, or the consumption of any alcohol/drugs. (NB If we could say that he had demonstrated other examples of poor or reckless behaviour that day, this would likely increase the likelihood of a successful outcome.

Remember, the critical part of this incident is the masters' behaviour up to and immediately before the incident, so you probably needed to concentrate on that. The witnesses commenting on what happened post-incident is irrelevant to the matter being investigated / before the court.

I can see you've done a tremendous amount of work on this case, so I think it's important to address the small issues that could make a big difference. Hope this helps.

Happy to chat more about this.

**Alain de Villiers**

Senior Investigations Officer | Maritime Operations (Compliance Unit)

**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

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Released under RTI - DTMR





(62)

# Item

## ITEM DETAILS

<b>Item ID:</b>	61041 - SEQ5	<b>Item Type:</b>	Email
<b>Date Created:</b>	11/09/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	11/09/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	Mail Memo - RE: RE MSC964-2019		

<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	Anthony G Alback	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>	Marine Officer Grade 3	<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Gold Coast Operations		
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Awaiting Further Information
		<b>Action Due Date:</b>	11/09/2019
<b>Home Location:</b>	RECORDS	<b>Last Movement Date:</b>	11/09/2019

## SECURITY & ACCESS

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<b>Security Access:</b>	Unrestricted		

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>		

## DOCUMENT CONTENTS

RE: RE MSC964-2019

**Subject** RE: RE MSC964-2019  
**From** Anthony.G.Alback@msq.qld.gov.au  
**To** Alain.G.DeVilliers@msq.qld.gov.au  
**Cc** greg.l.turner@msq.qld.gov.au, Brett.J.Williams@msq.qld.gov.au  
**Bcc** Stephen.G.Knowles@msq.qld.gov.au  
**Sent** 11/09/2019 10:36:13 AM  
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**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division | Department of  
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# Item

## ITEM DETAILS

<b>Item ID:</b>	60875 - SEQ5	<b>Item Type:</b>	Email
<b>Date Created:</b>	20/08/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	21/08/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	MSC964-2019 Mail Memo - FW: Our ref: 1222674/2 Your ref: MSC964-2019 -		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	Anthony G Alback	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>	Marine Officer Grade 3	<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Gold Coast Operations		
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Action Completed
<b>Home Location:</b>	RECORDS	<b>Action Due Date:</b>	21/08/2019
		<b>Last Movement Date:</b>	21/08/2019

## SECURITY & ACCESS

<b>Security Classification :</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>			

## DOCUMENT CONTENTS

FW: Our ref: 1222674/2 Your ref: MSC964-2019 -

**Subject** FW: Our ref: 1222674/2 Your ref: MSC964-2019 -  
**From** Anthony.G.Alback@msq.qld.gov.au  
**To** Brett.J.Williams@msq.qld.gov.au  
**Cc** Alain.G.DeVilliers@msq.qld.gov.au, greg.l.turner@msq.qld.gov.au  
**Bcc**  
**Sent** 20/08/2019 4:09:27 PM  
**Attached**





Good afternoon gents,

I have received correspondence from the attending neurosurgeon MSC964-2019 with statement (attached) suggesting the injury DOES NOT fit within the definition of GBH ? FYI.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
Maritime Safety Queensland | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>  
**Sent:** Tuesday, 20 August 2019 2:32 PM  
**To:** GCUH.Coronial Support[SER] <[GCUH.CoronialSupport@police.qld.gov.au](mailto:GCUH.CoronialSupport@police.qld.gov.au)>; Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019 -

Good Afternoon,

Please see attached completed statement for patient

If original statement is required, please reply advising along with correct address to send to.

Thank you.

In Kindness,

**Correspondence Officer | Operations**  
E: [GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)  
P: (07) 5687 0274 M:  
Gold Coast University Hospital  
Block A, Level 4  
1 Hospital Boulevard  
Southport QLD 4215





**Web:** [www.goldcoast.health.qld.gov.au](http://www.goldcoast.health.qld.gov.au)

**Social:** [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

**Intranet:** [gchweb.sfh.health.qld.gov.au](http://gchweb.sfh.health.qld.gov.au)

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**From:** @police.qld.gov.au>  
**Sent:** Monday, 1 July 2019 9:50 AM  
**To:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>  
**Cc:** [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning,

Can I inquire as to whether this request is still being completed?  
Medical records have been received however a statement for an expert opinion to determine the severity of an injury received.

Please see below the email chain which dates back a fair way.

Patient is

Thank you for your assistance

Kind regards,  
Constable

**| Southport Police Station**

Queensland Police Service  
96 Scarborough Street, Southport, QLD, 4215, Australia.  
p: 07 5571 4222 | f: 07 5571 4228 | e: [@police.qld.gov.au](mailto:@police.qld.gov.au) | w:  
[www.police.qld.gov.au](http://www.police.qld.gov.au)

**From:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Sent:** Monday, 1 July 2019 09:19  
**To:** @police.qld.gov.au>  
**Cc:** I @police.qld.gov.au>; Alain G De Villiers <[Alain.G.Devilliers@msq.qld.gov.au](mailto:Alain.G.Devilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning

I understand you had a phone conversation with Alain a moment ago and suggested information to assist my request for statement. Please see the email string I have maintained in attempts to gain an opinion of GBH or otherwise to incident date Sunday 10 February 2019. The attachment includes the forms requested by to be completed, and the authority from

At this stage, a statement about the extent of injuries and determination of GBH injury based on definition or confirmation the injurie is not regarded as GBH based on severity.

Kind regards,



**Anthony Alback**  
Marine Officer | Gold Coast Region  
Maritime Safety Queensland | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback  
**Sent:** Wednesday, 12 June 2019 9:18 AM  
**To:** [@police.qld.gov.au](mailto:)  
**Cc:** Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>; Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning

Just a follow up on my request 24 May for assistance in gaining neurosurgeon's determination of GBH injury or otherwise.

With a response from the neurosurgeon, I can undertake ERO and finalise the IACB.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
Maritime Safety Queensland | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback  
**Sent:** Friday, 24 May 2019 9:57 AM  
**To:** [@police.qld.gov.au](mailto:)  
**Cc:** Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>  
**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning

Tried to call but your desk rang out.

I have done my best with the attached forms as requested. All I am after is a determination that the injuries fit within the definition of GBH or not from an appropriate expert (neurosurgeon attending). I have completed the forms as best as I can to facilitate, however the information appears lacking. Happy to do it again if required.

I have attached the signed authority to be provided with all records that GCUH received on 27 March. Will that suffice or do I need your signature on the application as well?





Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217

PO Box 107 | Southport Qld 4215

P: (07) 55851810 | F: (07) 55851818

E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:**

[@police.qld.gov.au](mailto:police.qld.gov.au)>

**Sent:** Thursday, 23 May 2019 7:44 AM

**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>

**Cc:** [@police.qld.gov.au](mailto:police.qld.gov.au)>; GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>

**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good Morning Anthony,

Attached are QP0887 and QP0886 forms. Could you please complete the nominated forms, scan and email me back and I will forward them on to GCOperationsCorrespondence and GCUH Information Access Unit. If you have any difficulty completing the forms, you can email myself or ask S/SGT for assistance. Thankyou

Kind Regards,

Coronial Support Officer  
Gold Coast University Hospital  
Phone: 07 56876679  
E-mail:

[police.qld.gov.au](mailto:police.qld.gov.au)

**From:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>

**Sent:** Wednesday, 22 May 2019 14:28

**To:** [@police.qld.gov.au](mailto:police.qld.gov.au)>

**Cc:** GCHHSInformationAccess <[GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)>

**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Hi I

That's correct, as there is an MOU with QPS , Anthony can go through that channel.

If you can assist in organising the correct paperwork (0886 & 0887) and send through to me then we can request a statement from the Doctor through that channel.



Thank you,

Kind regards,

**Correspondence Officer | Operations**  
**Gold Coast Health**

Gold Coast University Hospital  
Block A, Level 4  
1 Hospital Boulevard  
Southport QLD 4215  
P: 07 5687 0274  
E: [GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)  
Web: [www.goldcoast.health.qld.gov.au](http://www.goldcoast.health.qld.gov.au)  
Intranet: [gchweb.sth.health.qld.gov.au](http://gchweb.sth.health.qld.gov.au)  
Social: [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#)

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**From:** GCHHSInformationAccess  
**Sent:** Wednesday, 22 May 2019 12:00 PM  
**To:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>  
**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Hi

As we have released the Medical Records to QPS, I will leave this one for you to liaise the Dr and/or Legal Services?

Kind regards

**Administrative Officer | Information Access Services | Governance, Risk and Commercial Services**  
**Gold Coast Health**

Gold Coast University Hospital  
1 Hospital Boulevard  
Southport QLD 4215  
P: 07 5687 3849 F: 07 5687 3855  
E: [GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)

Web: [www.goldcoast.health.qld.gov.au](http://www.goldcoast.health.qld.gov.au)  
Intranet: [gchweb.sth.health.qld.gov.au](http://gchweb.sth.health.qld.gov.au)  
Social: [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#)

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**From:** [GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au) <[GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)>  
**Sent:** Wednesday, 22 May 2019 10:50 AM  
**To:** GCHHSInformationAccess <[GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)>;  
[anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)  
**Cc:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>;  
[GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au) <[GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good Morning All,

Could you please assist Marine Officer Anthony ALBACK-.RE - Who sent attached email nearly 4



weeks ago to GCUH requesting opinion from the attending neurosurgeon about GBH or otherwise to (with patient authorisation of course ? I have all the records from the hospital). I have been contacted by an AO of the neurosurgery department today confirming the request was provided to the doctor, the doctor subsequently got legal (internal) opinion about the lawful requirement to provide information to me and as a result of that opinion, has declined to provide anything.

I understand QPS has a MOU with QLD Health ? could I ask if it is appropriate to use that path so that I may frame up the right EROI questions for the alleged offender (GBH injury or serious injury/indictable or non-indictable offence allegations)?Thankyou

Kind Regards,

Coronial Support Officer  
Gold Coast University Hospital  
Phone: 07 56876679  
E-mail: [police.qld.gov.au](mailto:police.qld.gov.au)

**From:** [redacted] DSC]  
**Sent:** Wednesday, 22 May 2019 10:00  
**To:** [\[redacted\]@police.qld.gov.au](mailto:[redacted]@police.qld.gov.au)  
**Cc:** Anthony G Alback <[Anthony.G.Alback@msg.qld.gov.au](mailto:Anthony.G.Alback@msg.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: M5C964-2019

As per our earlier conversation, can you please assist Anthony Alback with this.

Regards,

Officer in Charge  
Gold Coast Water Police  
Queensland Police Service

---

Ph: (07) 5509 5700 (Direct  ) Mob:   
40-44 Seaworld Drive, Main Beach QLD 4217  
[\[redacted\]@police.qld.gov.au](mailto:[redacted]@police.qld.gov.au)

**From:** Anthony G Alback <[Anthony.G.Alback@msg.qld.gov.au](mailto:Anthony.G.Alback@msg.qld.gov.au)>  
**Sent:** Tuesday, 21 May 2019 16:31  
**To:** I [\[redacted\]@police.qld.gov.au](mailto:[redacted]@police.qld.gov.au)



**Cc:** Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>; Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>; Stephen G Knowles <[Stephen.G.Knowles@msq.qld.gov.au](mailto:Stephen.G.Knowles@msq.qld.gov.au)>

**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good afternoon

I was wondering if you can help me. I have sent the attached email nearly 4 weeks ago to GCUH requesting opinion from the attending neurosurgeon about GBH or otherwise to (with patient authorisation of course ? I have all the records from the hospital). I have been contacted by an AO of the neurosurgery department today confirming the request was provided to the doctor, the doctor subsequently got legal (internal) opinion about the lawful requirement to provide information to me and as a result of that opinion, has declined to provide anything.

I understand QPS has a MOU with QLD Health ? could I ask if it is appropriate to use that path so that I may frame up the right EROI questions for the alleged offender (GBH injury or serious injury/indictable or non-indictable offence allegations)?

Bit stuck.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
Maritime Safety Queensland | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback  
**Sent:** Wednesday, 24 April 2019 11:56 AM  
**To:** 'gchhsinformationaccess@health.qld.gov.au' <[gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au)>  
**Cc:** Brendan J Philp <[Brendan.J.Phipp@msq.qld.gov.au](mailto:Brendan.J.Phipp@msq.qld.gov.au)>; Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>; Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>  
**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning.

My name is Anthony Alback, I am a Shipping Inspector authorised under Transport Operations (Marine Safety) Act 1994 to investigate Marine Incidents.

I have received the files attached and have assessed the contents. The injury to (URN is not defined in severity in the information provided and as such, I now require an opinion from the attending neurosurgeon as to whether the injury sustained during the boating incident that caused the injury to could fit within the definition of ***grievous bodily harm*** :

*?Grievous bodily harm? is defined to mean the loss of a distinct organ of the body; or*



*serious disfigurement; or  
any bodily injury of such nature that, if left untreated, would endanger or be likely to endanger life  
or cause or be likely to cause permanent injury to health;  
whether or not medical treatment is or could have been available.*

A return email from \_\_\_\_\_ to confirm an injury such as the one sustained by \_\_\_\_\_ (L1 VB #) would be within the above definition (or otherwise) would satisfy the marine incident investigation at this stage and may remove the requirement for \_\_\_\_\_ to provide statement and/or attend court regarding this matter.

I have tried several avenues this morning to contact \_\_\_\_\_ to discuss the situation without success via the IA contact number and the general switchboard.

I hope you can assist me in my lawful requirement as soon as reasonable possible.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
Maritime Safety Queensland | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msg.qld.gov.au](mailto:anthony.g.alback@msg.qld.gov.au)

**From:** [GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au) <[gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au)>  
**Sent:** Wednesday, 17 April 2019 12:34 PM  
**To:** Anthony G Alback <[Anthony.G.Alback@msg.qld.gov.au](mailto:Anthony.G.Alback@msg.qld.gov.au)>  
**Subject:** Our ref: 1222674/2 Your ref: MSC954-2019

You received a **secure message** from [gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au) via **Secure File Transfer**.

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Enquiries to: Gold Coast Hospital & Health Service  
1 Hospital Boulevard  
Southport QLD 4215  
Telephone: 5687 3849



<b>PATIENT NAME:</b> [REDACTED]	<b>DOB:</b> [REDACTED]
<b>DATE:</b> 01/07/2019	<b>UR NO:</b> [REDACTED]
<b>STATEMENT BY:</b> [REDACTED]	<b>DOB:</b> [REDACTED]

- I, [REDACTED] state that I am a fully qualified medical practitioner registered in the State of Queensland and am currently employed as a Senior House Officer in Neurosurgery at Gold Coast University Hospital.
- I have been employed as a medical practitioner for the past 2 years. I hold the following qualifications: M.D.
- In my position I have access to medical records held by the Gold Coast Hospital and Health Service. Following a request from the Queensland Police Service, I have accessed the medical records of [REDACTED]
- I attended the above named patient 10/5/19 at GCUH Outpatient Department.
- Patient presented at 15:57 on 10/02/2019 with lower back pain after a boat she was in hit a wave.
- The patient had lower back pain and tenderness on palpation. She had no neurological deficit on examination. A CT of her lumbosacral spine demonstrated an L1 vertebral body fracture.
- The patient was admitted to hospital under the care of [REDACTED] (Neurosurgeon).  
She was discharged home on 16/2/19. She was subsequently seen in clinic twice for follow up, where she had some ongoing pain, but no neurological deficit. She was discharged on 10/5/19 with plans [REDACTED]
- I have been asked to consider whether the Patient's injuries may amount to or be consistent with any of the following criteria:
  - loss of a distinct part or an organ of the body; or
  - severe disfigurement; or
  - is there any bodily injury of such a nature that, if left untreated, would endanger or be likely to endanger life, or cause or be likely to cause permanent injury to health.
- I have also been asked to describe or explain the injury and why it would endanger or be likely to endanger life/health, if left untreated.
- In my opinion the injury sustained by [REDACTED] was not consistent with any of the above criteria. She sustained a minor crush fracture, from which she has recovered well. There is no evidence of permanent damage or injury.

**Justices Act 1886**

I acknowledge by virtue of section 110A(5)(c)(ii) of the Justices Act 1886 that:-

- This written statement by me dated and contained in the foregoing pages numbered 1 to 1 is true to the best of my knowledge and belief; and
- I make this statement knowing that if it were admitted as evidence, I may be liable to prosecution for stating anything that I know to be false.

[REDACTED]  
CTPI

Signature

Signed at Gold Coast Uni Hospital this 20th day of August 2019

## Item

### ITEM DETAILS

<b>Item ID:</b>	60775 - SEQS	<b>Item Type:</b>	Email
<b>Date Created:</b>	13/08/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	14/08/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	Mail Memo - RE: Request for mechanical/operational inspection of QRS alleged to be involved in a marine incident 10 Feb 2019		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

### ACTIONS & OWNERSHIP

<b>Author:</b>	Alain G De Villiers	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>		<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Compliance		
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Action Completed
		<b>Action Due Date:</b>	14/08/2019
<b>Home Location:</b>	CLOSED SECTION	<b>Last Movement Date:</b>	14/08/2019

### SECURITY & ACCESS

<b>Security Classification:</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

### ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>			

### DOCUMENT CONTENTS

RE: Request for mechanical/operational inspection of QRS alleged to be involved in a marine incident 10 Feb 2019

**Subject** RE: Request for mechanical/operational inspection of QRS alleged to be involved in a marine incident 10 Feb 2019

**From** Alain.G.DeVilliers@msq.qld.gov.au

**To** Anthony.G.Alback@msq.qld.gov.au, greg.l.turner@msq.qld.gov.au

**Cc**

**Bcc**

**Sent** 13/08/2019 4:41:56 PM

**Attached**



image001.jpg

Will do mate

**Alain de Villiers**

Senior Investigations Officer | Maritime Operations (Compliance Unit)

**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

Floor 2 | 61 Mary Street | Brisbane Qld 4000

PO Box 2595 | Brisbane Qld 4001

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[www.msq.qld.gov.au](http://www.msq.qld.gov.au)

[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From:** Anthony G Alback

**Sent:** Tuesday, 13 August 2019 4:22 PM

**To:** Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>

**Subject:** RE: Request for mechanical/operational inspection of QRS / alleged to be involved  
in a marine incident 10 Feb 2019

Alain,

Could you please let Brett know this investigation is awaiting RTI application as soon as the investigation is closed ? could you make a note to inform the injured party of  
same please?

Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217

PO Box 107 | Southport Qld 4215

P: (07) 55851810 | F: (07) 55851818

E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Alain G De Villiers

**Sent:** Tuesday, 13 August 2019 4:12 PM

**To:** Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>; Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>

**Subject:** RE: Request for mechanical/operational inspection of QRS alleged to be involved  
in a marine incident 10 Feb 2019

No worries guys,.. I'll make sure Brett assigns it to one of us.

Alain de Villiers



Senior Investigations Officer | Maritime Operations (Compliance Unit)  
**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

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[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From:** Greg L Turner  
**Sent:** Tuesday, 13 August 2019 4:10 PM  
**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>; Alain G De Villiers <[Alain.G.Devilliers@msq.qld.gov.au](mailto:Alain.G.Devilliers@msq.qld.gov.au)>  
**Subject:** RE: Request for mechanical/operational inspection of QRS alleged to be involved in a marine incident 10 Feb 2019

Thanks Guys

I reviewed the file and ticked the Refer for CU Action based on the injury and the findings of the Investigating Officer.

Kind regards,

**Greg Turner**  
Area Manager | Gold Coast  
**Maritime Safety Queensland** | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
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M:   
E: [greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)  
W: [www.msq.qld.gov.au](http://www.msq.qld.gov.au)

**From:** Anthony G Alback  
**Sent:** Tuesday, 13 August 2019 3:57 PM  
**To:** Alain G De Villiers <[Alain.G.Devilliers@msq.qld.gov.au](mailto:Alain.G.Devilliers@msq.qld.gov.au)>  
**Cc:** Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>  
**Subject:** RE: Request for mechanical/operational inspection of QRS alleged to be involved in a marine incident 10 Feb 2019

I have passed the file onto GT on receipt of the formal ?no thanks? to EROI invitation.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Alain G De Villiers  
**Sent:** Tuesday, 13 August 2019 3:54 PM  
**To:** Anthony G Alback <Anthony.G.Alback@msq.qld.gov.au>  
**Cc:** Greg L Turner <greg.l.turner@msq.qld.gov.au>  
**Subject:** RE: Request for mechanical/operational inspection of QRS alleged to be involved in a marine incident 10 Feb 2019

Hey mate, just reviewing emails and saw this one (Ref MSC964-2019) ? just wondering how it?s going ? MSID shows the *Case Status* as ?*Case Referred ? Pending Action CU?*, however it doesn?t appear to have been referred and there are no associated taskings.

**Alain de Villiers**

Senior Investigations Officer | Maritime Operations (Compliance Unit)  
**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

---

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[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From:** Anthony G Alback  
**Sent:** Wednesday, 17 April 2019 4:31 PM  
**To:** Alain G De Villiers <Alain.G.Devilliers@msq.qld.gov.au>  
**Cc:** Brett J Williams <Brett.J.Williams@msq.qld.gov.au>; Brendan J Philp <Brendan.J.Philp@msq.qld.gov.au>; Greg L Turner <greg.l.turner@msq.qld.gov.au>  
**Subject:** RE: Request for mechanical/operational inspection of QRS alleged to be involved in a marine incident 10 Feb 2019

Good afternoon Gents.

Late mail ? I have received the medical records (after some IT pain via external web based file transfer process) and have reviewed the attached documents. They all point to a stable compression fracture with no impact or risk to spinal column in my opinion.

My question: Would you be satisfied with the medical reports (reasonably clear) and my assessment of same to remove the question as to GBH (not realised)?

The actual medical records pack is some 65MB and 80 odd pages. I have attached the medical imaging reports for your perusal.

I would be happy to go to EROI (master) after receipt of Joe?s report at this stage ? your thoughts?

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217



PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback

**Sent:** Wednesday, 17 April 2019 3:14 PM

**To:** Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>

**Subject:** RE: Request for mechanical/operational inspection of QRS  
in a marine incident 10 Feb 2019

alleged to be involved

Hey mate, been out/on all sorts of stuff again today.

Inspection went well ? had been instructed by his legal rep that the inspection was a non-issue to him. Everything went cordially. There is a complete voice file should you wish to listen. Let me know and I will share on T:

Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Alain G De Villiers

**Sent:** Wednesday, 17 April 2019 12:14 PM

**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>

**Subject:** RE: Request for mechanical/operational inspection of QRS  
in a marine incident 10 Feb 2019

alleged to be involved

Thanks mate, how'd it go?

**Alain de Villiers**

Senior Investigations Officer | Maritime Operations (Compliance Unit)

**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

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[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From:** Anthony G Alback

**Sent:** Wednesday, 17 April 2019 11:54 AM

**To:** Brendan J Philp <[Brendan.J.Philp@msq.qld.gov.au](mailto:Brendan.J.Philp@msq.qld.gov.au)>

**Cc:** Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>

**Subject:** RE: Request for mechanical/operational inspection of QRS

alleged to be involved





in a marine incident 10 Feb 2019

Consent and inspection undertaken lawfully. The attached scan of my notebook is DMS'd and referenced in MSC964-2019

Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217

PO Box 107 | Southport Qld 4215

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E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Brendan J Philp

**Sent:** Tuesday, 16 April 2019 8:35 AM

**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>

**Cc:** Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>

**Subject:** RE: Request for mechanical/operational inspection of QRS in a marine incident 10 Feb 2019 alleged to be involved

Hi Anton,

Expenditure approved. Once the work is done just have the invoice sent through to us for payment.

Regards

**Brendan Philp**

Principal Manager (Compliance and Service Delivery) | (Maritime Operations)

**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

---

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PO Box 2595 | Brisbane Qld 4001

(07) 3066 3978 | M:

[brendan.j.philp@msq.qld.gov.au](mailto:brendan.j.philp@msq.qld.gov.au)

[www.msq.qld.gov.au](http://www.msq.qld.gov.au)

[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From:** Anthony G Alback

**Sent:** Tuesday, 16 April 2019 7:59 AM

**To:** Brendan J Philp <[Brendan.J.Philp@msq.qld.gov.au](mailto:Brendan.J.Philp@msq.qld.gov.au)>

**Cc:** Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>

**Subject:** FW: Request for mechanical/operational inspection of QRS in a marine incident 10 Feb 2019 alleged to be involved

Morning Al and Brendan.

Happy to proceed? In saying that, I have not heard back from so await his response.

In the interim, if does consent to the inspection, could you please consider the quote cost so that I am authorised/not authorised to order the inspection work if the opportunity arises?



Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217

PO Box 107 | Southport Qld 4215

P: (07) 55851810 | F: (07) 55851818

E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** <[black@blackpond.com.au](mailto:black@blackpond.com.au)>

**Sent:** Monday, 15 April 2019 4:10 PM

**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>

**Cc:** Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>

**Subject:** Re: Request for mechanical/operational inspection of \_\_\_\_\_ alleged to be involved in a marine incident 10 Feb 2019

Good afternoon Anton.

Based on your needs within, and specifically commenting the 9 items within your email, as well as a general over-view of other sections of the narrative, my price to complete would be \$1,224.00 + GST = \$1,346.40 inclusive of GST.

Price includes;

1. Site visit vessel and intel gathering (inclusive of photographs) via conversations with owner of vessel.
2. Report writing.
3. Submission to MSQ, electronic and hard-copy.

Thanks for considering BlackPond for this job.

Regards,

Managing Director

AMSA-DCV Accredited Marine Surveyor - 126495

Mobile:

Email 1: [black@blackpond.com.au](mailto:black@blackpond.com.au)

Email 2: [vessels@blackpond.com.au](mailto:vessels@blackpond.com.au)

**BlackPond**

**Marine Consultants**

[www.blackpond.com.au](http://www.blackpond.com.au)

PO Box 5206, GCMC, Qld. 9726

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On 15 Apr 2019, at 15:24 pm, Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)> wrote:

Good afternoon

Thanks for your time on the phone a moment ago. I have been provided information that alleges an incident occurred onboard the Queensland Regulated Ship (QRS) on 10 February 2019, in the waters of the Gold Coast Broadwater toward the northern end of the Aldershots. The QRS appears to have crossed a wake of a large vessel and during the crossing a female person seated portside forward seat in the bow rider area became airborne and landed heavily on the bow some 1.3m forward of the seat. The ship is to be made available to you for the purposes of an inspection at the owner's premises on trailer at [CTPI]. The owner's name is [NR].

When speaking to [CTPI] I require confidentiality at all times regarding the initial findings of the investigation and the details of this email as the investigation remains open.

Witness accounts appear parallel in that throttle was applied prior to addressing the wake bow on. With that in mind I require expert opinion on the following to be considered during inspection (scope) reported in a format that can be used in court, such as a signed expert witness statement:

1. General condition and description of ship
2. General condition and maintenance regime of main engine and ancillary equipment such as stern drive, battery/electrical system, and so on
3. Description and operational condition of steering system
4. Description and operational condition of engine controls
5. Description and operational condition of gear box controls
6. Documentation supporting service regime from owner, particularly immediately prior 10 February 2019.
7. Any findings that would be abnormal in the operational controls and how those abnormalities would effect performance or control over the ship
8. Any modifications found and how those modifications would effect performance or control over the ship.
9. Any other comments you deem appropriate as an expert witness regarding the ship and its operational condition.

In order to facilitate payment for services via invoice, could you please quote the cost of the inspection including the production of statement so that authorisation for the work request can be finalised. I ask for brevity in turnaround time of quote as the catalyst for the inspection request is the intention of the current owner to sell the ship.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
Maritime Safety Queensland | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)



\*\*\*\*\*

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Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

\*\*\*\*\*

Released under RTI / DMR



39

IBM i2 iBase IntelliShare

Logged in as: gltume

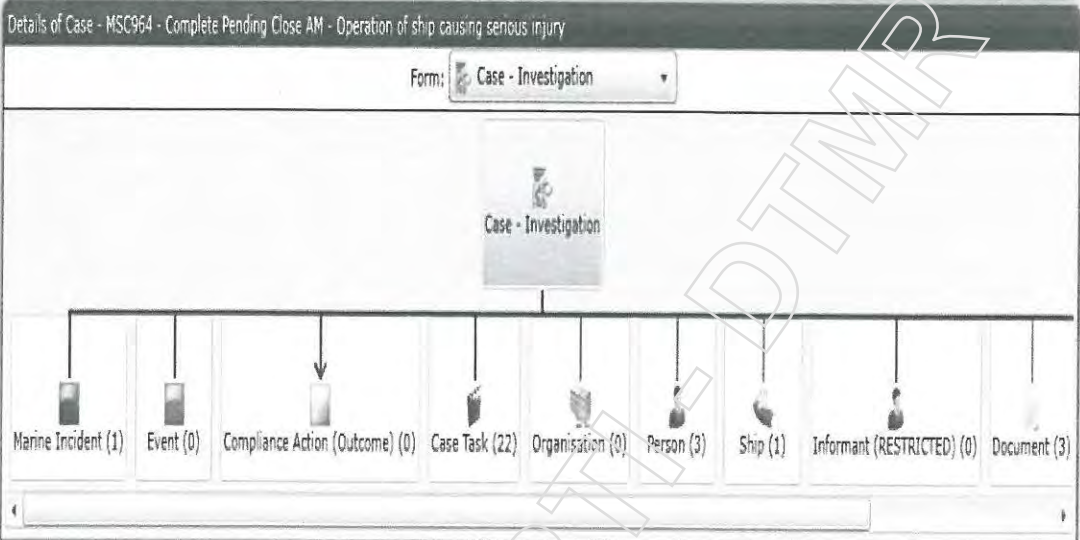
MSC 964 - Referred to COMPLIANCE UNIT

Recent items

- Case - MSC964 - Complete Pe
- Case - MSC625 - Complete Pe
- Case - MSC557 - Complete Pe

Details of Case - MSC964 - Complete Pending Close AM - Operation of ship causing serious injury

Form: Case - Investigation



Summary Case Details Attending Officers Finding / Conclusion Review / Close Case Measures Notes

Review Action Required: No

Review Action Completed: No

Case Checked (AM): 9/08/2019

Refer for CU Action: Yes

Case Closed (CU):

Case Closed - Prosecution:

Case Closed - Admin Action:

Case Closed - AMSA:

Case Closed - Coronar:

Case Closed - Finalised (CU):

Case Closed - Finalised (AM):

9/8/19 - Referred to COMPLIANCE UNIT. FILE TO REMAIN OPEN UNTIL FURTHER ADVISED

Clear selected

Find items

CTPI Edit Save Cancel

# Item

## ITEM DETAILS

<b>Item ID:</b>	60679 - SEQS	<b>Item Type:</b>	Statement
<b>Date Created:</b>	06/08/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	06/08/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Physical	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	MSC964-2019 Witness statement -		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSC964-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	Anthony G ALBACK	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>	Marine Officer Grade 3	<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Gold Coast Operations		
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Action Completed
		<b>Action Due Date:</b>	06/08/2019
<b>Home Location:</b>	CLOSED SECTION	<b>Last Movement Date:</b>	06/08/2019

## SECURITY & ACCESS

<b>Security Classification:</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>		
Witness Statement -		

## DOCUMENT CONTENTS



Statement

doc

Re







Statement Number

2

Date

1/04/2019

**Statement of**

Name of witness

Date of birth

Age

Occupation

**Shipping Inspector/Authorised Officer taking statement**

Name of Inspector (full name)

Anthony Alback

Position (insert position title, for example, marine officer)

Marine Officer Grade 3

Region (for example, Cairns)

Brisbane

Base office (for example, Weipa)

Gold Coast

Registered Number

T 182

states:

1. \_\_\_\_\_ and I live at a place known to the department.
2. I was contacted by Anthony Alback of Maritime Safety Queensland on 20 March 2019 via email and he asked me if I would give a statement.
3. I have no boating experience to speak of, I have been on a private boat twice, and have gone on a Gold Coast river cruise.
4. I recall the 10<sup>th</sup> of February 2019. \_\_\_\_\_ returned back home just before 10am. \_\_\_\_\_ to see what was happening about a boat ride organised that day on \_\_\_\_\_ were already at the boat ramp at Coomera River at Oxenford.
5. \_\_\_\_\_
6. We got to the boat ramp and \_\_\_\_\_ boat was already in the water.
7. \_\_\_\_\_ was standing and holding onto the boat and pulled it over to the sand bank while the girls got on, and then asked me to help him with a push off the back to get away. \_\_\_\_\_ started it up and away we went. The girls went up the front and I sat opposite the driver, \_\_\_\_\_ I sat on top of the seat as it was fairly low in the seat. \_\_\_\_\_ was the only one that drove.
8. I was asking questions about the speed zone signs and \_\_\_\_\_ said "no its only under the bridges" and explained the rules of the road and what the beacons meant in safe navigation.
9. At about an hour into the journey the water got a bit choppy and I asked "Do you not have any lifejackets?". \_\_\_\_\_ said "Yeah" and I asked "well, where the hell are they?" \_\_\_\_\_ gestured to the floor compartment in the middle of the boat and said "they are in there". I recall we were at Runaway Bay at that stage, the water opens up a bit and the boat was moving about a bit. I was thinking about the stability of the boat and that's what prompted me to ask about the lifejackets.
10. I took some photos and a video at 11:43 am on my phone and it shows the conditions at that time. That would have been 5 or 10 minutes before the incident which I recall happened just before 12:00pm. I recall it felt like we were travelling at about 20 miles an hour at that stage.
11. We kept going north and kept the green markers on our right hand side. There was a larger yacht and \_\_\_\_\_ a comment saying "that guy isn't looking where he is going". The larger yacht looked like a 3 story yacht and was going faster than us and passed us on our left after coming nearly head-on towards us. As it passed there was girls in bikinis on the back with the driver, taking photos.
12. We were going fast, but then slowed a bit, and then \_\_\_\_\_ said "hold on" and turned into the wake and put the throttle on. I heard the noise of the engine speeding up quite high, I felt the front of the boat go up in the air as the boat sped up and went up



- the wake of the large yacht that had just passed us. We were between 50 and 80 metres behind the yacht when we hit it's wake. I was about 3 or 4 feet high. It was choppy water but that wake was at least twice as big as any chop out there that day.
13. I saw [redacted] in the front of the boat, and the boat came down and hit the second wake. It felt like we hit a brick wall, I came down on the seat and hit my coccyx real hard. My sunglasses came off my face and I heard a huge crack. I remember most, there is a cubby hole in the front where there was sunscreen and other stuff moments ago, that had been thrown everywhere. The boat got steady and [redacted] was in the middle section at the front and she was screaming in pain saying, "my back my back, my back". I ran up to help and she said "don't touch me, my back". She was on all fours with her head forward into the seat and on the floor of the boat.
14. [redacted] said "we were only 15 to 20 minutes to Stradbroke, let's just get there."
15. [redacted] stayed at the front and couldn't move, she wouldn't let me touch her and clearly was in a lot of agony. She said "I think I have broken my back". I recall I was thinking she was moving her legs, so it must not be broken.
16. We went slower and tried to take it easy. As we got slower to Stradbroke, the water got smoother. We pulled in slowly to "Tiplers" where there is a beach and restaurant.
17. [redacted] said it would be best for [redacted] to get out of the boat. I asked [redacted] if I could help her again and get out of the boat. [redacted] said she couldn't move. I went to the bar area up the beach and bought some Panadol. There was nothing in the boat.
18. When I got back I gave [redacted] 3 panadol and she said "you need to get me some help."
19. I remember [redacted] saying "I don't know what to do". [redacted] was just holding the boat [redacted] to phone an ambulance and I saw [redacted] phone the ambulance. That was about 30 minutes after we got to the beach at Stradbroke.
20. [redacted] laid on the floor on her side, I stood with a towel above her to take the sun off her. One of the arms of the bimini snapped which was the loud crack I heard during the incident and [redacted] duct taped it back together.
21. [redacted] was in that much pain, she passed out twice and I had to wake her up both times. She was drifting in and out of consciousness. A marine rescue boat arrived about an hour and a half after the call for the ambulance and a couple of paramedics got off it.
22. The paramedics asked me if [redacted] had walked since the incident and I said "yes, she walked from the front to the back of the boat." They said, "that's good, she can walk". They gave [redacted] an inhaler to stem the pain and asked her to stand up and walk to the rescue boat. [redacted] in the rescue boat, I stayed with [redacted] to help him with the boat. I thought [redacted] was in safe hands.
23. On the way home, it was really choppy. We were following another boat, in its wash. There was another small boat off to the side with people on the boat and it nearly went over. I said to [redacted] "Bloody hell, what would happen if we went over? Are you insured?" [redacted] said, "Yep fully comp mate, pay 70 odd dollars a month." There was no discussion about the incident between us.
24. We got back at about 4:15pm and I helped [redacted] load the boat. [redacted] phoned me and told me they were at Robina Hospital. I collected [redacted] from home and we went and saw [redacted]
25. When I got to see [redacted] again, [redacted] was there, and [redacted] got taken for her 1<sup>st</sup> x-ray. When she got out, [redacted] had a go at me for not staying with her. The doctor told her it was her L3 that was fractured, and she was taken for an MRI. That came back that her L1 was compound fractured and it has gone very small.
26. I have had a couple of chats with [redacted] since the incident and he has been very blasé about the whole ideal. I remember he considered it a bad back that would get better.
27. I phoned [redacted] about the insurance and asked if I could have the details so that I could make a claim against the cost I have been suffering regarding [redacted] medical expenses and [redacted] said he would check his details and give me a call. The following evening I phoned him back and he said "I'm not covered for that, sorry I can't help you. Why don't you find one of those government websites to help you, I'll find you a link". That was it for me. I haven't spoken to him since.
28. [redacted] is in a lot of pain every day.
29. During the time I spent with Anthony taking this statement, I showed Anthony the video and images I took on the day.
30. We arranged to email the files to Anthony's email address.



31. I met Anthony Alback on 1 April 2019 and I gave this statement.

Justices Act 1886

I acknowledge by virtue of section 110A of the Justices Act that:

- 1. This written statement by me dated 1/04/2019 and contained in the pages numbered 1 to 3 is true to the best of my knowledge and belief, and
- 2. I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

Signature .....

Signed at Oxenford this 1st day of April 2019

Released under RTI - DIMR





# Item

## ITEM DETAILS

<b>Item ID:</b>	60678 - SEQS	<b>Item Type:</b>	Statement
<b>Date Created:</b>	06/08/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	06/08/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Physical	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	MSC964-2019 Witness Statement		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSO23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	Anthony G ALBACK	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>	Marine Officer Grade 3	<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Gold Coast Operations		
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Action Completed
		<b>Action Due Date:</b>	06/08/2019
<b>Home Location:</b>	CLOSED SECTION	<b>Last Movement Date:</b>	06/08/2019

## SECURITY & ACCESS

<b>Security Classification:</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>		
Witness statement -		

## DOCUMENT CONTENTS

	scanned statement	pdf
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Re





Statement Number

1

Date

22/3/2019

**Statement of**

Name of witness

Date of birth

Age

Occupation

**Shipping Inspector/Authorised Officer taking statement**

Name of Inspector (full name)

Anthony Alback

Position (insert position title, for example, marine officer)

Marine Officer Grade 3

Region (for example, Cairns)

Brisbane

Base office (for example, Weipa)

Gold Coast

Registered Number

T 182

states;

1. I am a \_\_\_\_\_ and I live at a place known to the department.
2. \_\_\_\_\_
3. I recall Sunday 10 February 2019. I was with \_\_\_\_\_ and we went to meek \_\_\_\_\_ at the Old Pacific Highway boat ramp on the Coomera River. We got there at about 10:30 am. I was looking forward to my second time on boat. The first time, we went for a ride down into Surfers Paradise and that was nice.
4. When we arrived, \_\_\_\_\_ had already put the boat into the water. they had not there before us. I have known \_\_\_\_\_
5. Me and \_\_\_\_\_ got on the boat and off we went. We didn't get a briefing or anything like that, and I was not told of anything like where the life jackets or other safety stuff was.
6. We headed down the river in \_\_\_\_\_ boat. \_\_\_\_\_ boat is a fibreglass boat. Its white with a blue canopy and the drivers wheel is on the right side. It has an outboard engine and 8 seats. I sat in the front of the boat ahead of where \_\_\_\_\_ was steering from. We were all chatting. I recall \_\_\_\_\_ was chatting to \_\_\_\_\_ about where the sand bars were. I was admiring the scenery. The water was smooth.
7. About 20 minutes later we had reached the Broadwater and the water had got a bit choppy. Nothing like back \_\_\_\_\_ but not as smooth as the river. \_\_\_\_\_ went to the back of the boat. She may have got a bit wet from spray, but that didn't worry me. I swapped sides so \_\_\_\_\_ could have clear vision and I sat on the left front seat. \_\_\_\_\_ sped up. I recall he went faster to get through the choppy area.
8. I could see a wide waterway and there were lots of boats around, some were coming in the opposite direction.
9. I felt like we were going about 20 to 25 miles an hour at that stage. I was bouncing up and down on the seat and I thought that was a bit funny and it reminded me of horse riding
10. I can remember a conversation between \_\_\_\_\_ discussing a boat coming towards us and \_\_\_\_\_ saying "Hold on, its going to get a bit bumpy". There was nothing for me that I could find to hold on to where I was seated.
11. I could hear the engine speed come right up, and it felt like it we were going full pelt, and bang, we hit a wave. The wave was a rolling wake off another boat I am told by \_\_\_\_\_ and it wasn't that big.



12. I got thrown into the air. It happened so fast and it felt like I was coming down and the boat was coming up and I hit in the middle of the front of the boat, and away from where I was sitting. There was a very loud crack that turns out was the canopy breaking. I ended up on all fours on the bow and I had people shouting at me to come down to the back of the boat and pain was unbearable. I was gasping for air.
13. was still going fast. I was trying to edge myself backwards in this pain and I was still getting yelled at to get to the back to the boat and it seemed like it was going on forever. After a what must have been like a few minutes I made it to and he asked if I was alright. I said I was in agony and said it feels like I have broken my back. kept going and someone said we were going to South Stradbroke Island. I was in the middle of the back of the boat and I trying to get comfortable to relieve the pain. I stood up at one point and that was a bad idea.
14. We got to a beach and they pulled the boat up onto the beach. As soon as that happened I laid on the floor of the boat on my right side and I lifted my left leg up onto the seat where had been sitting. That was the most comfortable position I could find. I asked for some water and held my head. I was asked if I wanted to go for a swim or a walk and I burst into tears. I told them again I thought I had a broken back. I could not understand why I was being left in pain on the boat. I asked if anyone was going to call an ambulance. I think called an ambulance then.
15. I stayed in the boat as it bobbed around, making me feel sick for about an hour and a half awaiting an ambulance.
16. Two paramedics arrived on a boat and pulled up to our right side. The paramedics asked me lots of questions and gave me a green stick. They asked me if I could walk off the boat. I said if I have to, I will. So they gave me more green stick and they said I had to go. I had to get up and walk myself to the side of the boat and clamber onto the paramedic's boat beside us in the water. I was told to sit up but I couldn't sit upright, so I had to lean forward on a rail. I wanted to come with me, but came instead. I kept my head down for most of the trip back and it was bumpy.
17. I was put on a stretcher when we got to the ambulance and I was taken to Robina Private Hospital.
18. I was X-rayed, ultra sounded and MRI'd and I was told I had compress fractured my L1 vertebrae. I spent the night in Robina Private Hospital and the next day I was transferred to Gold Coast University Hospital as I may require surgery and admission to the neurological ward. I was told there could be a spinal cord damage risk if my injury wasn't managed properly.
19. I was transferred to Gold Coast University Hospital on the 11 February 2019 via ambulance and admitted to the neurological ward. checked that I could feel my feet and move my legs and on the Saturday afternoon I was told I had to be fitted with a TLSO brace before I could go home. I felt like I had to learn how to walk again. I had to prove I could walk in the brace before they could release me.
20. I was told by the doctor to lay flat on my back, to log roll in bed, not to sit up or lean forward because that was how I could do further damage, I had to wear the brace when I got up and put the brace on before I got up. I could not lift over 2 kgs, not to do anything around the house. I was told to keep up the pain medication and I would heal in the brace.
21. The injury has impacted my life in all aspect.

I thank god I am not paraplegic, I would not wish this on anyone.

22. I am to be x-rayed again to decide how long I will need to wear the brace based on how well I have healed.
23. I was contacted by Anthony Alback of Maritime Safety Queensland on 12 March 2019 and he asked me if I would give a statement.





- 24. I met Anthony Alback on 22 March 2019 at my home and I gave this statement.
- 25. During the meeting with Anthony I signed an authority to access my medical information in relation to the incident.

**Justices Act 1886**

I acknowledge by virtue of section 110A of the *Justices Act* that:

- 1. This written statement by me dated 22/03/2019 and contained in the pages numbered 1 to 3 is true to the best of my knowledge and belief, and
- 2. I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

Signature .....

.....

Signed at Oxenford this 22nd day of March 2019

Released under RTI - DTMR



# Item

## ITEM DETAILS

<b>Item ID:</b>	60677 - SEQS	<b>Item Type:</b>	Statement
<b>Date Created:</b>	06/08/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	06/08/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Physical	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	MSC964-2019 Witness statement -		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL AM154Q - OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	Anthony G ALBACK	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>	Marine Officer Grade 3	<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Gold Coast Operations		
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Action Completed
		<b>Action Due Date:</b>	06/08/2019
<b>Home Location:</b>	CLOSED SECTION	<b>Last Movement Date:</b>	06/08/2019

## SECURITY & ACCESS

<b>Security Classification:</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>		
Witness statement -		

## DOCUMENT CONTENTS



Statement draft

doc

R





Statement Number

3

Date

3/5/2019

Statement of

Name of witness

[Redacted]

Date of birth

CTPI

Age

CTPI

Occupation

CTPI

Shipping Inspector/Authorised Officer taking statement

Name of Inspector (full name)

Anthony Alback

Position (insert position title, for example, marine officer)

Marine Officer Grade 3

Region (for example, Cairns)

Brisbane

Base office (for example, Weipa)

Gold Coast

Registered Number

T 182

1. [Redacted] CTPI
2. [Redacted] CTPI
3. I recall Sunday 10 February 2019. I was with [Redacted] CTPI
4. [Redacted]
5. [Redacted] CTPI
6. I helped [Redacted] put the boat in at Coomera Boat ramp right near the motorway at about 10:30am. It was close to where [Redacted] lived.
7. [Redacted] got in and [Redacted] told everyone where the safety gear was. I remember [Redacted] was asking lots of questions about where everything was.
8. As we started down the river, I asked [Redacted] if it was ok to sit out the front in the bow seats and kept low so that [Redacted] could see ahead.
9. [Redacted] joined me in the front seats. It was a lovely day. I was sunbaking.
10. We got past Paradise Point and it started to get a bit choppy. I recall we were going north. I was calling the traffic out to [Redacted] as there were couple of jet skis and possibly some boats too.
11. We were going along and I was feeling a little uncomfortable with the chop. I remember [Redacted] saying "its going to get a bit choppy." [Redacted] knows I don't like the bumps. I stood up and leant over and said to [Redacted] "I'm going back here, I don't like the bouncing." I suggested [Redacted] to come back to the back of the boat with me and [Redacted] said "I like the bouncing" and punched the air a couple of times happily.
12. I moved to the back of the boat and sat behind [Redacted] facing backwards in the back to back seat.
13. I jokingly kicked [Redacted] feet out of the way as I walked past.
14. A few minutes later, while I was on my phone, looking backwards, I was noticing it was getting a bit more bumpy, I saw a few boats pass us. I looked up and said "bloody hell, he's going fast!" I was a very big cruiser that seemed to be flying past us. It was really loud. There was a couple of boats that went past but I can't recall how far away they were.
15. I remember I knew there was going to be some wakes off that big boat. I started to feel the bumps and carried on looking at my phone because I don't like the bumps.

CTPI





16. The first I knew that something had happened is that [redacted] said "[redacted] CTPI [redacted]" I looked around to the front to see [redacted] still in the front of the boat on the floor on her hands and knees. I then enquired "what's happened". Nobody really knew and was asking [redacted] what was wrong.
17. [redacted] was trying to help her crawl back. I asked [redacted] what was going on and [redacted] said "She's hurt her back".
18. It seemed a few minutes and I asked "what do we do?" [redacted] was saying her back was really hurting and [redacted] I said "we have to get to Tipplers for a safe place to get her off". [redacted] had slowly got us to the slow speed zone and I asked what [redacted] would like us to do, and [redacted] said something.
19. I thought maybe [redacted] back had gone into spasm. I remember when we pulled up, I got off to make sure we got to the beach ok and [redacted] got the anchor sorted out.
20. The next time I looked, [redacted] was helping [redacted] stand between the windscreen. I saw them have a conversation and [redacted] was hunched over. There was a lot of swearing between them.
21. I asked [redacted] what she wanted to do and there was a lot of confusion. [redacted] to lie down on her side and he went up to the shop to look for some Panadol. While [redacted] was away I had a conversation with [redacted] as I was getting a little be worried about her. [redacted] was holding the boat steady.
22. [redacted] was back with the Panadol and [redacted] and I were talking about how to get help. I said "I don't know how this is going to work, but I will phone an ambulance". I heard [redacted] say "yes get a fucking ambulance".
23. I called the ambulance. I remember talking to [redacted] as I was on the phone to 000 as I needed to know what to say and they said [redacted] banged up and down in her seat. [redacted] said she was more comfortable on her side and stayed in that position in the boat while the ambulance came.
24. I gave [redacted] everything I had on the boat to make [redacted] comfortable, and out of the sun.
25. We waited an hour and a half for the ambulance and I got really sunburnt. While they were on their way, I got back on the phone to ask them where they were. [redacted] was getting very worried about the tide falling and the wind getting up. I remember asking [redacted] if she had any tingling and she said "I'm absolutely fine".
26. A rescue boat with two ambulance officers came and I was relieved. They pulled up beside us and got a walkway in place between the boats. I set up our fenders. They assessed [redacted] and I got out of the way. The assessment went for about 10 minutes and they gave [redacted] some pain relief. I said "how are you going to get from here to there?" I remember the ambulance officers said "we are waiting for the pain relief to kick in and she will be able to get her up and walk her slowly onto the boat". Someone asked if they would put [redacted] on a board and the ambulance officer said something.
27. I said to [redacted] "do you want me to go with [redacted]" and [redacted] said "yes, I want to get my car, I would rather you go with her."
28. I saw [redacted] lying on the floor and they got her onto her knees and the ambulance officers braced her and helped her walk slowly one foot in front of the other across the walkway and onto the rescue boat. She was in a lot of pain but managed the steps up and down on the rescue boat.
29. They walked her to the front of the boat to an upright seat next to the driver.
30. I asked if I should get onboard then and they said yes. I looked around to [redacted] and told him to get going. He left ahead of us. I was worried about the conditions for [redacted]
31. [redacted] was a bit out of it with the pain medication. She was saying some funny things. She was sitting in front of me and was laughing about it all.
32. It got really choppy and I was getting worried, [redacted] seemed to be ok with the situation. The trip back was rougher than I have ever experienced on a boat that size before. I got soaked on the trip back. I was bouncing up and down on a plastic seat.
33. A decision was made to change the pickup location from Grand Ramp to Paradise Point and I helped show the driver where the boat ramp was at Paradise Point.
34. We pulled up at Paradise Point alongside the jetty. I got off the boat and walked up to the ambulance to get out of the way. I looked back and saw one of the ambulance officer take a stretcher down to the boat. I could see [redacted] was in pain again, she was shouting and screaming. I saw [redacted] come up off the boat walking and then she was put onto the stretcher.



- 35. I saw [redacted] wheeled up to and into the ambulance. [redacted] was very quiet and I sat in the front. I asked the female driver what she thought [redacted] had done. She said to me "probable bruised her coccyx's" and was trying to reassure me. I was concerned but they had done a lot of tests.
- 36. We went to Robina Hospital after a change from Gold Coast Hospital. We got there and I was asked to give some details and [redacted] was answering the questions. She was relaxed on the bed and I stayed out of the way until [redacted] was wheeled into a cubicle. I phoned [redacted] and told him where we were and he said he was on his way.
- 37. It took forever for [redacted] to get there.
- 38. I recall saying [redacted] is going to feel horrible about it" to [redacted] said "it's not his fault".
- 39. [redacted] was about to get taken for an x-ray and [redacted] turned up. It would have been about 4pm.
- 40. I left [redacted] went home.
- 41. I have been in contact with [redacted] since the incident, I went to visit [redacted] while she was Gold Coast University Hospital to see how she was. [redacted] was upset about the food so I returned the next day with some dinners.
- 42. I feel like we don't want to take anyone out on the boat with us anymore. It has made me very upset at times thinking about it. We haven't used the boat since.
- 43. I feel the injury to [redacted] could have been exacerbated by the ride home as it was far worse than what I felt on the ride out to Straddie.
- 44. I was contacted by Anthony Alback of Maritime Safety Queensland on Monday 29 April 2019, and he asked me if I would give a statement.
- 45. I met Anthony Alback on 3 May 2019 at my home, and I gave this statement.

Justices Act 1886

I acknowledge by virtue of section 110A of the Justices Act that:

- 1. This written statement by me dated 03/05/2019 and contained in the pages numbered 1 to 3 is true to the best of my knowledge and belief, and
- 2. I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

CTPI

Signature .....

Signed at Robina this 3rd day of May 2019

SCANNED TO DMS  
Item ID: P60676-JEQS  
File ID: 230/1074  
Date: 6/8/19



# Marine & Pollution Incident Investigation Report

Title:

Serious injury to passenger onboard QRS bowrider in the waters of the Aldershots, northern Gold Coast Broadwater.

Incident date: 10/02/2019

Category: Category 3

CaseMan no: MSC964-2019  
(N/A for TOMPA incident)

<b>Investigator</b>	Anthony Alback
<b>Position</b>	Marine Officer
<b>Division</b>	Maritime Safety Queensland
<b>Regional office</b>	Gold Coast
<b>Address</b>	40-44 Seaworld Drive MAIN BEACH QLD 4217
<b>Contact number</b>	(07) 5585-1810
<b>Email</b>	anthony.g.alback@msq.qld.gov.au
<b>Report date</b>	19/07/2019



# Summary

Regional office:  DMS File No:

Incident date:  Time of incident:  Date reported:

Category:  Incident type:

MSQ attended:  Officers attending:  Contact No:

QPS attended:  Officers attending:  Contact No:

QAS attended:  Officers attending:  Contact No:

QBFP attended:  Officers attending:  Contact No:

Aquatic event:  (copy of permit attached)

## Evidence

## Restitution

Example: costs of oil response, damage to beacons, total cost of repairs and so on. (attach quotes / invoices to report)

## Location

Body of water / landmark:

Latitude:  Longitude:

*Latitude & longitude must be recorded in decimal format for entry into the CaseMan system. All coordinates in deg/min or deg/min/sec format must be converted to decimal degree format for entry. For example 16°30'S would become -16.5000 degrees.*

Waters:

## Conditions

Weather:  Visibility:

Water:  Wind:

Tide:

## Pollution

**Source** Ship:  Land:  Unknown:

**Pollutant** Sheen:  Diesel:  Bilge:  HFO:  Other:

**Extent**  or   
Size of slick (length and width in metres) Litres

# Ships involved

Add ship

Remove last ship

## Ship 1.

Ship name :			
Owners name:			
Owners address:	CTPI		
Ship type:	Recreational	Ship class:	Recreational
Ship description:	5.3m FRP 175BR Bayliner bowrider		
Reg no:		Boat mark:	
Registering authority:	QT	Port of registry:	
Registration expiry:	24/03/2019		
Length (in metres):	5.3	Beam (in metres):	2.5
Construction:	Fibreglass		
Engine type:	Inboard (petrol)	No. of engines:	1
Total power (kW):	100.6		
Last monitoring date:		Written direction:	
Previous incidents:			

## Master of ship 1.

Masters name:		Place of birth:	CTPI
Masters address:	CTPI	Date of birth:	CTPI
Home phone:		Mobile phone:	NR
Work phone:			
Email address:	CTPI	Statement/ROI:	<input type="checkbox"/>
Coercive powers used:	<input type="checkbox"/>		
Marine licences:	QLD RMDL	CTPI	

## Add deceased or injured persons on ship 1.

Add inj. person

Remove inj. person

Name:		Phone:	
Address:			
Email address:	@outlook.com	Statement:	<input checked="" type="checkbox"/>
Coercive powers used:	<input type="checkbox"/>		
Fatality:	<input type="checkbox"/>	Admitted to hospital:	<input checked="" type="checkbox"/>
Hospital:	ROBINA/GCUH	Doctor:	
Nature of injuries:	Acute L1 vertebra compression fracture with 20% anterior vertebral height loss		
Deceased or injured person related to ship 1.	Role: Passenger		

## Add crew on ship 1.

## Add offence details for person on ship 1.

Legislation: TOMSA

Section: 43(1) Operate ship unsafely

Suspect interviewed: Transcription: Elements proven: MIN issued: 

MIN #:

Issuing officer:

MIN details:

Name:

Address:

CTPI

Date of birth:

CTPI

Role:

Master

Licence number:

CTPI

Expiry date:

19/02/2021

*Offence recorded for ship 1.*

## Add witness

Name:

Address:

Home phone:

Mobile phone:

NR

Work phone:

Email address:

Coercive powers used: Statement provided: Evidence adopted: 

Name:

Address:

CTPI

Home phone:

Mobile phone:

NR

Work phone:

Email address:

Coercive powers used: Statement provided: Evidence adopted:



## Summary of facts—explain incident & investigations conducted

### The Incident

Include full particulars of vessels, voyage and location of incident.

A serious injury incident occurred in the waters of the Aldershots, northern Gold Coast Broadwater, involving the 5.3m Bayliner bow rider operated by the registered owner. A female passenger riding in the bow area was seriously injured as a result of crossing the wake of another unidentified ship at high speed. The injured female was delivered ashore to Couran Cove, South Stradbroke Island, medivac'd in VMR vessel by paramedics, then QAS Ambulance to ROBINA A and E overnight, then transferred to the C4 Spinal ward of GCUH and spent 8 nights in hospital where a full time "turtle shell" brace was fitted. The incident remained unreported on the approved form for 5 weeks until formally required by the IO. In his report, provided: "...exited Coomera River into Broadwater, headed north in boating channel, larger vessel passing on left side, larger vessel creating a wash. Proceeded to head north, crossed the wash. Passenger bump up and down on padded seat, passenger sat on front left seat of bow. Passenger advised of slight pain in lower back. Headed to Stradbroke Island and called paramedics... Two paramedics and rescue boat. Passenger walked off of vessel onto rescue boat..."

### The Investigation

The IO was tasked the investigation 13 March 2019 and immediately phoned the registered owner of the SHIP and had a phone conversation. During the conversation, was cautioned. That phone conversation was immediately followed up with by a formal require MIR and caution letter sent the the email address provided by in the phone conversation. The IO contacted the alleged injured person on 10 March 2019 and arranged to take a statement, again following up the phone call with a formal request for statement and signed authority to access medical records relating to the incident. provided in her statement: "...I could see a wide waterway and there were lots of boats around, some were coming in the opposite direction. I felt like we were going about 20 to 25 miles an hour at that stage. I was bouncing up and down on the seat and I thought that was a bit funny and it reminded me of horse riding. I can remember a conversation between discussing a boat coming towards us and I saying "Hold on, its going to get a bit bumpy". There was nothing for me that I could find to hold on to where I was seated. I could hear the engine speed come right up, and it felt like it we were going full pelt, and bang, we hit a wave. The wave was a rolling wake off another boat I am told by and it wasn't that big. I got thrown into the air. It happened so fast and it felt like I was coming down and the boat was coming up and I hit in the middle of the front of the boat, and away from where I was sitting. There was a very loud crack that turns out was the canopy breaking. I ended up on all fours on the bow and I had people shouting at me to come down to the back of the boat and pain was unbearable. I have experienced child birth and that was nothing to this level of pain. I was gasping for air. was still going fast. I was trying to edge myself backwards in this pain and I was still getting yelled at to get to the back to the boat and it seemed like it was going on forever. After a what must have been like a few minutes I made it to and he asked if I was alright. I said I was in agony and said it feels like I have broken my back. kept going and someone said we were going to South Stradbroke Island..."

In statement, he provided: "... I recall it felt like we were travelling at about 20 miles an hour at that stage. We kept going north and kept the green markers on our right hand side. There was a larger yacht and a comment saying "that guy isn't looking where he is going". The larger yacht looked like a 3 story yacht and was going faster than us and

passed us on our left after coming nearly head-on towards us. As it passed there was girls in bikinis on the back with the driver, taking photos. We were going fast, but then slowed a bit, and then [redacted] said "hold on" and turned into the wake and put the throttle on. I heard the noise of the engine speeding up quite high, I felt the front of the boat go up in the air as the boat sped up and went up the wake of the large yacht that had just passed us. We were between 50 and 80 metres behind the yacht when we hit it's wake. I was about 3 or 4 feet high. It was choppy water but that wake was at least twice as big as any chop out there that day. I saw [redacted] in the front of the boat, and the boat came down and hit the second wake. It felt like we hit a brick wall, I came down on the seat and hit my coccyx real hard. My sunglasses came off my face and I heard a huge crack. I remember most, there is a cubby hole in the front where there was sunscreen and other stuff moments ago, that had been thrown everywhere. The boat got steady and [redacted] was in the middle section at the front and she was screaming in pain saying, "my back my back, my back". I ran up to help and she said "don't touch me, my back". She was on all fours with her head forward into the seat and on the floor of the boat..." During the course of the investigation, the IO was approached by [redacted] with the question about sale of the ship [redacted] during the investigation. An AMSA accredited ship surveyor was engaged to make an independant report about the condition of the ship in the event the ship was sold prior to completion of the investigation. That report remains available as tender-able evidence.

The IO arranged signed authority to be provided with all patient records relating to the injury of the [redacted] and after receiving same, requested GBH or otherwise assesment by attending neurosurgeon through various channels. That assessment remains outstanding.

The IO took statements from the 3 passengers onboard [redacted] at the time of the incident between 23 March and 3 May 2019.

After discussion with Compliance Unit regarding preferred charges without expert GBH assessment, the IO prepared for, and invited the alleged offender [redacted] to attend a recorded interview on 25 June 2019. On 19 June 2019, the IO received correspondance from [redacted] confirming she was acting on behalf of [redacted] and that [redacted] formally declined to attend a recorded interview.

# Contributing factors

Contributing factors are not the cause of the marine incident but rather factors that may have contributed to the incident taking place or its severity. All factors that potentially contributed to the incident should be recorded here.

## Human contributing factors

- |  |  |
|--|--|
| <input type="checkbox"/> Alcohol or drugs  | <input type="checkbox"/> Insecure mooring                                |
| <input type="checkbox"/> Commercial pressure   | <input type="checkbox"/> Insufficient crew numbers                       |
| <input checked="" type="checkbox"/> Excessive speed  | <input type="checkbox"/> Insufficient fuel                               |
| <input type="checkbox"/> Failure to wear engine kill switch lanyard                        | <input type="checkbox"/> Insufficient maintenance                        |
| <input type="checkbox"/> Failure to wear PFD   | <input type="checkbox"/> Insufficient planning                           |
| <input type="checkbox"/> Fatigue   | <input type="checkbox"/> Navigation error—failure to keep proper lookout |
| <input type="checkbox"/> Inadequate training of crew                                       | <input type="checkbox"/> Navigation error—other                          |
| <input type="checkbox"/> Inappropriate advice to ship—Harbour Control/Port Authority       | <input type="checkbox"/> Navigation error—violation of Colregs           |
| <input type="checkbox"/> Inappropriate advice to ship—Pilot                                | <input type="checkbox"/> Operational error—other                         |
| <input type="checkbox"/> Inappropriate advice to ship—Vessel Traffic System                | <input type="checkbox"/> Overloading                                     |
| <input type="checkbox"/> Inappropriate instructions to crew—other                          | <input type="checkbox"/> Poor communications                             |
| <input checked="" type="checkbox"/> Inappropriate instructions to crew—poor communications | <input type="checkbox"/> Poor ship to shore communications               |
| <input type="checkbox"/> Inattention   | <input type="checkbox"/> Violation of standard procedures                |
| <input checked="" type="checkbox"/> Inexperience or lack of knowledge                      | <input type="checkbox"/> Violation of statutory rules or standards       |

Other (human):

## Material contributing factors

- |   |   |
|---|---|
| <input type="checkbox"/> Bridge or navigation failure     | <input type="checkbox"/> Inadequate stability—shifting cargo                      |
| <input type="checkbox"/> Electrical failure               | <input type="checkbox"/> Inappropriate hull or equipment—construction fault       |
| <input type="checkbox"/> Equipment failure - other        | <input type="checkbox"/> Inappropriate hull or equipment—design fault             |
| <input type="checkbox"/> Fuel or gas leak                 | <input type="checkbox"/> Inappropriate hull or equipment—insufficient maintenance |
| <input type="checkbox"/> Hull failure                     | <input type="checkbox"/> Insufficient safety equipment                            |
| <input type="checkbox"/> Inadequate stability—other       | <input type="checkbox"/> Machinery failure  |
| <input type="checkbox"/> Inadequate stability—overloading | <input type="checkbox"/> Shore structure badly designed built or maintained       |

Other (material):

## Environmental contributing factors

- |  |   |
|--|---|
| <input type="checkbox"/> Abnormal tidal conditions             | <input type="checkbox"/> Hazardous waters—uncharted hazards |
| <input type="checkbox"/> Bar conditions                        | <input checked="" type="checkbox"/> Heavy traffic area      |
| <input type="checkbox"/> Floating or submerged object          | <input type="checkbox"/> Poor visibility                    |
| <input type="checkbox"/> Hazardous season (cyclones etc)       | <input checked="" type="checkbox"/> Sea state               |
| <input type="checkbox"/> Hazardous waters—coral reefs          | <input checked="" type="checkbox"/> Wash of passing vessel  |
| <input type="checkbox"/> Hazardous waters—lack navigation aids | <input type="checkbox"/> Wind                               |
| <input type="checkbox"/> Hazardous waters—shifting channel     |   |

Other (environmental):

# Findings

Add findings

Remove last finding

1. [redacted] was appropriately registered recreationally at the time of the incident, operating within capacity/safe envelope
2. [redacted] was appropriately licensed at the time of the incident (QLD RMDL # [redacted] CTPI [redacted])
3. Although inspected by AMSA surveyor 8 weeks after the incident, the ship was found in very good operational condition.
4. [redacted] sustained L1 fracture (stable) as a result of the operation of the ship through another large ship's wash.

# Conclusions

There is some consistency in versions, that the ship was operated at considerable speed through a large cruiser's wash whilst a person [redacted] was seated in the fore-part of that ship (port bow seating). The result of the ship riding through the wash at speed has thrown [redacted] into the air and she has landed back in the boat as it has risen on the next wave, causing injury. Without the opportunity to interview [redacted] (formally declined) there are questions, such as why the ship was operated at speed through the wash at broad angle, and why the ship was not slowed and the wake of the large cruiser taken on a fine angle, remaining unanswered. The operation of the ship may be a result of familiarity of PWC operation and limited experience, rather than reckless behaviour.

The offence of fail to report a marine incident (reported after formal request email) until 4 weeks after the incident appears satisfied, however a report was furnished by [redacted]

There is clear indication, the investigation will be subject to RTI application on closure.

Released under [redacted]



## Completed actions

Acknowledgement letter sent <i>(Not applicable to TOMPA incidents)</i>	<input checked="" type="checkbox"/>	Attached	<input checked="" type="checkbox"/>
CaseMan file closed or reassigned <i>(Not applicable to TOMPA incidents)</i>	<input type="checkbox"/>	Attached	<input type="checkbox"/>
Marine incident categorised	<input checked="" type="checkbox"/>	Attached	<input type="checkbox"/>
Ship inspection report (monitoring inspection completed)	<input checked="" type="checkbox"/>	Attached	<input checked="" type="checkbox"/>
Written direction issued	<input type="checkbox"/>	Attached	<input type="checkbox"/>
Photographic evidence taken	<input checked="" type="checkbox"/>	Attached	<input checked="" type="checkbox"/>
Exhibits seized	<input type="checkbox"/>	Attached	<input type="checkbox"/>
Witness statements	<input checked="" type="checkbox"/>	Attached	<input checked="" type="checkbox"/>
MIN issued	<input type="checkbox"/>	Copy attached	<input type="checkbox"/>
Evidence	<input checked="" type="checkbox"/>	Attached	<input checked="" type="checkbox"/>
<input type="text" value="Medical records, BAYLINER 175 Owners Manual Supplement"/>			
Other	<input checked="" type="checkbox"/>	Attached	<input checked="" type="checkbox"/>
<input type="text" value="Voice recordings, emails correspondance, Surveyors Report"/>			
POLREP form sent	<input type="checkbox"/>	Copy attached	<input type="checkbox"/>
CaseMan incident, ship and person records updated and validated	<input type="checkbox"/>	<input type="text"/>	
		By whom (enter name)	

# For consideration by Compliance Section

Further action required—copy of file forwarded for review and issue of a formal non-compliance letter.

## Report completed by

CTPI

Name: Anthony Alback

Position: Marine Officer

## Report endorsed by

CTPI

Name: Greg Turner

Position: Area Manager (Gold Coast)

## CaseMan updated by

CTPI

Name: Anthony Alback

Position: Marine Officer

## Item

### ITEM DETAILS

<b>Item ID:</b>	60569 - SEQS	<b>Item Type:</b>	Website Enquiry
<b>Date Created:</b>	19/07/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	19/07/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Physical	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	MSC964-2019 www.bom.gov.au website weather and tide data query ALBACK		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

### ACTIONS & OWNERSHIP

<b>Author:</b>	Anthony G ALBACK	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>	Marine Officer Grade 3	<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Gold Coast Operations		
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Action Completed
		<b>Action Due Date:</b>	19/07/2019
<b>Home Location:</b>	CLOSED SECTION	<b>Last Movement Date:</b>	19/07/2019

### SECURITY & ACCESS

<b>Security Classification:</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

### ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>		
Weather and tide data for 10 February 2019		

### DOCUMENT CONTENTS



SSOUM-MARI-19071915060.pdf

37

# Tide Predictions - Bureau of Meteorology

<http://www.bom.gov.au/australia/tides/>

## Gold Coast Seaway, QLD - February 2019

FRI 8 FEB	SAT 9 FEB	SUN 10 FEB	MON 11 FEB	TUE 12 FEB	WED 13 FEB	THU 14 FEB
LOW 3:43 am 0.22 m	LOW 4:21 am 0.28 m	LOW 5:01 am 0.35 m	HIGH 12:05 am 1.20 m	HIGH 12:59 am 1.20 m	HIGH 2:07 am 1.23 m	HIGH 3:21 am 1.31 m
HIGH 10:24 am 1.53 m	HIGH 10:56 am 1.46 m	HIGH 11:30 am 1.38 m	LOW 5:47 am 0.44 m	LOW 6:45 am 0.51 m	LOW 8:01 am 0.56 m	LOW 9:32 am 0.55 m
LOW 4:45 pm 0.23 m	LOW 5:17 pm 0.25 m	LOW 5:52 pm 0.28 m	HIGH 12:07 pm 1.28 m	HIGH 12:52 pm 1.19 m	HIGH 1:56 pm 1.10 m	HIGH 3:18 pm 1.05 m
HIGH 10:39 pm 1.20 m	HIGH 11:19 pm 1.20 m		LOW 6:30 pm 0.31 m	LOW 7:16 pm 0.34 m	LOW 8:14 pm 0.36 m	LOW 9:24 pm 0.34 m

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**SCANNED TO DMIS**

Item ID: P60569-SEAS

File ID: 230/1074

Date: 19/7/19



# Gold Coast, Queensland

## February 2019 Daily Weather Observations

Observations from the Gold Coast Seaway, at the northern end of Southport Spit.



Australian Government  
Bureau of Meteorology

Date	Day	Temps		Rain	Evap	Sun	Max wind gust			9am			3pm												
		Min °C	Max °C				mm	mm	hours	Dirn	Spd km/h	Time local	Temp °C	RH %	Cid	Dirn	Spd km/h	MSLP hPa	Temp °C	RH %	Cid	Dirn	Spd km/h	MSLP hPa	
1	Fr	22.0	31.6	0			SE	57	15:03	28.9	80		SSE	15	1015.4	25.7	82		SE	46	1014.1				
2	Sa	22.5	30.2	1.2			SE	37	02:34	27.0	85		SE	19	1016.1	27.7	77		ESE	28	1014.0				
3	Su	21.9	31.1	0.6			SE	44	07:28	25.5	90		SSE	20	1015.6	29.5	72		ESE	17	1014.0				
4	Mo	22.0	30.2	2.2			E	44	06:23	27.5	84		ESE	24	1014.1	29.6	71		ESE	17	1012.3				
5	Tu	22.7	31.5	0.2			SE	61	19:32	27.6	81		SSE	26	1012.8	28.3	81		ESE	31	1011.0				
6	We	22.3	28.9	12.4			SE	56	07:44	26.2	95		ESE	26	1013.5	28.4	82		ESE	30	1011.7				
7	Th	21.7	29.2	11.8			ESE	57	00:34	27.0	87		ESE	30	1013.8	26.7	85		ESE	28	1011.4				
8	Fr	23.4	30.8	0.6			ESE	41	14:30	25.6	94		E	26	1010.2	25.1	98		SE	17	1007.2				
9	Sa	21.6	30.3	1.2			N	37	22:55	28.3	87		NE	9	1005.4	29.4	83		NNE	26	1002.0				
10	Su	23.6	30.0	0.6			SE	54	11:53	28.1	86		SE	28	1005.5	28.5	76		SE	41	1004.2				
11	Mo	22.7	29.7	0.6			SE	31	01:31	27.5	78		ESE	11	1009.6	27.9	78		NE	20	1005.3				
12	Tu	24.2	33.2	0			N	52	17:01	28.9	75		NNW	24	1006.3	29.7	84		NNE	35	1001.5				
13	We	24.8	33.2	0			NNE	46	13:03	30.3	72		NNW	19	1005.2	29.4	87		NNE	37	1001.9				
14	Th	25.2	27.9	0			S	69	16:36	27.0	82		S	44	1012.6	25.7	83		S	50	1013.7				
15	Fr	22.9	29.7	0			SSE	67	15:26	27.2	68		S	39	1019.2	27.4	75		SSE	48	1017.1				
16	Sa	22.0	30.1	0			S	57	01:11	26.6	73		SSE	28	1018.2	26.2	79		SSE	35	1015.6				
17	Su	20.4	29.7	0.8			SE	43	15:38	28.1	65		SSE	28	1014.9	28.8	60		SE	31	1011.8				
18	Mo	20.2	31.1	0			ESE	35	15:21	27.8	72		SSE	20	1012.4	28.7	68		ESE	26	1009.4				
19	Tu	20.6	29.8	0			ENE	28	12:45	26.9	74		ENE	7	1009.2	28.7	75		ENE	17	1005.7				
20	We	23.7	30.4	0			SE	37	11:42	29.8	75		SSE	22	1009.3	29.3	76		SE	31	1006.0				
21	Th	24.7	30.8	0			SSE	69	18:36	27.6	85		SSE	31	1008.5	29.0	78		SE	48	1006.6				
22	Fr	22.2	30.3	11.6			SSE	89	11:38	25.9	75		S	59	1009.3	29.2	57		S	56	1008.2				
23	Sa	19.6	30.0	0			SSE	83	14:43	26.9	65		S	37	1013.1	25.9	61		S	61	1014.1				
24	Su	20.2	28.6	0.2			SSE	78	16:18	25.9	73		SSE	41	1019.4	26.2	61		SSE	59	1019.2				
25	Mo	19.5	28.3	1.2			SSE	70	05:00	24.9	77		SE	50	1022.8	25.7	69		SSE	41	1021.3				
26	Tu	19.4	27.1	3.4			S	59	00:01	24.7	78		ESE	28	1021.8	25.0	72		ESE	20	1019.3				
27	We	20.0	28.1	0			SE	43	18:02	27.0	64		SSE	20	1020.5	25.0	70		ESE	26	1019.4				
28	Th	20.2	28.2	0.6			ESE	50	06:53	22.6	80		SE	28	1022.9	27.5	61		SE	24	1020.4				
Statistics for February 2019																									
Mean		22.0	30.0							27.0	78			27	1013.5	27.6	75			33	1011.4				
Lowest		19.4	27.1							22.6	64		ENE	7	1005.2	25.0	57		#	17	1001.5				
Highest		25.2	33.2	12.4			SSE	89		30.3	95		S	59	1022.9	29.7	98		S	61	1021.3				
Total				49.2																					

Observations were drawn from Gold Coast Seaway (station 040764)  
The Gold Coast Seaway site is an Automatic Weather Station (AWS) at the northern end of Southport Spit. If you are interested in the southern end of the Gold Coast, see the observations from Coolangatta.



# Item

## ITEM DETAILS

<b>Item ID:</b>	60568 - SEQS	<b>Item Type:</b>	Email
<b>Date Created:</b>	19/07/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	19/07/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	MSC964-2019 Mail Memo		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO TO Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>		<b>Corporate Author:</b>	
<b>Author Title / Position:</b>		<b>Complaint Classification:</b>	
<b>Business Unit:</b>			
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Action Completed
		<b>Action Due Date:</b>	19/07/2019
<b>Home Location:</b>	RECORDS	<b>Last Movement Date:</b>	19/07/2019

## SECURITY & ACCESS

<b>Security Classification:</b>	UNCLASSIFIED INFORMATION	
<b>Security Access:</b>	Unrestricted	

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>	

## DOCUMENT CONTENTS

Subject  
 From CTPI  
 To Anthony.G.Alback@msq.qld.gov.au  
 Cc CTPI  
 Bcc  
 Sent 19/07/2019 2:02:40 PM  
 Attached

Dear Anthony

I confirm that I act for

Please be advised that \_\_\_\_\_ does not wish to participate in an Electronic Record of Interview.

If you have any further questions, please do not hesitate to contact me.

Kind Regards

P:  | E:

| \_\_\_\_\_ | Ormeau QLD 4208

**Liability limited by a scheme approved under professional standards legislation.**

**IMPORTANT NOTES**

This email (including any attachments) is confidential and may be the subject of legal professional privilege. It is for the intended addressee only. If you have received this email by mistake, or you think you have received this email by mistake, please immediately delete the email, and reply to me at the above address or telephone me on 0438 018 992 to inform me of the error. Thank you for your co-operation. Any attachments to this email which were created by me are subject to copyright and may not be altered or used without my express consent.

Released under RTI/DTMR

## INTERVIEW PLAN

230/01074 –

TIME: <<Commencement time of interview>>

DATE: <<Date of interview>>

LOCATION:<<Location of interview>>

### Introduction

- Show identification
- Introduce myself, position and appointment as a Shipping Inspector under the Transport Operations (Marine Safety) Act 1994, badge number T182.
- Introduce other officer, <<Name of corroborating officer>> and appointment as a Shipping Inspector under the <<Transport Operations (Marine Safety) Act 1994
- Confirm subject has viewed both officers' ID
- For the purposes of the voice recording, I will ask for all persons to identify themselves by stating their name and occupation, starting with <<Corroborating officer>>.
- This interview is being held at .....
- Today is the .....The time is now .....
- Do all parties present agree to the time, date and location of this interview?

### Recording

- This interview is being electronically recorded through ..... on the table in front of you. Be mindful that the device is extremely sensitive, so please do not tap the table.
- A copy of the recording will be made available to you on completion of the interview.
- Request mobile phones be turned off / put on silent.
- Can you please speak in a clear voice, one at a time, and don't nod or shake your head when answering questions or making statements as the audio recording device will not record body gestures.



## **Personal Particulars**

Is it alright if I address you by your first name today,  
Confirm personal particulars -

- Full name
- Are you known by any other names?
- Date of birth
- Place of birth
- Residential Address
- email
- Contact numbers
- Employment

### **If solicitor/support person is present**

- What is your full name?
- Your occupation
- Firm
- Your address
- In what capacity are you here today?

### **SOLICITOR**

SOLICITOR – Mr/Ms <<Solicitor's name>>, I will ask you that during this interview today you do not interject or answer questions on behalf of \_\_\_\_\_ but rather allow \_\_\_\_\_ to answer the questions. You are able to provide \_\_\_\_\_ with advice at any time and I will provide you with an opportunity to make submissions on their behalf at the end of today's interview. If you need to discuss a specific issue during the interview I will suspend the interview and afford you time and the privacy to discuss.

Do you understand?

### **SUPPORT PERSON**

<<Support person name>> do you understand your role here today as a support person? I will ask you that during this interview today you do not interject or answer questions on behalf of \_\_\_\_\_ but rather allow \_\_\_\_\_ to answer the questions. You are here as a support person as you have stated only and cannot provide advice legal or otherwise to \_\_\_\_\_ during this interview. If you were unaware of what I have just outlined to you in respect to providing advice, then I am prepared to suspend this interview prior to its commencement and allow you to speak or brief \_\_\_\_\_ prior to us resuming the interview. I will give you an opportunity to raise anything you think is important at the end of the interview.

Do you understand?



## **Purpose**

The purpose of this interview is to make enquiries about the incident which occurred in the Gold Coast Broadwater, north of Sovereign Islands in the area I understand to be the northern Aldershots on 10 February 2019 involving the recreationally registered 175 Bayliner bowrider displaying the registration details [redacted]. There is an allegation that a General Safety Obligation offence against s43(3) TO(MS)A 1994 may have been committed as a consequence, and further, that an offence against s125(2) TO(MS)A 1994 has been committed due to lack of reporting the incident.

## **Fairness and Natural Justice**

- Do you understand the nature of this interview here today?
- Are you aware of any condition you may have which may affect your ability to answer questions here today?
- Do you understand English?
- What standard or education have you attained?
- Can you read and write the English language?
- If I gave you a newspaper would you be able to read and understand the content?
- Have you consumed any alcohol or drugs in the past 8 hours?
  - *If yes, clarify and determine if it will affect the subject's ability to answer questions.*
- Are you taking any prescription medication currently?
  - *If yes, clarify and determine if it will affect the subject's ability to answer questions.*
- Is there any other thing which may impede you in your ability to understand and respond to questions here today?
- Do you agree that there are no other persons present in this room today other than those previously identified?
- If during the course of this interview I am about to conduct with you, at any time you do not understand a question that I put to you, please let me know and I will clarify and/or explain it further for you. Do you understand?
- If at any time you need a break please let me know and I will suspend the interview for a reasonable period of time.

## **Antecedents and previous admissions**

- Do you agree I have been in contact with you prior to this interview at the counter of Maritime Safety Queensland Gold Coast on 19 March 2019 and again on xx April 2019 to arrange this interview?
- Do you agree you were offered to bring either a support person or a legal representative prior to the interview?
- Do you agree I stated you did not have to attend the interview?
- Do you agree I stated I would ask you questions but you do not have to answer the questions?
- Do you agree I stated if you did say or do anything, it would be recorded and may be later used as evidence?

- Do you agree I stated you would not be under arrest and would be free to leave at any time?

### Warning

I am going to ask you some questions in relation to alleged breaches of the *Transport Operations (Marine Safety) Act 1994*. However before answering any of these questions, I warn you that you are not obliged to answer any questions or make any statement as anything you say will be recorded and may be later given as evidence in a Court. Do you understand that?

Do you understand that you are not required to answer the questions?

Do you understand that any answers you do give and anything you do say will be recorded and may later be used as evidence in Court?

*Ensure understanding, ask to repeat back and paraphrase if necessary.*

I must also warn you that under Section 176 of the *Transport Operations (Marine Safety) Act 1994*, it is an offence to state anything to a Shipping Inspector that you know to be false or misleading in a material particular.

### Maritime experience and qualifications

- What experience do you have in the maritime industry?
- Do you hold any maritime qualifications or certifications?
- How long have you held those qualifications?
- What was your role with respect to the operation of the boat \_\_\_\_\_ on 12 February 2019?
- Did anyone else operate \_\_\_\_\_ that day?

When I refer to *the ship*, I am referring to the 175 Bayliner bowrider registered \_\_\_\_\_  
Do you understand that?

- Can you please describe *the ship*?
  - Length
  - Engine
  - Electronics/navigation?
- Was *the ship* in good working order on 10 February 2019?
- How long had you owned *the ship* prior to the incident on 10 February 2019?
- How many times had you operated *the ship* prior to the incident on 10 February 2019?
- When was the ship last serviced before 10 February 2019?
- Could you produce a record of that service?
- How do you maintain *the ship*?
- On 9 April 2019 I attended your home and took 46 photos of a 175 Bayliner bowrider displaying \_\_\_\_\_. For the purposes of the recording, I now produce a selection of those printed A4 pages of those 46 images, which I have labelled exhibits **MB001** to **MB006**.
- Are these images of *the ship*?

- Could you please identify which image shows the location of where was seated prior to the incident?
- During the inspection, I found the ship to be in a very well maintained condition. In your opinion, was how I found on 9 April 2019 similar in condition to how it was on 10 February 2019?
- During the inspection, you stated you normally undertake a check over the boat before use each time. Could you please describe your pre-use safety checks you normally undertake before operation
- How do you check the steering?
- How do you check the engine controls?
- Why do you do that?
- Did you do that on 10 February 2019?
- Do you recall finding any issues with the controls of , at the time?
- Do you recall finding any other issues with at the time?
- Were you satisfied was safe to operate prior to operating it on the morning of 10 February 2019?

## 1 – 125(2) Transport Operations (Marine Safety) Act 1994

### Document Introduction

#### Marine Incident report -

for the purposes of the recording, I now produce a document identified as a F3071 Marine Incident Report form that consists of 4 pages with a signature on the last page. I have labelled this report exhibit **MB007**

- What can you tell me about this document?
- What does the document detail?
- What do you know about your requirements to report marine incidents
- When did you report the incident that happened on 10 February 2019?
- Did you report the incident in any way to a Shipping Inspector within 48 hours of the incident occurring on 10 February 2019?
- Are you aware it is an offence to fail to report a marine incident to a shipping inspector within 48 hours unless you have a reasonable excuse?
- Do you have a reasonable excuse for failing to report a marine incident to a shipping inspector within 48 hours
- Do you recall I spoke to you on the phone on 13 March 2019 and I enquired about the ship and an incident on 10 February 2019?
- Do you recall I asked you if you had reported the incident and you stated you didn't think it was an incident?
- Why did you think it was not a marine incident?
- Did you do any research to confirm or otherwise that the incident was not within the definition of a Marine Incident?
- For the purposes of the recording, I now produce section 123 *Transport Operations (Marine Safety) Act 1994* that I have labelled exhibit **MB008**. It is titled "*What is a marine incident*" and states under subsection 1 "...A marine incident is an event causing or involving the death of, or grievous bodily harm to , a person caused by the ships operation... and further... danger to a person



caused by a ships operation..” Considering the definitions, do you still believe the incident is not a marine incident by definition?

- Were you not alerted to marine incident reporting requirements when undertaking your recreational marine driver’s license training?
- For the purposes of the recording, I hold a printed page of the *Transport Integrated Customer Access* database confirming the issue date of a Recreational Marine Driver’s License issued to \_\_\_\_\_ on 13 January 2016 that I have labelled exhibit **MB009**. Did you do your Recreational Marine Driver’s license training in January of 2016?
- What can you tell me about the incident which occurred on 10 February 2019 in the northern Aldershots of the Gold Coast Broadwater. Please start at the beginning of the use of \_\_\_\_\_ on that day. Everything you tell me is important, so please take you time and tell me what you recall.

Released under RTI - DMR



- For the purposes of the recording I now produce an enlarged print of map NGC-6 from the MSQ boating maps webpages that I have labelled exhibit **MB010**. are you familiar with this map?
- What can you tell me about this map?
- Could you please draw in your path from the lower South Arm of the Coomera River to the incident location showing your direction of travel and mark the incident location with an "X".
- Could you please draw in the location and direction of travel of any other vessels you recall were in the vicinity at the time of the incident and number them for further reference.
- For the purposes of the recording, could you describe the location of "X"?
- For the purposes of the recording, could you describe the location of number "1"?
- Could you describe from memory what the number 1 boat was?
- For the purposes of the recording, could you describe the location of number "2"?
- Could you describe from memory what the number 2 boat was?
- For the purposes of the recording, could you describe the location of number "3"?
- Could you describe from memory what the number 3 boat was?
- For the purposes of the recording I now produce an enlarged print of map NGC-2 from the MSQ boating maps webpages and labelled it as exhibit **MB011**. are you familiar with this map?
- What can you tell me about this map?
- Could you please draw in your path from the incident location on NGC-6 to the location you stopped on South Stradbroke Island on the map NGC-2 showing your direction of travel and mark the final location with an "F".
- Why did you choose South Stradbroke Island as the destination at the time?
- Why did you not turn around and seek an alternative destination on the mainland with good access to medical help?
- How was the condition of \_\_\_\_\_ at that point?
- During a phone call to you on 13 March 2019 you stated you were operating the ship on 10 February 2019. Is that correct?
- Were you familiar with ship's handling requirements in various conditions?
- What is the normal speed you cruise on, in good conditions?
- What activities were you engaged in on 10 February 2019?
- Where did you put the ship into the water?
- What were the conditions like at the ramp?
- How many people were onboard the ship prior to incident?
- Did they all get onboard near the boat ramp?
- Did you give a briefing about your plans for the day?
- Did you tell anyone to do anything whilst onboard?
- Did you tell anyone where to sit?
- Did you tell anyone not to do something?
- Did you tell anyone where safety equipment was located onboard?
- What speed were you travelling in the Coomera River prior to the incident?
- What were the conditions like when you left the Coomera River and entered the Broadwater?



- What is the speed limit for this area?
- What speed were you travelling at then?
- Why?
- Was this a safe speed in the conditions for your ship?
- What did you take into consideration to determine safe speed at the time?
- What limitations did you take into consideration to determine safe speed at the time?
- A witness has stated you were travelling at around 20 to 25 MPH prior to the incident. Is that correct?
- A witness has stated that they were “bouncing up and down” on their seat prior to the incident. Did you notice that?
- Was there a reason you allowed a person in the bow seating area whilst underway and they were “bouncing up and down” in their seat?
- Did you ask anyone to move seats?
- Did anyone move seats?
- I’ve been told by a witness that \_\_\_\_\_ moved to the back of the boat from her seat in the bow prior to the incident. Is that correct?
- Why did she move?
- Did she say anything at that time?
- Did you say anything at that time to \_\_\_\_\_
- Considering the design of the ship, would the bow area of \_\_\_\_\_ be a safe place to sit in bumpy water whilst underway at your usual speed?
- Would you modify how you operated the ship in bumpy water whilst there was a person seated in the bow area?
- Did you modify how you normally operated \_\_\_\_\_ with \_\_\_\_\_ seated in the bow area as you encountered choppy water on 10 February 2019?
- Has anyone been injured as a result of sitting in the bow of \_\_\_\_\_ prior to this incident?
- What direction was the ship travelling when the incident occurred?
- A witness stated you said “Hold on, its going to get a bit bumpy” immediately before the incident happened. Did you say that?
- Why did you say that?
- Did you see anyone do anything as a result of your warning?
- Why do you think they did nothing?
- What speed were you travelling then?
- A witness stated “...i could hear the engine speed come right up, and it felt like we were going full pelt, and bang we hit a wave...” You sped up and then hit a wave. Is that correct?
- What was the reason for speeding up?
- Is there an emergent reason for applying the throttle just before hitting the wake?
- What were you trying to achieve through speeding up?
- What did you expect to happen through speeding up before an oncoming wave?
- What direction was vessel travelling at impact? Straight or turning?



- A witness has stated you turned the ship into the wake of a large pleasure yacht that passed you headed the opposite direction, between 50 and 80 metres behind it. Is that correct?
- Why did you do that?
- Why did you turn into the wake and not steer along the wake on a fine angle and slow down to pass through the wake?
- A witness stated the wake was about 3 or 4 feet high. Is that correct?
- What did *the ship* do?
- What did you do?
- What did you see?
- What did you hear?
- Did someone say something?
- \_\_\_\_\_ has stated she got thrown into the air and landed in the bow of *the ship*. Is that correct?
- For the purpose of the recording, could you please point to where ended up after crossing the large pleasure yachts' wake?
- What did you do next?
- A witness has stated \_\_\_\_\_ was screaming "my back, my back, my back" straight after the incident. Do you recall that?
- Did you say anything to \_\_\_\_\_ then?
- Have you crossed wakes of larger boats before that day?
- Has anyone been injured onboard the ship as a result of crossing wakes before this incident?

## **2 – 205(1) Transport Operations (Marine Safety) Act 1994**

- A witness has stated the bimini on *the ship* broke during the incident. Is that correct?
- Why do you think the bimini broke?
- What do you think caused the bimini to break at the time?
- I draw your attention to page 2 of **MB007**, particularly the section "damage to ship". For the purposes of the recording can you tell me what box is ticked on the report?
- Who ticked that box?
- Why did you tick that box?
- I draw your attention to page 3 of **MB007**, particularly the section "Watchkeeper". The name \_\_\_\_\_ is written in, then crossed out. What can you tell me about that?
- I draw your attention again to page 3 of **MB007**, particularly the "deceased or injured person" section. This section is blank. Is there a reason this section is blank?
- Were you unaware of the injury to \_\_\_\_\_ at the time of filling in the form?
- Is this a true reflection of the incident?
- Would a reasonable person see this report as misleading?
- Do you have a reasonable excuse for providing a misleading document to a shipping inspector?
- Why did you provide a misleading document to a shipping inspector?





- Are you aware it is an offence to provide a false or misleading document to a shipping inspector if you know that document to be misleading?
- You took the ship to South Stradbroke Island beach immediately after the incident. Is that correct?
- How long did that take?
- Why did you go there?
- What was the purpose of going to the beach?
- What was \_\_\_\_\_ doing on the way to the beach?
- What was \_\_\_\_\_ doing when you got to the beach?
- What did you do?
- \_\_\_\_\_ has stated she then told you she thought she had a broken back as a result of the incident. Is that correct?
- What did you do then?
- Did you change your plans as a result of the state of the injured person onboard?
- \_\_\_\_\_ has stated she asked if anyone had called an ambulance. Is that correct?
- What did you do then?
- What happened next?
- Did you enquire as to why the person wanted an ambulance?
- What did you do then?
- Who called the ambulance?
- Who told them to do that?
- How long was the wait for paramedics?
- A witness has stated \_\_\_\_\_ fell in and out of unconsciousness during the wait. Is that correct?
- What happened when the paramedics arrived?
- What did you do?
- What did you hear?
- What did you see?
- Did you discuss the incident with the paramedics?
- On your report you state the injured person walked off your ship and onto the rescue boat. Is that correct?
- \_\_\_\_\_ stated she had been given a lot of pain medication and assisted from the ship into the boat that brought out the paramedics under the support of the paramedics. Is that correct?
- Was there a collision with any other object or ship that day?
- What do you think caused the incident?
- Why do you think \_\_\_\_\_ was injured?
- What do you think would have happened if \_\_\_\_\_ remained in her seat in the bow next to \_\_\_\_\_ during the incident?
- Has this incident altered how you operate the ship?
- How?
- Has this incident changed how you cross wakes?
- How?
- What would you have done differently in hindsight to ensure the incident did not happen?



## Allegations –

based on the answers you have given in this interview to this point I am now going to put an allegation to you regarding an offence under the <<Transport Operations (Marine Safety) Act 1994.

*I reaffirm you do not have to say or do anything further, and anything you say or do will be recorded and may be later used as evidence.*

- I put the allegation to you that –

On 10 February 2019 you operated the ship \_\_\_\_\_ unsafely in a way that caused grievous bodily harm to \_\_\_\_\_ therefore committing an offence against Section 43(1) of the *Transport Operations (Marine Safety) Act 1994* which provides in part –

*“...a person must not cause a ship to be operated unsafely...” in that, you accelerated into an oncoming wash from a much larger ship whilst a passenger was seated in the bow area of the boat, causing that person to become airborne and land heavily, resulting in a spinal injury.*

- What do you have to say to that allegation?

- Further, I put to you that –

*you failed to report the incident in any way to a Shipping Inspector within 48 hours of the incident occurring on 10 February 2019 against s125(2) Transport Operations (Marine Safety) Act 1994 which provides in part:*

*“... The master of the ship must report the “other type of marine incident” to a shipping inspector within 48 hours after the incident happens, unless the master has a reasonable excuse for not complying with this subsection...” in that you failed to report the incident in any way to a shipping inspector until required to do so by myself on 13 March 2019, some 4 weeks after the incident date.*

- What do you say to that allegation?

## Conclusion

- <<Corroborating officer>> would you like to ask any further questions?
- is there anything else you wish to tell me about this matter?
- is there anything further you wish to say or any questions you would like to ask in relation to this interview today?

- Have you understood all my questions?
- Before I conclude this interview:
  - Was any threat, promise or inducement made or held out to you to participate in this interview here today?
  - Have you answered all the questions honestly and to the best of your knowledge?
  - Did you answer the questions of your own free will?
  - Do you have any complaints in the manner this interview was conducted?
- I shall now conclude this interview, the time is now <<Time>>. do you agree with the time? The interview is now concluded.

Released under RTI - D



## Item

ITEM DETAILS			
<b>Item ID:</b>	60393 - SEQ5	<b>Item Type:</b>	Email
<b>Date Created:</b>	01/07/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	01/07/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	Mail Memo - FW: Our ref: 1222674/2 Your ref: MSC964-2019		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

ACTIONS & OWNERSHIP			
<b>Author:</b>	Anthony G Alback	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>	Marine Officer Grade 3	<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Gold Coast Operations		
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Awaiting Further Information
		<b>Action Due Date:</b>	01/07/2019
<b>Home Location:</b>	RECORDS	<b>Last Movement Date:</b>	01/07/2019

SECURITY & ACCESS			
<b>Security Classification:</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

ADDITIONAL INFORMATION			
<b>Description / Additional Info:</b>			

### DOCUMENT CONTENTS

FW: Our ref: 1222674/2 Your ref: MSC964-2019

**Subject** FW: Our ref: 1222674/2 Your ref: MSC964-2019  
**From** Anthony.G.Alback@msq.qld.gov.au  
**To** @police.qld.gov.au  
**Cc** @police.qld.gov.au, Alain.G.DeVilliers@msq.qld.gov.au, greg.l.turner@msq.qld.gov.au  
**Bcc**  
**Sent** 1/07/2019 9:19:00 AM  
**Attached**







image001.jpg image007.jpg image009.jpg SSOUM-MARI-19052410000.pdf image003.jpg image004.jpg

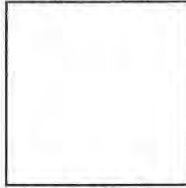


image005.jpg

Good morning

I understand you had a phone conversation with Alain a moment ago and suggested information to assist my request for statement. Please see the email string I have maintained in attempts to gain an opinion of GBH or otherwise to incident date Sunday 10 February 2019. The attachment includes the forms requested by authority from to be completed, and the

At this stage, a statement about the extent of injuries and determination of GBH injury based on definition or confirmation the injurie is not regarded as GBH based on severity.

Kind regards,

**Anthony Alback**  
 Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
 PO Box 107 | Southport Qld 4215  
 P: (07) 55851810 | F: (07) 55851818  
 E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback  
**Sent:** Wednesday, 12 June 2019 9:18 AM  
**To:** @police.qld.gov.au>  
**Cc:** Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>; Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning

Just a follow up on my request 24 May for assistance in gaining neurosurgeon?s determination of GBH injury or otherwise.

With a response from the neurosurgeon, I can undertake EROI and finalise the IACB.

Kind regards,

**Anthony Alback**  
 Marine Officer | Gold Coast Region



**Maritime Safety Queensland | Department of Transport and Main Roads**

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback

**Sent:** Friday, 24 May 2019 9:57 AM

**To:** [<@police.qld.gov.au>](mailto:@police.qld.gov.au)

**Cc:** Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>

**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning

Tried to call but your desk rang out.

I have done my best with the attached forms as requested. All I am after is a determination that the injuries ?fit? within the definition of GBH or not from an appropriate expert ? (neurosurgeon attending). I have completed the forms as best as I can to facilitate, however the information appears lacking. Happy to do it again if required.

I have attached the signed authority to be provided with all records that GCUH received on 27 March ? will that suffice or do I need signature on the application as well?

Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland | Department of Transport and Main Roads**

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** [<@police.qld.gov.au>](mailto:@police.qld.gov.au)

**Sent:** Thursday, 23 May 2019 1:44 AM

**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>

**Cc:** [<@police.qld.gov.au>](mailto:@police.qld.gov.au); GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>

**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good Morning Anthony,

Attached are QP0887 and QP0886 forms. Could you please complete the nominated forms, scan and email me back and I will forward them on to GCOperationsCorrespondence and GCUH Information Access Unit. If you have any difficulty completing the forms, you can email myself or ask S/SGT for assistance. Thankyou

Kind Regards,

Coronial Support Officer  
Gold Coast University Hospital  
Phone: 07 56876679  
E-mail: [police.qld.gov.au](mailto:police.qld.gov.au)

**From:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>  
**Sent:** Wednesday, 22 May 2019 14:28  
**To:** [@police.qld.gov.au](mailto:@police.qld.gov.au)  
**Cc:** GCHHSInformationAccess <[GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Hi |

That's correct, as there is an MOU with QPS , Anthony can go through that channel.

If you can assist in organising the correct paperwork (0886 & 0887) and send through to me then we can request a statement from the Doctor through that channel.

Thank you,

Kind regards,

**Correspondence Officer | Operations**  
Gold Coast Health

Gold Coast University Hospital  
Block A, Level 4  
1 Hospital Boulevard  
Southport QLD 4215  
P: 07 5687 0274  
E: [GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)  
Web: [www.goldcoast.health.qld.gov.au](http://www.goldcoast.health.qld.gov.au)  
Intranet: [gchweb.sth.health.qld.gov.au](http://gchweb.sth.health.qld.gov.au)  
Social: [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#)

Our values Integrity | Community first | Excellence | Respect | Compassion | Empower

**From:** GCHHSInformationAccess  
**Sent:** Wednesday, 22 May 2019 12:00 PM  
**To:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>  
**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Hi |

As we have released the Medical Records to QPS, I will leave this one for you to liaise the Dr and/or Legal Services?

Kind regards



**Administrative Officer | Information Access Services | Governance, Risk and Commercial Services**  
Gold Coast Health

Gold Coast University Hospital  
1 Hospital Boulevard  
Southport QLD 4215  
P: 07 5687 3849 F: 07 5687 3855  
E: [GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)

**Web:** [www.goldcoast.health.qld.gov.au](http://www.goldcoast.health.qld.gov.au)  
**Intranet:** [gchweb.sth.health.qld.gov.au](http://gchweb.sth.health.qld.gov.au)  
**Social:** [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#)

Our values Integrity | Community first | Excellence | Respect | Compassion | Empower

**From:** [@police.qld.gov.au](mailto:)  
**Sent:** Wednesday, 22 May 2019 10:50 AM  
**To:** GCHHSInformationAccess <[GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)>;  
[anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)  
**Cc:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>;  
I [@police.qld.gov.au](mailto:)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good Morning All,

Could you please assist Marine Officer Anthony ALBACK-RE - Who sent attached email nearly 4 weeks ago to GCUH requesting opinion from the attending neurosurgeon about GBH or otherwise to [@police.qld.gov.au](mailto:) with patient authorisation of course ? I have all the records from the hospital). I have been contacted by an AO of the neurosurgery department today confirming the request was provided to the doctor, the doctor subsequently got legal (internal) opinion about the lawful requirement to provide information to me and as a result of that opinion, has declined to provide anything.

I understand QPS has a MOU with QLD Health ? could I ask if it is appropriate to use that path so that I may frame up the right EROi questions for the alleged offender (GBH injury or serious injury/indictable or non-indictable offence allegations)?Thankyou

Kind Regards,

Coronial Support Officer  
Gold Coast University Hospital  
Phone: 07 56876679  
E-mail: [police.qld.gov.au](mailto:police.qld.gov.au)

**From:** [OSC]  
**Sent:** Wednesday, 22 May 2019 10:00  
**To:** [@police.qld.gov.au](mailto:)>  
**Cc:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>



**Subject** FW: Our ref: 1222674/2 Your ref: MSC964-2019

As per our earlier conversation, can you please assist Anthony Alback with this.

Regards,

Senior Sergeant  
Officer in Charge  
Gold Coast Water Police  
Queensland Police Service

---

Ph: (07) 5509 5700 (Direct ) Mob:   
40-44 Seaworld Drive, Main Beach QLD 4217  
[@police.qld.gov.au](mailto:@police.qld.gov.au)

**From:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Sent:** Tuesday, 21 May 2019 16:31  
**To:** [@police.qld.gov.au](mailto:@police.qld.gov.au)  
**Cc:** Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>; Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>; Stephen G Knowles <[Stephen.G.Knowles@msq.qld.gov.au](mailto:Stephen.G.Knowles@msq.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good afternoon

I was wondering if you can help me. I have sent the attached email nearly 4 weeks ago to GCUH requesting opinion from the attending neurosurgeon about GBH or otherwise to (with patient authorisation of course ? I have all the records from the hospital). I have been contacted by an AO of the neurosurgery department today confirming the request was provided to the doctor, the doctor subsequently got legal (internal) opinion about the lawful requirement to provide information to me and as a result of that opinion, has declined to provide anything.

I understand QPS has a MOU with QLD Health ? could I ask if it is appropriate to use that path so that I may frame up the right EROI questions for the alleged offender (GBH injury or serious injury/indictable or non-indictable offence allegations)?

Bit stuck.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
Maritime Safety Queensland | Department of Transport and Main Roads



Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback

**Sent:** Wednesday, 24 April 2019 11:56 AM

**To:** 'gchhsinformationaccess@health.qld.gov.au' <[gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au)>

**Cc:** Brendan J Philp <[Brendan.J.Philp@msq.qld.gov.au](mailto:Brendan.J.Philp@msq.qld.gov.au)>; Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>; Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>

**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning.

My name is Anthony Alback, I am a Shipping Inspector authorised under Transport Operations (Marine Safety) Act 1994 to investigate Marine Incidents.

I have received the files attached and have assessed the contents. The injury to (URN [redacted]) is not defined in severity in the information provided and as such, I now require an opinion from the attending neurosurgeon [redacted] as to whether the injury sustained during the boating incident that caused the injury to [redacted] could fit within the definition of ***grievous bodily harm*** :

*?Grievous bodily harm? is defined to mean the loss of a distinct organ of the body; or serious disfigurement; or any bodily injury of such nature that, if left untreated, would endanger or be likely to endanger life or cause or be likely to cause permanent injury to health; whether or not medical treatment is or could have been available.*

A return email from [redacted] to confirm an injury such as the one sustained by [redacted] (L1 VB #) would be within the above definition (or otherwise) would satisfy the marine incident investigation at this stage and may remove the requirement for [redacted] to provide statement and/or attend court regarding this matter.

I have tried several avenues this morning to contact [redacted] to discuss the situation without success via the IA contact number and the general switchboard.

I hope you can assist me in my lawful requirement as soon as reasonable possible.

Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** [GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au) <[gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au)>  
**Sent:** Wednesday, 17 April 2019 12:34 PM  
**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Subject:** Our ref: 1222674/2 Your ref: MSC964-2019

**You received a secure message from [gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au) via Secure File Transfer.**

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of the Queensland Government.

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inform the sender or contact [1300ITPSBA@psba.qld.gov.au](mailto:1300ITPSBA@psba.qld.gov.au). This footnote also confirms that this email message has been checked for the presence of computer viruses.

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# Item

## ITEM DETAILS

<b>Item ID:</b>	60388 - SEQS	<b>Item Type:</b>	Email
<b>Date Created:</b>	26/06/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	01/07/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	Mail Memo - Re: Request marine incident report form be submitted.		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	CTPI	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>		<b>Complaint Classification:</b>	
<b>Business Unit:</b>			
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Action Completed
<b>Home Location:</b>	RECORDS	<b>Action Due Date:</b>	01/07/2019
		<b>Last Movement Date:</b>	01/07/2019

## SECURITY & ACCESS

<b>Security Classification :</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>		

## DOCUMENT CONTENTS

Re: Request marine incident report form be submitted.

Subject Re: Request marine incident report form be submitted.  
 From   
 To Anthony.G.Alback@msq.qld.gov.au  
 Cc  
 Bcc  
 Sent 26/06/2019 8:05:00 PM  
 Attached

Hi Anthony,

I am [CTPI] as previously advised.

We will have to rearrange another time

Regards

Sent from my iPhone

On 25 Jun 2019, at 5:54 am, Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)> wrote:

Good afternoon

Tried to call a moment ago, essentially I have got my investigation to a stage where I can provide you an opportunity to attend an electronically recorded interview. I have some time available early next week and more the following week so please get back to me if you wish to attend an interview with your preferred day and time. Should take about 2 hours in total.

I take this opportunity to confirm:

1. You do not have to attend the interview if you do not wish to
2. You will not be under arrest or remand and will be free to leave at any time.
3. You are welcome to engage legal representation, and bring that representation with you to the interview
4. In lieu of legal representation, you are welcome to bring a friend or relative to support you to the interview, however it is only you that I will be asking questions to
5. You will be asked questions about alleged unsafe operation of [redacted] on 10 February 2019 and your reporting requirements regarding marine incidents, however you do not have to answer questions if you do not wish to
6. Anything you say or do will be recorded and may be later used as evidence.
7. You will be provided your choice of CD/DVD copy of the recording however you must sign for a receipt for same.
8. If the interview is transcribed in the future, you will be provided a copy of the transcription.

As you will be afforded time to provide your recollection of events, it may be of assistance to you to have notes prepared to assist your recollection. I may ask you to mark a map or chart to assist my understanding during the interview however you do not have to undertake that exercise if you do not wish to.

Finally as we have previously discussed, could you please bring your ID (driver's license is good) and your service records for [redacted] so that I may sight them.

Please let me know of your intentions or otherwise to attend the recorded interview, and your preferred day and time in the next couple of weeks as soon as reasonably possible, so that I may facilitate. If you do not respond to this email by **close of business Friday 5 July 2019**, I will accept you have waived your right to undertake a recorded interview.

Any questions, please don't hesitate to contact me on the details in my signature block.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback  
**Sent:** Wednesday, 13 March 2019 10:33 AM  
**To:** [REDACTED] CTPI  
**Cc:** '[msq.goldcoast.reception@msq.qld.gov.au](mailto:msq.goldcoast.reception@msq.qld.gov.au)' <[msq.goldcoast.reception@msq.qld.gov.au](mailto:msq.goldcoast.reception@msq.qld.gov.au)>  
**Subject:** RE: Request marine incident report form be submitted.

Thanks for the email request

Tuesday 19<sup>th</sup> after 1:30 pm is available for me. Could you attend my office at 40-44 Seaworld Drive with ID (Driver's license is OK) please. I shall provide an electronic calendar reminder on confirmation.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** [REDACTED] CTPI  
**Sent:** Wednesday, 13 March 2019 9:34 AM  
**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Subject:** Re: Request marine incident report form be submitted.

Hi Anthony,

I am currently [REDACTED] I would prefer to meet with you to further discuss and fill out this report.

Would I be able to meet with you on Tuesday the 19/3 to further discuss.

Awaiting your reply

Kind regards

On Wed, 13 Mar 2019 at 9:59 am, Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)> wrote:

Good morning

Thanks for the time on the phone a moment ago. As discussed, Anthony Alback is my name, I am a Shipping Inspector authorised under *Transport Operations (Marine Safety) Act 1994* (the Act) to investigate marine incidents.



I have been provided information that alleges an incident occurred onboard your Queensland Regulated Ship (QRS) on 10 February 2019, in the waters of the Gold Coast Broadwater near Runaway Bay. More on Marine Incidents here: <https://www.msg.qld.gov.au/Safety/Marine-incidents>

I take this opportunity to remind you of your obligation to report incidents. s125(2) of the Act states:

*?...If the ship is involved in another type of incident (other than loss/presumed loss/abandonment of the ship), the master of the ship must report the marine incident to a shipping inspector within 48 hours of the incident happens, unless the master has a reasonable excuse for not complying with this subsection...?*

And further, s125(3) of the Act provides:

*?...If the report under subsection (1) or (2) is not made to the shipping inspector in the approved form, the owner or master must make a further report about the marine incident to a shipping inspector on the approved form at the earliest opportunity...?*

Here is the link to the approved form:

[http://www.support.transport.qld.gov.au/qt/formsdat.nsf/forms/QF3071/\\$file/F3071\\_CF D.pdf](http://www.support.transport.qld.gov.au/qt/formsdat.nsf/forms/QF3071/$file/F3071_CF D.pdf)

During our phone call, I stated a marine incident that results in serious injury (grievous bodily harm) due to the unsafe operation of a ship is an indictable offence with serious penalties. As I stated in the phone call, I caution you that you do not have to provide anything on the report that may incriminate you, however anything you do report may be used as evidence. You are welcome to seek legal advice prior to making the report if you wish to, however at this stage, I am merely providing you your rights during reporting as I have little information about the incident.

Please print out, complete with relevant information and sign the report. I will accept the report scanned and emailed to [msg.goldcoast.reception@msg.qld.gov.au](mailto:msg.goldcoast.reception@msg.qld.gov.au) or post the hard copy to:

Maritime Safety Queensland

PO BOX 107 Southport 4215

or you are welcome to drop the hard copy into this office at 40-44 Seaworld Drive Main Beach in business hours by **close of business Friday 22 March 2019**.

If you have any questions, please do not hesitate to contact me on the detail in my signature block.

Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217

PO Box 107 | Southport Qld 4215

P: (07) 55851810 | F: (07) 55851818

E: [anthony.g.alback@msg.qld.gov.au](mailto:anthony.g.alback@msg.qld.gov.au)

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CTPI

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# Item

## ITEM DETAILS

<b>Item ID:</b>	60343 - SEQS	<b>Item Type:</b>	Email
<b>Date Created:</b>	25/06/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	25/06/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	MSC964-2019 Mail Memo - FW: Request marine incident report form be submitted.		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	Anthony G Alback	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>	Marine Officer Grade 3	<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Gold Coast Operations		
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Awaiting Further Information
		<b>Action Due Date:</b>	25/06/2019
<b>Home Location:</b>	RECORDS	<b>Last Movement Date:</b>	25/06/2019

## SECURITY & ACCESS

<b>Security Classification :</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>		

## DOCUMENT CONTENTS

FW: Request marine incident report form be submitted.

Subject FW: Request marine incident report form be submitted.  
 From Anthony.G.Alback@msq.qld.gov.au  
 To [redacted] CTPI  
 Cc greg.l.turner@msq.qld.gov.au  
 Bcc Alain.G.DeVilliers@msq.qld.gov.au  
 Sent 25/06/2019 2:54:22 PM  
 Attached

Good afternoon



Tried to call a moment ago, essentially I have got my investigation to a stage where I can provide you an opportunity to attend an electronically recorded interview. I have some time available early next week and more the following week so please get back to me if you wish to attend an interview with your preferred day and time. Should take about 2 hours in total.

I take this opportunity to confirm:

1. You do not have to attend the interview if you do not wish to
2. You will not be under arrest or remand and will be free to leave at any time
3. You are welcome to engage legal representation, and bring that representation with you to the interview
4. In lieu of legal representation, you are welcome to bring a friend or relative to support you to the interview, however it is only you that I will be asking questions to
5. You will be asked questions about alleged unsafe operation of \_\_\_\_\_ on 10 February 2019 and your reporting requirements regarding marine incidents, however you do not have to answer questions if you do not wish to
6. Anything you say or do will be recorded and may be later used as evidence.
7. You will be provided your choice of CD/DVD copy of the recording however you must sign for a receipt for same.
8. If the interview is transcribed in the future, you will be provided a copy of the transcription.

As you will be afforded time to provide your recollection of events, it may be of assistance to you to have notes prepared to assist your recollection. I may ask you to mark a map or chart to assist my understanding during the interview however you do not have to undertake that exercise if you do not wish to.

Finally as we have previously discussed, could you please bring your ID (driver's license is good) and your service records for \_\_\_\_\_ so that I may sight them.

Please let me know of your intentions or otherwise to attend the recorded interview, and your preferred day and time in the next couple of weeks as soon as reasonably possible, so that I may facilitate. If you do not respond to this email by **close of business Friday 5 July 2019**, I will accept you have waived your right to undertake a recorded interview.

Any questions, please don't hesitate to contact me on the details in my signature block.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback

**Sent:** Wednesday, 13 March 2019 10:33 AM

**To:** \_\_\_\_\_ CTPi

**Cc:** 'msq.goldcoast.reception@msq.qld.gov.au' <msq.goldcoast.reception@msq.qld.gov.au>

**Subject:** RE: Request marine incident report form be submitted.

Thanks for the email request

Tuesday 19<sup>th</sup> after 1:30 pm is available for me. Could you attend my office at 40-44 Seaworld Drive with ID (Driver's license is OK) please. I shall provide an electronic calendar reminder on confirmation.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msg.qld.gov.au](mailto:anthony.g.alback@msg.qld.gov.au)

**From:** [REDACTED] CTPI  
**Sent:** Wednesday, 13 March 2019 9:34 AM  
**To:** Anthony G Alback <[Anthony.G.Alback@msg.qld.gov.au](mailto:Anthony.G.Alback@msg.qld.gov.au)>  
**Subject:** Re: Request marine incident report form be submitted.

Hi Anthony,

I am [REDACTED] CTPI I would prefer to meet with you to further discuss and fill out this report.

Would I be able to meet with you on Tuesday the 19/3 to further discuss.

Awaiting your reply

Kind regards

On Wed, 13 Mar 2019 at 9:59 am, Anthony G Alback <[Anthony.G.Alback@msg.qld.gov.au](mailto:Anthony.G.Alback@msg.qld.gov.au)> wrote:  
Good morning

Thanks for the time on the phone a moment ago. As discussed, Anthony Alback is my name, I am a Shipping Inspector authorised under *Transport Operations (Marine Safety) Act 1994* (the Act) to investigate marine incidents.

I have been provided information that alleges an incident occurred onboard your Queensland Regulated Ship (QRS) on 10 February 2019, in the waters of the Gold Coast Broadwater near Runaway Bay. More on Marine Incidents here:  
<https://www.msg.qld.gov.au/Safety/Marine-incidents>

I take this opportunity to remind you of your obligation to report incidents. s125(2) of the Act states:

*?...If the ship is involved in another type of incident (other than loss/presumed loss/abandonment of the ship), the master of the ship must report the marine incident to a shipping inspector within 48 hours of the incident happens, unless the master has a reasonable excuse for not complying with this subsection...?*

And further, s125(3) of the Act provides:

?...If the report under subsection (1) or (2) is not made to the shipping inspector in the approved form, the owner or master must make a further report about the marine incident to a shipping inspector on the approved form at the earliest opportunity...?

Here is the link to the approved form:

[http://www.support.transport.qld.gov.au/qt/formsdat.nsf/forms/QF3071/\\$file/F3071\\_CFD.pdf](http://www.support.transport.qld.gov.au/qt/formsdat.nsf/forms/QF3071/$file/F3071_CFD.pdf)

During our phone call, I stated a marine incident that results in serious injury (grievous bodily harm) due to the unsafe operation of a ship is an indictable offence with serious penalties. As I stated in the phone call, I caution you that you do not have to provide anything on the report that may incriminate you, however anything you do report may be used as evidence. You are welcome to seek legal advice prior to making the report if you wish to, however at this stage, I am merely providing you your rights during reporting as I have little information about the incident.

Please print out, complete with relevant information and sign the report. I will accept the report scanned and emailed to [msq.goldcoast.reception@msq.qld.gov.au](mailto:msq.goldcoast.reception@msq.qld.gov.au) or post the hard copy to:

Maritime Safety Queensland

PO BOX 107 Southport 4215

or you are welcome to drop the hard copy into this office at 40-44 Seaworld Drive Main Beach in business hours by **close of business Friday 22 March 2019**.

If you have any questions, please do not hesitate to contact me on the detail in my signature block.

Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217

PO Box 107 | Southport Qld 4215

P: (07) 55851810 | F: (07) 55851818

E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

\*\*\*\*\*

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# Item

## ITEM DETAILS

<b>Item ID:</b>	60186 - SEQS	<b>Item Type:</b>	Email
<b>Date Created:</b>	12/06/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	12/06/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	Mail Memo - FW: Our ref: 1222674/2 Your ref: MSC964-2019		

<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO Feb 2019 - 10	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	Anthony G Alback	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>	Marine Officer Grade 3	<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Gold Coast Operations		
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Action Completed
		<b>Action Due Date:</b>	12/06/2019
<b>Home Location:</b>	RECORDS	<b>Last Movement Date:</b>	12/06/2019

## SECURITY & ACCESS

<b>Security Classification:</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>		

## DOCUMENT CONTENTS

FW: Our ref: 1222674/2 Your ref: MSC964-2019

**Subject** FW: Our ref: 1222674/2 Your ref: MSC964-2019  
**From** Anthony.G.Alback@msq.qld.gov.au  
**To** @police.qld.gov.au  
**Cc** greg.l.turner@msq.qld.gov.au, Brett.J.Williams@msq.qld.gov.au  
**Bcc**  
**Sent** 12/06/2019 9:18:11 AM  
**Attached**







image001.jpg image007.jpg image009.jpg SSOUM-MARI-19052410000.pdf image002.jpg image006.jpg

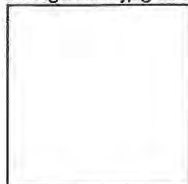


image008.jpg

Good morning

Just a follow up on my request 24 May for assistance in gaining neurosurgeon's determination of GBH injury or otherwise.

With a response from the neurosurgeon, I can undertake EROI and finalise the IACB.

Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217

PO Box 107 | Southport Qld 4215

P: (07) 55851810 | F: (07) 55851818

E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback

**Sent:** Friday, 24 May 2019 9:57 AM

**To:** '@police.qld.gov.au>

**Cc:** Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>

**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning

Tried to call but your desk rang out.

I have done my best with the attached forms as requested. All I am after is a determination that the injuries fit within the definition of GBH or not from an appropriate expert (neurosurgeon attending). I have completed the forms as best as I can to facilitate, however the information appears lacking. Happy to do it again if required.

I have attached the signed authority to be provided with all records that GCUH received on 27 March will that suffice or do I need signature on the application as well?

Kind regards,



**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** [@police.qld.gov.au](mailto:>@police.qld.gov.au)  
**Sent:** Thursday, 23 May 2019 7:44 AM  
**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Cc:** [@police.qld.gov.au](mailto:>@police.qld.gov.au); GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good Morning Anthony,

Attached are QP0887 and QP0886 forms. Could you please complete the nominated forms, scan and email me back and I will forward them on to GCOperationsCorrespondence and GCUH Information Access Unit. If you have any difficulty completing the forms, you can email myself or ask S/SGT or assistance. Thankyou

Kind Regards,

Coronial Support Officer  
Gold Coast University Hospital  
Phone: 07 56876679  
E-mail: [@police.qld.gov.au](mailto:>@police.qld.gov.au)

**From:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>  
**Sent:** Wednesday, 22 May 2019 14:28  
**To:** [@police.qld.gov.au](mailto:>@police.qld.gov.au)  
**Cc:** GCHHSInformationAccess <[GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Hi

That's correct, as there is an MOU with QPS , Anthony can go through that channel.

If you can assist in organising the correct paperwork (0886 & 0887) and send through to me then we can request a statement from the Doctor through that channel.

Thank you,

Kind regards,



**Correspondence Officer | Operations**  
Gold Coast Health

Gold Coast University Hospital  
Block A, Level 4  
1 Hospital Boulevard  
Southport QLD 4215  
P: 07 5687 0274  
E: [GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)  
Web: [www.goldcoast.health.qld.gov.au](http://www.goldcoast.health.qld.gov.au)  
Intranet: [gchweb.sth.health.qld.gov.au](http://gchweb.sth.health.qld.gov.au)  
Social: [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#)

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**From:** GCHHSInformationAccess  
**Sent:** Wednesday, 22 May 2019 12:00 PM  
**To:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>  
**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Hi

As we have released the Medical Records to QPS, I will leave this one for you to liaise the Dr and/or Legal Services?

Kind regards

**Administrative Officer | Information Access Services | Governance, Risk and Commercial Services**  
Gold Coast Health

Gold Coast University Hospital  
1 Hospital Boulevard  
Southport QLD 4215  
P: 07 5687 3849 F: 07 5687 3855  
E: [GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)

Web: [www.goldcoast.health.qld.gov.au](http://www.goldcoast.health.qld.gov.au)  
Intranet: [gchweb.sth.health.qld.gov.au](http://gchweb.sth.health.qld.gov.au)  
Social: [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#)

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**From:** [\\_\\_\\_\\_\\_@police.qld.gov.au](mailto:_____@police.qld.gov.au)  
**Sent:** Wednesday, 22 May 2019 10:50 AM  
**To:** GCHHSInformationAccess <[GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)>;  
[anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)  
**Cc:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>;  
[\\_\\_\\_\\_\\_@police.qld.gov.au](mailto:_____@police.qld.gov.au)  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good Morning All,

Could you please assist Marine Officer Anthony ALBACK-.RE - Who sent attached email nearly 4 weeks ago to GCUH requesting opinion from the attending neurosurgeon about GBH or otherwise to \_\_\_\_\_ (with patient authorisation of course ? I have all the records from the hospital). I have been contacted by an AO of the neurosurgery department today confirming the request was



provided to the doctor, the doctor subsequently got legal (internal) opinion about the lawful requirement to provide information to me and as a result of that opinion, has declined to provide anything.

I understand QPS has a MOU with QLD Health ? could I ask if it is appropriate to use that path so that I may frame up the right EROI questions for the alleged offender (GBH injury or serious injury/indictable or non-indictable offence allegations)?Thankyou

Kind Regards,

Coronial Support Officer  
Gold Coast University Hospital  
Phone: 07 56876679  
E-mail: [@police.qld.gov.au](mailto: @police.qld.gov.au)

**From:** [OSC]  
**Sent:** Wednesday, 22 May 2019 10:00  
**To:** [@police.qld.gov.au](mailto: @police.qld.gov.au)  
**Cc:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

As per our earlier conversation, can you please assist Anthony Alback with this.

Regards,

Senior Sergeant  
Officer in Charge  
Gold Coast Water Police  
Queensland Police Service

---

Ph: (07) 5509 5700 (Direct  ) Mob:   
40-44 Seaworld Drive, Main Beach QLD 4217  
[@police.qld.gov.au](mailto: @police.qld.gov.au)

**From:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Sent:** Tuesday, 21 May 2019 16:31  
**To:** [@police.qld.gov.au](mailto: @police.qld.gov.au)  
**Cc:** Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>; Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>; Stephen G Knowles <[Stephen.G.Knowles@msq.qld.gov.au](mailto:Stephen.G.Knowles@msq.qld.gov.au)>





**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good afternoon

I was wondering if you can help me. I have sent the attached email nearly 4 weeks ago to GCUH requesting opinion from the attending neurosurgeon about GBH or otherwise to (with patient authorisation of course ? I have all the records from the hospital). I have been contacted by an AO of the neurosurgery department today confirming the request was provided to the doctor, the doctor subsequently got legal (internal) opinion about the lawful requirement to provide information to me and as a result of that opinion, has declined to provide anything.

I understand QPS has a MOU with QLD Health ? could I ask if it is appropriate to use that path so that I may frame up the right EROI questions for the alleged offender (GBH injury or serious injury/indictable or non-indictable offence allegations)?

Bit stuck.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback  
**Sent:** Wednesday, 24 April 2019 11:56 AM  
**To:** 'gchhsinformationaccess@health.qld.gov.au' <[gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au)>  
**Cc:** Brendan J Philp <[Brendan.J.Philp@msq.qld.gov.au](mailto:Brendan.J.Philp@msq.qld.gov.au)>; Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>; Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>  
**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning.

My name is Anthony Alback, I am a Shipping Inspector authorised under Transport Operations (Marine Safety) Act 1994 to investigate Marine Incidents.

I have received the files attached and have assessed the contents. The injury to (URN is not defined in severity in the information provided and as such, I now require an opinion from the attending neurosurgeon as to whether the injury sustained during the boating incident that caused the injury to could fit within the definition of ***grievous bodily harm*** :

*?Grievous bodily harm? is defined to mean the loss of a distinct organ of the body; or serious disfigurement; or any bodily injury of such nature that, if left untreated, would endanger or be likely to endanger life or cause or be likely to cause permanent injury to health;*



*whether or not medical treatment is or could have been available.*

A return email from [redacted] to confirm an injury such as the one sustained by [redacted] (L1 VB #) would be within the above definition (or otherwise) would satisfy the marine incident investigation at this stage and may remove the requirement for [redacted] to provide statement and/or attend court regarding this matter.

I have tried several avenues this morning to contact [redacted] to discuss the situation without success via the IA contact number and the general switchboard.

I hope you can assist me in my lawful requirement as soon as reasonable possible.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** [GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au) <[gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au)>  
**Sent:** Wednesday, 17 April 2019 12:34 PM  
**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Subject:** Our ref: 1222674/2 Your ref: MSC964-2019

**You received a secure message from [gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au) via Secure File Transfer.**

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\*\*\*\*\*

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# Item

## ITEM DETAILS

<b>Item ID:</b>	60034 - SEQS	<b>Item Type:</b>	Email
<b>Date Created:</b>	24/05/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	24/05/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	MSC964-2019 Mail Memo - RE: Our ref: 1222674/2 Your ref: MSC964-2019		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MS023994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO I - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	Anthony G Alback	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>	Marine Officer Grade 3	<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Gold Coast Operations		
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Action Completed
<b>Home Location:</b>	RECORDS	<b>Action Due Date:</b>	24/05/2019
		<b>Last Movement Date:</b>	24/05/2019

## SECURITY & ACCESS

<b>Security Classification :</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>		

## DOCUMENT CONTENTS

RE: Our ref: 1222674/2 Your ref: MSC964-2019

Subject RE: Our ref: 1222674/2 Your ref: MSC964-2019  
 From Anthony.G.Alback@msq.qld.gov.au  
 To police.qld.gov.au  
 Cc greg.l.turner@msq.qld.gov.au  
 Bcc  
 Sent 24/05/2019 9:57:17 AM  
 Attached







image001.jpg image007.jpg image009.jpg SSOUM-MARI-19052410000.pdf image003.jpg image004.jpg

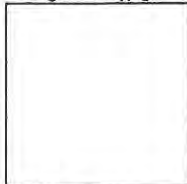


image005.jpg

Good morning

Tried to call but your desk rang out.

I have done my best with the attached forms as requested. All I am after is a determination that the injuries fit? within the definition of GBH or not from an appropriate expert ? (neurosurgeon attending). I have completed the forms as best as I can to facilitate, however the information appears lacking. Happy to do it again if required.

I have attached the signed authority to be provided with all records that GCUH received on 27 March ? will that suffice or do I need signature on the application as well?

Kind regards,

**Anthony Alback**  
 Marine Officer | Gold Coast Region  
 Maritime Safety Queensland | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
 PO Box 107 | Southport Qld 4215  
 P: (07) 55851810 | F: (07) 55851818  
 E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** @police.qld.gov.au>  
**Sent:** Thursday, 23 May 2019 7:44 AM  
**To:** Anthony G Alback <Anthony.G.Alback@msq.qld.gov.au>  
**Cc:** @police.qld.gov.au>; GCOperationsCorrespondence <GCOperationsCorrespondence@health.qld.gov.au>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good Morning Anthony,

Attached are QP0887 and QP0886 forms. Could you please complete the nominated forms, scan and email me back and I will forward them on to GCOperationsCorrespondence and GCUH Information Access Unit. If you have any difficulty completing the forms, you can email myself or ask for assistance. Thankyou

Kind Regards,



Coronial Support Officer  
Gold Coast University Hospital  
Phone: 07 56876679  
E-mail: [police.qld.gov.au](mailto:police.qld.gov.au)

**From:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>  
**Sent:** Wednesday, 22 May 2019 14:28  
**To:** [@police.qld.gov.au](mailto:@police.qld.gov.au)  
**Cc:** GCHHSInformationAccess <[GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Hi I

That's correct, as there is an MOU with QPS, Anthony can go through that channel.

If you can assist in organising the correct paperwork (0886 & 0887) and send through to me then we can request a statement from the Doctor through that channel.

Thank you,

Kind regards,

**Correspondence Officer | Operations**  
Gold Coast Health

Gold Coast University Hospital  
Block A, Level 4  
1 Hospital Boulevard  
Southport QLD 4215  
P: 07 5687 0274  
E: [GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)  
**Web:** [www.goldcoast.health.qld.gov.au](http://www.goldcoast.health.qld.gov.au)  
**Intranet:** [gchweb.sth.health.qld.gov.au](http://gchweb.sth.health.qld.gov.au)  
**Social:** [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#)

Our values Integrity | Community first | Excellence | Respect | Compassion | Empower

**From:** GCHHSInformationAccess  
**Sent:** Wednesday, 22 May 2019 12:00 PM  
**To:** GCOperationsCorrespondence <[GCOperationsCorrespondence@health.qld.gov.au](mailto:GCOperationsCorrespondence@health.qld.gov.au)>  
**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Hi

As we have released the Medical Records to QPS, I will leave this one for you to liaise the Dr and/or Legal Services?



Kind regards

**Administrative Officer | Information Access Services | Governance, Risk and Commercial Services**  
Gold Coast Health

Gold Coast University Hospital  
1 Hospital Boulevard  
Southport QLD 4215  
P: 07 5687 3849 F: 07 5687 3855  
E: [GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au)

**Web:** [www.goldcoast.health.qld.gov.au](http://www.goldcoast.health.qld.gov.au)  
**Intranet:** [gchweb.sth.health.qld.gov.au](http://gchweb.sth.health.qld.gov.au)  
**Social:** [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#)

Our values Integrity | Community first | Excellence | Respect | Compassion | Empower

**From:** [<@police.qld.gov.au>](mailto:@police.qld.gov.au)  
**Sent:** Wednesday, 22 May 2019 10:50 AM  
**To:** GCHHSInformationAccess [<GCHHSInformationAccess@health.qld.gov.au>](mailto:GCHHSInformationAccess@health.qld.gov.au);  
anthony.g.alback@msq.qld.gov.au  
**Cc:** GCOperationsCorrespondence [<GCOperationsCorrespondence@health.qld.gov.au>](mailto:GCOperationsCorrespondence@health.qld.gov.au);  
[<@police.qld.gov.au>](mailto:@police.qld.gov.au)  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good Morning All,

Could you please assist Marine Officer Anthony ALBACK-.RE - Who sent attached email nearly 4 weeks ago to GCUH requesting opinion from the attending neurosurgeon about GBH or otherwise to (with patient authorisation of course ? I have all the records from the hospital). I have been contacted by an AO of the neurosurgery department today confirming the request was provided to the doctor, the doctor subsequently got legal (internal) opinion about the lawful requirement to provide information to me and as a result of that opinion, has declined to provide anything.

I understand QPS has a MOU with QLD Health ? could I ask if it is appropriate to use that path so that I may frame up the right EROI questions for the alleged offender (GBH injury or serious injury/indictable or non-indictable offence allegations)?Thankyou

Kind Regards,

Coronial Support Officer  
Gold Coast University Hospital  
Phone: 07 56876679  
E-mail: [<@police.qld.gov.au>](mailto:@police.qld.gov.au)

**From:** I  
**Sent:** Wednesday, 22 May 2019 10:00  
**To:** [<@police.qld.gov.au>](mailto:@police.qld.gov.au)

**Cc:** Anthony G Alback <Anthony.G.Alback@msq.qld.gov.au>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

As per our earlier conversation, can you please assist Anthony Alback with this.

Regards,

Senior Sergeant  
Officer in Charge  
Gold Coast Water Police  
Queensland Police Service

---

Ph: (07) 5509 5700 (Direct  ) Mob:   
40-44 Seaworld Drive, Main Beach QLD 4217  
[@police.qld.gov.au](mailto: @police.qld.gov.au)

**From:** Anthony G Alback <Anthony.G.Alback@msq.qld.gov.au>  
**Sent:** Tuesday, 21 May 2019 16:31  
**To:** [@police.qld.gov.au](mailto: @police.qld.gov.au)  
**Cc:** Brett J Williams <Brett.J.Williams@msq.qld.gov.au>; Alain G De Villiers <Alain.G.DeVilliers@msq.qld.gov.au>; Greg L Turner <greg.l.turner@msq.qld.gov.au>; Stephen G Knowles <Stephen.G.Knowles@msq.qld.gov.au>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good afternoon

I was wondering if you can help me. I have sent the attached email nearly 4 weeks ago to GCUH requesting opinion from the attending neurosurgeon about GBH or otherwise to (with patient authorisation of course ? I have all the records from the hospital). I have been contacted by an AO of the neurosurgery department today confirming the request was provided to the doctor, the doctor subsequently got legal (internal) opinion about the lawful requirement to provide information to me and as a result of that opinion, has declined to provide anything.

I understand QPS has a MOU with QLD Health ? could I ask if it is appropriate to use that path so that I may frame up the right EROI questions for the alleged offender (GBH injury or serious injury/indictable or non-indictable offence allegations)?

Bit stuck.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads





Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback

**Sent:** Wednesday, 24 April 2019 11:56 AM

**To:** 'gchhsinformationaccess@health.qld.gov.au' <[gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au)>

**Cc:** Brendan J Philp <[Brendan.J.Philp@msq.qld.gov.au](mailto:Brendan.J.Philp@msq.qld.gov.au)>; Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>; Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>

**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning.

My name is Anthony Alback, I am a Shipping Inspector authorised under Transport Operations (Marine Safety) Act 1994 to investigate Marine Incidents.

I have received the files attached and have assessed the contents. The injury to (URN [redacted] is not defined in severity in the information provided and as such, I now require an opinion from the attending neurosurgeor [redacted] as to whether the injury sustained during the boating incident that caused the injury to [redacted] could fit within the definition of ***grievous bodily harm*** :

*?Grievous bodily harm? is defined to mean the loss of a distinct organ of the body; or serious disfigurement; or any bodily injury of such nature that, if left untreated, would endanger or be likely to endanger life or cause or be likely to cause permanent injury to health; whether or not medical treatment is or could have been available.*

A return email from [redacted] to confirm an injury such as the one sustained by [redacted] (L1 VB #) would be within the above definition (or otherwise) would satisfy the marine incident investigation at this stage and may remove the requirement for [redacted] to provide statement and/or attend court regarding this matter.

I have tried several avenues this morning to contact [redacted] to discuss the situation without success via the IA contact number and the general switchboard.

I hope you can assist me in my lawful requirement as soon as reasonable possible.

Kind regards,

**Anthony Alback**

Marine Officer | Gold Coast Region

**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** [GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au) <[gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au)>  
**Sent:** Wednesday, 17 April 2019 12:34 PM  
**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Subject:** Our ref: 1222674/2 Your ref: MSC964-2019

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If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and/or publication of this email is also prohibited.

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Secured by **Accellion**

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third parties or replication problems (including incompatibility with your computer system).

Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

\*\*\*\*\*

\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*

This email, including any attachments sent with it, is confidential and for the sole use of the intended recipient(s). This confidentiality is not waived or lost, if you receive it and you are not the intended recipient(s), or if it is transmitted/received in error.

Any unauthorised use, alteration, disclosure, distribution or review of this email is strictly prohibited. The information contained in this email, including any attachment sent with it, may be subject to a statutory duty of confidentiality if it relates to health service matters.

If you are not the intended recipient(s), or if you have received this email in error, you are asked to immediately notify the sender by telephone collect on Australia +61 1800 198 175 or by return email. You should also delete this email, and any copies, from your computer system network and destroy any hard copies produced.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and/or publication of this email is also prohibited.

Although Queensland Health takes all reasonable steps to ensure this email does not contain malicious software, Queensland Health does not accept responsibility for the consequences if any person's computer inadvertently suffers any disruption to services, loss of information, harm or is infected with a virus, other malicious computer programme or code that may occur as a consequence of receiving this email.







QUEENSLAND POLICE SERVICE

POLICE REQUEST FOR ACCESS TO CONFIDENTIAL INFORMATION HELD BY QUEENSLAND HEALTH



QP 0887 07/14 Δ1†

Date: 24/05/2019

QPRIME Occ. #: QP

Attach patient ID label here

I, name / rank of the Queensland Police Service, located at station / establishment, contact phone number, seek access to confidential information held at the GCUH health service facility.

Medical treatment of a patient

Family name:

Given name(s):

Date of birth: Gender: Male / Female

Address:

Treatment received as a result of:

Criminal offence:

Motor vehicle crash on:

Other reported occurrence:

A consent to disclose confidential information to police form HAS / HAS NOT been signed by the patient and a copy is attached to this request.

An investigation is being conducted to locate and confirm the safety of the person, who has been reported as a missing person and who is believed to be receiving / have received medical treatment at the health service facility.

Statement of a Queensland Health employee

A statement of Witness is sought from:

Family name:

Given name(s):

Position: Attending Doctor/neurosurgeon

in relation to:

(A) the medical treatment of patient (including the treatment of a missing or deceased patient)

Family name:

Given name(s):

Date of birth: Gender:

Address:

A draft statement is / is not attached to this document.





Other request/requirement for confidential information

**The information is sought pursuant to the provisions of the:**

Memorandum of understanding between Queensland Health and Queensland Police Service to assist in:

- investigating criminal conduct;
- investigating a missing person matter
- assessing the level of charges to be laid against alleged offender(s); or
- preparing and tendering statements from Queensland Health staff as evidence at a hearing.

*Police Powers and Responsibilities Act 2000*

*Hospital and Health Boards Act 2011*

*Prostitution Act 1999*

*Child Protection Act 1999*

Other Legislation:

Access to the above confidential information is sought for:

an assessment of the injuries against the definition of GBH by the attending neurosurgeon to determine the severity of charges to be laid against the alleged offender.

CTPI

(Signature)

24/5/19  
(Date)

Released under RTI - DTMR



QUEENSLAND POLICE SERVICE

CONSENT TO DISCLOSURE OF CONFIDENTIAL INFORMATION TO POLICE



QP 0886 01/16 Δ2

Hospital and Health Boards Act 2011 s.144 (a) or (c)

Date: 24/05/2019 QPRIME no.: QP

Attach patient ID label here

Name of person treated

Family name:

Given name(s):

Date of birth: Gender:

Address:

Parent or Guardian when the person treated is a child

NB: Consent of treating medical professional is also required prior to release.

Family name:

Given name(s):

Date of birth: Gender: Male / Female

Address:

Relationship to victim: Parent Guardian

Treatment

Date treatment commenced: 10/02/2019

Public Sector Health Facility: ROBINA and GCUH and/or any other Queensland Health Facility

Treatment received as a result of:

Criminal offence:

Motor vehicle crash on:

Marine Incident onboard Queensland Regulated Ship resulting in GBH or otherwise (request assessment of extent of injuries vs definition of GBH) Other reported occurrence:

I consent to the disclosure of relevant confidential information, including the release of medical records by Queensland Health for the purpose of investigating and any subsequent prosecution of the above occurrence upon a written request of a member of the Queensland Police Service.

(Signature of person treated)

(Signature of parent or guardian)

(Name of witness)

(Signature of witness)

Privacy Collection Statement

The Queensland Police Service (QPS) is collecting your information for consent to the disclosure of confidential information. The collection of this information is authorised by the Hospital and Health Boards Act 2011 (Qld). The information on this form will not be disclosed without your consent unless such use or disclosure is authorised or required by law, including the Hospital and Health Boards Act 2011 (Qld) and the Information Privacy Act 2009 (Qld). You have a right to access personal information that the QPS holds about you, subject to any exceptions in relevant legislation. If you wish to seek access to your personal information or inquire about the handling of your personal information, please contact the QPS Right to Information Privacy by email at rti@police.qld.gov.au.

# Item

## ITEM DETAILS

<b>Item ID:</b>	59996 - SEQ5	<b>Item Type:</b>	Email
<b>Date Created:</b>	22/05/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	22/05/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	MSC964-2019 Mail Memo - FW: Our ref: 1222674/2 Your ref: MSC964-2019		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	[SER]	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>		<b>Complaint Classification:</b>	
<b>Business Unit:</b>			
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Awaiting Further Information
		<b>Action Due Date:</b>	22/05/2019
<b>Home Location:</b>	RECORDS	<b>Last Movement Date:</b>	22/05/2019

## SECURITY & ACCESS

<b>Security Classification:</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>			

## DOCUMENT CONTENTS

FW: Our ref: 1222674/2 Your ref: MSC964-2019

**Subject** FW: Our ref: 1222674/2 Your ref: MSC964-2019

**From** [redacted]@police.qld.gov.au

**To** GCHHSInformationAccess@health.qld.gov.au,  
Anthony.G.Alback@msq.qld.gov.au

**Cc** GCOperationsCorrespondence@health.qld.gov.au,  
[redacted]@police.qld.gov.au

**Bcc**

**Sent** 22/05/2019 10:50:12 AM

**Attached**





image001.jpg image002.jpg image004.jpg

Good Morning All,

Could you please assist Marine Officer Anthony ALBACK-.RE - Who sent attached email nearly 4 weeks ago to GCUH requesting opinion from the attending neurosurgeon about GBH or otherwise to | (with patient authorisation of course ? I have all the records from the hospital). I have been contacted by an AO of the neurosurgery department today confirming the request was provided to the doctor, the doctor subsequently got legal (internal) opinion about the lawful requirement to provide information to me and as a result of that opinion, has declined to provide anything.

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Kind Regards,

Coronial Support Officer  
Gold Coast University Hospital  
Phone: 07 56876679  
E-mail: [@police.qld.gov.au](mailto: @police.qld.gov.au)

**From:** | [OSC]  
**Sent:** Wednesday, 22 May 2019 10:00  
**To:** |@police.qld.gov.au>  
**Cc:** Anthony G Alback <Anthony.G.Alback@msq.qld.gov.au>  
**Subject:** FW: Our ref: 1222574/2 Your ref: MSC964-2019

As per our earlier conversation, can you please assist Anthony Alback with this.

Regards,

Senior Sergeant  
Officer in Charge  
Gold Coast Water Police





Queensland Police Service

Ph: (07) 5509 5700 (Direct  ) Mob:   
40-44 Seaworld Drive, Main Beach QLD 4217  
[@police.qld.gov.au](mailto:police.qld.gov.au)

**From:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Sent:** Tuesday, 21 May 2019 16:31  
**To:** P[OSC]  @police.qld.gov.au>  
**Cc:** Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>; Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>; Stephen G Knowles <[Stephen.G.Knowles@msq.qld.gov.au](mailto:Stephen.G.Knowles@msq.qld.gov.au)>  
**Subject:** FW: Our ref: 1222674/2 Your ref: MSC964-2019

Good afternoon

I was wondering if you can help me. I have sent the attached email nearly 4 weeks ago to GCUH requesting opinion from the attending neurosurgeon about GBH or otherwise to (with patient authorisation of course ? I have all the records from the hospital). I have been contacted by an AO of the neurosurgery department today confirming the request was provided to the doctor, the doctor subsequently got legal (internal) opinion about the lawful requirement to provide information to me and as a result of that opinion, has declined to provide anything.

I understand QPS has a MOU with QLD Health ? could I ask if it is appropriate to use that path so that I may frame up the right EROI questions for the alleged offender (GBH injury or serious injury/indictable or non-indictable offence allegations)?

Bit stuck.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback  
**Sent:** Wednesday, 24 April 2019 11:56 AM  
**To:** 'gchhsinformationaccess@health.qld.gov.au' <[gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au)>  
**Cc:** Brendan J Philp <[Brendan.J.Philp@msq.qld.gov.au](mailto:Brendan.J.Philp@msq.qld.gov.au)>; Brett J Williams <[Brett.J.Williams@msq.qld.gov.au](mailto:Brett.J.Williams@msq.qld.gov.au)>; Alain G De Villiers <[Alain.G.DeVilliers@msq.qld.gov.au](mailto:Alain.G.DeVilliers@msq.qld.gov.au)>; Greg L Turner <[greg.l.turner@msq.qld.gov.au](mailto:greg.l.turner@msq.qld.gov.au)>  
**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning.

My name is Anthony Alback, I am a Shipping Inspector authorised under Transport Operations

(Marine Safety) Act 1994 to investigate Marine Incidents.

I have received the files attached and have assessed the contents. The injury to (URN is not defined in severity in the information provided and as such, I now require an opinion from the attending neurosurgeon as to whether the injury sustained during the boating incident that caused the injury to could fit within the definition of ***grievous bodily harm*** :

*?Grievous bodily harm? is defined to mean the loss of a distinct organ of the body; or serious disfigurement; or any bodily injury of such nature that, if left untreated, would endanger or be likely to endanger life or cause or be likely to cause permanent injury to health; whether or not medical treatment is or could have been available.*

A return email from to confirm an injury such as the one sustained by (L1 VB #) would be within the above definition (or otherwise) would satisfy the marine incident investigation at this stage and may remove the requirement for to provide statement and/or attend court regarding this matter.

I have tried several avenues this morning to contact to discuss the situation without success via the IA contact number and the general switchboard.

I hope you can assist me in my lawful requirement as soon as reasonable possible.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** [GCHHSInformationAccess@health.qld.gov.au](mailto:GCHHSInformationAccess@health.qld.gov.au) <[gchhsinformationaccess@health.qld.gov.au](mailto:gchhsinformationaccess@health.qld.gov.au)>  
**Sent:** Wednesday, 17 April 2019 12:34 PM  
**To:** Anthony G Alback <[Anthony.G.Alback@msq.qld.gov.au](mailto:Anthony.G.Alback@msq.qld.gov.au)>  
**Subject:** Our ref: 1222674/2 Your ref: MSC964-2019

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# Item

## ITEM DETAILS

<b>Item ID:</b>	59974 - SEQS	<b>Item Type:</b>	Email
<b>Date Created:</b>	21/05/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	21/05/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	Mail Memo - FW: Our ref: 1222674/2 Your ref: MSC964-2019		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSQ23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO ... - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	Anthony G Alback	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>	Marine Officer Grade 3	<b>Complaint Classification:</b>	
<b>Business Unit:</b>	Gold Coast Operations		
<b>Action Officer:</b>			
<b>Home Location:</b>	RECORDS	<b>Last Movement Date:</b>	21/05/2019

## SECURITY & ACCESS

<b>Security Classification:</b>	UNCLASSIFIED INFORMATION	
<b>Security Access:</b>	Unrestricted	

## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>	

## DOCUMENT CONTENTS

FW: Our ref: 1222674/2 Your ref: MSC964-2019

**Subject** FW: Our ref: 1222674/2 Your ref: MSC964-2019  
**From** Anthony.G.Alback@msq.qld.gov.au  
**To** @police.qld.gov.au  
**Cc** Brett.J.Williams@msq.qld.gov.au, Alain.G.DeVilliers@msq.qld.gov.au, greg.l.turner@msq.qld.gov.au, Stephen.G.Knowles@msq.qld.gov.au  
**Bcc**  
**Sent** 21/05/2019 4:30:39 PM  
**Attached**

Good afternoon .





I was wondering if you can help me. I have sent the attached email nearly 4 weeks ago to GCUH requesting opinion from the attending neurosurgeon about GBH or otherwise to (with patient authorisation of course ? I have all the records from the hospital). I have been contacted by an AO of the neurosurgery department today confirming the request was provided to the doctor, the doctor subsequently got legal (internal) opinion about the lawful requirement to provide information to me and as a result of that opinion, has declined to provide anything.

I understand QPS has a MOU with QLD Health ? could I ask if it is appropriate to use that path so that I may frame up the right EROI questions for the alleged offender (GBH injury or serious injury/indictable or non-indictable offence allegations)?

Bit stuck.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
PO Box 107 | Southport Qld 4215  
P: (07) 55851810 | F: (07) 55851818  
E: [anthony.g.alback@msq.qld.gov.au](mailto:anthony.g.alback@msq.qld.gov.au)

**From:** Anthony G Alback  
**Sent:** Wednesday, 24 April 2019 11:56 AM  
**To:** 'gchhsinformationaccess@health.qld.gov.au' <gchhsinformationaccess@health.qld.gov.au>  
**Cc:** Brendan J Philp <Brendan.J.Philp@msq.qld.gov.au>; Brett J Williams <Brett.J.Williams@msq.qld.gov.au>; Alain G De Villiers <Alain.G.DeVilliers@msq.qld.gov.au>; Greg L Turner <greg.l.turner@msq.qld.gov.au>  
**Subject:** RE: Our ref: 1222674/2 Your ref: MSC964-2019

Good morning.

My name is Anthony Alback. I am a Shipping Inspector authorised under Transport Operations (Marine Safety) Act 1994 to investigate Marine Incidents.

I have received the files attached and have assessed the contents. The injury to (URN is not defined in severity in the information provided and as such, I now require an opinion from the attending neurosurgeon as to whether the injury sustained during the boating incident that caused the injury to I could fit within the definition of ***grievous bodily harm*** :

*?Grievous bodily harm? is defined to mean the loss of a distinct organ of the body; or serious disfigurement; or any bodily injury of such nature that, if left untreated, would endanger or be likely to endanger life or cause or be likely to cause permanent injury to health; whether or not medical treatment is or could have been available.*

A return email from to confirm an injury such as the one sustained by (L1 VB #)

would be within the above definition (or otherwise) would satisfy the marine incident investigation at this stage and may remove the requirement for [redacted] to provide statement and/or attend court regarding this matter.

I have tried several avenues this morning to contact [redacted] to discuss the situation without success via the IA contact number and the general switchboard.

I hope you can assist me in my lawful requirement as soon as reasonable possible.

Kind regards,

**Anthony Alback**  
Marine Officer | Gold Coast Region  
**Maritime Safety Queensland** | Department of Transport and Main Roads

Ground Floor | Southport - Seaworld Drive | 40-44 Seaworld Drive | Main Beach Qld 4217  
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# Item

## ITEM DETAILS

<b>Item ID:</b>	59659 - SEQS	<b>Item Type:</b>	Email
<b>Date Created:</b>	26/04/2019	<b>Project ID:</b>	
<b>Date Captured:</b>	26/04/2019	<b>Sub Project ID:</b>	
<b>Item Format:</b>	Electronic	<b>Other Reference:</b>	MSC964-2019
<b>Circulation:</b>	Internal	<b>Copies Sent To:</b>	
<b>Subject:</b>	MSC964-2019 Mail Memo - Payment receipt of Inv 1353		
<b>Function Term:</b>	MARINE SAFETY SERVICES	<b>Activity Term:</b>	INCIDENT INVESTIGATION
<b>Container Title:</b>	MSO23994-2019 - VESSEL - OPERATION OF VESSEL - SERIOUS INJURY TO - 10 Feb 2019	<b>Container ID:</b>	230/01074 [1]

## ACTIONS & OWNERSHIP

<b>Author:</b>	CTPI	<b>Corporate Author:</b>	
<b>Author Title / Position:</b>		<b>Complaint Classification:</b>	
<b>Business Unit:</b>			
<b>Action Officer:</b>	Anthony G Alback	<b>Action Required:</b>	Action Completed
		<b>Action Due Date:</b>	26/04/2019
<b>Home Location:</b>	RECORDS	<b>Last Movement Date:</b>	26/04/2019

## SECURITY & ACCESS

<b>Security Classification :</b>	UNCLASSIFIED INFORMATION		
<b>Security Access:</b>	Unrestricted		

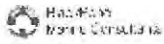
## ADDITIONAL INFORMATION

<b>Description / Additional Info:</b>		

## DOCUMENT CONTENTS

Payment receipt of Inv 1353

**Subject** Payment receipt of Inv 1353  
**From** CTPI@blackpond.com.au  
**To** Kaylene.L.Clayton@msq.qld.gov.au  
**Cc** Anthony.G.Alback@msq.qld.gov.au  
**Bcc**  
**Sent** 26/04/2019 12:27:10 PM  
**Attached**



clip\_image001.png ATT00001.htm Service Sales copy.pdf ATT00002.htm

Hi Kalene,

Thank you for your payment,

Please see attached you payment receipt and below a copy of the bank transaction.

Regards

CTPI
NR

PO Box 5206  
GCMC, Qld. 9726

Released under RTI - DTMR





**BlackPond**  
**Marine Consultants**  
 www.blackpond.com.au

**TAX INVOICE**

**Bill To:**

Department of Transport and Main Roads  
 Maritime Safety Qld  
 Compliance and Service Delivery (Maritime  
 Operations)  
 PO Box 2595  
 Brisbane Qld 4001

Invoice No: 00001353

Date: 24/4/19

ABN: 35 131 224 318

Customer Ref: MSC964-2019

<b>Bayliner 175 - QRS</b>	<b>- Ref MSC964-2019</b>	
Provision of Report as requested by Anthony Alback via email 15/04/2019		\$1,224.00 GST
Report delivered via email 24/04/2019		
As per quoted price.		
Credit Card Charge		\$19.58 FRE

**TERMS:**

Payment terms are strictly COD unless previously authorised by management.

**PAYMENT METHODS:**

We accept Visa and Mastercard – this will incur a 1.6% surcharge applied to the invoice at the time of processing.

**BANK DETAILS:**

BlackPond Marine Consultants Pty Ltd

CTPI

ALL WORKS AND MATERIALS REMAIN THE PROPERTY OF BLACKPOND MARINE CONSULTANTS PTY LTD UNTIL PAYMENT HAS BEEN RECEIVED IN FULL.

GST:	\$122.40
Total Inc	\$1,365.98
Amount	\$1,365.98
Balance	<u>\$0.00</u>

PO Box 5206  
 Gold Coast MC. Qld 9726  
 Accounts Ph: