

**43 General safety obligation on persons involved with operation of ship**

- (1) A person involved with a ship's operation (including the owner, master and crew members) must not cause the ship to be operated unsafely.

Maximum penalty—500 penalty units or imprisonment for 1 year.

- (2) Without limiting subsection (1), a person causes a ship to be operated unsafely if the person causes the ship to be operated in a way that—

(a) causes a marine incident; or

(b) contravenes—

(i) a condition of the ship's registration under this Act that is about safety; or

(ii) a provision of a regulation that is declared by a regulation to be a provision to which this section applies.

- (3) However, if the contravention of subsection (1) causes the death of, or grievous bodily harm to, a person, the owner, master, crew member or other person commits an indictable offence and is liable to a maximum penalty of 5,000 penalty units or imprisonment for 2 years.

- (4) A person does not contravene this section because of subsection (2)(a) if the only basis for holding that a marine incident has been caused is lawful damage to, or danger of lawful damage to, property of which the person is the sole owner.

- (5) This section does not apply to a ship's pilot.

*Note—*

See section 45 for the obligation on pilots of ships.

- (6) In this section—

***lawful damage*** means damage that is not unlawful under the Criminal Code, section 469.



No.	Name	Interp. Y/N	Role	Statement attached Y/N	Number of pages
12.					

If the matter is a committal proceeding, all copies of written statements are being made available with the intention they be admitted under s. 110A *Justices Act 1886*, unless advised otherwise: s. 110A(6C)(b) *Justices Act 1886*.

For relevant proceedings only, details of: **affected child witnesses** [s. 590AH(2)(d)] are at [6]; **representations by persons dead or incapable of giving evidence** [s. 590AH(2)(f)] are at [7]; and **witnesses who would tend to help the case of the accused person** (and are not proposed prosecution witnesses) [s. 590AB(2)(b)] are at [8].

### 3. Interpreters

Defendant No.	Defendant Name	Interpreter Name	Accreditation (if applicable)	Contact details (if applicable)	Language

Witness No.	Witness Name	Interpreter Name	Accreditation (if applicable)	Contact details (if applicable)	Language

Victim Impact Statement (VIS)				
Name	VIS	Y/N	Due Date	Notes

### Exhibits

#### 4. Defendant's statement [s. 590AH(2)(c); and s.438(2) PPRA]

No.	[Complete for each defendant]	Conducted Y/N	If provided to defendant--DATE	Comments
1	Audio/video recording--field	y		
1	Audio recording—record of interview	y	y	
1	Video recording—record of interview	y	y	
	Transcript			
	Written			

5. **Defendant's history**—Provided with Court Brief (QP9) at first appearance [s. 590AH(2)(b)]

6. **Original evidence on which the prosecution intends to rely** [s. 590AH(2)(i)]



[s. 590AB(2)(b)]

No.	Name	Role	Statement attached Y/N	Number of pages

I, \_\_\_\_\_, acknowledge receipt of the above-mentioned items or copies.

Signatures: \_\_\_\_\_ (Person receiving items) \_\_\_\_\_ (Date)

\_\_\_\_\_ (Prosecutions) \_\_\_\_\_ (Date)

## Maritime Safety Queensland

# Navigation lights

By law, navigating lights must be shown on boats operating:

- between sunset and sunrise
- in restricted visibility.

Navigation lights indicate:

- the size of the boat
- the angle where you see them
- the direction the boat is travelling
- if the boat is anchored.



## Minimum required lights (see diagrams overleaf)

### Sailboats underway

- Sailboats less than 7m and vessels under oars must have a torch or lantern showing a white light ready to display in time to prevent a collision.
- Sailboats less than 20m in length may combine sidelights and stern lights in a single lantern carried at the top of the mast.
- Sailboats 7m or more in length must show sidelights and stern lights. In addition to sidelights they may show two all-round lights in a vertical line (red over green) that may be shown at the top of the mast, but not when a combined lantern is used.

### Powered boats underway

- Powered boats less than 7m in length and whose maximum speed does not exceed 7 knots, may show an all-round white light instead of sidelights. If practical, these boats should also show sidelights.
- Powered boats must show sidelights and either an all-round white light or a stern and masthead light. Sailboats under engine power are considered to be powered boats, and must show the same lights as a powered boat. Personal watercraft are also powered boats.

*Note – a boat is “underway” when it is not at anchor, made fast to shore or aground (this includes drifting). Navigation lights should be fitted by the manufacturer or an authorised person.*

### Personal watercraft (PWC)

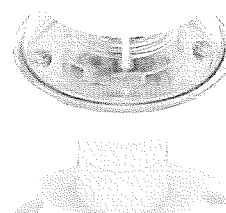
- All PWCs operating at night or in restricted visibility must show navigation lights.
- Navigation lights must be installed in accordance with the manufacturer’s instructions. A mast for an all-round white light on a PWC should be installed in such a way it will not pose an impaling hazard.
- The addition of any aftermarket products to a PWC must be in accordance with the manufacturer’s instructions and must not compromise the watertight integrity of the hull.

### Boats moored or at anchor

All boats moored or at anchor must show an all-round white light.

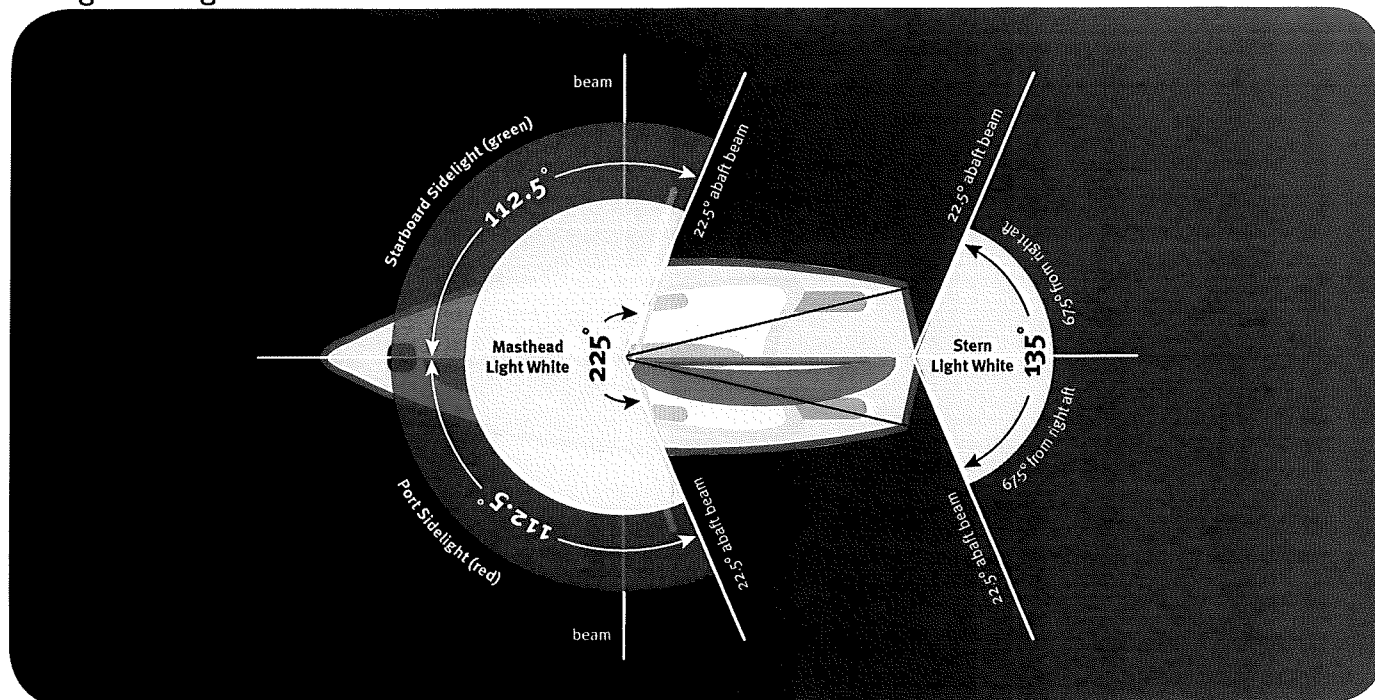
### Where can I get more information?

Visit your local Maritime Safety Queensland office or our website [www.msq.qld.gov.au](http://www.msq.qld.gov.au)



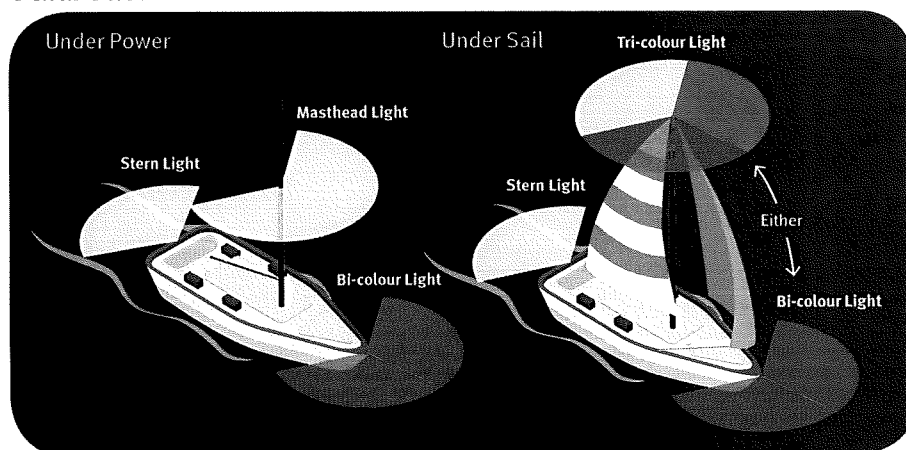
# Visibility arcs for navigation lights

## Navigation lights

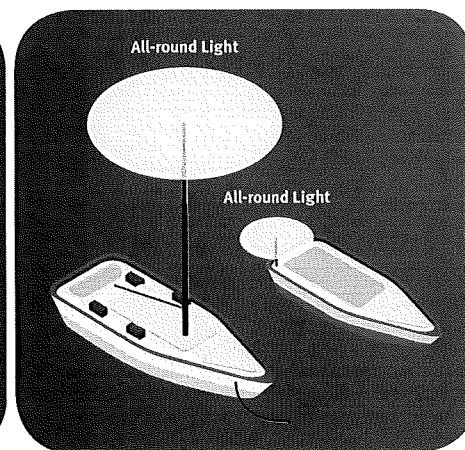


## Standard configurations of vessel navigation lights

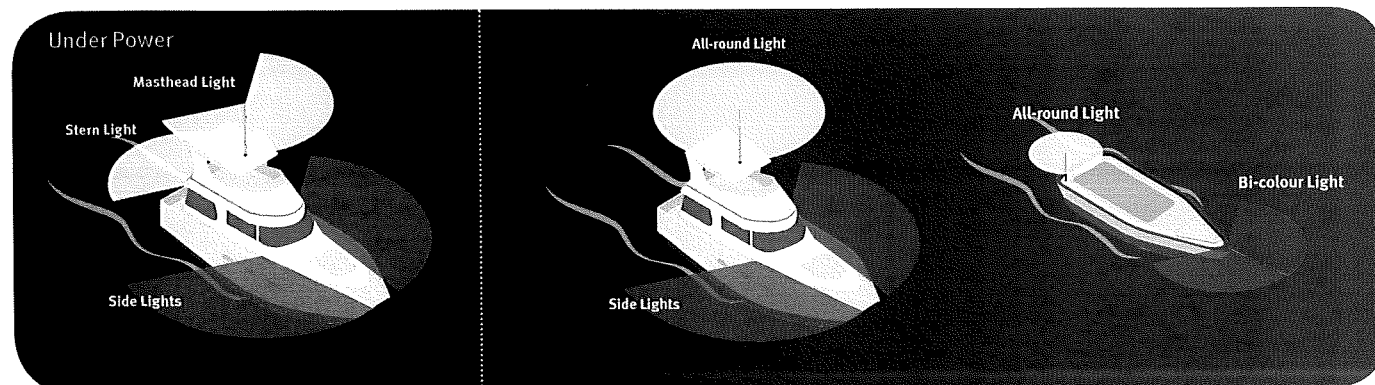
### Sailboats



### Boats moored or at anchor



### Powerboats





## **Criminal Practice Rules 1999 (rule 29)**

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A person must comply with a subpoena only if an amount sufficient to meet the person's reasonable travelling expenses in complying with the subpoena, or a ticket or other travel document needed to comply with it, is tendered either when the subpoena is served or within a reasonable time before attendance under the subpoena is required (rule 35 Criminal Practice Rules 1999).

#### **Application to set aside subpoena**

A person who has been served with the subpoena may apply to the court for an order to set aside the subpoena. If it is a subpoena to produce documents, an application may also be made to narrow its scope (eg. by reducing the number of documents to be produced).

If the application to set aside or narrow the subpoena is successful, the applicant may apply to the court for an order that all or part of the applicant's costs incurred in applying to have the subpoena set aside or narrowed be paid by -

(a) the party who served the subpoena; or

(b) if the court finds the conduct of the party's lawyer in serving the subpoena was oppressive, vexatious or an abuse of process, the party's lawyer (rules 33 to 35 Criminal Practice Rules 1999).

The applicant must serve a copy of the application to set aside a subpoena on the person who served the subpoena (rule 33 Criminal Practice Rules 1999).

#### **Subpoena to produce medical or hospital records or records of a department of government or a statutory authority of the Commonwealth or State**

If a subpoena requires the production of a medical record, hospital record or a record of a department of government, or a statutory authority of the Commonwealth or State, the served person may comply by giving the record to the proper officer of the court in a sealed envelope clearly marked "court exhibits" or something similar. The record is to be given to the proper officer at least 1 clear day before the time stated for production in the subpoena (rule 30 Criminal Practice Rules 1999).

If you wish to object to the record or part of it being inspected or copied you must give the proper officer a written statement stating the grounds for the objection (rule 31 Criminal Practice Rules 1999).





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Queensland Government homeFor QueenslandersYour rights, crime and the lawCourtCourt servicesApply to issue a subpoenaApply to issue a subpoena - submitted

## Apply to issue a subpoena - submitted

Thank you.

Your request will be processed as soon as possible. Online requests will be given the same priority as requests received at a registry counter.

If you have not received the subpoena or otherwise received a response to your request within two business days, please contact the registry.

If you have an urgent request, you may wish to contact the relevant courthouse (<http://www.courts.qld.gov.au/contact-us/courthouses>) after submitting your request.

We will contact you by your chosen method once your request has been processed.

Last updated: 12 September 2014



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## NOTES

**(1) If you are no longer acting in the matter:**

Please note that practice direction 19 of the *Criminal Practice Rules 1999* sets out the requirements if a lawyer wants to withdraw from acting for an accused person.

**(2) If other charges are pending:**

If your client(s) has other charges pending which you are instructed may proceed by ex officio indictment, please advise this office as soon as possible giving details of the charges and the name and station of the arresting officer in respect of those charges.

**(3) If a plea of guilty is intended:**

The *Penalties and Sentences Act 1992* provides that a court may, when imposing a sentence, have regard to the time at which the offender informed the relevant law enforcement agency of his or her intention to plead guilty. If your client(s) intends to plead guilty to the charge(s) in the indictment, please advise this office in writing as soon as possible.

**(4) If you wish to make a submission:**

If your client(s) wishes to make a submission regarding reduction or discontinuance of the charge(s) in the indictment, whether before presentation of the indictment or after presentation, please forward the submission in writing to the Manager Operations at this office as soon as possible. Written submissions are preferred.

**(5) If you wish to receive a copy of the depositions or exhibits:**

If you wish to receive a copy of the depositions, these are available upon request from the Depositions Officer (phone +61 7 5675 7000).

All physical exhibits can be made available for inspection upon request from the Exhibits Officer (phone +61 7 5675 7000).



# VLO CORRESPONDENCE



# **VLO CORRESPONDENCE**



	Primary carer	Secondary carer
Name:		
Current address:		
All current phone numbers:		
Current email address:		

### 3 - PACT referral

Has a PACT referral been made for the complainant child/children?

If a PACT referral has not been made for the child/children, please do so, and notify this office once it has been done.

### 4 - Child witnesses *(Please include details of witnesses OTHER than the victim)*

Are there any child witnesses?

*If yes, please complete below.*

Child witness name:

Child witness date of birth:

Child witness under care of:

#### Contact details for carer

Name:

Current address:

All current phone numbers:

Current email address:

If there is more than one child witness, please advise:

### 5 - PACT referral

Has a PACT referral been made for ALL of the child witnesses listed above?

If a PACT referral has not been made for the child/children, please do so, and notify this office once it has been done.

### 6 - Deceased victim

Is this victim deceased?

*If yes, please complete below.*

#### Contact details for next of kin

Name:

Relation to deceased:





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