

12 January 2016

Our ref: DOC/16/4763

Your ref: COR 2012 000298

Freda Villella
Coroners Registrar
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Dear Ms Villella

**INVESTIGATION INTO THE DEATH OF JAMES T SULLIVAN
FINDING WITHOUT INQUEST – TSV RESPONSE TO RECOMMENDATIONS
CASE NUMBER – COR 2012 000298**

On behalf of Transport Safety Victoria's (TSV's) Maritime Safety branch, I write in response to your letter of 20 October 2015 and the findings without inquest in relation to the investigation into the death of James T Sullivan, and the recommendations as follows.

- 1. That the State of Victoria continue to investigate viable ways to regulate the seaworthiness of recreational vessels. I support the recommendation made by Coroner English in the Finding into the death without inquest of Kevin Caithness and Paul Robert Washington (COR 2011 4499 and COR 2011 4500) that Transport Safety Victoria continue to explore potential models for a non-commercial vessel seaworthy inspection and certificate regime as a means of ensuring the seaworthiness of vessels at points of registration, transfer of ownership and after any modifications. I extend this recommendation to the Department for consideration.*
- 2. In so doing, I maintain the views as set out in my finding into the deaths of Jennifer and Alexander Elliot (COR 1880 and 1881 of 2008). I further consider that a survey scheme requiring inspection of all vessels 15 years or over or of second hand vessels offered for sale, is the least restrictive registration scheme needed to provide a reasonable level of protection to our boating community.*

Response:

In relation to both of the above recommendations, I note the following.

TSV supports recommendation 1 and is in the process of developing a detailed program of work to be conducted over a number of years, possibly up to 5 years given the complexity of the task, with the objective of exploring vessel suitability and safety issues from a number of perspectives.

At this stage we intend that our work will review and examine the following:

- options for developing recreational vessel standards for manufacturers in Victoria and possible national implementation, noting that there are no relevant standards currently in force in Australia
- advice and assistance for boat operators regarding vessel suitability, including whether a vessel is fit for purpose, and assisting users to understand the suitability of their vessel for their activity, waterway and weather conditions
- options for seaworthiness inspections, including an inspection regime, to ensure vessels being sold meet basic safety requirements
- options for implementing the Hull Identification Number (HIN) scheme in Victoria, which may be an essential element for seaworthiness inspections, vessel disposal schemes and in order to track stolen boats

- options for disposing of old boats, including research on ways to prevent or reduce the number of old or unseaworthy boats from being sold on to new owners and options that would enable users to more easily dispose of them
- the current Australian Builders Plate (ABP) scheme, including an examination of its known limitations and inconsistent implementation across jurisdictions, and manufacturer compliance
- issues associated with 'hobby' boat builders and 'do-it-yourself' marine mechanics, where they lack sufficient knowledge to safely undertake these activities.

This program of work is currently in a scoping phase that is expected to continue for several months to ensure these issues are comprehensively considered and better understood. There may be other elements of work added during this process. We intend that this research will inform a wide range of projects, which together will improve on-water vessel safety.

I note that the above information has also been provided to the Coroners Court in response to the Coroner's recommendations following the investigation into the deaths of Kevin Caithness and Paul Washington.

If you require any further information in relation to this response, please contact Elizabeth Muhlebach, Senior Policy & Legal Counsel (Regulation & Governance), on (03) 9655 1712.

Yours sincerely



ADRIAN MNEW

Acting Director, Maritime Safety

Cc: Mr Richard Bolt, Department of Economic Development, Jobs, Transport and Resources