

22 September 2015

Ref: DOC/15/354490
Your ref: COR 2014 005779

Cheryl Vella
Coroners Registrar
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Dear Ms Vella

**INVESTIGATION INTO THE DEATH OF ALAN BEARDOW
FINDING WITHOUT INQUEST – TSV RESPONSE TO RECOMMENDATIONS
CASE NUMBER - COR 2014 5779**

I write in response to your letter of 22 July 2015 and the Coroner's finding without inquest in relation to the investigation into the death of Alan Beardow and the Coroner's recommendations as follows.

- 1. The current Victorian regulations provide for the compulsory wearing of the required grade of personal flotation device at any time of 'heightened risk'. With the aim of minimising risk and preventing like deaths, I recommend that the definition of 'heightened risk' within the Victorian Recreational Boating Safety Handbook and Marine Safety Regulations 2012 (Vic) be amended to reinstate the condition 'when there is significant likelihood that the vessel may capsize or be swamped by waves or the occupants of the vessel may fall overboard or be forced to enter the water', as was the case at the time of this tragic incident.*
- 2. With the aim of minimising risk and preventing like deaths, I further recommend that the definition of 'heightened risk' within the Victorian Recreational Boating Safety Handbook and Marine Safety Regulations 2012 (Vic) be amended to include whenever a strong wind warning is current. I further recommend that the 'strong wind warning' be based on the Bureau of Meteorology's definition of a strong wind warning (25-33 knots), as opposed to the Beaufort scale.*

As noted in previous correspondence to the Coroner, the Director, Transport Safety (supported by Transport Safety Victoria (TSV)) is not responsible for legislative policy development; rather, this is a role of the Department of Economic Development, Jobs, Transport and Resources (**the Department**).

However, as the safety regulator for maritime safety in Victoria, TSV supports, and will endeavour to assist the Department to address, the legislative amendments referred to in the Coroner's recommendations, and will make any corresponding changes to the Victorian Recreational Boating Safety Handbook as required.

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

Yours sincerely



ADRIAN MNEW
Acting Director, Maritime Safety

Cc: Paul Salter
Chief Regulatory Economist
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