

11 September 2015

Ref: DOC/15/378178

Ms Rebecca Johnston-Ryan
Coroner's Registrar
Coroner's Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Dear Ms Johnston-Ryan

**CORONIAL INVESTIGATION INTO THE DEATH OF SEAN CONWAY
CASE NUMBER - COR 2014 006219**

Thank you for your letter dated 11 August 2015 regarding the investigation into the death of Sean Conway and for the opportunity to provide comment on the proposed recommendations for Transport Safety Victoria (TSV), which include:

1. *That human powered vessels be banned under the Vessel Operating and Zoning Rules near weirs, spillways and irrigation outlets; and*
2. *That there be improved education, safety and enforcement campaigns in relation to the appropriate use of human powered vessels.*

Recommendation 1

TSV is currently undertaking an extensive review of the *Vessel Operating and Zoning Rules* which contain state-wide and waterway specific rules for the operation of vessels on Victorian waterways. The proposed recommendation that human powered vessels be banned from operation near weirs, spillways and irrigation outlets will be considered as part of this review.

It should be noted that currently there are existing prohibitions similar to what is proposed at several locations around Victoria such as Lake Eildon, Lake Hamilton and Gunbower Creek, where all vessels are prohibited from operating near spillways and outlets. These rules have been made by the local waterway manager under the *Marine Safety Act 2010 (Vic)* and are contained in the current *Vessel Operating and Zoning Rules*. However, the effectiveness of these exclusion zones is largely unknown as they represent passive controls in typically remote locations and therefore rely heavily on the willingness of individuals to comply with the rules.

At the completion of the review, TSV will notify you of any proposed changes to the *Vessel Operating and Zoning Rules* that may affect the operation of human powered vessels near weirs, spillways and irrigation outlets.

Recommendation 2

Education and enforcement campaigns are key tools utilised regularly by TSV to improve boater safety. In preparation for the upcoming boating season, TSV is currently analysing boating incident trends to inform the range of key strategic education and enforcement campaigns that are undertaken during 2015-16. Based on the rise in kayaking related incidents the need for a kayaking and other human powered vessel operations campaign is under consideration as there appears to

be a wide range of contributing factors leading to these incidents. It is important that any education activities are appropriately targeted in order to address emerging risk areas.

Any future campaigns will build on previous work undertaken as a result of incident trend analysis and coronial recommendations, which has most recently included specific campaigns targeting kayak and other human powered vessel operators via new communications mechanisms such as YouTube and a kayak and adventure retailer sales staff education program. TSV has also employed a number of experienced kayakers as Boating Safety Officers for the last two seasons in an effort to identify with, and advise kayak operators.

In addition, TSV will continue to consider how to improve the accessibility of waterway safety information by vessel operators as part of our ongoing commitment to the provision of safety information to boaters. For example, detailed maps are now available to illustrate the *Vessel Operating and Zoning Rules* for a number of key waterway areas which assists vessel operators understanding of the features of the waterway they are using and also the areas where vessel operation is restricted.

As noted above, weirs, spillways and irrigation outlets are very broadly distributed across the state and typically in remote locations not easily accessible. These locations tend to be used in an opportunistic manner by locals rather than as established boating locations which are actively managed by a waterway manager. Furthermore, there has been advice from waterway managers who have sought to actively exclude vessel operators through the use of signage and fencing, that these measures are regularly disregarded and in some instances removed, so that operators are able to reach local waterway access points.

This type of activity complicates enforcement in remote locations, however, as detailed in the TSV Marine Enforcement Policy, enforcement of marine safety rules is the responsibility of a range of agencies including TSV, Victoria Police and some local waterway managers. Enforcement of these rules could be a good initiative for a coordinated enforcement campaign and where practicable, compliance and enforcement activities at relevant locations will be incorporated into the strategic education and enforcement campaign planning.

If you require further information on any of the above points raised please contact Elizabeth Muhlebach on 9655 1712.

Yours sincerely



PETER CORCORAN
Acting Director, Transport Safety