

6 August 2012

Ref: FOL/12/18118

Court Reference: 3798/2010

Chanelle Lindsay
Coroners Registrar
Coroners Court of Victoria
PO Box 687
MORWELL VIC 3840



Dear Ms Lindsay

**RECOMMENDATION IN THE MATTER OF THE FINDING INTO DEATH WITHOUT
INQUEST OF REGINALD MASHADO**

Thank you for your correspondence dated 03 May 2010.

The Coroner's recommendations in relation to the death of Mr Reginald Mashado on 02 October 2010 were that:

1. *That Transport Safety Victoria (TSV) continue to advise operators of human powered craft, to go beyond their regulatory safety recommendations by carrying extra safety equipment such as Type 1 PFD, which has more buoyant properties than Type 2 or 3 PFDs, and an Emergency Position Indicating Radio Beacon (EPIRB) or a Personnel Locating Beacon (PLB).*
2. *That Transport Safety Victoria consider notification and advice to boating enthusiasts who construct their own vessel of the regulatory requirements for seaworthiness and safety equipment.*

Please find enclosed Transport Safety Victoria's response to these recommendations.

Statement of Action- Recommendation 1

Following an increase in kayaking related incidents, Transport Safety Victoria initiated a range of activities including:

- Media Release "Safety warning to kayakers" 1 December 2011 which highlighted the risks associated with human powered vessels and safety tips (Attachment A)

PO Box 2797, Melbourne Vic 3001 www.transportsafety.vic.gov.au

Bus and Rail T. (03) 9655 8949 | F. (03) 9655 8929 | E. information@transportsafety.vic.gov.au
Maritime T. 1800 223 022 | F. (03) 9655 6611 | E. marinesafety@transportsafety.vic.gov.au

- Media Release “Safety regulator says boating incidents leave room for improvement” 21 July 2011 which highlighted the growing trend in human powered vessel incidents (Attachment B)
- Designed and disseminated a brochure entitled Paddle Safe Paddle Smart in September 2011. This brochure contained safety tips and details of regulatory requirements and distribution included point of sale and the 4x4 and Fishing Show. A copy of this brochure is enclosed (Attachment C).
- Formed the Proactive Kayaking Working Group with Victoria Water Police, which met in December 2011 to:
 - discuss the safety issues with kayakers including possible causal factors
 - identify intervention opportunities
 - identify common messages and shared information resources
- Outcomes from this working group included nightly news weather reports being delivered from the back of the police boat and police members disseminating brochures and kayaking safety messages.
- During our summer education program (October 2011 to April 2012) our field based Boating Safety Education Officers targeted a number of inland waterways specifically focusing on educating human powered vessel operators. The team spoke to an estimated 350 human powered vessel operators.
- Our website was updated to include guidance specifically targeted towards canoeists and kayakers: <http://www.transportsafety.vic.gov.au/maritime-safety/recreational-maritime/your-vessel/canoeing-and-kayaking> (Attachment D)

A strategy and follow up program is currently in planning for the 2012-13 summer boating program.

Statement of Action- Recommendation 2

TSV have formed a multidisciplinary working group comprising naval architecture, engineering, marine and education expertise. The objective of this working group is to design and oversee delivery of a regulatory strategy designed to control risks associated with boating enthusiasts who design, construct and/or maintain their own vessels. This group is currently in the problem definition phase with a regulatory intervention strategy due for

delivery in October 2012, with the program itself to be delivered during the 2012-13 summer boating season.

I trust that this information satisfies your request for a response to these recommendations under section 72(3) and 72(4) of the *Coroners Act 2008 (Vic)*. We are happy to discuss the marine safety issues with you and your colleagues and to provide any further assistance that we can to further improve marine safety.

Yours sincerely



PETER CORCORAN
Director Maritime Safety



For immediate release – 1 December 2011

Safety warning to kayakers

Transport Safety Victoria (TSV) is urging kayakers to treat the recent drowning of two kayakers in Port Phillip Bay as a sobering reminder of the importance of boating safety.

TSV's Director of Maritime Safety, Mr Peter Corcoran, said with the approaching warmer weather increasing numbers of kayakers will head out on the water.

"Kayakers need to refresh their knowledge of important safety procedures and be aware of the risks they face.

"Kayaks are more susceptible to the impact of wave and weather conditions and can easily capsize," Mr Corcoran said.

While the cause of this recent tragic event has yet to be determined, TSV is urging all boaters to:

- always wear an approved life jacket
- check the weather before you go out
- let someone know where you are going, your point of departure and when you plan to return
- make sure your safety equipment is in good working condition
- carry a marine radio or mobile phone in a water proof pouch
- carry a registered EPIRB, a personal locator beacon or flares so you can raise the alarm in an emergency
- wear suitable clothing for the conditions including something that is high visibility
- remember that conditions change suddenly
- display some identification on your vessel such as a car registration or a telephone number
- attach reflective tape to your vessel and paddles to increase visibility.

The mandatory safety equipment requirements for all vessel types are outlined in the free Recreational Boating Safety Handbook.

Copies are available from Transport Safety Victoria by telephoning 1800 223 022 or can be viewed on line at www.transportsafety.vic.gov.au/maritime-safety.



For immediate release – 21 July 2011

Safety regulator says boating incidents leave room for improvement

Transport Safety Victoria is calling on recreational boating enthusiasts to be more aware of their safety, as it announces figures that reveal that boating-related fatalities have increased over the past 12 months.

In 2010-11, six people died on Victorian waterways, while another two men remain missing since early July. There have also been approximately 190 recreational boating incidents during this time, with 15 of those resulting in serious injuries.

Transport Safety Victoria's Acting Director of Maritime Safety, Lisa Faldon, said people need to think about their safety when they go boating.

"It's important that some boaters take more care out on the water," she emphasised. "We're not talking about a complicated issue or one that involves large expenditure."

"Wearing your life jacket makes sense because you generally don't have time to put one on when something goes wrong," Ms Faldon said. "Other precautions like carrying the necessary safety equipment on board and telling someone where you are going and when you'll be back, are essential.

"It might just be the difference between life and death."

Of the six fatalities in the past 12 months, half are attributed to growing water sports, such as kite surfing, canoeing, and kayaking.

2010 also saw the first commercial boating fatality since August 2004, after a man died when a fishing charter capsized.

"Any death is one too many," stated Ms Faldon.

In an effort to help enforce on-water safety, Transport Safety Victoria is introducing a new Waterway Compliance Team later this year. It will engage with the recreational and commercial boating sectors, waterway managers and other key industry stakeholders to increase knowledge, awareness and compliance with relevant marine safety laws.

In particular, the team will play a key role in implementing and delivering a range of land and on-water boating safety initiatives and regulatory compliance functions, including compliance inspections of vessels.

The work of the Waterway Compliance Team will be complemented by other safety education programs delivered by Transport Safety Victoria, including the successful Summer Safety Education Officers, who interacted with more than 12,000 members of the recreational boating community at boat ramps across the state during November to April 2011.

Transport Safety Victoria's Boating Safety Education Officers have also delivered 26 seminars to local clubs during 2010-11, as well as speaking to school children at 60 primary schools as part of a junior seminar series.

For further information please contact Karin Limon, Manager Strategic Communications, karin.limon@transportsafety.vic.gov.au, (03) 9655 8955 or 0428 286 449.



Safety equipment tips

- Ensure your safety equipment is in good working condition and is easily accessible.
- Take care of your PFD. Ensure you familiarise yourself with the manufacturers instructions on how to wear and operate it.
- In the case of inflatable PFDs, service these on or before the date specified by the manufacturer.

Transport Safety Victoria
PO Box 2797 Melbourne Vic 3001
T. 1800 223 022
E. marinesafety@transportsafety.vic.gov.au
Marine Safety Victoria is now
Transport Safety Victoria
www.transportsafety.vic.gov.au



PADDLE SAFE PADDLE SMART

A guide to help you
paddle and return
safely →

Victoria has experienced an increase in incidents involving canoes, kayaks, row boats, surf skis and stand up paddle boards. When operating these vessels, it is mandatory to carry the minimum safety equipment as detailed in the table below.



Always wear an approved Personal Flotation Device (PFD).



Display a white light when operating at night so other vessels can see you.

Minimum safety equipment	COASTAL			INLAND
	OFFSHORE (>2m from coast) Type 1, 2 or 3	INSHORE (-2m from coast) Type 1, 2 or 3	ENCLOSED (Bays and estuaries) Type 1, 2 or 3	INLAND (Rivers, lakes and dams) Type 1, 2 or 3
PFD (per person on board/towed)	Type 1, 2 or 3	Type 1, 2 or 3	Type 1, 2 or 3	Type 1, 2 or 3
Waterproof buoyant torch	1			
Bailer (if no electric or manual bilge pumping system)	1	1	1	1
Electric or manual bilge pumping system (if vessel has covered bilge or closed underfloor compartments)	1	1	1	1
Hand held orange smoke signals	2			
Hand held red distress flares	2			
Compass	1			
Spare oar with rowlock or spare paddle	1			
Approved EPIRB	1			

You are required to hold a recreational boat operator licence and register your vessel if the vessel is fitted with a means of propulsion (regardless of engine size).

Recommended safety tips

To make your time out on the water safer and more enjoyable, follow these tips:

↑ Make sure your safety equipment is in good working condition and is easily accessible.

↑ To avoid losing your paddle(s) attach it/them to your vessel with shock cord(s).

↑ Check the weather before you go out. Contact the Bureau of Meteorology by telephone on 1196 or visit www.bom.gov.au/marine

↑ Take a buoyant waterproof torch with you. You might not intend to operate at night but if you run into trouble a torch will help you attract attention.

↑ Let someone know where you are going, your point of departure and when you plan to return.

↑ A large sponge can absorb any unwanted water that enters your vessel.

↑ If you capsize, stay with your vessel. A vessel is much easier to spot in the water than a person.

↑ Attach reflective tape to your vessel and paddles to increase visibility.

↑ Wear suitable clothing for the conditions.

↑ Display some identification on your vessel. Your car registration or a telephone number are good examples. This may assist with identifying who you are in the event you become separated from your vessel.

↑ Make sure you are visible to other boaters. You will not always be seen because your vessel sits low on the water.

↑ Take a mobile phone and/or Personal Location Beacon (PLB) with you.

↑ Where possible, always travel in a group to maximise your safety.

Capsizing

The effects of cold water immersion and hypothermia impact on your ability to think and act clearly. Before you go out on the water you should wear suitable clothing, ensure that your outer layer of clothing is watertight and wear a Personal Flotation Device.

If you capsize, stay with your vessel.

Transport Safety Victoria

Canoeing & kayaking

Victoria has experienced an increase in incidents involving canoes, kayaks, row boats, surf skis and stand up paddle boards.

This page provides information to operators of human powered vessels to help you stay safe when out on the water.

Paddle Safe Paddle Smart

This new brochure contains information about safety equipment and other safety tips for people using canoes, kayaks, row boats, surf skis and stand up paddle boards.

- [Paddle Safe Paddle Smart \(PDF 1.9MB, 4 pp.\)](#)

Safety equipment

When operating canoes, kayaks, row boats, surf skis and stand up paddle boards it is mandatory to carry the minimum safety equipment. Details of what safety equipment you need to can be found on the Safety equipment for human powered vessels page of this website.

All safety equipment carried onboard must be:

- placed or located in a conspicuous and readily accessible position at all times
- kept in good order at all times
- maintained or serviced in a way that ensures it can be operated at all times in the way that it was designed to operate
- serviced on or before the date specified by the manufacturer.

Make sure you are visible

As many human powered craft sit low in the water, other boats may not see you. At all times you must ensure you:

- obey the rules of the waterway that you are operating on, be vigilant about your route and avoid shipping lanes
- fit your Personal Floatation Device (PFD) with reflective tape and wear bright coloured clothing . It is also wise to add reflective tape to your kayak and paddle.
- at night, carry a white light easily visible to approaching vessels
- stay with your vessel if you fall out. A vessel is a lot easier to spot than a swimmer.

How many people can I carry?

If the vessel is a decked canoe or kayak or is otherwise fitted with individual cockpits, the number of persons carried on the vessel must not exceed the number of individual cockpits in the vessel, irrespective of the age of the person.

Licensing and registration

You are required to hold a recreational boat operator licence and register your vessel with VicRoads if the vessel is fitted with a means of propulsion (regardless of engine size).

More information can be found on the Licensing & registration pages of this website.

Further information

Get the latest weather forecasts from the Bureau of Meteorology (BOM) website and learn to interpret them.

- [Safety equipment for human powered vessels](#)
- [Weather and tides](#)
- [Licensing & registration](#)
- [VicRoads website](#)
- [Bureau of Meteorology \(BOM\) website](#)

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