

1 March 2019

Our ref: DOC/19/53472  
Your ref: COR 2018 0285

Joshua Munro  
Coroner's Registrar  
Coroners Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VIC 3006



Dear Mr Munro

**INVESTIGATION INTO THE DEATH OF GRAHAM HILL  
CASE NUMBER – COR 2018 0285**

On behalf of Transport Safety Victoria's (TSV's) Maritime Safety branch, I write in response to your letter of 6 December 2018 and the Coroner's findings without inquest following the investigation into the death of Graham Hill, and the recommendations below.

1. *I recommend that Transport Safety Victoria consider introducing requirements that:
  - a) all boats be fitted with a manual or electrical pumping mechanism to all bilge areas; and
  - b) when scuppers are fitted to a vessel, ensure that scuppers can be closed shut from within the vessel.*
  
2. *I support Coroner English's recommendation that Transport Safety Victoria continue to explore potential models for a non-commercial vessel seaworthy inspection and certificate regime as a means to ensuring the seaworthiness of vessels at points of registration, transfer of ownership, and after a modification of the vessel.*

Response:

TSV notes recommendation 1.

TSV is not responsible for legislative policy development; this sits with the Department of Transport.

In relation to recommendation 1(a), it is already a requirement that all recreational vessels which have a covered bilge or closed underfloor compartment other than airtight void spaces are fitted with a manual or electrical bilge pumping mechanism pursuant to regulation 96 of the *Marine Safety Regulations 2012* (Vic) (**MSR**) (as set out in Schedule 3 to the MSR).

Regarding recommendation 1(b), scuppers must have the ability to be opened and closed from the inside of the vessel, as scuppers may be used to either prevent water from entering a vessel; or to eject water from a vessel, depending on the circumstances. TSV supports this proposal and will consider making fully functioning scuppers a condition of registration.

TSV supports recommendation 2. TSV is developing an options paper focussing on seaworthiness inspections for recreational vessels as part of the registration process. The paper will identify both legislative and administrative options for implementing the scheme, before identifying a preferred option which will be put forward to the government for their consideration. It is expected that the recommended option will guide the scope for further project work. It is noted that TSV has previously undertaken to commence this work but this work was delayed due to resourcing constraints and other priorities.

TSV advises that there may have been other contributing factors to Mr Hill's death, these include:

- Not wearing a lifejacket.
- The decision to stop may be indicative of a lack of knowledge of how to address the problem of the flooding vessel. In circumstances where a vessel is filling with water it may be better to continue operating the vessel at speed and make for the closest land mass rather than stop the vessel. Stopping the vessel increases water ingress as the vessel settles in the water. This exacerbates the problem of water on deck and increases the chances of swamping or capsize.
- No means of raising the alarm – carriage of float free grab bags with flares or an EPIRB may have resulted in Mr Hill obtaining assistance more quickly.

TSV is currently delivering a safety campaign that, amongst other things, highlights the importance of carrying a distress beacon and wearing a lifejacket. This can be reviewed at:  
[www.msv.vic.gov.au/prepare](http://www.msv.vic.gov.au/prepare).

It is intended that future safety campaigns will include highlighting the issues associated with watertight decks that fail and the adequacy of bilge pumping arrangements in decked vessels.

If you require any further information, please contact Jane Wright, Policy Adviser, on (03) 9655 1022.

Yours sincerely



**MARTIN JAGGS**  
Acting Director, Maritime Safety