

28 June 2021

Our ref: FOL/21/13936
Your ref: COR 2019 2848

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

Dear Sir / Madam

**INVESTIGATION INTO THE DEATH OF EHREN HYDE
FINDING WITHOUT INQUEST – TSV RESPONSE TO RECOMMENDATIONS
CASE NUMBER – COR 2019 2848**

On behalf of Transport Safety Victoria's (TSV's) Maritime Safety branch, I write in response to the Coroner's finding without inquest dated 29 March 2021 following the investigation into the death of Ehren Hyde in June 2019, and the recommendations below.

1. I recommend that Transport Safety Victoria engage with Victorian sailing and yacht clubs to promote the 'Prepare to Survive: Know The Five' campaign, and encourage boaters or paddlers to enact the five steps, particularly when boating or paddling alone. Such a campaign may be multimodal, utilising where possible, social media, flyers or posters at sailing or yacht clubs, and articles or advertisements in sailing club newsletters.
2. I recommend that Transport Safety Victoria liaise with the Department of Economic Development, Jobs, Transport and Resources to explore the possibility and feasibility of legislative amendment to require EPIRBs or PLBs to be carried by the operators of recreational vessels (regardless of the classification of waterway or distance offshore) in high risk situations, including when operating alone.

Response to Recommendation 1

TSV supports recommendation 1.

Maritime Safety Victoria continuously improves safety education messaging to key external stakeholders, including recreational boaters, with a focus on the summer boating season each year. The five-year 'Prepare to Survive: Know the Five' campaign is delivered annually (the 2020–21 campaign was its third iteration) to align with the busier summer boating season, and shares important safety and educational content across digital, social and print media channels. Each year, the campaign is independently evaluated to inform continuous improvement in campaign visibility and strength of messaging to key external stakeholder groups. In response to the coroner's recommendation, MSV will consider enhancing the engagement with sailing and yacht clubs as part of annual campaign activities for the remainder of the multi-year campaign.

In addition to formal campaign activities, Maritime Safety Victoria's Boating Safety Education team undertake a range of annual education and outreach activities including safety seminars delivered to a range of recreational boating and paddling groups - including sailing clubs. The team also attend boating shows, field days and safety days to engage a variety of boaters and paddlers to discuss safety issues and promote 'Know the Five' messages. As part of this engagement with members of sailing clubs, MSV has been invited to deliver a safety presentation at the Australian Sailing Club

Conference in August 2021 and is scheduled to attend the opening weekend for the Victorian Laser Association in November 2021.

Further, MSV is a standing member of the Play it Safe by the Water Committee alongside peak body recreational boating groups, including Australian Sailing. The committee continues to provide an important avenue for sharing 'Know the Five' messaging to a key subset of MSV's recreational boating safety stakeholders.

Other activities promoting 'Know the Five' campaign messaging to recreational boating groups, maritime industry retailers and local information centres attended by sailing enthusiasts include MSV's regular non-campaign social media and print publication channels, and via the Boating Vic mobile app.

Recommendation 2

TSV notes recommendation 2 and advises that the Department of Transport (**department**) is responsible for legislative policy development.

With respect to relevant legislation, currently in-force *Marine Safety Regulations 2012* (sunset on 13 June 2022. TSV is working with the department on the new set of Marine Safety Regulations, which includes recommending changes to regulatory policy settings, including the carriage of safety equipment.

As part of this process, TSV will continue to monitor trends and incidents and identify actions that could prevent escalation of situations through ongoing analysis of fatal and serious boating incident data.

Data trend analysis will help TSV inform whether new regulatory requirements need to be considered and whether operators of vessels in high-risk situations, including those operating alone, carry EPIRBs or PLBs. It is noted that dinghy sailors often undertake their activities in controlled environments with event organisers who hold safety duties considering their safety. Individuals sailing alone or training outside of race environments expose themselves to a higher risk. MSV will be highlighting this shift in risk profile when engaging with yacht clubs and class associations.

If you require any further information, please contact Jane Wright, Policy Adviser, on jane.wright@transportsafety.vic.gov.au .

Yours sincerely



GARETH JOHNSON

Acting Director, Maritime Safety