



# Department of Transport

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File:

Mr John Olle  
Coroner  
C/- Colleen Bebbington  
[cpuresponses@coronerscourt.vic.gov.au](mailto:cpuresponses@coronerscourt.vic.gov.au)

Dear Mr Olle

CORONIAL INVESTIGATION INTO THE DEATH OF THI MINH NGUYEN (COR 2021 000961)

I refer to the letter received from Colleen Bebbington, Senior Coroner's Registrar, on your behalf, dated 24 January 2022 regarding your final recommendation into the death of Thi Minh Nguyen, who drowned after the boat she was on capsized. I apologise for the significant delay in the Department of Transport's response to your recommendations.

Your final "finding without inquest" recommendations to the Department of Transport (the Department) were as follows:

- a) that a vehicle inspection process at the time of registration and acquisition, or transfer, of vessel ownership be developed and implemented to proactively identify deficiencies and carry out remedial work where required, akin to relevant sections in the Road Safety (Vehicles) Interim Regulations 2020 (Vic);
- b) that all boats fitted with electrical bilge pumps in enclosed bilge areas have automated switches or floats, or alarms if a manual bilge pump exists; and
- c) that as part of seaworthy inspections, builders' plates are retrospectively attached which determine the number of people, the conditions for which the vessel is suited, and the maximum engine capacity of the vessel.

The Coroner's recommendation are under consideration.

The proposed recommendations relate to matters contained within the *Marine Safety Act 2010* and the Marine Safety Regulations 2012 (the Regulations). The Regulations were due to expire on 13 June 2022, however, the Regulations have been extended for a period of 12 months. The extension will enable the Department to review the Regulations with a view to remaking them in 2023. Part of this process involves a review of the existing Regulations, the production of a regulatory impact statement and release of proposed regulations for public consultation.

Public consultation on review of the proposed Regulations began on 16 June 2022 and concluded in mid-August 2022.

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The Regulations cover a range of matters relating to recreational boating, including the licensing of masters and the registration of vessels. As part of the review into the Regulations, each requirement is being reviewed to determine their effectiveness. This includes the recommendations relating to mandatory vessel inspections and safety equipment to be fitted, carried or used in the vessel.

Currently, the Regulations require that a recreational vessel be fit for purpose as a condition of registration. This includes that the hull of the recreational vessel be able to maintain watertight integrity. As part of the review, there has been consideration of options to prescribe recreational vessels be built to a mandated standard and require vessels to undergo a seaworthiness inspection at prescribed intervals.

I note that bilge pumps are currently required to be carried on all powerboats, yachts, kayaks, canoes, rafts, and rowing boats in coastal, enclosed, and inland waters. The review will consider your recommendation on the operation of bilge pumps more generally.

It is an offence under the *Marine Safety Act 2010* to supply in trade or commerce a recreational vessel of a prescribed class that does not comply with the Australian Builders Plates Standard. Requiring Australian Builders Plates to be retrospectively attached to vessel would require a legislative change to the *Marine Safety Act 2010* and is not within scope of the review into the Regulations. Nonetheless, at this stage, the Department expects the costs of requiring all vessels retrospectively fitted with a ABP would exceed the benefits.

Now that consultation period for the proposed new Regulations is concluded, the Department will consider all feedback received from stakeholders and the community and consider whether any changes to the proposed Regulations are required. The Department will then make recommendations to the Minister about the final form and content of the Regulations for the Minister to make the final decision, with new Regulations expected to be made in early 2023.

As noted above, the Department is assessing a range of options to improve marine safety, including the proposed recommendations put forward in your letter. The Department can provide you with assurance that there will be further consideration of your recommendations as part of the review of the sunseting regulations.

Thank you for bringing this matter to my attention.

Yours sincerely



**Paul Younis**  
Secretary  
Department of Transport

12 October 2022