



Ref: BSEC-1-22-13793R

File:

Mr Simon McGregor
Coroner
C/- Nicole D'Rozario
cpuresponses@coronerscourt.vic.gov.au

Dear Mr McGregor

CORONER MCGREGOR'S FINDING INTO DEATH WITHOUT INQUEST - GFE

I refer to the letter received from Nicole D'Rozario, Coroner's Registrar, on your behalf, dated 30 August 2022 regarding your final recommendation into the death of GFE.

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

- a) that the Department develop legislation mandating that solo operators in enclosed waters and coastal Victorian waters must wear a PFD Type 1 with an attached registered Emergency Position-Indicating Radio Beacon (EPRIB); and
- b) that the Department develop legislation mandating that any recreational vessel that has a Liquid Petroleum Gas (LPG) system on board in an enclosed area must have an operable gas detecting system.

The Department has considered the findings and recommendations, and this letter outlines the response to your recommendations.

Review of the Marine Safety Regulations 2012

The recommendations are relevant to the Marine Safety Regulations 2012 (the current Regulations). The Department advises that the current Regulations are due to expire on 12 June 2023, and currently being reviewed. The Department released a regulatory impact statement and draft regulations in June 2022 for public comment. The draft regulations would substantially remake the current Regulations with some modifications. The Department is reviewing submissions made in relation to the RIS and draft Regulations and therefore, a decision to make the draft Regulations has not yet been made.

Requirements for lifejackets and EPIRBs

The current Regulations require persons on vessels less than 4.8m or in circumstances of heightened risk to wear a PFD while the vessel is underway. One of the circumstances of heightened risk is that the vessel is being operated by a person who is the only person on board the vessel. Other circumstances of heightened risk include crossing an ocean bar, operating at night or while the vessel is disabled.

An EPIRB is a piece of safety equipment that is required to be carried in a recreational vessel if the vessel is operating more than 2 nautical miles from the coast. EPIRBs assist marine search and rescue authorities to locate persons in distress when they are activated. In contrast, a personal locator beacon (PLB) is a smaller device and designed to be worn or carried by individuals. The current Regulations do not require the use of PLBs. Safe Transport Victoria encourages boaters to use equipment, such as PLBs, even if they are not required by the Marine Safety Act or the regulations.

I note that you recommend that EPIRBs are attached to a lifejacket. EPIRBs are not designed to be carried on the person, but instead PLBs fulfill this function as the devices are smaller and lighter than EPIRBs.

The current regulations vary safety equipment requirements for recreational boaters based on a range of risk factors. That is, additional pieces of safety equipment are required to be equipped in the vessel or be used by a person depending on the circumstances that are more likely to result in the person being involved in an incident. The Department considers that the current requirements prescribed in the current Regulations are proportionate and appropriate and does not recommend that there be mandatory use or wearing of EPIRBs or PLBs in the specified circumstances.

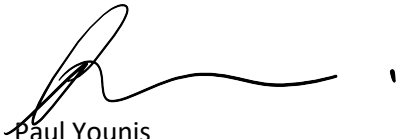
Gas requirements

The current Regulations do not directly provide for requirements in relation to LPG systems on recreational vessels. The current Regulations provide that the registration of a vessel is subject to the condition that the vessel must not be operated unless the vessel is fit for purpose. The current Regulations define what is fit for purpose in respect of a range of vessel systems and characteristics relevant for the safety of the vessel.

The Department understands that the installation of gas systems is regulated by Energy Safe Victoria under the *Gas Safety Act 1997* and that these requirements also apply to recreational vessels that have gas, including LPG, appliances and installations in the vessel. Any recommendations in relation to reducing harm and improving safety in relation to LPG systems should be considered as part of the regulatory scheme in the Gas Safety Act.

Thank you for bringing this matter to my attention and providing an opportunity to respond to the recommendations. If you require any further information in relation to this matter, I suggest you contact Mr Paul Salter, Director, Legislative and Regulatory Reform on paul.salter@dot.vic.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Younis', with a long horizontal flourish extending to the right.

Paul Younis
Secretary, Department of Transport

13 December 2022