



## The Hon Sonya Kilkenny MP

Minister for Planning  
Minister for Outdoor Recreation

8 Nicholson Street  
East Melbourne, Victoria 3002 Australia

Ref: BMIN-1-23-41

Judge John Cain  
Coroner  
C/- Kate Sanderson  
cpuresponses@coronerscourt.vic.gov.au

Dear Judge Cain

**Re: Coronial investigation into the death of Robert Wayne Edwards (COR 2020 000796)**

I refer to the letter received from Kate Sanderson, Coroner's Registrar, on your behalf, dated 16 December 2022 regarding your final recommendation into the death of Robert Wayne Edwards, who died as a result of injuries sustained in a boat collision. I apologise for the delay in responding.

I note your final "finding without inquest" recommendation to the Minister for Fishing and Boating is as follows:

*That the Minister for Fishing and Boating consider the introduction of a new indictable offence to cover situations where the operator of a vessel breaches the COLREGs or operates a vessel in a manner that is unsafe and causes serious injury or death. The new offence would apply where more than one vessel operator may have contributed to the death or serious injury and would not require the prosecution to prove that the accused solely or substantially caused the death or serious injury.*

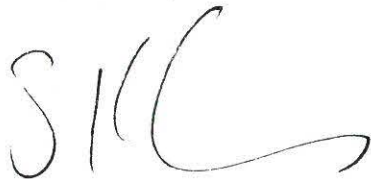
Your recommendation is under consideration. The Department of Transport and Planning (the Department) advises there are a range of existing offences that apply to operators of vessels, and it is appropriate to consider the full suite of offences before making a recommendation. The Department will review offences relating to the unsafe or dangerous operation of vessel or where that operator breaches the COLREGs (Regulations for the Prevention of Collisions at Sea) across the *Marine Safety Act 2010* and the *Crimes Act 1958*.

The Department also intends to consult the Department of Justice and Community Safety on these offences, whether any gap exists and the appropriate form, content and penalty of a

new offence. The Department will then make a recommendation on this matter before I make a decision.

I trust this information is of assistance. Thank you for taking the time to raise this matter.

Yours sincerely

A handwritten signature in black ink, consisting of the letters 'S', 'K', and 'C' in a stylized, cursive font.

**The Hon Sonya Kilkenny MP**  
**Minister for Planning**  
**Minister for Outdoor Recreation**

31/3/2013