



## Department of Transport, Planning and Local Infrastructure

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Ms Hannah Summerhayes  
Coroner's Registrar  
Coroner's Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VIC 3006

Dear Ms Summerhayes

### **INVESTIGATION INTO THE DEATH OF ZANE W MCLAUGHLIN**

I refer to your letter dated 3 November 2014 enclosing the Coroner's report following an investigation into the tragic death of Zane McLaughlin. In the report, dated 16 October 2014, State Coroner Judge Ian Gray recommends as follows:

*"I recommend that there be a reconsideration by relevant authorities of whether the estimated benefits of a practical component of the Victorian recreational boat licence regime continues to outweigh the costs. I recommend that such a re-consideration take into account the need to strike an appropriate balance between public safety and public cost, which may require a recalibration of the equation and a greater weighting of the public safety component of that equation."*

The recommendation is under consideration by the Department of Transport, Planning and Local Infrastructure\*, the relevant authority for this matter.

A comprehensive review by the Department of regulatory requirements for marine safety resulted in a new *Marine Safety Act 2010* (the MSA) and the Marine Safety Regulations 2012 both of which took effect in July 2012.

The report of the Coroner draws extensively on the *Options Paper for Marine Licensing in Victoria* prepared by the Department and released for public comment in August 2011 as part of that review. The Options Paper considered five options for reform of the licensing scheme ranging from retention of the status quo to mandatory training and practical assessment.

Following consultation on the draft marine safety regulations and the Licensing Options Paper the decision was made to not proceed with changes to licensing requirements. The economic assessment demonstrated that the option to require applicants for general marine licences to pass a test of competence or operational skills could not be justified based on available information. The number of deaths and injuries associated with recreational boating that could be attributed (in part or in full) to lack of competence and skill was very low. The available evidence suggested that the vast majority of incidents resulting in serious harm arise from risk taking behaviour and other human factors such as lack of attention and failure to keep a proper lookout. Requiring licence applicants to demonstrate that they possess skill or competence was thought to be unlikely to address the causes of these incidents.

However, the assessment of the proposal to introduce new endorsement requirements (towing) and to require persons to demonstrate possession of skills or competence before obtaining endorsements (personal watercraft and towing) indicated that making such changes may be justified. This is because the available evidence suggests that a large number of injuries are being sustained due to lack of skill or competence in the short period after persons start engaging in these activities. Requiring persons to pass a test of competence or skill, before being permitted to engage in these activities without supervision, is likely to be an effective way of avoiding a proportion of these incidents.

While the Government in 2012 was not convinced of the merit in proceeding with this reform at that time it was agreed that licence endorsement requirements would be reviewed approximately three years after the commencement of the Marine Safety Regulations (1 July 2012). To set a timeframe for the review, the regulations establishing licence endorsement requirement for personal watercraft were set to expire on 21 December 2015.

The re-evaluation of licence endorsement requirements and options is proposed to commence in January 2015. The Department will recommend to the Minister for Ports, the Hon. Luke Donnellan, that the Coroner's recommendation for a practical component to marine licensing be considered in the context of that review.

Yours sincerely



**Lachlan McDonald**  
A/Deputy Secretary, Transport

15 / 12 / 2014

\*Under the machinery of Government changes that were recently announced from 1 January 2015 the Transport Group will form part of the new Department of Economic Development, Jobs, Transport and Resources.