

11 January 2016

**Our ref: DOC/15/557518**  
**Your ref: COR 2011 4499 & COR 2011 4500**

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

Dear Ms Lindsey

**INVESTIGATION INTO THE DEATHS OF KEVIN CAITHNESS & PAUL WASHINGTON  
FINDING WITHOUT INQUEST – TSV RESPONSE TO RECOMMENDATIONS  
CASE NUMBER – COR 2011 4499 & COR 2011 4500**

On behalf of Transport Safety Victoria's (TSV's) Maritime Safety branch, I write in response to your letter of 12 October 2015 and the Coroner's findings without inquest following the investigation into the deaths of Kevin Caithness and Paul Washington, and the recommendations below.

- 1. That the Department of Economic Development, Jobs, Transport and Resources and Transport Safety Victoria considers reviewing and increasing the current regulatory safety requirements for operators of canoes and kayaks travelling more than 500 m from shoreline in enclosed waters by requiring them to carry either flares and a torch, or a marine radio, or a PLB or an EPIRB.*
- 2. I recommend that Transport Safety Victoria continues to explore potential models for a non-commercial vessel seaworthy inspection and certificate regime as a means of ensuring the seaworthiness of vessels at points of registration, transfer of ownership and after any modification.*

Response:

In relation to recommendation 1, TSV supports this recommendation and, where appropriate, will assist the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) to examine potential options for enhancing the current minimum safety equipment requirements under the *Marine Safety Regulations 2012 (Vic)* applicable to human powered recreational vessels including canoes and kayaks. As noted in previous correspondence with the Coroners Court, TSV is not responsible for legislative policy development, which is a role of DEDJTR.

I also note that TSV is working on an education campaign to raise awareness of the current safety equipment requirements for recreational vessel users and encourage the use of safety equipment more generally. In particular, we are in the process of scoping a 'Lessons Learned Program', through which we intend to hold targeted discussions with people who have been involved in recreational boating incidents in order to obtain first-hand accounts of the decisions made during the incident, the resources that were accessed (such as weather information, safety signage) and the equipment used.

This project will provide us with greater insight as to how to most effectively promote safe boating and the lessons learned will inform a range of TSV's safety resources and activities such as boat show stands, education material and targeted engagement with the boating community. TSV will also share the information gained with all relevant stakeholders including boat operators, manufacturers, waterway managers, government and others, to enable a wider response to the issues presented by the research.

The scope of the program is currently being outlined and is expected to be completed by February 2016. We have already identified a number of incidents of particular interest and will be seeking to meet with the people involved in these incidents in coming months.

In relation to recommendation 2, TSV supports this recommendation. We are in the process of developing a detailed program of work to be conducted over a number of years, possibly up to 5 years given the complexity of this task, with the objective of exploring vessel suitability and safety issues from a number of perspectives.

At this stage, we intend that our work will review and examine the following:

- options for developing recreational vessel standards for manufacturers in Victoria and possible national implementation, noting that there are no relevant standards currently in force in Australia
- advice and assistance for boat operators regarding vessel suitability, including whether a vessel is fit for purpose, and assisting users to understand the suitability of their vessel for their activity, waterway and weather conditions
- options for seaworthiness inspections, including an inspection regime, to ensure vessels being sold meet basic safety requirements
- options for implementing the Hull Identification Number (HIN) scheme in Victoria, which may be an essential element for seaworthiness inspections, vessel disposal schemes and in order to track stolen boats
- options for disposing of old boats, including research on ways to prevent or reduce the number of old or unseaworthy boats from being sold on to new owners and options that would enable users to more easily dispose of them
- the current Australian Builders Plate (ABP) scheme, including an examination of its known limitations and inconsistent implementation across jurisdictions, and manufacturer compliance
- issues associated with 'hobby' boat builders and 'do-it-yourself' marine mechanics, where they lack sufficient knowledge to safely undertake these activities.

This program of work is currently in a scoping phase that is expected to continue for several months to ensure these issues are comprehensively considered and better understood. There may be other elements of work added during this process. We intend that this research will inform a wide range of projects, which together will improve on-water vessel safety.

I also note TSV's participation in the upcoming Coronial Advisory Panel, scheduled to be held on 17 February 2016, at which options for mandating a requirement to attach a locator beacon (or EPIRB) to personal flotation devices will be considered. We look forward to participating in this discussion and to exploring the opportunities for improved boater safety that might result from such a proposal.

If you require any further information, please contact Elizabeth Muhlebach, Senior Policy & Legal Counsel (Regulation & Governance), on (03) 9655 1712.

Yours sincerely



**PETER CORCORAN**  
Director, Maritime Safety

Cc: Mr Richard Bolt, Department of Economic Development, Jobs, Transport and Resources