



Reference: COR 2021 004666

23 September 2024

Coroner Judge Cain
Coroners Court of Victoria
65 Kavanagh Street
Southbank, VIC, 3006

Dear Coroner Judge Cain,

RE: Recommendation from finding into death without inquest of Giovanni Garbanzos

The Australian Maritime Safety Authority (AMSA) is a Commonwealth statutory authority established by the *Australian Maritime Safety Authority Act 1990*, with the functions of regulating maritime safety, marine environment protection and pollution response, and maritime and aviation search and rescue in Australia.

AMSA extends its condolences to Mr Garbanzos' family and friends.

AMSA also acknowledges the recommendation made from the finding into the death without inquest of Giovanni Garbanzos and our response is outlined below.

Recommendation

- (i) AMSA (consistent with the recommendation in the Batchelor and Bugeja report February 2003) lead, in collaboration with the seafood industry and the manufacturers of PFDs:
 - a review of existing PFDs currently available in the market to determine suitability for use by commercial fisherman;
 - if existing PFDs are found not suitable for use by commercial fisherman encourage and work with the manufacturers of PFDs to design a suitable PFD that would be acceptable to commercial fishermen and compatible with the appropriate Australian Standard; and
 - engage with the Australia New Zealand Safe Boating Education Group and other industry stakeholders to raise awareness of and support for this work.

AMSA's Response

AMSA has implemented an alternative to the Coroner's recommendation, as outlined below.

AMSA will continue to engage with stakeholders to encourage the fishing industry to take a risk-based approach to operations consistent with their existing general safety duties.

Recent measures to strengthen lifejacket wear requirements

As outlined in the findings, AMSA recently revised Marine Order 504 (Certificates of operation and operation requirements – national law) 2018 (MO504) to strengthen lifejacket wear requirements on domestic commercial vessels (DCVs). Since 1 August 2023, DCV owners are explicitly required to address lifejacket wear requirements in the vessel's risk assessment and onboard procedures. The risk assessment and onboard procedures are a part of a vessel's safety management system. All DCV owners must implement and maintain a safety management system for each vessel as part of their general safety duties under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

These changes to MO504 followed extensive industry consultation on lifejacket wear requirements for DCVs. Through this consultation process, stakeholders expressed overwhelming support for a risk-based approach given the diversity of the DCV fleet.

Recently completed education campaigns

A safety education campaign on lifejacket wear commenced on 31 May 2023, providing intensive messaging on lifejacket wear changes. This included the development and delivery of:

- a campaign hub on the AMSA website including guidance and information
- AMSA-led industry information sessions
- social media posts (LinkedIn and Facebook)
- AMSA Update articles (a newsletter for DCV owners, masters and crew)
- targeted industry emails (e.g. emails to all holders of certificates of operation)
- a series of online and face-to-face workshops held during July and August 2023, organised in collaboration with Seafood Industry Australia.

A key message of this campaign was to highlight to the DCV industry the different types of lifejackets available on the market and recommend that seafarers find a lifejacket that is most suitable for them and their operation.

Current education campaigns

AMSA's National Compliance Plan 2024-25 identifies an education campaign specifically on lifejacket wear and risk assessment requirements.

AMSA has developed, in consultation with industry, two campaigns with messaging relevant to owners, masters and crew of domestic commercial vessels.

The first campaign included a series of 11 risk assessment workshops attended by members of the Queensland fishing industry in various locations around the state.

Attendees at the workshops learnt about lifejacket options and conducting risk assessments to determine appropriate lifejacket wearing policies. The outcomes of the workshops, including fishery specific risks and controls will shortly be made available on the AMSA website.

The second campaign is a multi-year sustained safety initiative on lifejacket wearing and risk assessment, which also touches on servicing and activation. This campaign will also have a focus on the types of lifejackets available. The campaign will leverage AMSA's digital

channels, staff and compliance partners to communicate lifejacket safety messaging. The campaign was launched on Thursday, 12 September 2024.

This campaign was developed in cooperation with maritime industry members who participated in focus groups where they were presented with different concepts, scripts and storyboards for the planned videos and overall safety messaging.

Partnerships with industry bodies

Collaboration with Seafood Industry Australia

AMSA has worked collaboratively with Seafood Industry Australia in developing the risk assessment workshops outlined above. AMSA has continued this collaborative approach by presenting at the Seafood Directions 2024 conference which was held in Hobart in September. AMSA's presentation promoted working together to improve safety outcomes. AMSA also conducted a workshop aimed at better understanding how best to engage with the seafood industry.

AMSA is also represented at the Safety and Wellbeing Advisory Committee, made up of peak industry bodies from aquaculture, post-harvest and wild catch around Australia. The Committee aims to streamline and unite advocacy and governance, whilst continuing to elevate physical and psychosocial safety and safety culture across the seafood industry. Lifejacket wear is an area AMSA is working closely on with this Committee.

Membership of the Australia New Zealand Safe Boating Education Group (ANZSBEG)

ANZSBEG brings together safety leaders responsible for the implementation of government policy on boating safety, coordinating safety education strategies and promoting uniform approaches to the regulation of recreational vessels. AMSA is a member of ANZSBEG and has worked closely with this group. This includes partnering on Safe Boating Week which is held annually in October. The 2022 and 2023 editions focussed on lifejacket wear and drowning prevention. The 2024 campaign focuses on 'wear a lifejacket' and is using messages with specific themes linked to lifejacket wear. The campaign messages will run on a daily basis between 30 September to 6 October 2024.

Continuous improvement

In addition to the work outlined above, AMSA is currently undertaking a project to refine our safety management system website content and guidance to make it easier for our regulated community to access, navigate and understand the requirements around safety management including lifejacket wear.

Conclusion

The strengthened regulatory settings as outlined above, combined with safety education campaigns and collaboration with peak industry bodies, represent a risk-based and proportionate approach to person overboard and drowning prevention. As outlined in this response, AMSA is planning more education and industry engagement activities to continue to promote the benefits of lifejacket wear. There is a range of lifejackets currently available on the market and seafarers are best placed to determine which ones are suitable given their operations and preferences.

AMSA will also continue to monitor compliance with the strengthened lifejacket wear requirements and other metrics, including incident data, to determine if further intervention is required.