



Department of Jobs, Skills, Industry and Regions

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Ref: CSEC-2-25-26401

Ms Kate Sanderson
Courts Registrar
Coroners Court of Victoria
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Dear Ms Sanderson

INVESTIGATION INTO THE DEATH OF HAROLD CLAYTON

Thank you for your letter of 30 April 2025 enclosing a copy of Coroner Judge Cain's Finding without inquest into the death of Harold Clayton.

The recommendation to which I am responding in Coroner Cain's Findings is:

Recommendation 1: To the Safe Transport Victoria, I recommend that potential models are explored for a recreational vessel seaworthy inspection and certificate regime to assess the already legislated prescribed conditions under regulation 27 of the Marine Safety Regulations 2023 (Vic) as a means of ensuring the seaworthiness of vessels at points of registration, transfer of ownership, and after any modification of the vessel.

As noted by Coroner Cain in his finding, the recommendation reiterates that made by Deputy State Coroner Paresa Spanos in December 2024 and to which I recently responded to the Court. Consequently, this response draws heavily on that of my previous one.

This recommendation traverses the responsibilities of Safe Transport Victoria (ST Vic) as the regulator, as well as the Department of Jobs, Skills, Industry and Regions (DJSIR) and the Department of Transport and Planning (DTP) as the relevant policy and legislation administrators.

While DJSIR is now the responsible department for overseeing legislation relating to recreational boating, ST Vic remains the Victorian maritime safety regulator, with oversight of, among other things, the safety, compliance, accreditation and registration for recreational vessels. To assist the Court, following consultation with ST Vic and DTP, DJSIR is responding to the recommendation, drawing on the advice and experience of ST Vic and DTP.

DJSIR and ST Vic are dedicated to maintaining the highest practical safety standards for recreational boaters across Victoria. Regulatory settings and practices are reviewed as required with the aim of protecting the well-being and safety of the community.

DJSIR has carefully considered Coroner Spanos' recommendations. The matters raised in the recommendations align with thorough analysis conducted by ST Vic and DTP as outlined below.

In relation to **Recommendation 1**, in 2022 DTP prepared a [Regulatory Impact Statement](#) (RIS) to address the incoming Marine Safety Regulations 2023. Options relating to vessel standards and safety, including seaworthiness inspections of vessels are assessed on pages 81 to 83, and then again in the options analysis beginning on page 103 of the RIS.

Broadly, it was concluded that while requiring vessels to be built to a mandated standard and/or imposing a seaworthiness standard for vessels and inspecting against this standard, particularly upon transfer of ownership, were likely to result in better safety outcomes, the cost to government (e.g., training of persons; maintaining effectiveness of audit and enforcement activity) and the cost to community (e.g., higher cost of vessels as the costs of complying with the standards by industry may be passed onto consumers; time and inspection costs) meant that neither of those options was preferred. Rather, the preferred option was to maintain existing 'fit for purpose' vessel requirements, which provides a greater balancing of safety, cost to government and cost to community considerations.

Given this recent analysis into alternative models for a recreational vessel seaworthy inspection and certificate regime, ST Vic and DJSIR respectfully consider that the RIS assessment remains current and DJSIR does not intend at this stage to amend the 'fit for purpose' vessel requirements in the Marine Safety Regulations 2023.

DJSIR acknowledges that monitoring and addressing safety issues is an ongoing commitment. In cooperation with ST Vic and other relevant stakeholders, DJSIR will continue to monitor the critical public safety concerns associated with recreational boating and ensure that regulatory processes align with current best practices.

I would like to thank his Honour for the careful consideration given to the matters relevant to this Coronial investigation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Matt Carrick', written in a cursive style.

Matt Carrick
Secretary
Department of Jobs, Skills, Industry and Regions

23/06/2025