



5 September 2017

Our ref: DOC/17/469699
Your ref: COR 2012 0748

Judge Sara Hinchey
State Coroner
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Dear Judge Hinchey

INVESTIGATION INTO THE DEATH OF ROBERT BREWSTER
FINDING WITHOUT INQUEST – TSV RESPONSE
CASE NUMBER – COR 2012 0748

On behalf of Transport Safety Victoria's (TSV's) Maritime Safety branch, I write in relation to the correspondence received from the Court on 28 June 2017 and your finding without inquest into the death of Robert Brewster.

The finding includes your recommendation that the Minister for Ports take the necessary steps to introduce a relevant practical component as part of the assessment process for general and restricted marine licences and personal watercraft endorsements.

TSV supports this recommendation and will work with the Department of Economic Development, Jobs, Transport and Resources to consider options for the introduction of a practical assessment component for the general recreational boat licence and personal watercraft (PWC) endorsement.

Comments

I would also like to make some general comments in relation to this incident.

In our view, this particular case occurred because the master of the PWC did not comply with the speed and distance rules and operating zones set for that particular waterway.. TSV has received additional funding to increase PWC compliance for the forthcoming Summer in collaboration with Victoria Police. The compliance program will see a significant increase in compliance activities undertaken by both TSV and Victoria Police with respect to PWC operators during the 2017/2018 boating season with particular attention being placed on safe operation and compliance with speed and distance rules and operational zoning.

The PWC compliance program will also feature increased education and communications activity. This includes educating PWC users about waterway rules, including how no-boating zones are delineated and appropriate speed and distance rules, particularly in close proximity to swimmers. TSV is also developing new communications material to distribute at the point of sale, including brochures, stickers and advice about the safe operation of PWCs.

I further note that the *Ports and Marine Legislation Amendment Bill 2017*, which is currently before Parliament, proposes to amend the *Marine Safety Act 2010 (Vic)* to remove the ability for children aged between 12 and 16 to obtain a PWC endorsement. If passed, it is expected that this amendment will come into effect by March 2018.

I would like to make some comments regarding the statistics referenced in paragraph 44 of the finding without inquest. While there were, as stated, 10 vessel related fatalities in each of 1999-2000, 2013-2014 and 2014-2015, the figures do not provide a comprehensive picture of powered recreational vessel fatality rates in Victoria over this time. For your information, I have set out below and in the attached charts some figures to provide some greater context.

- In 1999-2000 there were 134,589 registered recreational vessels in Victoria and 10 fatalities involving registered recreational vessels.
- In 2013-2014 there were 182,272 registered recreational vessels; of the 10 fatalities 7 involved registered recreational vessels, 1 involved a human powered vessel (which does not require a licence to operate) and 2 involved domestic commercial vessels which are not part of the state recreational licensing scheme.
- In 2014-2015, there were 189,440 registered vessels; there were 5 fatal incidents involving registered recreational vessels which resulted in 7 fatalities (including a triple fatality at Altona) and 3 fatalities involving human powered vessels.
- In 2016-2017, there were 193,346 registered recreational vessels and a total 6 fatalities; of these fatalities, only 2 involved a registered recreational vessel, the other 4 involved human powered vessels.

As can be seen from the above numbers, the number of marine fatalities involving registered recreational vessels (which require a licence to operate) have decreased since 1999-2000. In addition, the number of registered recreational vessels in Victoria have increased by nearly 60,000 between 1999-2000 and 2016-2017, resulting in a significant decrease in the rate of fatalities on these types of vessels.

Should you require any additional information, please do not hesitate to contact me. In the past, I met periodically meet with Judge Gray to discuss Coroners Court matters relating to maritime safety and should you consider this useful, I would be very happy to meet with you similarly. Should you wish to do so, my Executive Assistant Maria Petrova, on (03) 9655 8902 or maria.petrova@transportsafety.vic.gov.au will be able to arrange the details.

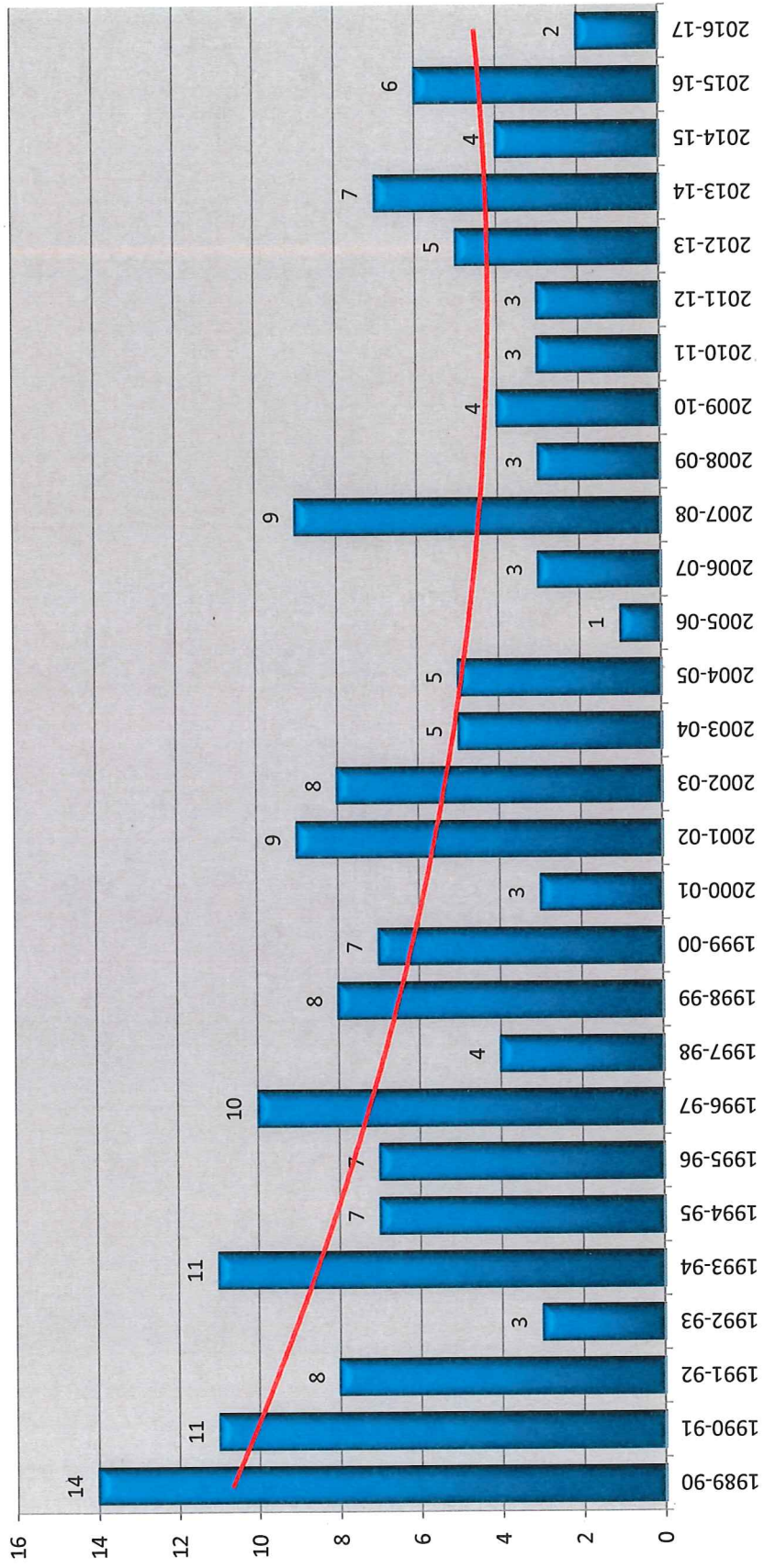
If the Court requires any further information in relation to this case, please contact Jane Wright, Policy Adviser, on (03) 9655 1022.

Yours sincerely

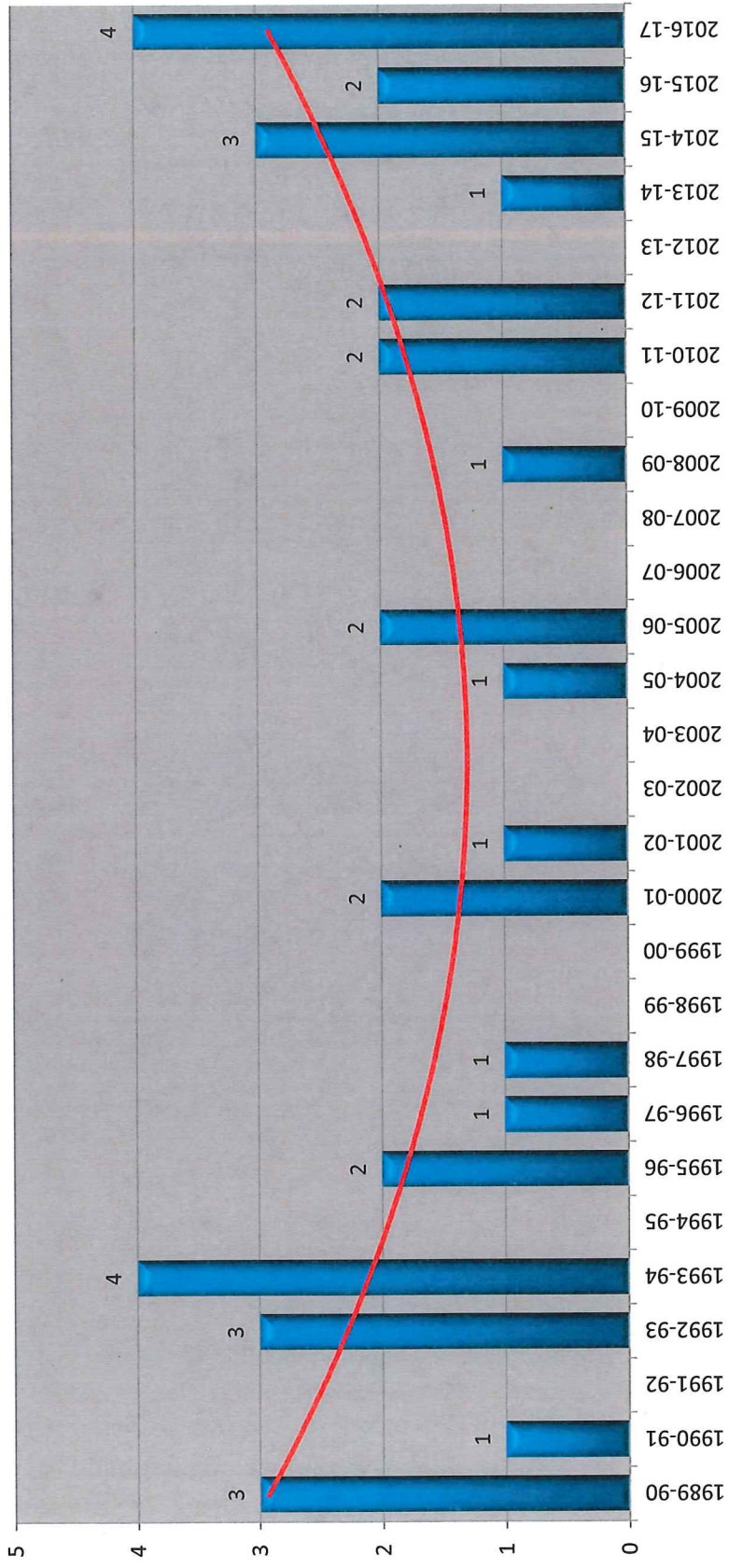


PETER CORCORAN
Director, Maritime Safety

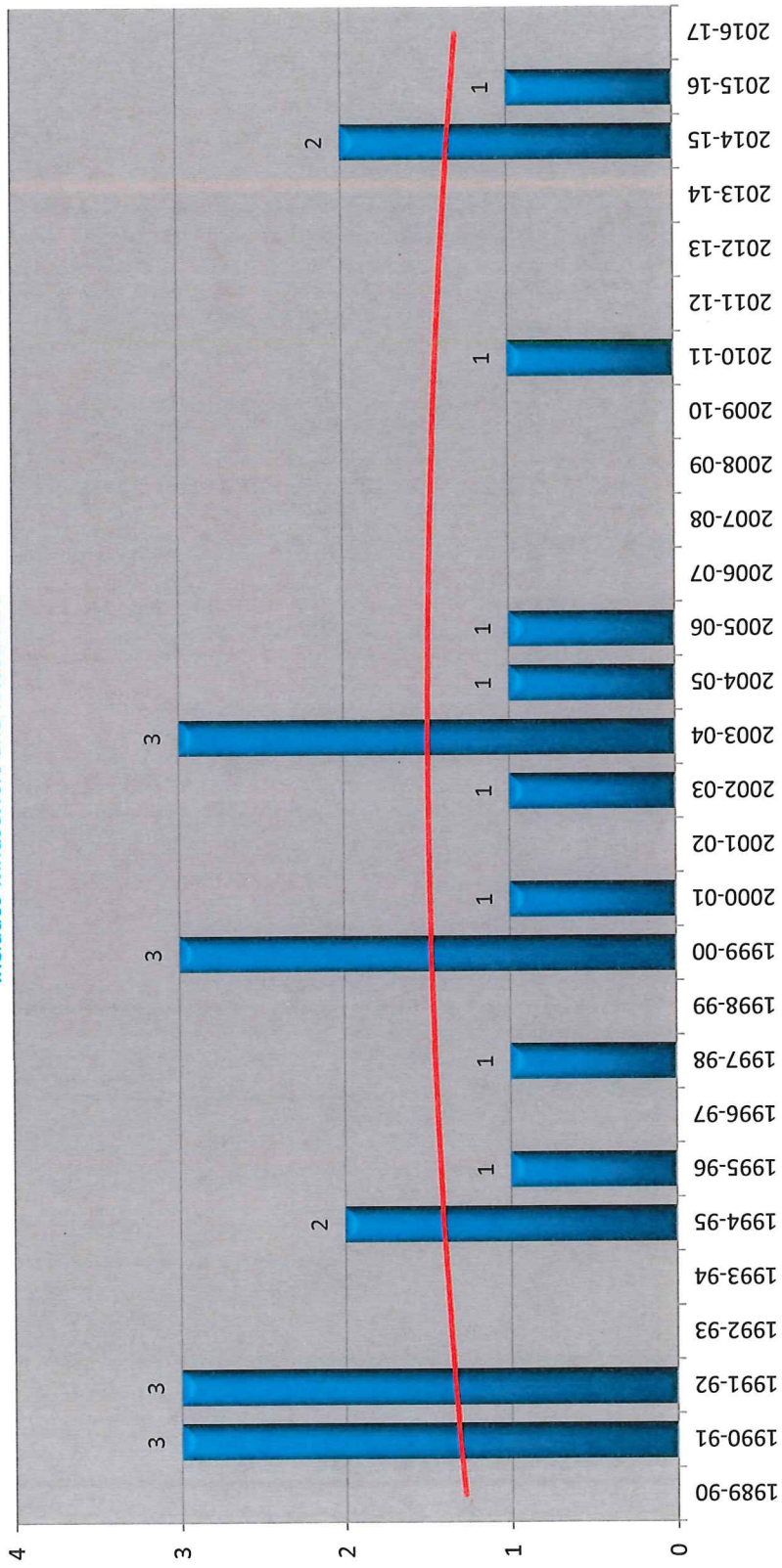
Fatalities from mechanically powered vessels - Exc PWC



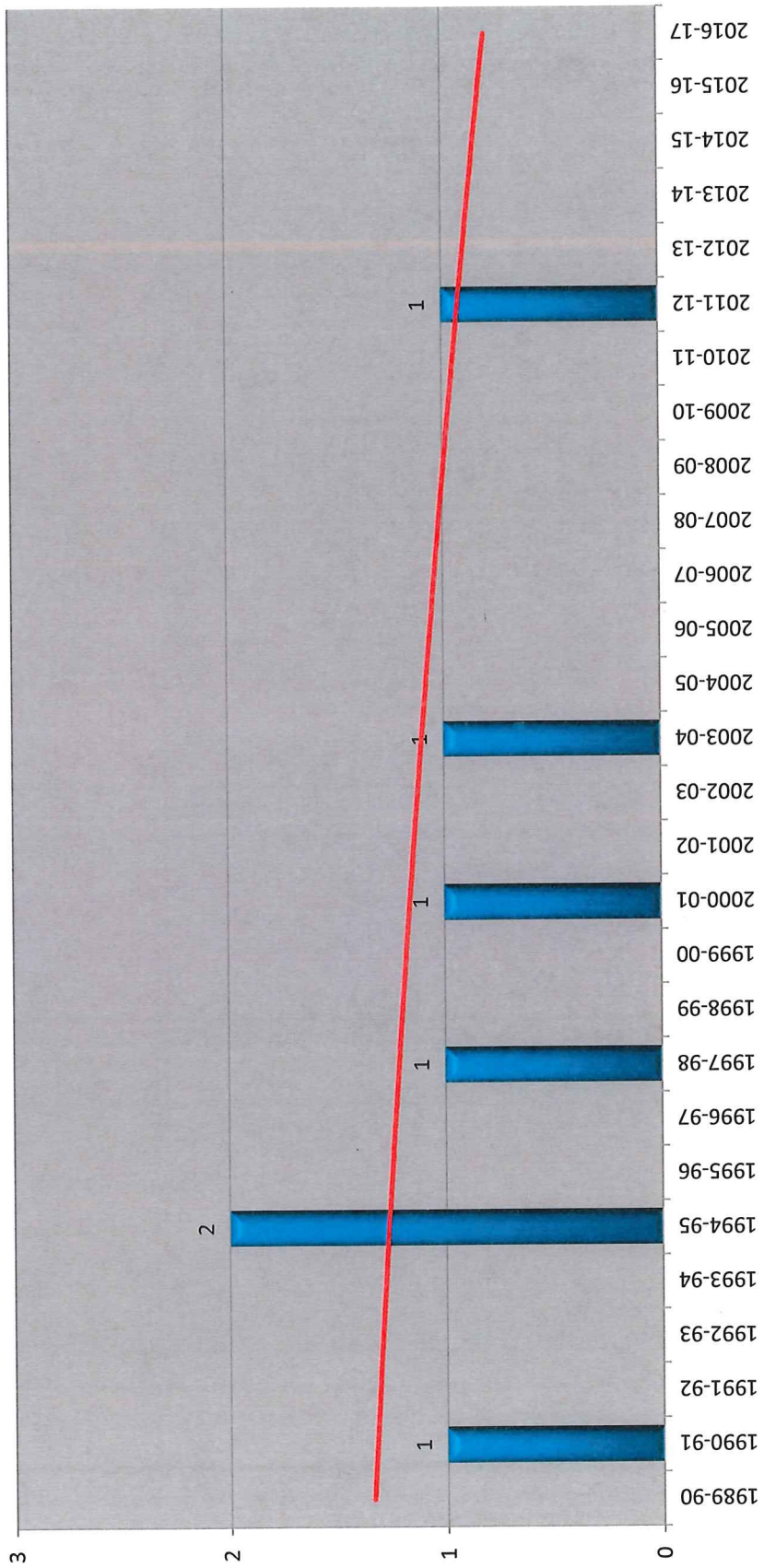
Fatalities from Paddle Craft



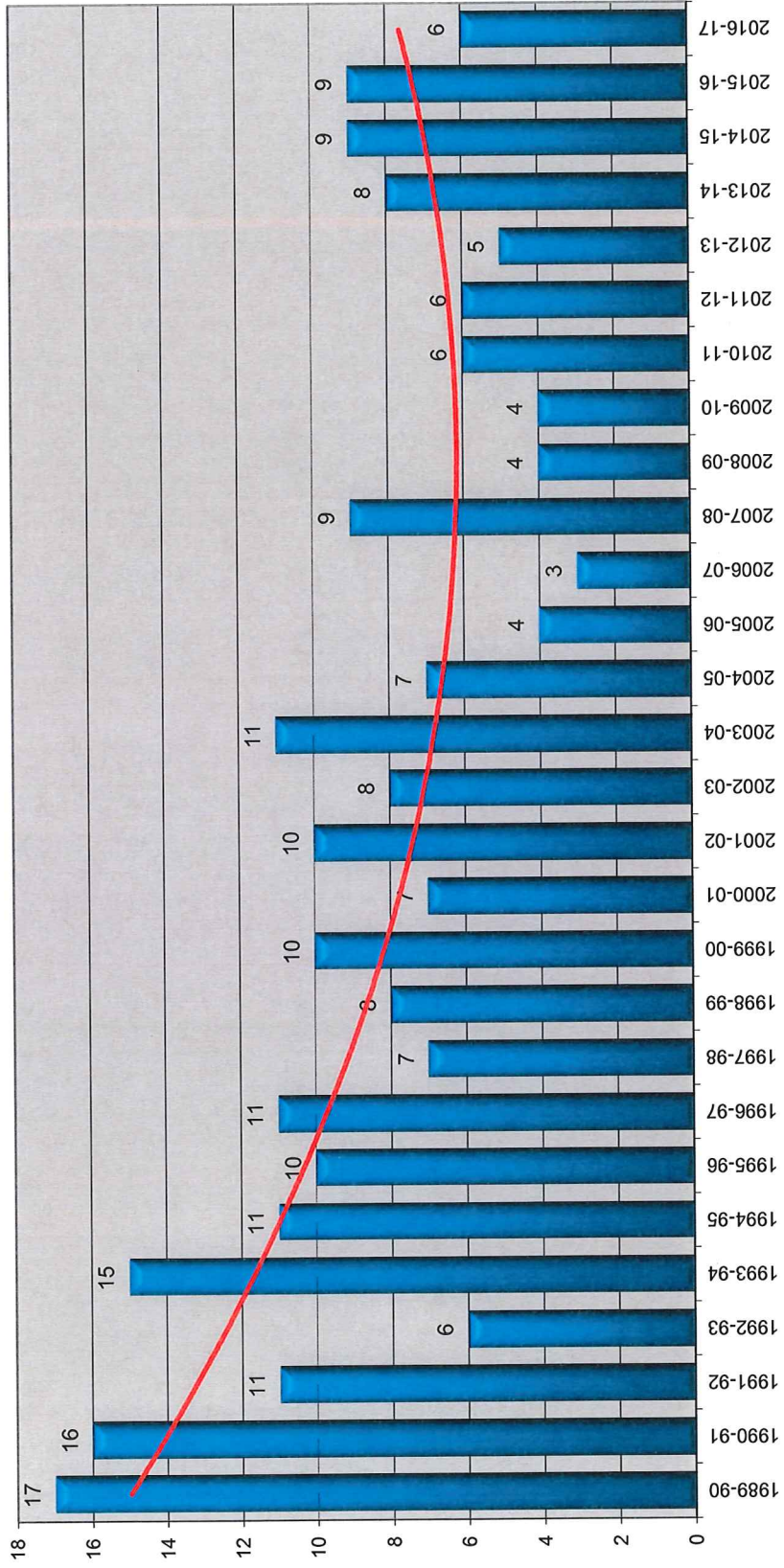
Recreational fatalities from Sailing vessels
Includes windsurfers and Kitesurfers



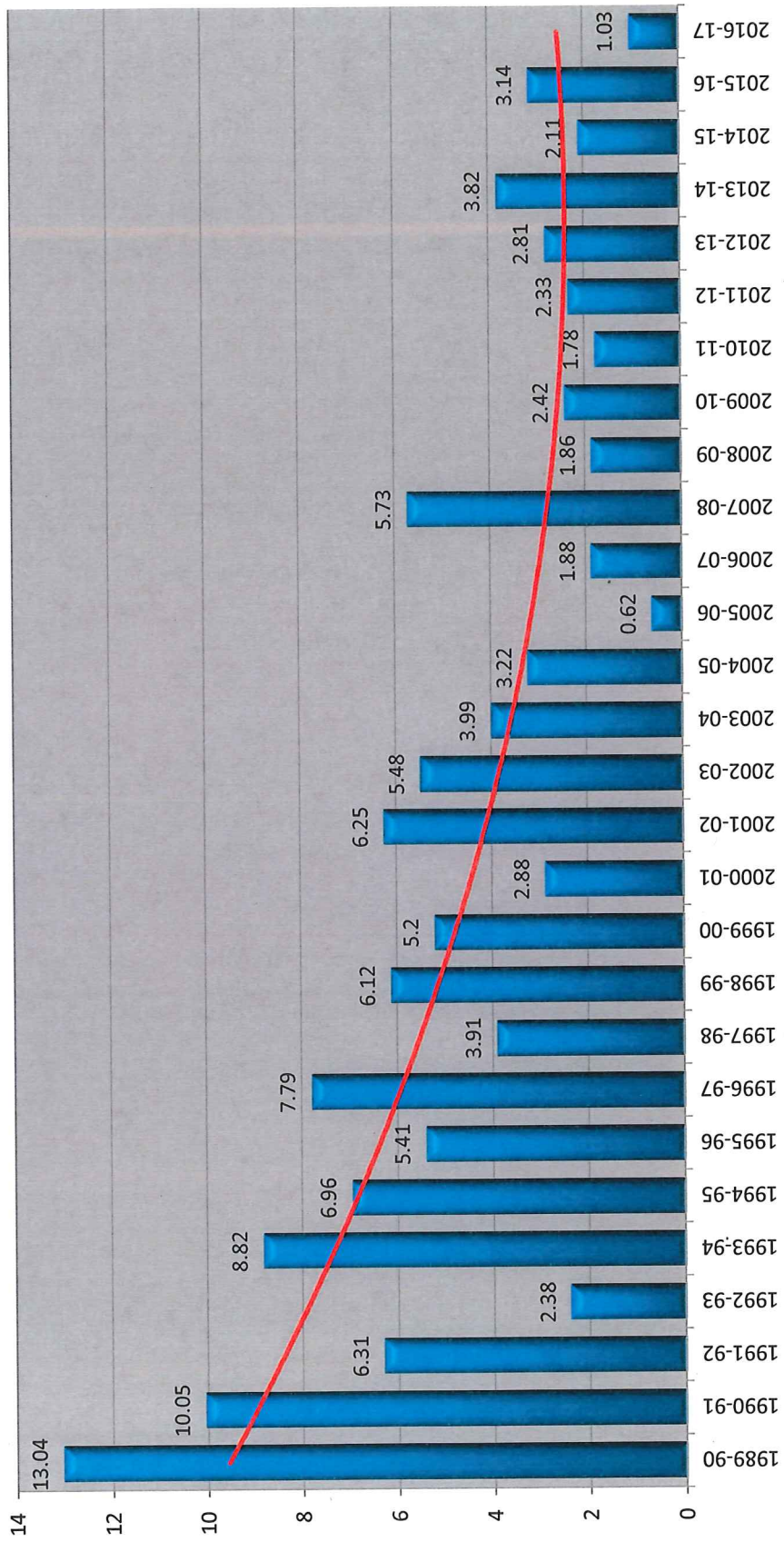
Recreational fatalities from Personal Water Craft (PWC)



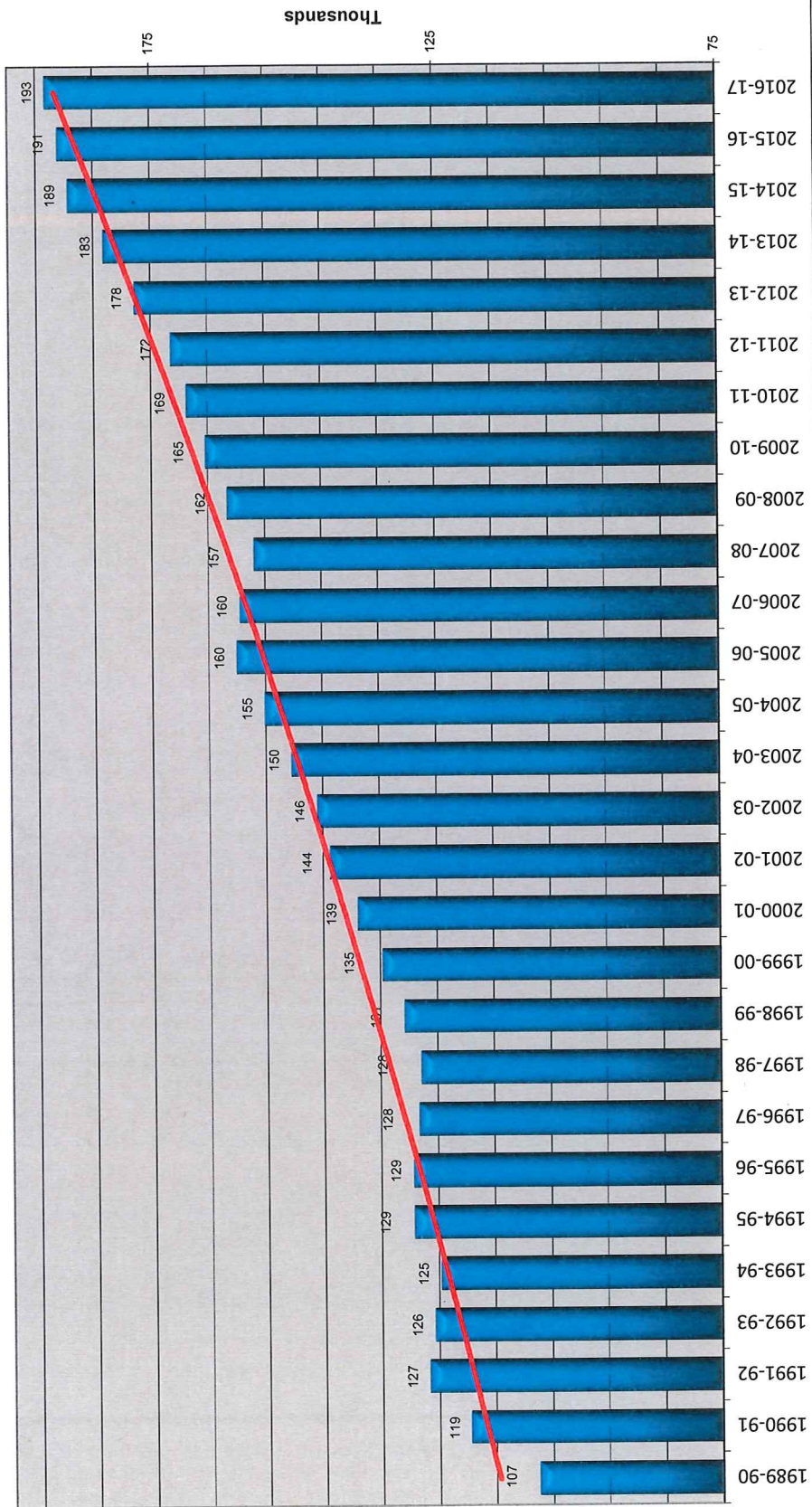
Total Recreational Boating Fatalities



Powered (Boat & PWC) recreational fatalities / 100,000 registered vessels



Registered Recreational Vessels



Commercial Vessel Fatalities (DCV)

