

8 September 2023

Judge John Cain
State Coroner
C/- Kate Sanderson
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

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Melbourne Vic 3001
T 1800 638 802

Dear Judge Cain,

RE: Coronial Investigation into the death of Peter Boyle - COR 2022 001498

I refer to the above Coronial Investigation into the death of Peter Boyle at Paynesville in March 2022 and the findings delivered by your Honour on 5 June 2023.

The recommendations in your Honour's findings directed at Safe Transport Victoria (ST Vic) include:

Recommendation 1: *ST Vic consider reviewing the current information and safety material provided to mariners to ensure that it includes:*

- a. *information about the requirement to conduct an annual service and test of inflatable lifejackets to ensure that they are functional. The material should include a step-by-step guide as to how to conduct a check and service of the lifejacket if it is to be done by the owner, or information about third-party contractors who provide this service;*
- b. *information about the availability of automatic inflating life jackets which may be a preferable option for people who have a disability or restriction of movement - such a life jacket would automatically inflate if the person entered the water; and*
- c. *guidance to mariners about the precautions they should take to protect themselves if they need to enter the water to conduct repair works (for example to clear a line that has become tangled in the propellor) including but not limited to, anchoring the boat if possible, tethering themselves to the vessel before entering the water, advising and briefing other crew members before entering the water.*

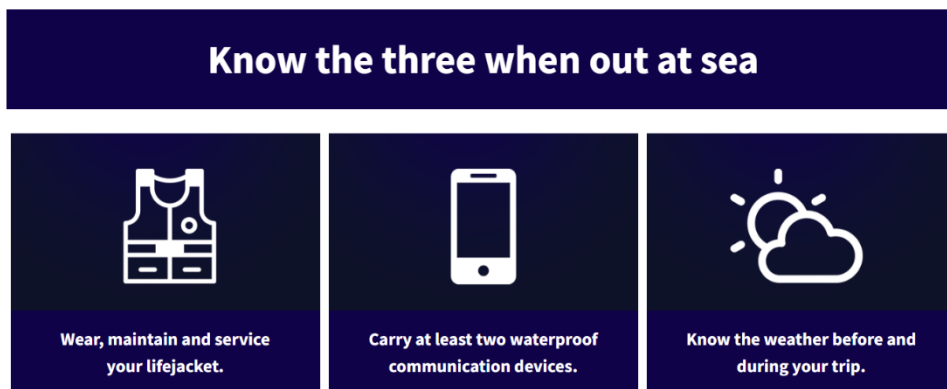
Recommendation 2: *ST Vic consider providing this information with the annual renewal of the registration of a vessel to ensure that boat owners read and understand this information. Consideration should be given by ST Vic to the feasibility of developing an online test to be completed prior to renewal of registration.*

As your Honour has noted, recommendations 1(a) and 2 mirror those recommendations made during the Coronial Investigation into the death of Trevor McKie, to which ST Vic responded on 2 August 2023. Consequently, some of the information presented below may duplicate what was included in our response dated 2 August 2023.

ST Vic is committed to upholding the highest standards of safety for mariners and boaters in Victoria. We constantly strive to enhance our regulatory activities, engaging in continuous improvement efforts to ensure the well-being of the community. As part of this commitment, we collaborate closely with behavioural scientists, regulators from other jurisdictions and industry experts. We also seek input through community consultations. This collaborative approach allows us to continue to identify and incorporate robust and effective risk mitigation measures.

We have thoroughly reviewed the recommendations provided by your Honour. We value your considered insights and will incorporate any relevant findings into our continuous improvement initiatives. The recommendations align with actions that are already underway at ST Vic, as a result of our improvement efforts and horizon scanning. These actions include:

- ST Vic delivering the ‘Know the Three’ campaign in the summer of 22/23. This was a simplification of the ‘Prepare to Survive: Know the Five’ from previous years. Messaging from ‘Know the Three’ continues to be a core part of our regular communications delivered weekly and future programs of work will continue to focus on these three elements.



- The primary messages in this campaign align with the recent coronial recommendations. Lifejacket wear and maintenance has been identified as a key message in the national space with the Australia & New Zealand Safe Boating Education Group highlighting this as a primary national safety message for boaters. The servicing requirements vary between different manufacturers and Standards Australia has recently revised the AS4758 to make servicing every three years mandatory alongside documented annual self-inspections by owners.
- ST Vic delivered ‘FloatSafe - Lifejacket Self-Inspection Clinics’ through the summer of 20/21. These clinics focussed on the required servicing of inflatable lifejackets and included the supply of consumables and information sheets for a range of manufacturers.
- ST Vic’s boating safety presentations delivered to external stakeholders such as fishing and boating clubs, include information on:
 - the differences between automatically inflated and manually inflated lifejackets; and
 - the pros and cons of the use of both types of lifejackets, taking account of:
 - the type of vessel people are aboard;
 - where on a vessel the lifejackets are used e.g., inside or outside a cabin as there is a greater risk of drowning with an automatically inflated lifejacket if a person is inside a cabin and the vessel capsizes;
 - the chances of the person entering the water unconscious (e.g., an automatically inflated lifejacket is better in these circumstances);
 - whether the person is working in a wet environment (e.g., such as a yacht foredeck with waves breaking over the vessel where inadvertent inflation may be problematic); and
 - the age of the person.

- ST Vic will review the lifejacket information currently available and consider whether additional information is required with respect to people with a disability or those who have restricted movement.
- ST Vic does not have an established position with regard to tethering to vessels prior to entering the water to undertake maintenance or trouble shooting actions. We will consider providing information specific to the use of tethers or tying on prior to entering the water in situations where there is a risk of becoming separated from the craft, in consultation with relevant stakeholders such as sailing clubs and yacht clubs.
- ST Vic will review education materials and consider including additional information to provide guidance to crew members on the importance of effective communication with each other before engaging in actions that deviate from standard procedures. While this guidance is already included in our man overboard best practice guidance, we will explore expanding it to encompass additional activities. This expansion will apply to situations involving intentional water entry and less common or unusual activities.
- We are currently collaborating with behavioural scientists to target higher-risk operators more effectively. ST Vic is also exploring the development of further tools to ensure boaters can access safety information at all times, including when out of mobile range. As part of this, ST Vic is developing a new web-based app for boaters so they can access all Victorian marine safety information on their mobile even if they are out of mobile service range.
- ST Vic has previously provided a printed insert containing safety information to be sent out with renewals of vessel registrations. This insert reaches all registered owners in a 12-month period. Currently ST Vic is reviewing the efficacy of the VicRoads renewal insert and how it falls within our range of print, digital and face-to-face communication methods.

In addition, ST Vic is exploring ways to expand the scope of the training and assessment process to enhance the knowledge of marine licence applicants regarding safe vessel operations. This aligns with the purpose of the Marine Licensing scheme, which is to identify the individuals responsible for vessels, ensure their awareness of safety regulations, and verify that their vessel/s meets prescribed safety standards.

We acknowledge that addressing safety issues is an on-going commitment. ST Vic will continue to monitor the critical public safety concerns associated with recreational boating and ensure that our regulatory processes align with current best practices.

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

Yours sincerely,



Chris Banks

**Executive Director - Safety Strategy and Regulation
Safe Transport Victoria**