

Response to the Office of the State
Coroner of New South Wales

**Report into Boating Incident
Bendalong Bay
23 December 2001**

Coroner	Coroner, D. Dick
Date of findings	16 April 2003
Inquest location	Milton
Recommendation(s)	The incident was examined and reported on by the Office of the Coroner. The Coroner made one recommendation to the Waterways Authority ¹ .
Status of recommendations	Completed.

Background

On the morning of 23 December 2001 a male person entered the water with the intention to spear fish. He was reported missing sometime later and his body, which was recovered the following day, showed evidence of a significant head wound. The coroner found the deceased had drowned after being struck by the propeller of a motor vessel.

¹ The Waterways Authority was renamed as NSW Maritime on 1 September 2004

**BENDALONG BAY, 23 DECEMBER
2001**

No.	Coroner's recommendation	NSW Maritime's response ²
1.	<p>... "the following reasonable safety precaution should be introduced without delay,</p> <p>A distance of 30 metres has been chosen to coincide with restrictions in place under waterways law applying to boat users."</p>	<p>NSW Maritime has no regulatory powers to prohibit swimming or diving (snorkelling).</p> <p>However, the Marine Safety (General) Regulation 2009 requires that vessels must not travel at more than 10 knots within 60 metres of a person in the water, as well as requiring a proper lookout be maintained by the master of a vessel at all times.</p> <p>This recommendation is considered closed.</p>

² The response should be considered in conjunction with the published regulations, policies and safety initiatives outlined on the NSW Maritime website and in published materials.