

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

**Report into Boating Incident
Clarence River
1 October 2000**

Coroner	Coroner, G. J. Hill
Date of findings	24 August 2001
Inquest location	McLean Local Court
Recommendation(s)	The Coroner dispensed with a formal Inquest on 18 September 2001. The Coroner made two recommendations to the then Waterways Authority ¹ .
Status of recommendations	Completed

Background On 1 October 2000, a skier participating in the annual Grafton Bridge to Bridge race lost control and fell into the water on the homeward leg of the race after colliding with 4 or 5 black swans. The skier was retrieved from the water and given first aid but was unable to be revived. The death was attributed to drowning.

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

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No.	Coroner's recommendation	NSW Maritime's response ²
1.	<p>That consideration be given to a specific condition being included on the Aquatic Licence for future events to the effect that all operators of competing vessels are required to maintain a clear minimum distance of a specified number of metres to the bank of the river or any vegetation or reeds adjacent to the bank of the river, when travelling at speeds in excess of 10 knots. It may well be that the assessed distance should be greater than the distances currently provided in the Regulation.</p>	<p>In October 2001, NSW Maritime amended the Aquatic Licence conditions to include the following two conditions:</p> <p>Condition 20:</p> <p>“The licensee should ensure compliance with the minimum “Distance Off” requirements specified in the Water Traffic Regulations – NSW [now the Marine Safety (General) Regulations], provided that these are sufficient distances in the circumstances, unless the Licensee believes that they would be able to satisfy a Court that the Defence provisions specified in Clauses 6(4), 6(4B), 15(3) or 15(5) of the Water Traffic Regulations – NSW [now the Marine Safety (General) Regulations] are applicable.”</p> <p>Condition 21:</p> <p>“The Licensee is to require a suitably qualified person to travel the course immediately prior to the commencement of the event to ensure that there no apparent dangers to the participants.”</p> <p>The Marine Safety (General) Regulation 2009 contains distance off requirements which specify how far vessels should be away from other users of the waterways and the shoreline when travelling at 10 knots or more (e.g. swimmers 60 metres; other vessels 30 metres; fixed object such as bridge pier 30 metres – check please) . In addition, the regulations require masters at all times to operate at a safe speed for the conditions.</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.

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No.	Coroner's recommendation	NSW Maritime's response ²
2.	That consideration be given by Waterways Authority ³ to whether proceedings be taken for summary offences of breaches of regulations under water activity related legislation."	NSW Maritime investigated the incident. No offences were prosecuted. This recommendation is considered closed.

³The Waterways Authority was renamed as NSW Maritime on 1 September 2004