

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

**Report into Boating Incident
Crowdy Head
9 May 2004**

Coroner	Coroner, S. McCosker
Date of findings	28 March 2006
Inquest location	Taree
Recommendation(s)	The incident was examined by the Office of the Coroner and an Inquest was conducted, following which, the Coroner made two recommendations directed at NSW Maritime.
Status of recommendations	Completed.

Background On 9 May 2004 a commercial fishing vessel with two crew on board was trawling for fish when its gear became caught on the seabed. The vessel started to take in water very rapidly and then sank. Only one of the crew was rescued and the body of the second was never recovered.

CROWDY HEAD, 9 MAY 2004

No.	Coroner's recommendation	NSW Maritime's response ¹
1.	<p>(T)he New South Wales Maritime Authority is the lead government agency responsible for safety in the open and enclosed waters, should consult with the fishing industry and members from a broad area within that industry with a view to introducing mandatory requirements for licensing of commercial fishing vessels, including the wearing of life jackets, whether they be inflatable or otherwise and personal locator beacons while at sea.</p>	<p>NSW Maritime has consulted with the commercial fishing industry through the Fishing Industry Advisory Group (FIAG). The FIAG addresses safety concerns within the fishing industry.</p> <p>The issue of lifejackets has been discussed with the FIAG on multiple occasions but the proposal has not gained support from industry. Commercial fishers argue the depth and breadth of their experience makes the risk acceptable, and when conditions deteriorate they wear them as appropriate and when safe to do so. The industry argues their insurers do not mandate it, that lifejackets can be cumbersome, and they can potentially interfere with safe fishing operations.</p> <p>The issue of commercial fishermen wearing compulsory personal locator beacons (EPIRBs) has also been raised with the FIAG and the proposal has not gained industry support.</p> <p>This recommendation is considered closed.</p>
2.	<p>(T)he fitting of fail safe mechanisms to trawler lines or winch mechanisms to prevent overloading and indeed to prevent capsizes should form part of the Maritime Authority consultation process with the fishing industry.</p>	<p>Whilst there are significant practical barriers to the implementation of fail safe mechanisms the National Standard for Commercial Vessels places obligations on all commercial vessels in relation to Safety Management Systems and the identification and mitigation of risk associated with their operation.</p> <p>In order to assist vessel owners and operators to meet their obligations, NSW Maritime has developed guidelines for each type of commercial vessel, including fishing vessels. The guidelines, which include sample forms and checklists, are available free to all operators.</p> <p>This recommendation is considered closed.</p>

¹ 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.