

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

**Report into Boating Incident
Dutchies Beach, Port Stephens
4 July 2002**

Coroner	Coroner, Graeme Corbett
Date of findings	14 May 2003
Inquest location	Raymond Terrance
Recommendation(s)	The incident was examined by the Office of the Coroner and three recommendations were made to in relation to minimum safety equipment and modifications to recreational vessels.
Status of recommendations	Closed.

Background

On the afternoon of 4 July 2002 an 11 metre flybridge vessel at Port Stephens, with five people on board, suddenly started to take on water in choppy and windy conditions. The vessel sunk quickly, trapping the owner/skipper of the vessel in the wheelhouse. The four other people on board were found clinging to the vessel's flybridge approximately one hour after the vessel had sunk and were rescued.

**DUTCHIES BEACH, PORT STEPHENS,
4 JULY 2002**

No.	Coroner's recommendation	NSW Maritime's response ¹
1.	<p>(T)he Waterways², or other appropriate authority review the minimum safety (sic) requirements of recreational vessels, and that that review include, at its least, an expanding of the list of required safety equipment on recreational vessels to include:</p> <p>(a) adequate bilge pumps, both in number and capacity, for the size of the vessel</p> <p>(b) alarm systems in relation to bilge water, if appropriate given the size of the vessel and</p> <p>(c) a requirement for build in buoyancy aids, or bulkhead construction, should the size and purpose of the recreational vessel lend itself to that.</p>	<p>The Marine Safety (General) Regulation 2009 requires bilge pumps to be fitted to vessels with covered bilges or closed under-floor compartments. The bilge pumps must be capable of draining each compartment and that more than one bilge pump may be required. There is no requirement for an alarm system on recreational vessels. NSW Maritime encourages regular inspection and checking of function, rather than reliance or dependence on alarm systems which themselves can easily fail.</p> <p>Minimum buoyancy requirements are now included in the National Standard for Australian Builders Plate (ABP) for Recreational Vessels. The ABP must be displayed on all vessels built after 1 July 2006 and contains information on maximum engine output, maximum number of persons onboard, maximum load and requires "level flotation" or "basic flotation" buoyancy performance for all vessels built after 2006.</p> <p>Therefore, this recommendation was not implemented.</p>
2.	<p>(T)he appropriate authority give consideration to a system whereby any modification to any recreational vessel be independently assessed as safe, prior to to (sic) vessel being legally used on a waterway. This may take the form of hand built or "home made" vessels having to be certified, prior to legal use, or by manufacturers meeting certain minimum requirements as to design and construction, together with safety features.</p>	<p>NSW Maritime does not support regulation of vessel inspections. Vessel malfunction does not feature strongly as the cause of marine incidents and the costs of establishing an inspection scheme with appropriate standards, training and audit would be excessive.</p> <p>The Marine Safety Act 1998 defines an unsafe vessel, including the condition or equipment of the vessel, and provides penalties for operating an unsafe vessel – a maximum penalty of \$44,000 and/or two years imprisonment.</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.

² The Waterways Authority was renamed as NSW Maritime on 1 September 2004

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3.	(A)ny modification to a vessel, originally certified as safe, would also have to be assessed and certified, with a record of that modification and certification or otherwise to be provided to any future purchaser of the vessel, for the life of the vessel.	<p>The Marine Safety (General) Regulation 2009 provides a maximum penalty of \$5,500 where the engine power of a vessel exceeds the manufacturer's specification.</p> <p>Therefore, this recommendation was not implemented.</p>
		<p>NSW Maritime does not support re-inspection of vessels. Vessel malfunction does not feature strongly as the cause of marine incidents and the costs of establishing a scheme with appropriate standards, training and audit would be excessive.</p> <p>The Australian Builders Plate (ABP) for recreational vessels contains a warning statement that if the vessel is altered so that it is different to the builder specifications, then the particulars specified may be invalidated.</p> <p>Therefore, this recommendation was not implemented.</p>