

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

**Report into Boating Incident
South Evans Reef
1 April 2001**

Coroner	State Coroner, J. Abernethy
Date of findings	31 October 2003
Inquest location	Glebe
Recommendation(s)	An Inquest into the deaths was conducted by the NSW State Coroner and recommendations were handed down on 31 October 2003. Two recommendations were directed to the then Waterways Authority ¹ .
Status of recommendations	Completed

Background On 1 April 2001, the sail training vessel “Rising Farrster” was being sailed down the NSW coast between Southport and Coffs Harbour with five sail trainees on board. During the voyage the keel separated from the hull, causing the vessel to capsize which resulted in two fatalities by drowning.

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

SOUTH EVANS REEF, 1 APRIL 2001

No.	Coroner's recommendation	NSW Maritime's response ²
1.	<p>“That the Waterways Authority of NSW seeks amendment to the Commercial Vessels Act, 1979 (NSW) and/or relevant legislation to enable regulation by that authority of sail training vessels regardless of whether they are on an interstate voyage within the current meaning of that term.”</p>	<p>The Marine Safety Act, 1998 now covers both interstate and overseas voyages undertaken by sail training vessels.</p> <p>This recommendation is considered closed.</p>
2.	<p>“That the Waterways Authority of NSW as soon as possible amends the 1998 Exemption Order so that all offshore training vessels be required to comply with the Commercial Vessels Act, 1979 in relation to construction and survey.”</p>	<p>For those vessels not already in full commercial vessel survey, NSW Maritime has determined that Yachting Australia (YA) requirements for sail training vessels ensure vessel construction, safety equipment and operational procedures meet appropriate safety standards.</p> <p>If a sail training vessel that is not in survey is going to be used off-shore, NSW Maritime ensures the structure of the vessel is checked to confirm the vessel is fit-for-purpose prior to the issuance of a Certificate of Recognition.</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.