



The Boat Owners Association of NSW Inc

Consumer Action in Boating

Transport for NSW
Centre for Maritime Safety
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Wednesday 22 September 2021

‘Maritime Safety plan 2026 The Future of Maritime Safety in NSW’

Dear Madam / Sir

We welcome the opportunity to participate in the development of the “Maritime Safety Plan 2026”.

The BOA’s position regarding Maritime Safety is that two principles should apply to the introduction of rules:

1. There should be clear evidence that fatalities have occurred that would have been prevented had the rule existed and been abided to.
2. Personal responsibility should play the dominant role: “you’re the skipper, you’re responsible”.

You can’t and shouldn’t legislate danger away. In fact, an abundance of rules has shown to lead to a tick-box mentality, reducing the sense of responsibility and increasing the risk: the opposite of what is intended. It is therefore essential that rules are practical and sensible, and should be combined with a strong emphasis on personal responsibility and safety awareness. We note that most fatalities appear to have occurred in situations where the existing rules were not observed.

The proposed Safety Plan comprises 4 elements, we include our comments on each element:

1: Life jacket wear and equipment.

The BOA acknowledges that the current life jacket rules are somewhat confusing – a position we have held ever since they were introduced. We see substantial problems with each option which would require additional finetuning, which would defy the purpose.

Option A: this option seems simple, but introduces some problems. A ‘vessel less than 6m’ catches relatively large vessels (anything under say 19ft in Maritime measurements). This would include small keel yachts, which have a fundamentally different risk profile than small

dinghies, and e.g., marina tenders. The latter would be hugely inconvenienced, whilst no casualties ever have been recorded.

No rationale is given to the increase of the previous limit 'under 4.8m' to 'under 6m'. There may be many more examples of (hopefully) unintended consequences as result of this new limit. Introducing lifejackets for small craft. Not that we want to see more restrictions but this option shows there is no reasonable argument for the suggestions in option A

Option B: this option is unrealistic. It would require crew on a large yacht in calm waters to don life jackets every time to go into an 'open area' (particularly hard to define for many modern motor yachts). There is no evidence of fatalities in such situations and this requirement is overreach. It is the skipper's responsibility that life jackets are worn in adverse conditions and there is plenty evidence that this is well understood and adhered to.

The requirement to wear a life jacket 'at all times when boating alone' may make sense on a small dinghy, but is unnecessarily oppressive on larger vessels and certainly no evidence of preventable fatalities is available. Fishing off a 50-foot yacht or motor cruiser at anchor, sitting inside the cabin of a yacht, all would require that a life jacket be worn. The BOA roundly rejects this option B.

The BOA suggests to NOT introduce either option, but to consult with stakeholders on streamlining and simplifying the current rules. The BOA would be happy to be involved in such an exercise.

Maintenance of life jackets is noted in the Plan as an important issue. The BOA fully agrees with this and with the initiatives taken by NSW Maritime in this regard. We welcome Maritime's commitment to further assist in this important area.

2. Safer Boating Through Technology

Other than questions in the on-line survey the details are scant. We have received numerous comments from members in particular two issues raised in the questionnaire:

- The suggestion to use drones to monitor boating rules. Needless to say, the BOA rejects this idea in the strongest terms. This would be an insidious invasion of privacy, fit for a police state. Stronger words were used by our members, which we will not repeat.
- The use of QR codes at boat ramps. The BOA also rejects this suggestion, based on the same principle as above. However, we understand the motivation behind this suggestion. The BOA supports the use of the NSW Marine Rescue app and suggests NSW Maritime assists with encouraging boaters to use this. Signs at boat ramps to this effect would make sense.

The BOA is certainly not technology-adverse, but we need to stress that recreational boating to many includes an aspect of the feel of personal freedom. Excessive use of tracking, data harvesting, AI and so on is a direct threat to this freedom. Extensive consultation is in order before going down this path.

3. Safer Waterways Access and Infrastructure

The BOA supports most initiatives in this area and appreciates work that has been and is being done. We have commented on many individual issues in this regard and in the future will continue to do so where and when appropriate.



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4. Growing our Safety Culture

The BOA is a strong advocate for boating safety and supports initiatives that help to improve a boating safety culture. Education trumps legislation (although we recognise that legislation is often a necessary minimum). Educational programs, improved websites / FaceBook and especially awareness of the web\sites is important. The BOA recommends a strong cooperation in this regard between NSW Maritime, NW Marine Rescue and the BOA in order to target the real needs and issues of the boating community.

Yours sincerely,

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