

Executive Summary

BWA Position Paper on Minister's Proposal for Compulsory Training and Licensing of Recreational Boat Operators

Overview

Without providing demonstrable evidence of need or likely benefits in support of her proposed initiative to implement compulsory training for recreational boat operators in Western Australia, the Minister for Planning and Infrastructure, Alannah MacTiernan, is seeking to force changes which will make recreational boat operator training mandatory by June 2004. In tandem, the Department for Planning and Infrastructure (DPI) is pressing for a boat operator licensing regime, in the face of an already existing and growing DPI register of voluntarily trained operators.

New legislation to achieve these initiatives will be necessary, costly and will be pre-emptive of national agreements entered into by this same Minister to achieve a common national approach to boating safety. The Minister's ill-conceived, misinformed, non-consultative and pre-emptive tactics fall well outside the 'responsible and accountable government' approach promised by the Premier Dr Geoff Gallop.

Contrary to the facts, the Minister is mistaken that such measures are needed to comply with obligations accepted as a participant in the Australian Transport Council (ATC). Her unsubstantiated claims that such initiatives will reduce the death and injury rate in recreational boating are highly questionable when one examines WA's steadily improving safety record and reads her own Department's Annual Report from 2002/2003 which unequivocally states that, "A downward trend indicates a reduction in the number of boating accidents and an improvement in boating safety."

BWA Position

1. The Minister's assertion that there is an obligation on WA to implement compulsory training is inaccurate and pre-emptive of nationally agreed initiatives, including:
 - a. the "*National Marine Safety Regulatory Regime*", signed by all States, Territories and the Prime Minister in November 1997; and
 - b. the "*NMSC Strategic Plan 2003 – 2008*", endorsed by the Australian Transport Council including all States, Territories and the Commonwealth in May 2003.;
2. The Minister's assertion that there is a need for WA to implement compulsory training of boat operators, is:
 - a. presumptive and not supported by any known demonstrable evidence of need or benefit. Indeed, the initiatives are contrary to known data; and
 - b. contrary to Premier Geoff Gallop's commitment to 'responsible and accountable government' which he states requires only fully justifiable legislation be enacted.

BWA Recommendations

BWA is confident that, given the keen sense of cooperation and responsibility within the WA boating community, additional cost effective, or no cost, initiatives can be developed in partnership with the recreational boating communities and government to further improve marine safety in this State, without the need for inappropriate and pre-emptive legislation.

The research completed by BWA indicates that there is a decided lack of accident and incident analysis and a lack of any examination of the likely results of compulsory training. Indeed, the National Marine Safety Committee (NMSC) has been directed by the ATC in their Strategic Plan 2003 – 2008 to investigate nationally if there is a need for mandatory training of recreational boat operators.

BWA Recommendations include (see full list and details on page 7):

- **Government Initiatives** to fulfil its community obligations by providing thoroughly researched analysis of accidents, incidents and emergency responses including:
 - the completion of the NMSC priority to determine whether training should be mandatory;
 - examination of potential benefits and risks associated with mandatory training and licensing;
 - improvement in compliance initiatives relative to existing legislation;
 - completion of the long-awaited amalgamation of existing marine legislation into a single WA Marine Act and
 - an increase in Government sponsored promotional activities and direct involvement in voluntary training;
- **Agency and Stakeholder Initiatives (including Government)** to identify appropriate quality and content improvements to existing initiatives and strategies to meet and maintain nationally agreed guidelines and standards, including:
 - improvements to the BoatSmart course to ensure compliance with National Guidelines for Boat Operator Competencies;
 - improvements in general boater awareness;
 - improvements in DPI public relations to foster an educative approach and cooperation within the boating and marine community;
 - review of local management systems to improve efficiency and levels of enforcement and compliance under existing legislation and regulations;
 - reinstatement of increased levels of marine patrols and visibility;
 - encouragement by clubs and marinas for pen-holders to become trained;
 - development of appropriately targeted Government promotional programs to increase the community's desire to complete a course and create the concept of social responsibility;
 - continuation and expansion of industry promotional campaigns, with funding contributions from government, to continue promotion of training to all purchasers of new and used boats;
 - improving participation, recognition and appreciation for the value of youth training;
 - encouraging family training with the introduction of discounts or other incentive schemes to reduce costs to family groups;
 - encouragement of local authorities to review their marine facilities and their attitudes to marine safety, including launching, berthing and assistance to sea rescue groups;
 - implementation of boat ramp improvements, particularly in high-use areas, to assist in the reduction of congestion often leading to accidents and promoting inappropriate and unsafe behaviour;
 - implementation of infringement training requirements for serious or repeat offenders of existing laws;
 - other initiatives to promote on-going and genuine consultative forums for the development of appropriate marine safety initiatives throughout the community.

Conclusion

BWA, having examined this complex matter at some length, remains of the view that in the absence of causal linkages leading to the proposed legislative and management changes and demonstrable evidence of need and potential benefit, the boating community represented by BWA remains unable to support the Minister's and DPI's proposed initiatives for compulsory training and licensing.

To ignore the demonstrated high sense of responsibility within the WA boating community and WA's exemplary safety record, and to continue to pursue a non-existent obligation will jeopardise a future common national approach to marine safety, as agreed between the States, Territories and Commonwealth.

Until it can be demonstrated to the contrary, and until a common national approach is effectively researched and achieved, BWA continues to support the improvement of existing voluntary initiatives, as identified in this Paper.

BWA Position Paper

WA State Minister Proposal for Compulsory Training and Licensing of Recreational Boat Operators

Overview

The Minister for Planning and Infrastructure, Alannah MacTiernan, has stated that there is a need to introduce compulsory training for recreational boat operators in Western Australia and continues to drive this agenda to implementation by June 2004 without providing demonstrable evidence in support of the new legislation she is planning.

The Minister has stated that such measures are needed in order to reduce the death and injury rate from recreational boating incidents and to comply with obligations accepted as a participant in the Australian Transport Council.

On 30 September 2003 the Minister tasked the State Boating Council to provide its recommendation on how best to implement this policy, by the end of January 2004. The Hon Fred Reibling, Labour MLA for Burrup and Speaker of the Legislative Assembly was appointed as independent Chair of the State Boating Council, with a particular brief to ensure that the Council makes a recommendation as required by the due date.

BWA Position

3. The Minister's assertion that there is an obligation on WA to implement compulsory training is incorrect and inconsistent with the 'common approach' agreed nationally by all States and Territories and is pre-emptive of nationally agreed initiatives, including being:
 - a. contrary to the agreed "*National Marine Safety Regulatory Regime*", signed by all States, Territories and the Prime Minister in November 1997; and
 - b. pre-emptive of nationally agreed priorities in the "*NMSC Strategic Plan 2003 – 2008*", endorsed by the Australian Transport Council including all States, Territories and the Commonwealth.;
4. The Minister's assertion that there is a need for WA to implement compulsory training of boat operators, is:
 - a. presumptive and not supported by any known demonstrable evidence of need or benefit. Indeed, the initiative is contrary to known data; and
 - b. contrary to Premier Geoff Gallop's commitment to 'responsible government' which he states requires only fully justifiable legislation be enacted.

Discussion

1. The Minister's Assertion of Obligation and Pre-Emptive Initiatives

Obligations which have been incorrectly quoted by the Minister arise from agreements between the States and Territories which are a party to the Australian Transport Council (ATC), including each of the various Ministers responsible for marine safety within their various jurisdictions.

In the “*National Marine Safety Regulatory Regime*”, signed by all States, Territories and the Prime Minister in November 1997, the ATC established the National Marine Safety Committee as an operational working committee of specialists to undertake national marine safety initiatives, as directed by the ATC.

The obligations agreed to between the States under this Regime do not include the introduction of compulsory boat operator training but rather to:

- improve “marine safety and the efficiency of marine safety administration” (Recital B);
- endorse “goals and guiding principles for national marine safety legislation and operational arrangements” (Recital C), “necessitating uniform or consistent marine safety legislation and operational practices throughout Australia” (Recital D), by “establishing a cooperative arrangement to ensure that”:
 - “standards ... are established adopted and implemented in a timely and consistent or uniform manner throughout Australia”;
 - “legislation is made and continues to be made in a timely and consistent or uniform manner throughout Australia” and “is administered consistently”;
 - “there is a minimum of procedural differences in marine safety through Australia”;
 - “there is mutual recognition of each other’s administration of marine safety”;
 - “charging and cost recovery regimes are applied”;
- agree on “essential elements ... for the coordination of marine safety” (Recital E) including:
 - “establishment of a Committee of officials (the NMSC) to report to the ATC [sic]”;
 - “the development of model legislation for marine safety regulation by the NMSC [sic] for approval by the ATC [sic]”;
 - “to avoid any conflict with the model legislation as endorsed by the ATC [sic]”;
- agree to “...not take any action to make legislation or regulations which will, on coming into force, conflict with the model [sic] legislation” (Clause 23) or common legislative drafting instructions.

The Minister’s proposal to enact legislation implementing compulsory training is likely to be in conflict with clause 23 as the content of the national model legislation is unknown at present.

Subsequent to this agreed Regime, the Ministers replaced the concept of ‘model legislation’ with that of ‘common legislative drafting instructions’ in recognition of States’ sovereignty and individual differences in legislative modelling. Nonetheless, the agreed goal of a common framework, consistent legislation and mutual recognition of boat operator competency is clear.

Importantly, there is no obligation, in any known agreements, for any state to adopt compulsory management systems, if the State decides against such a regime.

Moreover, nationally agreed priorities for the NMSC have been identified in the “*NMSC Strategic Plan 2003 – 2008*”, endorsed by the ATC in May 2003. Strategic Priority 6, which calls for the completion of “the national safety system for recreational boating”, includes Priority 6.3 which tasks the NMSC to “determine whether there is a need for mandatory operator competencies for recreational boats”.

Having identified and published “*Guidelines for Recreational Boat Operator Competencies*” in Nov 2000, it remains for the NMSC to research the relevant data, analyse the nature of accidents and incidents Australia-wide, consider current trends in safety and training initiatives and resulting outcomes to determine if mandatory training is needed.

This specific direction from the ATC has yet to be achieved but has been planned for completion between 2003 and 2008.

Any action to implement compulsory training before such research and determinations are completed, reflects a significant lack of ‘good faith’ on the part of the WA government toward its agreements with other States and toward the WA community. Such action risks the reputation and credibility of WA and reflects irresponsible government decision making of the worst kind. This is certainly contrary to the Hon Premier Dr Geoff Gallop’s commitment to responsible government including fully justified and demonstrable need prior to enactment of any new legislation.

In the face of the current government’s apparent lack of interest in completing the long-awaited amalgamation of WA maritime legislation into a single Marine Act at considerable cost to-date, the obvious haste on the part of the Minister to rush through a compulsory training initiative is confounding at best and certainly ill-considered policy.

Effective key stakeholder consultative processes have been absent. With no consideration given to the voluntary nature and prior commitments of key organisations, the consultative processes have been seriously disadvantaged and corrupted through undue haste and inappropriate Ministerial directives to her advisory body, the State Boating Council (SBC).

To suggest that the SBC develop plans for implementing compulsory training without appropriate and essential background research and analysis of the issues and concept, is irresponsible and inappropriate.

The considerable cost to the community alone, in the development of new legislation and its implementation, deserves the rigour and responsible approach of effective research and completion of the agreed NMSC examination and determination of need.

To pursue a path leading to an inevitable duplication of costs places further unacceptable burdens on the community when national initiatives have been completed and a common a framework is developed – a reckless waste of public resources and contrary to national agreements.

In failing to note or advise the community that there is not yet model legislation or common legislative drafting instructions, the WA Minister for Planning and Infrastructure has misled the community about the State’s obligations as required by the ATC agreements. To suggest that there is an obligation on WA to implement compulsory training is simply incorrect and pre-emptive of nationally agreed initiatives to achieve a ‘common approach’.

Development of a framework for mutual recognition by state legislations, effective analysis of accident data and the NMSC’s determination relative to the potential need for mandatory training are far from complete. These elements are essential before the State Boating Council or the government can possibly make sound decisions on the issue of compulsory training. To suggest otherwise is pre-emptive and ill-conceived policy and an outrage to community stakeholders, particularly in the absence of demonstrable evidence of genuine need.

2. The Minister's Assertion of 'Need'

All information publicly available suggests that there is no justification to vary existing state legislation or to introduce compulsory recreational boat operator training or licensing.

The absence of need is supported by the DPI Minister's own department's 2002/2003 Annual report which unequivocally states that, "A downward trend indicates a reduction in the number of boating accidents and an improvement in boating safety."

In addition, the 'nation-leading' level of the voluntary training participation by the WA boating community is a testimony to the potential of voluntary systems, in spite of the limited promotion and developmental improvements of the BoatSmart course.

The Minister has made several statements indicating the need for reform, but in the last four months since her proposal was made public and in spite of direct requests to produce evidence to support her statements, no attempt has been made to provide demonstrable evidence or even address the question of the alleged need.

State and National Statistics – The urgency of the Minister's perceived need to reduce incident numbers on the water are not borne out by the National Marine Safety Committee statistics nor those of local sea rescue organizations. The national marine related fatal accident statistics have shown a decline of about 70% since 1980 and Western Australia has been in the forefront of these improvements. These figures are based on actual numbers with no consideration for the overall increase in the number of boats owned over the last 20 years.

Requests for boating incident statistics from the WA Water Police were met with the response that they no longer collating this information. Requests for similar data from the Fire and Emergency Services Authority resulted in the advice that the figures are not yet available. One can only presume therefore that the Minister likewise does not have these latest statistics on which to base effective decision making.

Accident and Incident Analysis – No breakdown of the causes of the deaths or injuries on the water is available to assess causative factors and develop appropriate and responsible prevention strategies. The relevance of training in the prevention of out-of-fuel and mechanical and electrical failures, which made up more than 80% of the emergency call-outs by one metropolitan volunteer sea rescue group in 02/03, is highly questionable and the number of these call-outs servicing previously trained operators has yet to be assessed.

In 2002 it was proposed by the NMSC that there should be a national standard for assessing the actual causes of serious boating accidents so that practical conclusions could be drawn from the results and if possible practical steps be initiated to prevent future on-water accidents. We are unaware of any concrete developments in this area but understand that States are currently seeking to provide data to the NMSC.

Without appropriate data and effective detailed analysis of accidents and incidents, variations to existing legislation cannot be justified.

It is clear that historically the Governments of the various states have not maintained records appropriate to analysing these issues and this is confirmed in the NMSC report of February 2002 on the "*Assessment of Fatal and Non-Fatal Injury Due to Boating in Australia*". The report indicates that there have been totally inadequate statistics kept either by a national body or by the individual States and the collation of this information should now be addressed.

The NMSC, the national committee charged with the collation of this information, has yet to report. It is irresponsible government to suggest need and seek to enact legislation in the face of such glaring omissions and absence of reliable information to support statement of 'need'.

Lack of a Common National Framework – No State or Territory of Australia has compulsory training requirements. Some States, such as Queensland, offer an option for assessment by testing or through a course but mandatory training does not currently exist in Australia. The Minister is seeking to set a precedent without effective and demonstrable evidence of need or likely positive outcomes or benefits to improved marine safety.

Each State, apart from WA and the Northern Territory, has a form of recreational boat driver licensing dating back nearly 30 years, up to the most recent introduction in Victoria. There appears to be no evidence currently available relating to the effectiveness of such initiatives on improving marine safety performance in these jurisdictions.

The latest figures released for New South Wales show an increase in incidents despite a strict licensing regime.

Inappropriate Focus on Recreational Boating – There are countless examples of recreational pastimes resulting in significantly more deaths and injuries per annum than recreational boating. The inordinate focus of attention on recreational boating regulation and the related costs to implement and maintain regulatory regimes, whilst high-profile, is not necessarily good government nor is it an appropriate allocation of scarce resources by government.

Boating is already subject to relatively stringent safety requirements. Rock fishing alone has suffered more deaths from far fewer participants in the sport than boating over the last 10 years and still the State government has failed to introduce any compulsory measures to counteract these losses and the costs of related sea search and rescue operations.

It is relevant to note that in the United Kingdom (UK), with its very large boating population, dangerous coastlines, heavy mix of commercial and recreational boating traffic and generally more demanding weather and tidal conditions in the main boating centres, there is no compulsory training or licensing regime. The accident record is one of the best, if not the best, in Europe.

It is a known fact that sports such as rugby, skiing and even badminton have a higher number of cases requiring attendance at accident and emergency centres than boating. Yet, as in WA, there is not the seemingly constant clamour for these sports to be regulated and licensed.

It is also a known fact that more lives are lost in commercial boating incidents in the UK, where all skippers are highly trained and qualified. Perhaps for this reason the Marine Coastguard Agency (UK) does not support the compulsory training of recreational boat drivers. It is apparent that they prefer to see the continuation of the philosophy of “education before legislation”. They are well aware that qualified skippers are just as capable of poor seamanship and faulty judgement and that dangerous behaviour is not the prerogative of unqualified skippers. This is amply illustrated in the WA road statistics and the results of the Australian national firearms buy-back scheme. Road driver training has failed to address behavioural issues in driving and the buy-back scheme has imposed rigorous restrictions on all gun owners whilst those who flaunt the law remain armed.

Compulsory training legislation will still leave a visible percentage of anti-social drivers and individuals who will flaunt the law. The percentage of deaths and serious injury from boating accidents which, in theory might be eliminated by a plethora of new regulations, is likely to be immeasurable. More to the point, the necessary change in anti-social and irresponsible boat driving behaviour is unlikely to be effected through compulsory training. It is naïve in the extreme to assume that a raft of new legislation will totally eliminate the few remaining annual deaths or injuries, when personal judgements even by well qualified mariners can lead to disaster.

Authorities will remain unable to control the percentage of people who will not conform to the law or display poor judgement. This is no reason to “lock up” an entire community with ineffective and costly regulation.

Rather, it should be cause to review the failures or inadequacies of existing training and information services, compliance system and endeavour to provide appropriate quality improvements.

The Licensing Issue – There are just over 70,000 registered boats in WA. This includes boats from 3.1m with a motor greater than 5 hp. A substantial number of smaller registered boats are tenders or under the same ownership, and drivers, as larger vessels. There are many thousands of other boats including substantial sailing yachts which are not registered. There are various estimations of the possible total number of boat drivers in the State ranging from 150,000 to 250,000 people.

As already mentioned, WA does not have compulsory training or licensing but the Yachting Association of WA (YAWA) is reputed to have data indicating that WA has more drivers who have completed voluntary training courses than all the other States and Territories combined. No other state requires a recreational boat driver to complete a compulsory training course to obtain a boat driver’s license, and there is no available evidence of safety benefits directly attributable to licensing. The overall improvements in general safety standards combined with voluntary training has provided significant improvements in marine safety.

DPI have maintained records of all people completing voluntary courses since 1986, totalling approximately 28,000 individuals, including over 2,000 who have completed the DPI-developed “BoatSmart” course, introduced in late 2000/2001. It is also known that large numbers of boat drivers in WA have completed courses elsewhere and these are not recorded by DPI and records prior to 1986 are incomplete.

A ‘register’ of formally qualified operators, trained in WA, already exists. No need exists for the development of a duplicate licensing system. Evidence of competency is available through presentation of these certificates and no additional evidence should be required.

Alternative Approach to the Issues – It is evident that there are criticisms of the existing voluntary systems. The DPI-developed Boat Smart course is 3 years old and due for a major review and evaluation leading to improvements in content, delivery and quality assurance measures.

The BoatSmart Course – The content of the BoatSmart course, if inadequate to meet the nationally agreed “**Guidelines for Recreational Boat Operator Competencies**”, produced by the NMSC, can be easily upgraded to meet these requirements. If quality assurance methods need to be implemented to ensure delivery of the programs are consistent with nationally agreed standards, a QA system and regular trainer assessment or reviews mechanisms can be considered. If the economic value of conducting the BoatSmart course is not conducive to promotion by trainers due to the more profitable TL3 program, alternative funding and costing options can be considered.

If voluntary ‘take-up’ of the BoatSmart course is waning, appropriate and targeted promotion and incentives can be considered. The costs to improve and upgrade an already existing system is far more economical and efficient use of resources than trying to “re-invent the wheel”. Government has on-going funding for these purposes from registration fees and substantial local taxes and GST collections from marine fuel sales.

3. BWA Recommendations

There is a keen sense of cooperation and responsibility within the WA boating community and the level of voluntarily trained operators already within the WA boating community is reportedly unsurpassed throughout Australia.

BWA is confident that additional cost effective, or no cost, initiatives can be developed in partnership with the recreational boating communities and government to further improve marine safety in this State, without the need for inappropriate and pre-emptive legislation. To ignore the value of the high level of boating community responsibility now demonstrated in WA risks jeopardising that commitment and could spell disaster for marine safety.

A number of cooperative initiatives are required for an effective and thorough examination of the issues and for effecting improvements in existing systems and initiatives to meet national guidelines for boat operator competencies and ensure the quality, promotion and content of voluntary training is improved. The following are but a few recommendations to achieve these ends.

1. **Government Initiatives** –Thoroughness, efficacy and responsible governing requires the Government to fulfil its obligations to the community by providing thorough and independent review of a number of issues prior to further initiatives toward compulsory training or licensing, including:
 - a. **Accident Analysis** – Investigation and analysis of the nature and details of all WA recreational boating accidents over the past 5 years with a view to identifying causative factors and appropriate preventive strategies for the future. This investigation to include:
 - i. Collation of statistical data, accident and incident data and details from all marine service agencies and organisations in WA;
 - ii. Examination of all investigation reports, Coroner’s Court Transcripts and Reports;
 - iii. Critical analysis of the incidents to inform on causative factors and appropriate preventive strategies for the future.
 - b. **Emergency Response Analysis** – Investigate all WA sea rescue responses over the past 5 years to identify primary causes of problems and appropriate preventive strategies for the future.
 - c. **National Priority to Examine Need** – NMSC to complete their nationally agreed priority (#6.3) to “determine whether there is a need for mandatory operator competencies for recreational boats”, to include a complete and detailed analysis of nationally collated accident data to contribute to the assessment of risk factors and prevention measures leading to the development of prevention policy.

Note: All States and Territories endorsed the NMSC Strategic Plan through the Australian Transport Council in May 2003 which includes this element under Strategic priority 6.3.
 - d. **Examination of Potential Benefits** – The NMSC to include, as part of item 1.c (above), an investigation and report on other national and international jurisdictions actions and results where compulsory boat operator training has been formally considered. This report to include an analysis of the accident and incident results following the introduction or non-introduction of compulsory training, including the provision of relevant recommendations.

- e. **Improve Compliance Initiatives** – make a determination of the level of compliance enforcement and education available and necessary to ensure effective community educations and management of existing legislation.
 - f. **Complete Current Legislative Initiatives** – Complete the long-awaited amalgamation of existing marine legislation into a single Marine Act.
2. **Agency and Stakeholder Initiatives** – It is imperative that a thorough examination of existing initiatives and strategies be undertaken and recommendations for quality improvements to meet and maintain nationally agreed guidelines and standards be achieved, including:
- a. **Improve the BoatSmart Course** – Conduct an independent review of the current BoatSmart Course to identify any deficiencies and improvement recommendations to meet national “*Guidelines for Recreational Boat Operator Competencies*” (NMSC – Nov 2000) and improve ‘take up’ of the course, including:
 - i. Course content, duration and delivery methods;
 - ii. Value and Cost structures to improve marketability and trainer willingness to promote;
 - iii. Quality assurance mechanisms to ensure consistency and compliance in training delivery;
 - iv. Promotional strategies to improve voluntary training.
 - b. **Improve General Boater Awareness** – Ensure appropriate initiatives are in place to inform all boaters of existing regulations, rules, common sense issues and on-water courtesies, including:
 - i. Each year upon renewal, providing all registered boat owners with:
 - (1) the WA Boating Guide;
 - (2) a Marine and Boating Guide for Regional Areas;
 - (3) a list of Published Nautical Charts available from DPI;
 - ii. Identify and implement cost-effective community education projects;
 - iii. Improve and extend promotion of BoatSmart Course.
 - c. **Public Relations** – Improve expertise of DPI, Fisheries and Police crews when dealing with the public to create a more positive atmosphere that can educate and foster cooperation within the boating and marine community.
 - d. **Local Management Systems** – Review local management systems to improve efficiency and the level of enforcement and compliance under existing legislation and regulations, which are currently adequate for implementing improvements.
 - e. **Reinstate Higher Levels of Marine Patrols and Visibility** – Perth metropolitan area and Mandurah region management be upgraded to include the upper reaches of the Swan and Murray Rivers. River patrols have been progressively reduced resulting in the loss of the cumulative effect from on-going visibility and presence. This momentum needs to be regained through increased and consistent carrying out of functions to ensure that the “safety message” and the enforcement of perfectly adequate existing regulations can have a continued and accumulating effect.

- f. **Encouragement of Pen Holders to Become Trained** – Yacht Clubs, Shires, Rottnest Island and Marine Parks, DPI Coastal Facilities Management and private commercial marinas to encourage or require all applicants for pens, moorings (except short stay visitors) to be trained operators. Government can encourage this through appropriate concessions or incentives.
- g. **Government Promotional Program** – An appropriately targeted promotional program by government (as was intended three years ago) can effectively increase the community’s desire to complete a course and create the concept of social responsibility and that it is “the right thing to do”. Peer pressure promotion, such as youth drink driving, youth speeding, anti-alcohol and anti-drugs campaigns have proven successful. Similar promotion in the boating community can be far more effective and far less costly.

Government promotion can build on existing success as WA which has the highest level of trained recreational boat operators and the best per capita record in Australia. It is appropriate to build on the existing pride and to maintain WA’s reputation as the safest boating state in Australia which is a major achievement considering the low levels of compliance supervision and 12,500 kilometres of coastline.
- h. **Industry Promotion** – The Boating Industry Association (BIA) promotional campaign be expanded and supported with funding contributions from government to continue to promote training to all purchasers of new and used boats.
- i. **Increase Government Departments Involvement in Training** – Increased initiatives within schools and other early-age venues within the education systems, will help to encourage responsibility and participation in training courses.
- j. **Improve Participation, Recognition and Appreciation for Value of Youth Training** – The great value of Sea Cadet Units to children who receive a good education in boating safety, responsibility and respect for the water will benefit from increased DPI Marine Safety participation, encouragement and recognition by government and the community that they value the participation of children in these programs.
- k. **Encourage Family Training** – Families to be encouraged to complete courses together with the introduction of discount or other incentive schemes to reduce costs to family groups.
- l. **Encouragement to Local Authorities** – Local Authorities be encouraged to review their marine facilities and their attitudes to marine safety, including launching, berthing and assistance to sea rescue groups who are mostly pro active and responsible for educating rural boaters.
- m. **Boat Ramp Improvements** – More boat ramps and improved construction, particularly in high use areas, to assist in the reduction of congestion which can often cause accidents and promote inappropriate and unsafe behaviour.
- n. **Infringement Training** – Serious or repeat offences against regulations be required to complete and pass a training course within three months.
- o. **Other Developments** – Promote on-going and appropriate forums and avenues for the development of additional initiatives and ideas throughout the community to identify issues and devise appropriate marine safety initiatives.

Conclusion

Boating Western Australia's 'Mission' is to promote and develop safe, economic, environmentally responsible and enjoyable recreational boating throughout Western Australia. To achieve this mission requires a clear and objective examination of information available relative to proposed initiatives such as the Minister's proposal to introduce compulsory training and related moves toward a licensing system in WA.

Seeking to implement costly and pre-emptive legislation to mandate recreational boat operator training is contrary to this State's national agreements shows a real lack of 'good faith' in this regard. No evidence has been offered to support the alleged need for compulsory training, nor has any evidence been offered that suggests greater improvement is likely to the already improving WA safety record.

It is essential that thoroughness, objectivity, reason and attention to our national commitments are allowed to dictate WA's future directions. Emotive responses and 'knee-jerk' initiatives often backfire and produce results contrary to the desired outcomes.

The WA Premier, Geoff Gallop, has stated on various occasions, including his weekly radio session on 6PR, that there must be "strong evidence" to warrant the introduction of any new regulations and that his Government needs "to think outside the square". No evidence of such principles can be seen in the government's approach or the Minister's proposed initiative relative to the issue of boat operator competency.

BWA, having examined this complex matter at some length, remains of the view that in the absence of causal linkages leading to the proposed legislative and management changes and demonstrable evidence of need and potential benefit, the boating community represented by BWA remains unable to support the Minister's and DPI's proposed initiatives for compulsory training and licensing.

To ignore the demonstrated high sense of responsibility within the WA boating community and WA's exemplary safety record, and to continue to pursue a non-existent obligation will jeopardise a future common national approach to marine safety, as agreed between the States, Territories and Commonwealth.

BWA supports a common national approach to marine safety and recreational boat operator competency, in keeping with this State's interstate agreements. Neither compulsory training nor licensing has yet to 'hold-up' under even the most perfunctory examination of the information currently available and agreed strategic priorities have yet to be completed, which will be essential to informing decision makers and stakeholders on these issues.

Further detailed examinations and careful planning, as identified above, are essential to achieving sound and responsible government and to ensuring the greatest positive benefits to the community relative to safety on the waters in WA.

Until it can be demonstrated to the contrary, and until a common national approach is effectively researched and achieved, BWA continues to support the improvement of existing voluntary initiatives, as identified in this Paper.

Boating Western Australia Inc (BWA)

17 February 2003