



**SUBMISSION
TO THE WESTERN AUSTRALIAN DEPARTMENT
OF TRANSPORT CONCERNING THE
REVIEW OF SPEED LIMITS
ON THE SWAN AND CANNING RIVERS**

AUGUST 2001

PREAMBLE

Boating Western Australia Inc. (BWA) is a community based Association with a membership comprising recreational boaters and boat owners, many of whom are members of yachting and boating clubs. Membership of our Association is open to people of all recreational boating interests both sail and power and does not commit the individual to the economic and social obligations of Club membership.

Among other functions, the role of BWA is to provide a platform of representation for all people with recreational boating interests, so that they have a collective voice to be heard when issues affecting their recreational pursuits are proposed by Government or other Agencies.

This paper is submitted by the Committee of BWA on behalf of its members and the many boating people in Western Australia who enjoy leisure time on and around the waterways of the Swan and Canning Rivers and who do not wish further curtailment to their aquatic activities.

It is our understanding that the Speed Limit Review precipitated from various individual and commercial interests seeking variations to the existing status quo of river speed limits. These requests and interests need to be assessed against the expectations of all participants in the recreational value of the navigable portion of these two rivers and taking into account the many competing interests and uses of these waterways.

It is also proper to protect the interests of minority groups provided that their needs can be reasonably accommodated within an overall management plan without domination or to the exclusion of other user groups.

Notwithstanding this complex matrix of current uses and competing interests and, save and except the frequent collisions which occur in competitive yacht racing, the Swan and Canning Rivers have remained relatively free of serious accidents for many years under the present status quo. In all respects, there is no reason to believe that this established safety record is at risk of being compromised or that the waterways will continue to be other than a safe haven for the enjoyment of all, including our children. Accordingly it is with a degree of bewilderment that we are now being asked to consider some quite dramatic changes to the regulatory structure governing speed limits.

In considering these proposed changes and, taking into account the past low accident rate on the waterways, it is important that the use of the words "safety" and "conflict" need to be more tempered and qualified so that they do not create inaccurate perceptions of a poor safety record or high density traffic in the minds of less experienced readers or those who may be unfamiliar with maritime practice.

BWA held a Forum to discuss and evaluate the Speed Limit Review on 31st May 2001 and additionally used its best endeavours to initiate discussions with other members, individuals and groups to gain their thoughts and feelings on the proposals for change contained in the Review Report. Regrettably at the time of conducting the Forum, most of our members had not had the opportunity to examine the full Report, due to its very limited circulation relative to the numbers of registered boats.

As a means of balancing this inequity, we have actively canvassed opinions and comments as widely as possible within the limits of our voluntary resources and this has included the views of those privy to the report. It is of interest to note that there was little, if any disparity in the general opinions between those who had, and those who had not read the report. The recommendations contained within the report have also been published in our quarterly newsletter and displayed on our web site.

Our initial commentary on the Final Report of the Speed Limit Review was issued in April of this year and, as much of what we then stated remains pertinent, it has been incorporated in this submission, with amendment where appropriate and updated to include further member input where applicable.

Despite the limits imposed by our resources and the comprehensive nature of the final report, we consider our submission to be a balanced blend of views and will endeavour to convey our philosophies in simple terms to cover the many matters raised.

REPORT AND PUBLIC COMMENT

Due to the limited production of the report, comparatively few recreational boat owners have been able to study the background and recommendations in the document in detail. In addition, although the report was submitted to Transport in November 2000, the 1,000 brochures intended as a precis of the report were not released until 31st May 2001.

Despite the delayed launch of the brochure, the closing date for completion and return was still shown as 29th June 2001. Confusion resulted, with many in the community not realising that an extension of time had been granted and believing that they were out of time for a response.

The brochures were limited in their distribution and at the optimum, exposure could not have attained 2% of metropolitan boat owners. Major yacht clubs received a supply of some 25 brochures for an average of about 1500 members per club. The brochure did not give a Transport web site address where the brochure information was also available.

Regrettably we must report that all criticism received to date in connection with the questionnaire has been adverse and has centred on three issues. These matters are:-

1. There was insufficient information provided in the brochure to enable respondents to give a fully informed reply.
2. The questionnaire was couched in a manner which could induce responses only in favour of one of the recommendations in the report.
3. Retaining the status quo was not given as an option.

We share the concerns of those who found the questionnaire lacking in information and encouraged them to study the discussions and recommendations in the report before responding. Very few of the boating community, however, had an opportunity to study the hard copy report including all diagrams and data, as so few copies were made available. Yacht clubs as focal points of the boating community did not receive copies.

As to the second criticism we will refrain from endorsing the comment as we do not believe that this was intentional on the part of those responsible for the preparation of the questionnaire. We do acknowledge the cause for the concerns expressed, and by way of example draw attention to question number 6 which excluded an option to retain the status quo.

It is also noted that:-

- There was no publicised extended closing date for submissions.
- In a random search of the Transport web site on 23rd July we were unable to locate the questionnaire, and accordingly, it was unavailable for downloading.
- We believe that the brochure could have been produced in a more economic format which would have enabled it to be distributed to all owners of registered vessels.
- It could be claimed that the questionnaire should be reissued with further information and options to provide a broader range of possible answer

DUTY OF DISCLOSURE

Some of our members are aware that the project director of the report is a past Flag Officer of Royal Freshwater Bay Yacht Club, and owns a yacht penned in that marina. While there was no question as to the project director's highest standards of ethics or integrity, members considered that it was incumbent upon the consultants to disclose his interests. Clearly there are matters in the report where on face value, a challenge could be made to the author's independence.

THE NEED FOR CHANGE

There is no demonstrated case for significant change in the report, notwithstanding the argument contained in some of the recommendations which are dealt with later. BWA is not averse to change when change is necessary, but it must be borne in mind that we are already subjected to a myriad of rules and regulations, not only in our boating activities but in every day life.

These regulations are compounding annually to a degree that the public education and awareness programmes are not keeping pace and Government resources for such campaigns are diminishing. Consequently, they become a minefield for the civilian population and an impossibility for Governments to administer effectively. As is visible in some areas, the population becomes over constrained, public cooperation breaks down and policing becomes selective and discriminatory, further losing public confidence in practical government.

The key is to refrain from pursuit of heavy handed regulation and to increase public awareness, seeking participation and cooperation with minimal balanced and acceptable rules. This approach has been successful in other projects and is far more likely to produce better cooperation among the public and acceptance of education in the social and practical courtesies expected on the water.

If it is ultimately necessary to effect amendments to regulations, then it is vital that the strict tests for the need of reform be applied prior to implementation and the following questions should be carefully considered:-

1. Is there a demonstrated need for the proposed change?
2. Have all of the alternatives been fully explored?
3. What is the compliance cost? Can this be justified and adequately resourced?
4. If the change is to involve new or amended regulations, can they be administered more effectively and with greater community participation than the present system?
5. What are the social, commercial and industrial short and long term planning consequences of the change?
6. Can a compromise or median position be negotiated?

As an example of the need to examine the "broad picture" we refer to the recommendation to create an eight knot speed limit area in the various waters from Chidley Spit to Point Resolution. Logically this will precipitate the following effects:-

- Increased delays will occur for vessels transiting from further up river and more congestion will occur in the Point Walter and Chidley areas. This will have an adverse effect on the RFBYC Marina.
- Planing vessels will leave less trace of their passing if they transit more quickly at their designed speed using the ideal course indicated by the spit posts.
- There is a serious concern that many of the owners of these vessels will try to relocate them downstream. As there are virtually no spare moorings to accommodate them and no future planning to allow for any expansion, this will increase the likelihood of conflict and

frustration, which will manifest itself in civil disobedience and a lack of courtesy against unnecessary speed restraints.

- Sales of all sizes of power vessels will be adversely affected and this will have a flow on effect to the boat building and sales industries, marine service and supplies, finance, insurance and employment in each of those fields.

- There is no assurance of preservation for the Chidley, Claremont and Dalkeith ski areas if the speed restriction extends to Point Resolution and if these areas are closed, then there will be no ski area on the northern shoreline of the river between Fremantle and Maylands.

- Closure of the Chidley, Claremont and Dalkeith ski areas will cause unattainable demands to be placed on the Point Walter Ski area which does not have the necessary infrastructure to support the additional load. As a consequence, undesirable environmental and social consequences will result.

Given that the argument in the report to support the speed restriction in this area is considered to be both intangible and fallacious, the recommendation is detrimental to many people and favours a few who can be adequately protected by other methods if necessary.

We have kept aspects such as these prominently in mind in framing our response in an effort to avoid changes which may have undesirable consequences in the longer term.

SAFETY ISSUES

A major element to this study is the perception of safety and whether it is being compromised by the existing speed limits. Safety is said to have been identified as an important issue by all stakeholders in section 3.2.1. of the report. Sadly, there is no statistical data published in the report to enunciate the level of perceived danger, the frequency of particular incidents, and the areas where the majority of major incidents occur. This is a major deficiency in the report and leaves some of the recommendations short of a sound reason for implementation, being based on limited anecdotal evidence and individual perceptions.

Our own enquiries indicate that there is insufficient data available to justify any safety issues as reasons for the recommendations in the report and it follows that the report has achieved nothing towards improving safety. It is also reasonable to conclude that the lack of statistical data available to assess the level of danger in any area is evidence in itself that safety is not an issue to the extent that changes are necessary.

1. Collisions

No statistics or continuing trend of speed related accidents or collisions have been cited to show that general safety between vessels has been compromised.

Our enquiries have revealed that there is no history or pattern of collisions on the rivers due to the speed of recreational vessels. Very occasionally, particular incidents have been related about ski boats, within ski areas but these have mainly concerned the towed skier colliding with some other object and spells the need for better training.

There is a more marked history of collisions during competitive sailing events, but these mishaps are a consequence of the competition and not normal vessel transit. Irrespective of regulated speed limits, such incidents of collision are bound to continue.

There are no recorded reports of collision between power vessels in over 40 years of power yacht time trialling competition. These vessels compete at a maximum speed of 15 knots.

Collisions between vessels in transit are extremely rare and have been a product of either failure to keep a proper lookout or imprudent seamanship in failing to keep clear of potential danger.

Failure of some types of vessels to display the proper or any lighting is a matter of concern and this could be highlighted in safety messages by Transport and by inspectors at night in the summer. Continuation of the current blanket speed limit of 10 knots on the rivers between sunset and sunrise is supported.

2. Speed - Recreational Vessels

The report has not demonstrated any tangible link between speed and safety and accordingly, there is no justifiable reason to reduce speed limits under the guise of safety. Many modern recreational craft can attain cruising speeds of 25 knots or more and in keeping with the steady increase in speed capacity, manufacturers have constantly upgraded safety features in the vessels with improved vision, handling and ability to manoeuvre such that they do not pose a threat to safety.

Failure to abide by the "Collision Rules" or to keep a proper lookout is seen as the major risk of collision and this can apply at 5 knots or 25 knots with a yacht or a power boat. These human errors will continue to occur in very small numbers as at present and history shows that regulation, however draconian, will not lead to a perfect record in any field.

The word "conflict" has been used in the report to imply an urgency relating to congestion of various types of vessels and speed differentials. This urgency of problem resolution does not exist from our experience and speed differentials together with high speed capacity allow a quicker response to defuse developing incidents. World wide experience has shown that where users of varying speeds are forced down to low speed limits, serious congestion occurs and the accompanying frustration promotes "cheating on" or breaking the limit. When those vessels which are able to proceed faster, do so, conflict is reduced and congestion is prevented.

We do not believe that these situations currently arise on the normal river thoroughfare, but should the eight knot speed limit be extended into open river areas, such conflict will occur with more vessels being forced to congregate, rather than separate.

Conflict issues can occur as a result of organised competition and special events such as the Australia Day celebrations. In all cases, however, and including cases where competing vessels meet transiting vessels, the "Collision Rules" must be applied and competition does not have priority over uninvolved vessels.

Improved efficiency in design, materials and engineering, with both sailing and power yachts, is resulting in higher speeds. This does not imply that there are any greater risks with new designs over the old ones as usually the newer designs are more responsive to control and have better visibility.

In the final analysis, if speed is a safety issue, then all vessels of any type must conform to the same speed limits with the only exceptions being the Water Police and Transport inspectors in an emergency, or approved rescue vessels having received Police control room clearance for such emergency, as occurs with road regulation.

We have noted from the submissions that the WA Water Police agree with our submission that the status quo of the existing speed limits is the correct balance

3. Speed - Commercial Vessels

Ferries and crewed charter vessels must conform to the same basic speed limits as other vessels and should not have any form of priority on the rivers.

The proposal to vary speed limits, by waiving or more particularly, increasing them for commercial vessels is objectionable, as this would create ambiguity, danger and stress to recreational boat owners, inter alia, fleets of small sailing vessels.

To give maximum sized vessels traveling at 25 - 30 knots priority over any other vessel is fraught with risk, and would require further ongoing promotion by Transport in the hope that all skippers will hear the message so that there will be no ambiguity between vessels. There is also the real danger that some professional skippers would believe that the onus is on the recreational vessel to take avoiding action which is a highly undesirable scenario and could literally be leaving the insurers of recreational vessels to pick up the pieces.

From observations, it is evident that the size and water pressure effects of commercially sized vessels warrant application of reduced speed limits in some areas e.g. Pier 21 marina and the Water Police headquarters, Swan Yacht Club and Aquarama marina and slips, the areas between West and North Point Walter Spits and between Burnside and Karrakatta Spits and from the Old Swan Brewery to Barrack Street Jetties.

Bearing in mind the need to maintain an equitable balance in allocating usage of the Rivers, the Rottnest Island ferries are now at their maximum practical size and number on the Swan River. These vessels do send out very large pressure swells which far exceed those of recreational vessels. It is perhaps somewhat fortuitous that the structure of the old Fremantle Traffic Bridge creates a self imposing limit on the maximum size of vessels which can enter the river system.

The much used perception that twin hulled vessels are low in wash and free of these large pressure swells is quite incorrect. Experience in Perth, Sydney and Brisbane is showing that these swells can be damaging and at least comparable to those from monohulls. Accordingly, any local distance separation zones from mooring areas or infrastructure should apply equally to these vessels.

We recommend that all commercial vessels should be subject to a separate "Commercial Vessel Management Plan" which specifies routes to be used, minimum distances from infrastructure whilst in transit and special speed limit areas. This must also include the catamaran river shuttle services. Crewed charter vessels of 16 metres and over should be included with the commercial vessels.

Water borne commercial demands are similar to those which apply on the roads where buses and taxis must conform to the same speed limits that apply to other road users. If ferry passengers require a faster service then they must use alternative forms of transport. Similarly if a ferry operator has planned and built vessels for a service based on the need to obtain special permission to exceed the speed limits, then such commercial speculation and imprudence is no reason to extend special conditions or privileges to the detriment and danger of other river users.

We are aware of high and low speed ferries which operate in other States, but consider that the recreational use of our waterways is more important to the citizens of this State. The modest level of tourist boat activity in Perth is already well catered for, and to quote the proprietor of the high speed shuttle catamarans, the service is "non viable". No special priorities are appropriate for these vessels.

As an example of high speed catamaran ferries we will refer to those called "City Cats" operated by the Brisbane City Council. Photographs of these vessels were actually used by Transport WA on the front of a brochure about 2 years ago to promote the concept in Perth.

The Brisbane River is a narrow, winding stretch of water which is about 500 metres wide at the broadest and averaging about 250 - 300 metres wide along the ferry route. The ferries are 26 metres in length and about 7 metres in beam. There are 8 such vessels which each carry 108 passengers at 24 knots and operating a continuous half hour service throughout the day. They are speed restricted in selected areas but not in the central area. Curiously to the onlooker these vessels have a barely discernible wash but when travelling on one 26 metre vessel past another at 60 to 80 metres distance, the swell is most significant and causes the passengers to hold on securely. It is visibly evident that the hull swell carries through to the shoreline and such activity is tolerable in that environment only because the river is largely contained within high stone walls and there is minimal recreational boating or pen type marina accommodation in the vicinity. Other river users and ferry operators, however, are complaining of adverse safety effects on the landing stages and it would appear that to date a truly disturbance free vessel has yet to be successfully developed for river use.

There is a fine line between allowing the rivers to be used for commerce and ensuring that those attendant demands are maintained within safe limits for their passengers, together with safe passage for recreational boating of all interests. We see a management strategy as straight forward provided commerce does not have priority.

4. Boat Wash Disturbance

Wash does not necessarily increase with speed and it is well known that planing vessels generally create less wash at their designed cruising speed. Types of wash are a peculiarity to each design of vessel and accordingly it is impossible to make regulations to suit every craft.

Workable speed limits need to be respected in sensitive areas adjoining high density mooring sites, marinas, bridges and significant infrastructure, by all vessels.

In the open reaches of the rivers, a separation zone of 100 metres from the above areas (where possible) with a speed limit of eight knots is considered practical. Continuation of the eight knot speed limit westward of Chidley Spit to the west of the south mole in Fremantle Harbour is also supported.

It is worth remembering that the bulk of the non trailer borne vessels using the rivers are moored on the rivers. To date, the efforts of the various yacht and boating clubs to obtain the cooperation and improvement in discipline of their own members in the precincts of their own or other clubs marinas have only been partially successful. It is our view that a large part of the problem of nuisance washes within the areas of club marinas would be solved if the clubs were encouraged to apply will and determination towards improving the standards and cooperation of their own members.

Chapter 6 of the review report covering evaluation of the recommendations states "...Regulations introduced by Transport should empower yacht clubs to self regulate their members..." Clubs currently have the capacity to make rules for the performance of their members and to implement disciplinary procedures for discourteous behaviour or for any actions which could bring disrepute upon the club. Accordingly, further regulations are unnecessary. We do believe, however, that imposed self regulation by the Clubs could be the single largest contributor to reducing nuisance washes and that if the clubs had a mutual obligation to cooperate on this issue, the problem would be largely solved.

From experience in other places, legislation seeking to control washes has been found to be almost impossible to define, administer and to successfully prosecute offenders and accordingly we are not in favour of any such legislation. As a promotional suggestion, however, we do recall the WA Government anti litter promotion with a pigs head on a human frame which was successful in highlighting the attitudes of people who were not socially cooperative. Perhaps a similar campaign about washes would assist with achieving a positive result.

We will never completely eradicate anti social behaviour, but huge gains have been made in the boating community in the last 20 years and we believe that this trend will continue.

The review report contained comments about the effect of wash on safe and fair sailing and training which, traditionally, is held during the summer months. As this is generally the windiest time of year, river waves and swells can be significant and it is a moot point as to whether the water movement is caused by the wind or by wash from vessels.

There is a considerable onus on the coaches concerned to ensure that sail training crews are not deliberately placed in danger by the location used, the traffic flow, timing and weather. It is common to see small sailing boats being coached in or adjoining starting areas, narrow navigable channels, or on courses when power yacht time trials are being held in the winter. These competitive fixtures are approved and promulgated nearly two years in advance, but it appears that some of the river user groups are not consulting the published calendars and courses to avoid such clashes.

More speed limits and regulation will not affect this lack of liaison, common sense and courtesy between the user groups and perhaps it is time for the Aquatic Council to reiterate to its members the importance of recognising and adhering to the approved fixtures schedule

and to take action against offenders. Clubs should also be more pro active in maintaining the discipline of these schedules within their own structures.

There is also some responsibility on all clubs and marinas to provide for their own protection against the effects of typical waterway uses and to assist to mitigate any damage that could be sustained. This includes ongoing modification as and where necessary to cater for the ever increasing volume of river traffic with each passing year. Wave reduction barriers and choice of location are relevant. Sea based marinas take this for granted.

The wisdom of establishing sail training and junior clubs adjoining the main traditional river traffic routes could be questioned. If they are to exist in these exposed locations, it would be prudent to review their hours of operation to avoid clashing with existing approved fixtures or the high traffic hours. Perhaps some effort should be made by the clubs to provide more protected landing points for these small boats.

The rowing community has generally shown great common sense with river use and in our experience, any mishaps have been due to individual failings outside of the control of organised events.

ENVIRONMENT

1. - Noise

To a certain extent, noise emissions are self regulating in that the owner of a vessel does not normally wish to persevere with constant noise at high levels of intensity while on board. In cases where noise on the rivers is intrusive, there are generally straight forward causes and remedies.

One catamaran Rottneest ferry has attracted social comment together with some PWC and a few private pleasure craft. These cases can be easily identified and improvements made. Noise is not necessarily a product of speed and a reduction in speed limits will not resolve noise complaints. In reality the noise from aircraft and the frequent low level helicopter flights are far more intrusive to a greater section of the population than boats with inadequate silencing.

Noise from boats emanates not only from engines and exhausts but also from corporate or social entertainment and weddings being conducted on board. As this also occurs on summer evenings, the noise carries great distances, can be quite intrusive and lasts far longer than that of a passing vessel.

This issue is dealt with further under recommendation 10.

2. - Erosion

Our rivers are the most widely used natural asset in the metropolitan area. There are so many ways in which these areas are used, by so many people, in such varying groups, that it would be unjust and discriminatory for one group to dominate others in the balancing of these uses. It is the very nature of this existing environment that attracts and caters for so many needs.

Erosion and replacement is the nature and history of rivers. Our Swan and Canning Rivers are more subject than many rivers to seasonal flooding and scouring, winter storms and constant fresh to strong summer winds from east and west for weeks at a time. All of these forces have effects on river banks and we seriously question whether the existing level of

recreational vessel washes would have a measurable effect over that of nature's constant action on the lower reaches of the rivers. Although Point Walter Bank stands exposed to the full onslaught of the weather from all directions and is in close proximity to all river traffic on the main channel between Perth and Fremantle, it shows no signs of erosion from year to year.

Comparing the eroding action of nature at a particular point in the river over a given time with the wash effect from the vessels which pass that same point would seem to be a very costly, time consuming and limited value exercise. It is also difficult to envisage how a fair test could be conducted other than over a year or more so that the seasonal effects of weather and tides could be assessed.

3. Reserves

We at BWA have the greatest respect for reserves and sanctuaries which are set aside for wild life and general environmental purposes, but believe that CALM could achieve more within the boating community by publicising accurate plans of the reserves adjoining the rivers. An information brochure enclosed with each boat registration renewal for a metropolitan based vessel would go some way towards gaining the public cooperation needed to maintain the required degree of tranquility in these sensitive areas. The cost to produce such well targeted information would be modest.

BWA is also cognizant of the need to observe any agreements to which our country is a party and which concern migratory birds. At the same time we must question whether sufficient research has been carried out on the habits of those species to determine whether there has been any noticeable decline in their numbers over recent years, such that the changes now proposed to river use in certain areas are fully justified. Many birds and other creatures of the wild possess a surprising ability to adapt to man made changes within their environment. It would appear to be desirable to ensure that the need for change is present before implementing regulations to restrict the boating public, particularly as, by example, the birds continue to return year after year. In addition, if a decline in numbers or other undesirable aspect is discovered, then it should be clearly established whether the cause is associated with recreational boating or whether the development of Perth City and its surrounding suburbs with its attendant pollution is the real cause.

The vast majority of the boating community is understandably committed to the protection of the environment as this is the very source of their recreation. Certainly there has been a marked behavioural change over the last 20 years.

SIGNAGE, TRAINING AND LICENCING

Following extensive research and discussion, the Government, for sound practical reasons opted not to implement licencing of recreational boat skippers. In its stead, education and training has been widely encouraged and promoted with the concept of the "Boatsmart" skipper training scheme and Transport is to be complimented for its introduction. It is too early at present to gauge the beneficial effects of this scheme as it has not been available for a sufficient time to make a significant impact on a large proportion of the boating community. We believe that it would be premature to discard the value of this system.

As an inducement to complete the "BoatSmart" course, the Minister of Transport issued a recent statement advising of the availability of successful completion of the "Boatsmart" course as an alternative to payment of fines for infringements on the waterways.

As peer pressure, Government promotions and increasing pressure on the members of yacht and boating clubs to improve standards takes hold, further improvements in the level of skippers education, consideration and courtesy on the water and for the environment will be visible.

Yacht and boating clubs could be encouraged to improve member standards by providing them with specified training courses in exchange for a nominal discount on their riverbed lease payments. Together with peer pressure and Government promotion, this will produce further improvement in the level of skipper education and courtesy on the water and greater consideration for the environment.

We have no doubt that simple literature of perhaps only two pages sent out with every registration renewal would suffice to show speed limit and ski areas, nature reserves and basic but important information on how to navigate these rivers safely.

Doubling of the size of the vessel registration numbers would be impractical in many cases and would receive strong opposition from the community because of the space required and disfigurement of the boats. We are at a loss to understand just what it will really achieve. We do consider that the Marine Officers could be more inquisitive about the age of some visibly young skippers of vessels of all registerable sizes.

The concept of advertising river sharing rosters and special event directions in the Saturday newspaper boating section, and on the Internet is supported.

Transport should be prepared to use buoyed or shore based signs for navigational guidance purposes. For example in the vicinity of the Aquarama and Swan Yacht Club marinas, buoys could be strategically placed close to the approaches from east and west to indicate that "local traffic only" should enter the area and that transiting traffic must use the correct route to Rocky Bay. This form of buoyage is used extensively on European waterways and works well. Local Speed limit buffer zones of 100 metres to protect marinas and infrastructure should be buoyed at their extremities.

We would be pleased to see the continuation of efforts to further educate all skippers towards the correct negotiation of the Fremantle bridges. Warning or advisory signs on the bridges are too late to be of real value, unless fixed to the Stirling Bridge to be read when proceeding downstream.

Power yachts should understand the needs of the yachtsmen and vice versa. Stopping traffic for yachtsmen to proceed is not feasible and yachtsmen should be encouraged to lower their masts well beforehand in an area such as Rocky Bay and not when close to the bridges. It is apparent that many yachtsmen do not have adequate equipment to ensure that the masts and associated rigging are properly secured when they are in the main stream of the river with other traffic and are on course to proceed through the Traffic Bridges. We do not consider that a crewman standing in the stern and man handling a 30' or 40' mast is a responsible attitude to these problems.

AREA SPECIFIC ISSUES

a) PWC Areas

With the closing of the Trinity and Point Walter zoned areas, the only free style area left is that on the east side of the Kwinana Freeway near the Narrows Bridge. We consider that this

area has been adequately researched for the purpose and that sufficient environmental safeguards are in place. The area will become more practical with the construction of a launching ramp on the east side of the Narrows so that the noise of PWC vessels transiting from the Coode Street ramp will be avoided.

b) Erosion - Upper reaches of the Swan River

The existing speed limits on the narrow stretches of the river are adequate, but greater compliance needs to be achieved by effective enforcement if necessary. Repeater speed limit buoys or signs on the banks could be used with effect.

The amount of traffic is comparatively light and seasonal and the size of recreational boats that can proceed to the upper reaches is substantially limited by the low bridges. We have reason to believe that the constant daily traffic of large displacement tourist vessels is by far the greatest generator of wash. Again observation and enforcement of regulations with commercial vessels would be productive.

c) Bridge Safety

The mix of vessels is inevitable and all need to be given consideration for practical speed limits as at present bearing in mind wind, tide and seasonal drainage. Monitoring and enforcement where necessary should ensure that passage of vessels is conducted properly and at reduced speed when passing beneath bridges. Bridges should be equipped with "Up River" and "Down River" illuminated direction indication.

d) Fremantle Harbour speed limit

The Fremantle Harbour speed limit of eight knots is acceptable, but we query the wisdom and safety of the recent extension of the eight knot limit from The South Mole to the west end of the North Mole. This area of water can be very disturbed by natural sea conditions and planing boats do tend to broach when coming into the harbour with a following sea as a result of inadequate drive power and poor steerage at this speed. Perhaps the speed limit could be abolished for vessels approaching the harbour from the open sea and provided that this relaxation should apply only on the south side of the passage to the outer extremity of the South Mole.

The extension of the eight knot limit arose due to the large ferries emerging into the main channel from Rous Head Harbour. Although these vessels have right of way, it must be incumbent upon them to exercise extreme caution as they merge into the main sea going traffic. We believe an amber flashing light should be installed on a notice board, to indicate to vessels approaching from the harbour that a ferry or similar vessel is about join the main harbour channel. (Similar to trunk road warning signals of traffic lights changing)

Rounding the North Mole from the north, closely and at speed cannot be condoned in any circumstances. A timely warning to the vessel from the FPA tower by radio when a situation is developing would help. Such careless navigation should be identified and addressed by the authorities. It would not be practical to vary the sea going exit stream from the harbour, but a sign "Keep clear west 100m" could be placed on the north side at the end of the North Mole to help create an avoidance area. A rounding bouy at the 100m mark may also assist.

e) Deepwater to Canning Bridge

The zoned uses of rowing and skiing are compatible if properly managed and carried out with the cooperation of the parties. It appears that the management system and notices of the temporary variation of the uses need some minor adjustments which can be done without new regulations.

Rowers as with any other vessel must carry appropriate lights and if this regulation is not being observed, enforcement should follow.

f) Enforcement

People are generally aware of the inadequacy of resources in Government to satisfactorily enforce all regulations and this status will be compounded with any additional legislation. In these circumstances, management should review internal means against the logistics of enforcement to assess adequacy for the task. We are aware, however, of the current discussions taking place between Ministries at this time and must await the outcome.

g) Chinamans Bay

It should be possible to create an adequate buffer zone in front of this area without reducing the speed limit for the entire area from the Belmont ski zone to the Goongoongup Bridge. We refer you to the representations from the WA Water Ski Association which we support. A small number of buoys could adequately define the protected area.

h) Blackwall Reach West

Being a main transit route for up and down river traffic, this passage must be paramount in all considerations. Should a group receive consent to overlay a competition course over the area, then all vessels must adhere to the Collision Rules. There is however a greater onus on the competitors to ensure that the normal traffic is not intimidated. This is sometimes ignored by competing yachtsmen who rarely signal their course intentions and leave little room for transiting vessels to manoeuvre within the confined space available. The eight knot speed limit is adequate and transit lane buoys are not required as by normal practice, vessels take the direct route from Chidley Spit to Roe Spit.

i) Yacht Clubs and Marinas

We agree that a 100 metre eight knot buffer zone could be indicated by a small number of buoys at the extremities of yacht clubs, marinas and major mooring areas. This would be clear and unambiguous to all and the information should be shown on the information sheet to be sent out with registration renewals. Education proposals outlined earlier would be more effective in the long term than difficult to draft and regulate anti wash legislation.

RESPONSE TO RECOMMENDATIONS IN THE REPORT

By recommendation numbers

1. Eight knot no wash zones

We generally support this recommendation as stated in i) above but believe that shore based signs will have limited value compared to a few strategically placed buoys which will become recognised as speed restriction warnings. The information booklet, to be kept on all vessels when in use will reduce the need for an excessive number of buoys. Just as the motorist learns without the need for warning signs that he must not park his car across a laneway, so must the mariner learn certain limitations without sign posts.

Wash free operation with boat movement has yet to be achieved and in reality, low wash is the realistic target. Education and peer pressure will be the mainstay of success as constant surveillance over every affected area is unrealistic. An adequate amnesty period sufficient to reasonably ensure that all 43,000 registered boat owners in the metropolitan region are aware of the changes would be desirable.

2. Narrow areas of the rivers

The existing up river speed limits should be retained above Redcliffe and Shelley Bridges. We question the time and equipment costs against the likely benefits of a study that seeks to separate the effect of small recreational boats and commercial vessels from the possible erosion by seasonal weather patterns. Any study so conducted should be confined to the very narrow stretches upstream from the Garratt Road Bridge and associated costs should be funded externally from the Transport budget. Please refer to our preliminary comments under "Erosion".

3. PWC and water skiing areas

The outstanding issues concerning PWCs have since been resolved as the Trinity area has been closed and the Narrows area has been fully considered and is working well. It is our understanding that there is no intention to gazette any new PWC areas on the two rivers. PWCs must be properly and effectively silenced and be treated as normal vessels for the purposes of day and night navigation.

The water ski areas as now established and refined are suitable for this popular and healthy sport, and recognise the need for alternative venues as dictated by our especially windy summers. This is on the premise, of course, that there will be no restrictions on speed limits in Freshwater and Mosman Bays which will otherwise abolish the existing ski areas in that location.

The WA Water Ski Association has a responsible attitude towards the behaviour and silencing of members boats. This is a long established association and well able to self regulate its members.

4. Speed limits and zones

The preamble to this recommendation opens with "Safety incidents relating to wash have been cited for the area of the river around Mosman and Freshwater Bays".

As we have stated earlier there is no substantiated or significant data to support this statement, and the comment is subjective and misleading. We are conscious of the earlier claim in this report citing injury sustained by a participant in junior sail training in an area adjacent to Royal Freshwater Bay Yacht Club and allegedly caused by boat wash.

If sail training schools are to be operated in areas prone to vessel traffic, it is incumbent upon the instructors from the outset to ensure that any person and particularly younger persons are instructed in the potential hazards involved in boarding, alighting from or manhandling a dinghy close to the shore, and to keep a close watch on the water movements.

The level of safety related incidents considered to be associated with vessel wash is totally inconclusive and it must be reasonably concluded that other factors have influenced the perceived risks. It is inconceivable to believe that this report justifies the blanketing of the area upstream of Chidley Spit to either North Point Walter or Point Resolution Spit with an eight knot speed limit. Our opinions in recommendation 1 will suffice to reduce any impact from vessels in transit.

The preamble continues with suggestions that vessel speed, separation distance etc. 'are believed to be contributing factors to this problem' and concludes with "...the dangers associated with its high use load." In the absence of any demonstrated significant problem or danger which cannot be overcome with existing regulations and our recommendations, we believe that these statements create an illusion which does not exist.

We do not believe that there is adequate foundation to support the recommendations of options 1 and 2 as provided.

The few moorings which have been erratically placed north of the Chidley Point Spit would be included in the proposed eight knot area. If necessary these moorings should be relocated north of the Coombe into the Mosman Bay mooring area which would allow for a reasonable buffer zone from the West Point Walter to Chidley transit route.

In keeping with the principle of some segregation as mooted in recommendation 5, the transiting traffic could be encouraged to keep away from the Mosman foreshore by education and placement of a turning buoy to be located on the south eastern most corner of the Chidley ski area. This would direct vessel traffic away from the Mosman shoreline.

The Executive Summary of the report pointed to the increasing demand for space on the finite limits of the rivers. Clearly the imposition of an eight knot speed limit on either or all of Mosman Bay, Freshwater Bay or Claremont Bay areas will remove this large section of the river from the available area for the conduct of yacht racing, power yacht time trialling, water skiing, competitive sail training and the use of sail boards and surf cat types of boats. This in turn will place an even greater demand on the remaining river space, which is surely contrary to the intended outcomes of the report and destabilises the sound management of the river resources for recreational purposes. The occurrences of congestion are very rare on an annual basis, when the effects of the overlaying of competitive events are extracted from the scenario.

From our sales enquiries it is clear that powered vessels are the most sought after form of boating. Controlled competition in the form of Power Yacht Time Trialling within this class of vessel has been found to markedly improve participants maritime education, local waters knowledge, safety consciousness and boat handling skills in all weathers. Controlled

competition is a valuable outlet for those who need a challenge and peer pressure on errant behaviour ensures that discipline is maintained.

With a speed limit of eight knots imposed from Chidley Spit and at Alfred Cove as proposed, including Waterstrom and Attadale spits, time trialling from at least six major yacht clubs would be all but finished. Such an action would cause outrage and very serious division amongst the boating community with charges of discrimination and bias and would precipitate a negative effect on the viability of a number of river yacht and boating clubs.

It is mentioned that for a number of years now, the power yacht sections of the metropolitan based yacht clubs have maintained a self imposed speed restriction of eight knots for those sections of the time trial courses which pass in close proximity to RFBYC, CYC and PFSYC.

5. Blackwall Reach - Point Roe to Chidley Point

We do not believe that a no wash zone is feasible for a main transit route on the rivers for reasons already stated. In addition, some vessels operating at very low speeds become difficult to control in an adverse wind and this would create a dangerous situation in the narrow confines of the Blackwall Reach Channel. An eight knot speed limit on this route is acceptable. Through traffic generally keeps to the most efficient and direct route being the Mosman side between these points. The booklet to be issued to all boat owners will indicate the main river transit routes.

In keeping with the recommendation to encourage transiting traffic to use the Mosman side of Blackwall Reach, it may be helpful to drive an additional spit post to mark the outer extremity of the rocky outcrop to the north east of Roe Spit.

Yacht racing in Blackwall Reach can see a conflict with the eight knot speed limit, but if yacht racing is to continue in this area then it should be mandatory that competing yachts keep clear of the transit channel.

We would add that the conduct of yacht racing where the set course requires competitors to traverse Blackwall Reach, including the transit route, is questionable on ethical grounds as it encourages some competitors to potentially transgress against the eight knot limit imposed on this section of the river. Competing yachts should be discouraged from using the transit lane and disadvantaging, endangering or intimidating vessels in transit.

There is adequate separation between this traditional path and the mooring area on the Bicton side of Blackwall Reach, and to impose a no wash zone at this point would be draconian and unworkable. The separation distance to moored craft in this vicinity is well in excess of 100 metres and the owners of those moored craft must recognise that they chose their respective locations in the knowledge that Blackwall Reach is a year round comparatively busy thoroughfare.

The existing regulations coupled with further education will be adequate for management of this area and legislative amendment is considered unnecessary.

6. Swan Estuary Marine Park

As mentioned in our earlier comments further research is required to properly quantify and assess the need, if any, to restrict boat access and speed in the Marine Park areas and it would be imprudent to vary any existing regulatory controls at this juncture.

As an interim measure and pending the outcome of the research may we suggest that:-

- a. The Swan Estuary Marine Park areas be fully delineated or otherwise described on a diagram and copies of the diagram be widely distributed for information of the public.
- b. The boating public be requested to observe a voluntary code of conduct to refrain from conducting any aquatic activities within say 100 meters of the shoreline in these areas.

As the Milyu Reserve in South Perth has been subject to much deliberation and, agreements for the boundaries and management of this area have been reached, we do not consider that the area needs any further regulation. Generally the adjoining water is too shallow for all but the smallest boats or PWCs, and we believe that the arrangements are working well. It is now likely that there will be a greater effect on this reserve from the adjoining freeway and the construction of the railway lines, than any boating activity.

The Pelican Point Reserve is well protected by the adjoining shallow water and this is a good natural buffer zone. It is important that the main transit channel from Inner Dolphin Spit to Nedlands Spit is not hindered in any way.

The Alfred Cove Reserve seems to have had arbitrary boundary lines drawn and could be better related to the various needs of all. The proposed northern boundary includes Waterstrom, Attadale, Lucky Bay and Bricklanding Spits. This effectively withdraws this area from its traditional use for power yacht competition and signals the end of this controlled form of power yacht competition for the six yacht clubs which use the area. In addition, as the Clubs and those others associated with time trialling met the cost of driving the Waterstrom and Attadale Spits, compensation could well be justified to re-locate these marks outside of the proposed park area. The proposed park line could be located 150 metres further south at no detriment to the park and, because of the shallow water at this point, it would provide a natural barrier to all but the smallest of craft, such as small yachts, catamarans, windsurfers and jet skis. We have no doubt that "Jet Sport West" as the controlling association for jet skis would be most cooperative in encouraging jet skiers to keep clear of this area.

The Alfred Cove Reserve also appears to extend further west than is logical for the shore based activities beyond that point and it would seem to be more practical to end the park and the proposed eight knot speed limit area on the north east to south west line of Tanson Street, Attadale.

7. Chinamans Bay

We do not consider that it is necessary to impose an eight knot speed limit from the Goongoongup Bridge to the Maylands water ski area. There is ample room to indicate by buoys a speed limited buffer zone adjoining the Maylands side reserve, without having to slow transiting traffic.

The retention of this ski area which is accessed from the Belmont side, is a traditional and important part of the available zoning for ski areas. Allowing vessels to transit the area more quickly is in the interests of safety. This applies equally to the uses for water skiing and the

limited use for small yachts where courtesy and consideration from competing sailors and passing vessels are the key.

8. Upper Reaches of the Swan River

The continued establishment of vegetation along the river banks should be encouraged, but we do not accept that a survey of high speed vessels is required in these areas. They already have strict speed limits and there should not be any vessels operating at high speed on these waters. If there is a failure with enforcement and education or the speed limit signage is inadequate, this can be suitably rectified within the existing management framework. The cost of a survey which would take years to complete with accuracy, would be better spent on education programmes, better signage and, if necessary by more vigilant enforcement.

9. Ferries

We strongly disagree with the recommendation that commercial vessels should be given higher, non conforming speed limits at any point on these two rivers. These vessels are not sufficiently low wash in sensitive areas and the safety considerations of establishing the ambiguity of speed variations and therefore a priority status for commercial vessels does not warrant the risks. Ostensibly this review was generated, to some extent, out of safety considerations and to increase risk by creating conflict and confusion with a deliberate mix of high and low speeds is beyond our comprehension. The only exceptions to the speed limit rules can be Police, Transport or authorised emergency vessels as earlier discussed.

It is also farcical for the report to proffer support for high speed ferries in this recommendation, and to suggest that shoreline erosion is caused by vessel wash in Chapter 3. Where is the consistency and logic?

10. Noise

We do not consider that studies into noise in the marine environment are justified. Noise level measurement requires specially trained personnel and appropriate equipment all of which comes at a price. Recognising that there is not an unlimited budget associated with this report and that its purpose was to focus on speed limits, we are unable to support this recommendation.

As stated earlier we believe that vessels creating a noise nuisance can be readily identified and addressed by the appropriate authority.

If people ashore have cause for complaint then the Local Authority is the one to manage the problem under the provisions of the Noise Abatement Act. This applies whether the complainant is resident or not as the legislation does not discriminate on the basis of want of title.

The report recommendation proposes that Transport inspect and noise test every vessel before it is registered. We cannot support such a cumbersome, inconvenient, costly and time consuming principle when the actual number of offending vessels is, by observation, extremely small. Transport already has the means by which to reduce marine generated noise from offending vessels.

11. Vessel visibility

We support the reasonable enforcement of the regulations pertaining to the use of navigation lights between sunset and sunrise on all vessels.

12. Education

We generally support this recommendation but maintain the view that well planned education campaigns will achieve far more positive results than crude enforcement. Clearly enforcement must be exercised where warnings are ignored or where extreme circumstances prevail.

We believe that associations such as BWA and the yacht and boating clubs, can play a leading role in promoting a higher standard of behaviour on the waterways. BWA will be pleased to work with Transport in a community effort to improve cooperation and courtesy on the water.

The concept of voluntary wardens to report infringements is fraught with practical difficulties and we would not support such "contracting out" of Transport's role of enforcement.

13. Enforcement

Although the necessary enforcement principles are in place, the capacity of Transport to be fully effective depends on the financial resources available. For this reason and, recognising the restraints placed by Government on all Departments, we cannot see the logic in destabilising the existing regulations and adding new ones when there will be even less chance of success.

It is to be expected that an appropriate degree of enforcement would precipitate as a natural occurrence from any piece of legislation, but the inference here is that a heavy handed approach should be adopted. We sincerely hope that this is unfounded as our view is that education and peer pressure should prevail over enforcement where possible, to achieve the desired result.

The "Single point contact" would be of considerable assistance to mariners and would go a long way towards achieving sound management principles for the waterways.

14. Surveillance

This recommendation is not supported. While it may be serving a purpose to detect any speeding motorists on the road, the use of cameras on the waterways cannot capture the total scene such as tide, wind and location of other vessels in the vicinity, and these aspects may justify a speed transgression as a safety manoeuvre.

The money and time expended in establishing and maintaining a set of special cameras which would be subjected to the harsh marine conditions of sun, salt and exposure and, being unattended would be prime targets for vandalism, would be better placed in education programmes.

We consider that one of the best educational tools is the visible presence of maritime inspectors on the water. The sobering experience of having an inspector alongside a vessel delivering a five minute admonition on the errant skipper's behaviour in the presence of his guests would be most effective. The vessel being cautioned could then be recorded with a similar later infringement resulting in a fine or a compulsory course. The time taken to process recordings from cameras is without the benefit of dealing with the incident whilst it

is fresh in the minds of the inspector and loses the opportunity to address the errant skipper in person.

CONCLUSION

We thank you for the opportunity to participate in this programme and trust that the result will be worth the effort and cost to ensure balanced management of these waterways for all interests.

BWA would be willing to consider providing some space on its web site for the information and education of the boating community relative to the "Speed Limit Review" should you consider this to be beneficial.