

## **RECREATIONAL BOAT DRIVER LICENSING**

The Chairman  
State Boating Council  
Transport, Marine Safety Division  
1 Essex St  
FREMANTLE WA 6160

Dear Sir,

**RE: ISSUES PAPER - STATE BOATING COUNCIL - RECREATIONAL BOAT DRIVER LICENSING**

Reference is made to the above paper issued on 16th August 1999 and to which I have been requested to respond on behalf of the members and the Executive Committee of Boating Western Australia Inc. ("BWA")

Coincidentally BWA held a forum earlier this year with its members and boating oriented guests to discuss the various issues surrounding the recreational boat driver licensing debate and accordingly we now have a reasonable gauge of the feeling of owners and their thoughts and ideas on the subject.

The forum was of an open discussion type held with an independent facilitator and the issues canvassed included the favourable and unfavourable aspects of regulation for recreational boat handling.

In common with the issues paper, it was the general feeling that licensing per-se will do nothing towards reducing the number of incidents on the water. This then brings into question the whole concept of licensing which in this context is seen by many as being little more than a revenue raising exercise. There was no aversion to a programme of education, training and practical boat handling, but the meeting was considerably swayed towards self regulation and, given the current demand and limited resources for training, this is likely to be the only reasonable avenue available in the short term.

In promoting this view, the difficulty of encouraging people to enlist in training courses on safety issues and associated topics for boat handling is recognised as a challenge, particularly when the cost for such a course is relatively high. Be that as it may, the challenge is there and a degree of lateral thinking may be necessary in order to devise ways and means of enticing people to participate in courses designed to encourage excellence in recreational boat handling.

As a standard for competence, there is every good reason to utilise the current TL series of courses. These have been in place for many years, they are tried and tested and are the accepted yardstick for mariner status. They may need upgrading or modifying slightly to form a nationally acceptable basis of skipper certification or to coincide with international standards to ensure acceptance overseas. However, there is little point in trying to re-invent the wheel and creating another untested standard but there may be a need for a simpler level to be set in place for small vessels, which by size, are limited to operations exclusively in protected waters.

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We hasten to add here that we are still talking about voluntary codes and not regulation as being the accepted practise. This has worked well in the United Kingdom, which has the lowest incident rate and licensing is not required.

In considering methods by which mariners can be encouraged to participate in training programmes on a voluntary basis, suggestions have been advanced from within our organisation towards making approaches to the insurance industry with a view to obtaining a system of no claim bonuses for boat owners who carry a certificate of competence. A further suggestion is for Transport to consider a reduction in boat registration fees for certificated owners on the basis that statistically they are less likely to require the high cost services of the emergency maritime organisations, all of which are publicly funded to some extent.

The relative cost and complexity of the TL series of courses is acknowledged but if the promotion of improved skipper standards on the water is to be taken seriously, then there are no acceptable half measures. Given sufficient encouragement and incentive, people will respond despite the associated grind of study and inconvenience of attending a course; and if a voluntary code is adopted, there is no cost to any regulatory authority. However for there to be increased participation there needs to be active encouragement for suitably qualified private maritime schools to be available such as those which exist overseas.

Turning to specific items raised in the issues paper the following comment is offered: -

### **BACKGROUND**

While there is support for establishing a national standard of competence for recreational boat operators, there is an understanding that the very reason for establishing a standard has little to do with safety and all to do with licensing. This is a matter of considerable concern to mariners, as, based on the statistical data, there is no demonstrated need for the establishment of another line of bureaucratic regulation, which will not be cost effective and will do nothing for boaters education.

Despite the inflammatory comment and sensationalism which is regularly thrust before us by the media of today when there is an accident on the water, the licensing of skippers will not achieve total behavioural control nor will it prevent accidents any more than it has on the roads. In addition, the water related deaths are so few that to improve the statistics would almost require human perfection unheard of in any other scenario with rules.

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Mention is made in the Issues Paper that "Licensing could also be viewed as a means of raising revenue for the purpose of administering the licensing system and contributing to the provision of other recreational boating safety services."

This suggestion is repugnant in the extreme and of dubious monetary value. Boats consume considerable quantities of fuel and accordingly recreational boat owners pay huge amounts of tax on fuel. Portion of this is labelled as a road tax and ostensibly collected for that purpose but I would venture to suggest that not one cent of this obnoxious 'road tax for boats' is expended on safety or facilities associated with maritime pursuits.

In addition, boat registration fees have increased by more than 50% over the two-year period between 1996/97 and 1998/99 on the basis that the additional funds collected would be utilised for specific maritime purposes. (Your letter of 3rd June 1997 refers - copy attached)

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We question whether a third tax in the form of licensing fees is really required or justifiable. Given the high cost of collecting licence fees from a relatively small base, skipper licence fees would have to be enormous to be of real monetary value.

As a further matter it is recorded that mariners are required to carry specified safety equipment all of which is subject to significant rates of sales tax. All in all, it is totally inappropriate for further revenue raising to be sourced from recreational boating activities.

The paper also makes the preposterous and ill informed statement “There is an assumption that many boating incidents will be avoided if the drivers concerned are licensed.” There is no evidence in support of this comment, which is quite absurd and has no place in a serious paper.

It is agreed that the inclusion of qualifying seetime in the standards for a recreational certificate of competence would be impractical. It must be borne in mind however, that the recreational skipper is not compelled to proceed on a particular journey if the weather is foul whereas the commercial mariner is generally obliged to follow a schedule. Accordingly it is appropriate for the commercial operator to maintain a higher standard. The Small Craft Safety Course gives adequate training in the evaluation of sea and weather conditions and a certain level of common sense is necessary for all mariners.

### **STATISTICS**

It is pleasing to note that a common base is now used for the recording of incident data. The statistical information provided for WA is of concern particularly as a big number of the incidents arise from vessel breakdown. It would be interesting to know just how many of these events may have been avoided by exercising ordinary and preventive maintenance in a timely manner, which is normal prudent behaviour.

### **COMPARISONS**

The Issues Paper also states “The requirements are uncomplicated to streamline the processing of large numbers of boat drivers applying for licences.”

Clearly a licensing system established on this basis defeats any justifiable purpose in that it is revenue driven and is without any regard whatsoever for safety and educational issues. BWA Inc considers such a system to be totally abhorrent and unacceptable.

### **EDUCATION**

BWA is in agreement with the concept of education and training as being the most likely means of increasing safety, courtesy and reducing incidents requiring the assistance of public support facilities. BWA is also supportive of the promotion of the Small Craft Safety Course as an accepted standard to be adopted by boat skippers under a voluntary code of self-regulation. Our organisation is totally averse to the types of licensing systems which have been introduced in some states of Australia, as the tests are too simplistic to be of any real benefit and there is no sound basis for establishment of these schemes; they are simply revenue driven.

### **ENFORCEMENT**

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It is to be hoped that Transport marine officers will see the committing of a minor offence on the water as being an opportunity to promote education and safety to the public by simply issuing a caution rather than an infringement notice. Regrettably we still have some people who pay little regard to the comfort and safety of others on the water and there will be cases, which are blatant to the extent that enforcement by fining is the only answer.

Under a voluntary code there is no licence to revoke and control would be identical to the present regime. This is still effective however in that discipline can be forcefully maintained if necessary. Even under a licensing system it could be difficult to show conclusively just who was in 'control' of the vessel and effectiveness still remains with the enforcement officers.

### **COSTS**

According to information published by TAFE, participants are given a Small Craft Proficiency Certificate if they complete the course successfully and the Certificate of National Powerboat Handling (TL3) upon self-application to the Australian Yachting Federation. We do not believe that this federation is the appropriate issuing authority in the voluntary code as proposed, as it is only representative of the competitive sailing community and not power or other recreational boaters

There are no ongoing fees and if Government cannot match this example, then it would be preferable that the matter be retained in private hands but under a more representative regime.

### **CONCLUSIONS**

- BWA and its members are in favour of programmes for education, training and safety for the safe handling of boats.
- A Certificate of Competence for power and sailing boat skippers would be acceptable but only if it is issued with a one off fee and without annual fees associated with the Certificate.
- A licensing system with or without annual renewals is rejected.
- A voluntary code with incentives for participating and obtaining an appropriate Certificate is the favoured option.
- Government currently is not applying funds already collected from boaters to improving boating safety.
- Statistics support the continuation of Government expenditure on media safety information.
- Government assistance to groups such as BWA would assist effectively in the promotion of boating safety through peer pressure.
- The State Government should add its voice to the boating community's case for safety items required by law to be tax exempt.
- Education and enlightened enforcement will be more productive than the extra burden of licensing.

Yours faithfully

Neville Foster  
Vice President

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14th December 1999