



Submission

Maritime Safety Plan 2026

ISSUE: Draft Maritime Safety Plan 2026

SUBJECT: Industry feedback on the draft

INTRODUCTION: Transport for NSW (TfNSW) is developing the [Maritime Safety Plan 2026](#), as part of the NSW Government's commitment to reduce fatalities and serious injuries on our waterways. The draft Plan is now open for public consultation.

TfNSW has proposed as part of this plan options for [simpler and expanded lifejacket wear requirements](#) in NSW, with the aim to make the law easier to understand and save more lives on NSW waterways.

To provide feedback, options include:

- completing a survey on the Have Your Say portal: <https://www.haveyoursay.nsw.gov.au/maritime-safety>
- BIA was also advised on 10 September that feedback can also be provided via email to maritime@transport.nsw.gov.au

Public consultation will close at 11:59pm on September 24, 2021.

SUMBISSION

The Boating Industry Association Ltd (BIA) is the peak body in Australia that represents the interests of recreational and light commercial boating. BIA is an advocate for boaters and the boating lifestyle and supports safe, responsible, and enjoyable boating.

The boating economy generates significant social benefits through employment, much of which is supported by family businesses. In BIA reported in 2021 the industry had a turnover of \$8.835 billion, directly employed more than 27,630 people with more than 10,000 contractors. Seventy-five per cent are in small businesses, employing local workers and supporting local communities.

Boating is also a significant contributor to the economy that spans metropolitan, rural and regional Australia.

The BIA makes the following comments and recommendations regarding the draft Plan. These are identified in ***bold and italic font*** hereunder.



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Overall the BIA:

- ***acknowledges the increased participation in boating over recent years and is committed to supporting participation in boating;***
- ***supports the aspirational goal of aiming Towards Zero fatal and serious injuries on our waterways because a great day on the water, is a safe day;***
- ***welcomes the opportunity to work with TfNSW on the policies/ strategies/ programs, both existing and proposed, in the draft Maritime Safety Plan 2026;***
- ***supports the principle of a Safe Systems approach of People, Vessels and Waterways;***
- ***supports the aim of reducing the variables and confusion related to existing lifejacket wear requirements that currently apply to vessels up to 4.8m in length in NSW;***
- ***encourages TfNSW to take actions that:***
 - ***maintain and build upon efforts in education before regulation;***
 - ***promote personal responsibility as part of the Safe Systems approach;***
 - ***stimulate and support improvements in form and function of lifejackets to continue improvements in wearability to support wear rates (both compulsory and voluntary); and***
 - ***support the public in their ability to make an informed choice of which lifejacket is best suited to their person and activity on the water.***

Priority Area 1 – Lifejackets

TfNSW has put two options in the draft plan out for comment for regulatory change regarding lifejackets:

‘Option A’ would require mandatory wearing of lifejackets by adults:

- On vessels less than 6m when underway; and
- At all times for vessels less than 6m when boating alone, on alpine waters or between sunset and sunrise (heightened risk circumstances).

Not supported, BIA however recommends an ‘Option C’ under

‘Option B’ will require mandatory wearing of lifejackets by adults:

- On vessels less than 6m in enclosed waters when underway; and



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- On all vessels in open waters in the open area of the vessel when underway; and
- At all times when boating alone, on alpine waters or between sunset and sunrise (heightened risk circumstances).

Not supported, BIA however recommends an Option C under

We agree that current lifejacket rules for vessels up to 4.8m can easily confuse and are keen to explore how to achieve a better outcome for the boating public; especially as the Plan reveals that 79 lives may have been saved over the past 10 years if a lifejacket had been worn (especially in small open runabouts).

However, while extending the vessel length and area of operation to capture a greater number of fatality statistics may have appeal as a clean policy solution for the regulator; it does not factor in the actual impacts of such a policy across vessel type and activity. There is also the ongoing need to:

- ***promote personal responsibility; and***
- ***drive further innovation in the form and function of lifejackets to improve wearability across all types for the duration of a typical day on the water. This will support wear rates (both compulsory and voluntary).***

As a case in point, sailing vessels more than 6m LOA have been involved in a significantly greater (more than double) number of fatalities on open waters over recent years, when compared with powered vessels of a similar scale. This would indicate TfNSW should consider a response which is a sustained and funded education program for those who use such sailing boats (outside of racing) rather than take a regulatory approach to all vessels above 6m in length.

We also note the TfNSW data which showed: there were 50 fatalities in open waters during the 10-year period to June 2020, including 31 vessels under 6m. Of these, 18 occurred in the vessel length range 4.8m to 6m. There were 81 fatalities in enclosed waters, including 48 vessels under 6m. Of these, 4 occurred in the 4.8m – 6m vessel length range.



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These figures highlight the need to continue the focus on improved safety outcomes regarding vessels under 4.8m.

We recommend a new Option C which is:

- ***Compulsory wearing of lifejackets on vessels less than 4.8m when underway on enclosed waters and at all times on alpine waters;***
- ***Compulsory wearing of lifejackets on vessels up to 6m when underway on open waters at times of heightened risk: boating alone or at night (Note: BIA suggests removing the proposed requirement that lifejackets be worn at all times on alpine waters in vessels up to 6m; unless TfNSW has the data to support this requirement in vessels of that size on such waters.)***
- ***The exception to the above two points is lifejackets should not be worn inside the cabin of any vessel due to the risk of entrapment eg bar crossing capsizes.***
- ***Increase outputs and outcomes in educating people to wear lifejackets and to demonstrate measurable awareness of:***
 - ***Compliance with wear requirements***
 - ***Personal responsibility and voluntary wear***
 - ***Informed choice for the right lifejacket for the person, their activity and location.***

As mentioned, the risk on open waters appears to be in sailing vessels (at least 11 of the 19 fatalities over the period being sailing vessels with a possibility of three more, however TfNSW records on the latter are unclear regarding size and type). So, BIA would suggest TfNSW should not impose a mandated wear requirement for all vessels as in Option B, but rather, there should be a sustained and funded education program aimed at the cohort who are at most risk.

Furthermore, we believe there is a role for government to continue to stimulate, encourage and incentivise ongoing improvement in design and manufacture to make lifejackets more appealing and comfortable to wear. Why not use the successful Innovation Challenge concept successfully deployed by TfNSW on other subjects to this opportunity. This would support wear rates (both compulsory and voluntary).

BIA would help TfNSW in such efforts. This should include working with Standards Australia CS-060 (lifejackets and deck harnesses) committee on the Level 25 buoyancy vest developed for Surf Life Saving which may have genuine application as an easy-to-wear vest to suit high-action water sports in the coastal zone, such as kitesurfing, windsurfing and kayak paddling, where many current coastal lifejackets are less than ideal in these higher-performance aquatic activities.

Lifejackets and Children

Under both options A & B, children under 12 years of age will be required to wear a lifejacket:

- At all times in a vessel less than 6m in enclosed and open waters; and
- In the open area of a vessel greater than 6m that is underway in enclosed and open waters.

Not supported, however, BIA would recommend the following option: Children under 12 years of age will be required to wear a lifejacket at all times in a vessel less than 4.8m while underway on any waters. The exception is lifejackets should not be worn inside the cabin of any vessel (due to entrapment).

Note: BIA would consider support for extension of this requirement to above 4.8m and or 6m if TfNSW has the data related to children to justify government intervention in a parental responsibility.

Priority Area 1 – Lifejacket care and service

- explore further opportunities to make lifejacket care and lifejacket servicing easier for boating customers

Supported; BIA welcomes this ongoing commitment to improve lifejacket care and servicing, and considering the re-establishment of the Old4New program. The latter clearly succeeded in capturing the attention of the public in raising awareness of modern, comfortable lifejackets. It also highlighted the need for informed choice when it comes to lifejackets, to ensure people choose the right

style for their needs. For example, an inflatable may not be the right choice for some due to the extra demands regarding care and service.

BIA offers to work with Transport for NSW in support of such a program, the success of which will hinge on a strong and attention-grabbing call to action. BIA would suggest, as an example, that TfNSW consider a new angle on capturing public attention and perhaps that could involve a waiver/ or reimbursement on vessel registration for the year, if the owner can prove purchase of new, modern lifejackets to either upgrade or replace existing lifejackets that are either old, block of foam style, or no longer not fit for purpose.

Priority Area 1 – Kill switch for PWC

- introducing minor amendments to equipment requirements and standards. These amendments include the mandating of a kill switch lanyard for PWC's

Supported

and the carrying of GPS equipment for offshore boating

Not supported as is; suggest GPS are carried for offshore boating when more than a reasonable distance (eg., 400m) from shore. This would enable people in paddle craft, kite surfers, windsurfers and the like to continue to enjoy their activities relatively close to shore without the requirement to carry beacons. A sustained and funded education campaign could be designed for this cohort to raise awareness of the value of voluntary carriage of PLB.

Priority Area 2 — Safer boating through technology

- we will promote safer vessels and safer vessel technologies

Supported with proviso this has a foundation in evidence-based analysis to inform education solutions which put the customer at the center of decision making; and work to deliver an appropriate regulatory environment (including education and compliance) to support standards such as the Australian Builders Plate.



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- facilitating a simplified boating safety information digital ecosystem aimed at reducing complexity and at enhancing customer use.

Supported with the proviso this is achieved through cost-effective solutions and putting the customer at the center of decision making.

- explore enhanced digital connectivity for on-water boaters to aid safe navigation and explore emergency contact functionality

Supported with proviso this has a foundation in evidence-based analysis to inform solutions which put the customer at the center of decision making; and to continue support for remaining non-digitally connected aids to navigation.

- engage with technology innovators to explore the specific innovation challenge of harnessing new data sources to enhance insights on boating activity and waterway use

Supported with proviso this has a foundation in evidence-based analysis to inform solutions which put the customer at the center of decision making. BIA would encourage TfNSW to work with Deckee which is already capturing valuable behaviour data as part of its app.

- we will investigate the potential application of aerial and marine drones for waterways' management

Supported with the proviso that the value proposition of drones used for waterways management is explored prior to any significant procurement. That if the value proposition is established, it is recommended that a limited and cost-effective trial is run for an appropriate length of time and the findings are reported to the MAC for input prior to any long-term commitment. Meanwhile, NSW should ensure its highly-trained and experienced Boating Safety Officer network are focused on high-value, on-water operational boating safety patrols (eg., less on administrative roles such as mooring management), and the valued Boating Education Officer network are focused on high-value, direct engagement in educating the boating public.

- ensure the policy and regulatory framework is fit for purpose to facilitate the introduction of technologies that will support safer boating.

Supported on the proviso that the customer (boating/ maritime public) is put at the center of any decision making.

Priority Area 3 — Safer waterway access and infrastructure

- continue to deliver the significant program of funded projects under the Boating Now and Maritime Infrastructure Stimulus Program

Supported; BIA are strong supporters of programs to continue building new and improved infrastructure that is safe and convenient. This work must have a strategic approach to ensure projects are delivered to meet, or be ahead of, demand. This is particularly important with the increase in boating participation expected to continue into and beyond 2022.

- We will also continue to invest in new boating infrastructure to support safer access to the waterways and other enhancements commencing with Round 4 of the Boating Now Program which is expected to be announced in late 2021

Supported; BIA are strong supporters of programs to continue building new and improved infrastructure that is safe and convenient. This work must have a strategic approach to ensure projects are delivered to meet, or be ahead of, demand. This is particularly important with the increase in boating participation expected to continue into and beyond 2022.

- explore potential opportunities from low-cost sensor and other technologies to monitor boating infrastructure assets and to provide improved data on infrastructure condition, performance and uses

Supported.

BIA recommends development of a Maritime Infrastructure Strategy which makes it clear for government and the public, that TfNSW's maritime teams have a clear 'customer' focus and how to deliver the best possible infrastructure and access outcomes for the boating public. That means a strategy which supports boating, boaters, boat owners, and a vibrant boating sector.

The ‘customer’ of the maritime teams within the department is the broad boating public across paddle, power and sail - and maritime businesses/ property owners/ lease holders - across all ages, abilities and genders. The sense of customer is reinforced as this broad cohort is the source of revenues that continually replenish the Waterways Fund which is a hypothecated fund under the Act that funds the work of the maritime teams in TfNSW. What a good model for public service!

BIA can only encourage TfNSW to put their customers at the centre of everything you do and that means the greater good of that cohort especially in the context of Future Transport and the awesome potential of TfNSW to do great things for the State and its customers in the boating/ maritime sector.

For example, the policy/ strategy/ program approach to the regional harbours and ports in NSW. What an opportunity to set the framework to get great outcomes – through a long lense aka Future Transport - for the boating/ maritime customer/public of NSW.

- establish a long-term, sustainable dredging program to support boater access to key waterways.

Supported; establishing long-term dredging program is welcome news. There should be an evidence-based strategic approach to dredging and less on ad hoc short-term projects. The Waterways Fund should not be the sole source of funds because dredging is often an economic issue and there should be shared funding solutions with Councils and the State Government.

- committed to implementing mooring and ELV reforms

re., Moorings: Supported with the proviso that the focus is on red-tape reduction; ensuring public moorings are kept affordable for the average member of the boating public; and an increase in courtesy moorings where appropriate. Mooring management in the regional harbours and ports should be based upon consistency, transparency, probity and putting the (boating/ maritime) customer at the center of decision making. There should be consideration given to contracting out sectors of public moorings to management by the private sector (eg., adjacent marina operators) to relieve Boating Safety Officers of this administrative task and free them up to make maximum use of their training, skills and experience in

operational boating safety out on the water. To make them more visible, more of the time, where they have the greatest affect on boating safety and prevention of trauma.

re., ELV: Supported with the proviso that the focus is on a transparent process and equitable outcomes that do not penalise the boat owner but rather is focused on recycling, repurposing solutions particularly for GRP vessels. ELV reforms must incorporate sustained and funding education programs about Responsible Boat Ownership.

- implementing measures to enhance access to and protection of NSW waters

Supported: particularly keeping ahead of demand when it comes to strategic planning of delivery programs for new and improved infrastructure that considers changes in demographics. This matter must also factor in Climate Change and hazard adaption.

BIA encourages TfNSW to look to opportunities to connect the “green space” (eg., parks and reserves) with the “blue space” (adjacent waterways) for the social, economic, environment and cultural benefits that are ready to activate. The opportunities for greater access and use around the land-water interface in NSW for TfNSW’s boating/ maritime customers are extraordinary.

- investigating the potential to expand maritime sharing economy initiatives including Maritime MSTR.A.

Supported on the proviso that this work includes red-tape reduction and collaboration with industry on how to enable and support sharing economy initiatives. For example, BIA would encourage TfNSW work with industry to deliver a trial of staying on boats overnight at marinas; this is a way to enable people to experience overnighting on a boat in a controlled environment at a marina which are typically in some of the best waterways in the State.

Priority Area 4—Growing our safety culture together

- we need to continue working with the industry and the community to enhance understanding of risks associated with boating—particularly the risks for older boaters—and how to safely manage them



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Supported on the proviso that this includes transparency of related data and an emphasis on education before regulation. We also think it is right to look at ways to protect older boaters (70+) who are increasingly represented in the fatality statistics. The industry has proven itself to be an effective partner in safety and we will continue to support education as an ongoing priority. We support education over regulation. That is why is it worth considering the reboot of the Old4New lifejacket program run by TfNSW for about 4 years from 2013.

- continue to facilitate education programs around right-of-way (COLREG) rules to ensure all users are sharing the waterways safely

Supported

- We will develop an updated licensing framework to address this by introducing practical training and experience requirements to improve the skills and judgement capability of new PWC drivers

Supported; The idea of practical training for PWC is worth considering (over 10 years, PWC were involved in 16.8% of serious injuries overall);

- Supporting increased awareness of these learning and training programs could help to build further competency

Supported

- We will develop tailored resources for new and returning boaters—incorporating key rules and safety advice

Supported, BIA would be keen to discuss opportunities to help promote same

- We will therefore continue to deliver advice regarding the use of good judgement and to promote safe decision making over-risk-taking behaviour, particularly with respect to managing weather and waterway conditions

Supported and BIA would be keen to discuss opportunities to help promote same.



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- We will investigate further whether additional safety measures are required for sailing vessel skippers

Supported with the proviso that the emphasis is on evidence-based and positive education to engage this cohort. BIA would be keen to discuss opportunities to help promote same

- We will trial emerging digital technologies to enhance the effectiveness of boater education and training.

Supported

- building real-time messaging capabilities near highly-trafficked waterway access points to promote continuous boater judgement, including opportunities presented by QR codes

Supported and would suggest liaison with Deckee on how to use this app which has recently been adopted in the USA, as a channel to distribute message and also gather analytics on boating density patterns.

- We will ensure our vessel fleet remains safe and fit-for-purpose by investigating measures to improve vessels standards as well as implement a compliance monitoring framework to support Edition 5 of the Australian Builders Plate.

Supported with the proviso that this includes: The new national standard for the ABP is a good outcome and welcomed by industry. There is, however, growing industry concern regarding the supporting regulatory system for national deployment and compliance, which threatens to undermine the positives of the new standard.

The updated ABP has potential to deliver a significant improvement in vessel standards, safety and consumer confidence. These gains could, however, be jeopardised or put at risk by the lack of an appropriate supporting regulatory framework for national consistency in application and compliance by regulators. BIA would respectfully ask NSW, which holds the Chair role for the Australian Recreational Boating Safety Committee, which has a remit of national policy, guidelines and standards for recreational vessels, to investigate this as an urgent

matter of consumer confidence and public safety. Furthermore, the ARBSC should set a national guideline for deployment and compliance of the ABP across all States and Territories for new and used vessels. The issue of used vessels needs to be addressed by ARBSC to ensure the ABP remains required for the life of the vessel.

NSW should also press for the ARBSC to support an ABP education campaign for both industry and the public.

Combined, these actions would, in the view of industry, support appropriate consumer confidence in the system.

We also support the focus on:

- ***trauma (impacts) related incidents which remain at a rate that is too high (trauma contributed to 25% of all recreational boating fatalities over the period); and***
- ***runabouts which accounted for 40.5% of the recreational vessel involved in fatal or serious injury incidents.***

Finally, we would encourage TfNSW to test future online surveys with a small representative sample of customers to ensure it works as intended prior to launch; and/or provide a clear email option to help people to send responses. A simple glitch in an online survey can easily disarm contributions.

The BIA commend Transport for NSW for the opportunity to provide our input.

Please do not hesitate to contact Neil Patchett, Co General Manager, e. neil@bia.org.au or m. 0418 279 465 on this matter.

Issue date: 24 September 2021