



Submission

End of Life Vessels

ISSUE: End of Life Vessels Discussion Paper 2022-23

SUBJECT: BIA response to a 2023 Transport for NSW Issues Paper

INTRODUCTION:

The Boating Industry Association Ltd (BIA) is the peak industry body in Australia that represents the interests of boating which includes designers, manufacturers, importers, brokers, insurers, retailers, charters, yacht and boat clubs, marinas, events, surveyors and trades from boat builders to riggers, and more. BIA is an advocate for boaters and the boating lifestyle and supports safe, responsible, and enjoyable boating.

The boating economy generates significant benefits through employment. Last year (2021) the industry reported national turnover of \$9.55 billion, directly employed more than 26,000 people with more than 8000 contractors. In NSW, the figures were \$2.83bn turnover, 8120 direct employment, 700+ active boating industry business, 542,000 boat licence holders and 241,000 registered boats. The bulk of this relates to the Sydney Region.

Seventy-five per cent are in small family businesses, employing local workers and supporting local communities.

With more than 85 per cent of the population living within 50km of the coast, it is little wonder that almost 1 in 5 households in NSW have a boat or watercraft. People of all ages, gender and ability can participate in boating across paddle, sail and power for leisure and sport.

On 20 January 2023, Transport for NSW advised the deadline for submissions had been extended to 27 January 2023.

SUMBISSION

BIA commends Transport for NSW for this opportunity to provide a submission on this subject.

This submission responds to the questions presented in the discussion paper as follows:

1.1.1



Submission

End of Life Vessels

Q1 To what extent do you agree with the following statement (1-5 scale):

Legislative amendments to define end of life vessels (ELVs) will assist in the management of ELVs in NSW.

A: 5 (being the highest value)

Q2 Please provide any additional comments you have about this policy option.

A: No amendment should be made that enables subjective determination of what is an ELV; furthermore there must be protection of small, humble, older vessels that are owned by a Responsible Boat Owner to ensure people have the ability to choose to own small, humble and older vessels which supports affordability, equality, access and pathway to boating for people from a wide range of socio-economic backgrounds and situations. No amendments should be made by government which enable government to homogenize the type of boats that can be on a mooring. A Responsible Boat Owner should be determined by capacity to pay but rather commitment to ensure their vessel meets an appropriate definition related to 'fit for the purposes of being on a mooring'.

1.1.2

Policy Option 2: Transport will review its practices for management of ELVs in conjunction with a review of the regulation, to ensure that all processes are transparent and simple for customers and provide clearer guidance for administration by Transport.

Questions for policy option 2

Q. To what extent do you agree with the following statement (1-5 scale):

Transport needs to review their existing practices for management of ELVs

A: 5.

NSW Government regulations for management of ELVs need to be accessible, well communicated and mutually understood by customers, industry and administration.

A: 2 (see suggested amendment under).

Q. Please provide any additional comments you have about this policy option.

A: This statement above must include language such as ... NSW Government regulations for management of ELVs need to be accessible, well communicated, fair and reasonable to Responsible Boat Owners, and mutually understood by customers, industry and administration.

1.1.3. Mooring regulations

Policy Option 3: Transport will review the current priority mooring waiting list rules to reduce the incentive to obtain a mooring minder vessel.

Questions for policy option 3

Q. To what extent do you agree with the following statement (1-5 scale):

'Mooring minder' vessels contribute to the issue of ELVs

A: 2 (it is not so much the vessel but the owner that is at issue)

Transport needs to review their Priority Waiting List rules for mooring sites, to reduce the incentive to obtain a mooring minder vessel

A: 3 (it is not the issue of putting a small boat on a mooring but the issue of: is that boat fit for the purposes of being on a public mooring)

Q. How can mooring waiting list rules be best modified to reduce incentives to obtain a mooring minder vessel?

A: Ensure the vessel put on the mooring fits a definition that could be titled: Fit for the Purposes of Securing to a Public Mooring. A proposed definition is attached as **Appendix A.**

The aim should be to allow a person on a waiting list to purchase a Fit for Purpose vessel of any age and type to enjoy boating from that mooring, whilst they may choose to search for and or purchase another vessel in the future. Putting a small and or older boat on a mooring is not the issue, the issue surely is an irresponsible owner who chooses a boat

that is not Fit for the Purposes of Securing to a Public Mooring for their own primary desire of blocking that mooring site to other interested people.

1.1.4. Data collection

Policy Option 4: Following the introduction of a clear definition for ELVs, Transport will improve data collection and monitoring for ELVs.

Questions for policy option 4

Q. Do you think annual collection of data about ELVs, such as information on vessel age, condition and storage location would be useful for better management of ELVs? (Y/N)

A: Y (although age is not the primary criteria; the key criteria should be is it Fit for the Purposes to use a Public Mooring)

Q. How could such data be best used?

A: We support the logic that changes to any legislated instrument or significant policy/strategy must be informed by long-term robust, relevant data which is objectively analysed. Age of a vessel is not the critical and or defining factor because there are Responsible Boat Owners who choose older/ historic vessels which they take pride in and care for, and this is an outcome that is to be supported and not discouraged.

1.1.5. Responsible boat ownership

Policy Option 5: Transport will advocate at Australian New Zealand Safe Boating Education Group (ANZSBEG) for the promotion of education campaigns to promote responsible boat ownership and other initiatives.

Questions for policy option 5

Q. Do you think there is a role for Transport to advocate nationally to promote responsible boat ownership and ELV actions? (Y/N)

A: Y (absolutely)



Submission

End of Life Vessels

Q. What other national initiatives do you consider to be most important to the promotion of responsible boat ownership education?

A: We believe Transport should develop a Responsible Boat Ownership campaign in collaboration with BIA and other key stakeholder including, but not contingent upon ARBSC/ ANZSBEG, and deliver it through a sustain and funded program over a minimum of 5 years. This would be subject to annual review and refinement to keep it relevant and appropriate. Ideally, such a campaign would run for such time as it takes to be able to measure a significant and sustained improvement in behaviour or vessel owners.

BIA is aware the Maritime Safety Queensland has already begun to adopt the theme of Responsible Boat Ownership as part of its countermeasures to what that State Government has dubbed the “War on Wrecks”. This approach should be adopted by NSW.

The BIA calls for an education program that supports the following:

The solution should involve a multifaceted approach and apply the principles of waste hierarchy which is the method the EU incorporates into ship recycling.

Waste hierarchy

- 1) prevention/ waste minimisation;
- 2) preparing for re-use/ reuse;
- 3) recycling (recovery of materials)
- 4) other recovery, eg., energy recovery
- 5) disposal by landfill (to be minimised)

With reference to the waste hierarchy levels:

- 1) Prevention/ waste minimisation:
Prevention is a priority and must include education. That should be built around the theme of ‘Responsible Boat Ownership’. This should involve a coordinated, sustained and funded education program to cover promotion of the following:
 - sustainable design and manufacturing
 - recycling capability



Boating Industry Association

Submission

End of Life Vessels

- boat buyer's guide to help ensure people buy a vessel suited to their budget, area of use and ability (the latter includes repair and maintenance realities)
 - needs to provide information tailored to 'new' and also 'used' boat buyers
 - storage eg., at home, club, drystack, mooring or berth
 - owner's guide to help people care for and maintain their vessel
 - alternatives to ownership which can be boat share, charter, hire etc and peer-to-peer boating experience.
 - boat owner's disposal guide esp., on approach to or arrival at ELV such as:
 - reuse, recycle and disposal
 - a collaborative, multi-jurisdiction approach
 - esp., to deal with cross border issues
 - led by regulators (eg., Australian Recreational Boating Safety Committee – ARBSC – where TfNSW is a leading contributor)
 - supported by stakeholders (eg., Australia and New Zealand Safe Boating Education Group – also where TfNSW is a leading contributor - and manufacturers)
 - apply an evidence-based approach
 - aimed at specific demographics through lifecycle of the boat
 - eg., age-specific communications to specific geographical areas
 - apply contemporary communications tools and channels
 - apply plain English appropriate to the demographics
 - with a medium to long term lifespan (eg., 5-10 years with review and reset every year to accommodate fine tuning)
 - be monitored and reported upon (eg. to ARBSC).
 - appropriate regulatory consequence
 - appropriate compliance.
-
- Furthermore, TfNSW should rethink the way it manages moorings. For example, it would seem less than ideal that highly trained and experienced Boating Safety Officers spend significant time managing mooring fields and allocations of moorings. Such officers would be more effective on the water performing safety and compliance duties where the public risk is greater. The issue of mooring management could be approached as follows:



Boating Industry Association

Submission

End of Life Vessels

- Administrative staff provide the customer liaison rather than boating safety officers;
- Innovative digital solution using perhaps a smart phone app such as Deckee to assign, record and track mooring licensees; and
- Consider allocating a greater number of moorings to the management of commercial marinas who would not only ease the administrative burden on public servants but would apply a more commercial approach to mooring management and customer service delivery.

1.1.6. Owner awareness

Policy Option 6: Transport will develop a strategic ELV education campaign on the impacts and options for vessel disposal. This could be considered alongside a ‘Responsible Boat Ownership’ campaign, with scope for collaboration with industry and across jurisdictions to enable consistency of messaging.

Questions for policy option 6

Q. To what extent do you agree with the following statement (1-5 scale):

Education about responsible boat ownership is an effective way to manage ELV issues.

A: 5 (absolutely)

Q. To what extent do you think an ELV education campaign about appropriate disposal of ELVs will be effective in ELV management?

A: 3

We support education before regulation regarding ownership and disposal. Disposal is the owner responsibility. We absolutely support Transport developing and delivering a funded and sustained Responsible Boat Ownership campaign.

1.1.7. Develop and update compliance framework

Policy Option 7: Transport to give detailed consideration of enhanced on-water enforcement and whether ELV related penalties and approaches to enforcement are appropriate.

Questions for policy option 7

Q. Do you think enhanced on-water enforcement and/or related penalties would incentivise vessel owners to better maintain their vessels and/or dispose of their vessels legally? (Y/N)

A: N (BSO priorities must be on high risk activities where they can help in the Towards Zero effort). ELV are largely an administrative function and not one of the top 10 priority safety risks identified under the Maritime Safety Plan. BSO should prioritise counter measures to the identified safety risks under that plan.

Q. Why/why not?

A: We support education before regulation regarding ownership and disposal. By that we mean sustained and funded education campaigns delivered in collaboration with key stakeholders such as the Boating Industry Association. This is a behaviour change opportunity which must be fully explored through education before doubling down on compliance which should be a last resort.

Managing moorings is important but it should not be the priority for highly trained and capable BSO who need to be supporting mitigation of high risk activities and or working prevent loss of life.

1.2. Actions led across NSW Government

1.2.1. Disposal guidelines

Policy Option 8: Cross agency development of guidelines around vessel disposal, incorporating advice from existing contractors.

Questions for policy option 8



Boating Industry Association

Submission

End of Life Vessels

Q. Do you think ELV disposal guidelines would assist vessel owners and contractors to dispose of vessels appropriately? (Y/N)

A: Yes, and should be explored in collaboration with the Australian Recreational Safe Boating Committee to encourage consistency across jurisdictions where appropriate. This should be captured under a Responsible Boat Ownership program that is ideally delivered with the support of the ARBSC and run nationwide.

Q. Who do you think should be consulted in the creation of disposal guidelines?

A: We believe key stakeholders should include the Boating Industry Association, Local Government, other State and Federal Government Authorities as appropriate. Consultation should also include, ARBSC, RVAG, CVAG and most importantly, the Maritime Advisory Council. Local Governments are important as they already management waste disposal across the State by LGA and there is an ongoing shift to such sites being changed from a basic 'tip' to waste recycling facilities; so the land is there, infrastructure is there and public awareness of this is there.

1.2.2. Engage with Commonwealth on extended producer responsibility

Policy Option 9: NSW Government to engage with the Commonwealth Government on EPR, with a view to understanding scope, feasibility and responsibility for an ELV related scheme.

Questions for policy option 9

Q. The NSW Government is engaging with the Commonwealth Government on product stewardship and EPR, however not in relation to ELVs. Should a national Commonwealth led EPR scheme be explored for vessels in Australia? (Y/N)

A: No

Q. Why/why not?

A: To discuss EPR on subjects such as vehicles for example have current logic as there are long-standing and existing recycling/ repurposing systems in place for such objects



Submission

End of Life Vessels

eg., metal and plastics and glass recycling. No such scheme exists for (composite) boats. There is a need to ensure there are options in place for materials used in global boat manufacturing eg., composites, before changing regulatory requirements.

We would suggest working with industry such as the BIA on education along with getting the recycling/ repurposing systems in place first and then working on any mandated EPR for the boating sector.

For example, the BIA through its work with ICOMIA is already working on improving sustainability of the industry and we would welcome closer collaboration with Transport on this matter in order to prepare the way for systems that support appropriate recycling and repurposing.

2.1.1. Funding options

Policy Option 10: Transport to investigate options for an equitable and sustainable funding solution to fund ELV disposal. Potential options include an annual levy on vessel registrations and/or mooring licences, or a levy on vessel manufacturers.

Questions for policy option 10

Q. Do you support Transport to investigate an equitable and sustainable ELV disposal scheme? Y/N

A: No (see the answer under)

Q. If yes, please provide a short statement outlining how you think an ELV disposal scheme could be funded.

A: We believe there is a need to invest resources into a sustained and funded behaviour change campaign to support Responsible Boat Ownership which should include subjects such as insurance, care and maintenance, and disposal. This should be thoroughly explored and delivered for an appropriate period of time, and measured, prior to any additional impost of cost upon the general boating public. We also believe this should be



Submission

End of Life Vessels

the subject of specific consultation with key stakeholders such as the BIA prior to proceeding to any formal consideration of a cost imposition upon the boating public.

Furthermore, it is also noted that TfNSW manages the Waterways Fund which is a hypothecated fund comprised of revenue from boating fees for services such as driver licenses, vessel registrations and moorings, as well as income from maritime property; and that this fund is ploughed back into products, programs and services to support the boating/ maritime community in NSW. Therefore, the boating community is already contributing to the cost of responding to abandoned/ derelict/ wrecked vessels that require salvage by TfNSW; and it could be argued that the current cost is not to NSW Maritime but to the boating/ maritime property public who actually fund the agency.

2.1.2. Vessel inspections

Policy Option 11: Transport to explore the feasibility of a targeted vessel inspection program at either registration or pre-transfer of ownership to be explored. This could be based on vessel age on a periodic basis.

Questions for policy option 11

Q. Do you think a targeted vessel inspection program at either registration or pre-transfer could be useful for identifying and managing ELVs? Y/N

A: No

Q. Why/Why not?

A: We support education before regulation. For example, there must be a sustained and funded education campaign under the banner of Responsible Boat Ownership in order to support behaviour change prior to any addition of red tape and the compliance burden.

Furthermore, BIA is concerned that the long-standing mooring vessel checklist applied by TfNSW Maritime compliance personnel enables a high degree of subjectivity when it comes to describing what is an appropriate vessel to be on a mooring and that would include what is called a 'mooring minder'. This therefor raises questions as to the validity of current figures used to describe the number of "mooring minders" on regulated waters.

Page 11 of 17

BSO should prioritise safety and focus on Towards Zero well ahead of mooring management. Perhaps mooring management should be handed to commercial marinas where appropriate and or be managed by an administrative unit as opposed to highly trained and capable BSO.

Furthermore, if a Responsible Boat Owners campaign is delivered to drive behaviour change and it incorporates a definition on owner responsibility to ensure their vessel is fit for the purposes as intended, then a significant improvement would be expected. This would enable clear and objective compliance of those owners who fail to meet their obligations.

2.1.3. ELV disposal program

Policy Option 12: Transport to consider a strategic approach to ELV removal, with a focus on enhanced on-water enforcement and/or a vessel turn-in option.

Questions for policy option 12

Q. Please indicate to what extent you agree with the following statements (1-5 scale):

A strategic approach to on-water enforcement targeting ELVs or vessels approaching their end of life would be effective in addressing the issue of ELVs.

A: 2

A coordinated approach to vessel removal including a 'turn in' option for ELVs would be effective in dealing with historical stock of ELVs.

A: 1

Q. Would you support an ELV removal/turn in program, in principle?

A: We would support the principle as a point of discussion with key stakeholders such as BIA and the RVAG, CVAG and MAC. That should take place prior to performing any in-depth work on a 'turn in' option.

Q. Why/why not?



Submission

End of Life Vessels

A: We must have education before regulation. This is why we must have a funded and sustained Responsible Boat Owners campaign. It is why boaters in NSW contribute to the Waterways Fund... to enable the department to deliver products, services and programs back to the boating public.

The campaign should promote informed decision making when buying and when selling, that promotes insurance, care and maintenance, and responsible disposal at the end of life moment – which should be the responsibility of the owner to manage and fund. This is something a buyer should be made aware of before purchase.

We must not have the situation where a government official determines if a boat is at the end of its life without very strict controls, clear definitions and robust systems in place to prevent misguided, misjudged or other human error which would result in a vessel being determined not fit for purpose.

Well considered definitions which are supported by key stakeholders would help eliminate confusion, inconsistency and subjectivity by mooring administration, compliance officers, industry and owners. The current checklist applied by TfNSW Maritime compliance officers is wide open to subjective interpretation and is no longer fit for purpose.

We also need to develop genuine options for disposal solutions well in advance of efforts to develop a 'turn in' system.

2.2. Actions led across NSW Government with Industry collaboration

2.2.1. Creation of a disposal network

Policy Option 13: The NSW Government to consider establishing a disposal network similar to those that have been set up in France and Japan. This could be developed in collaboration with industry and Local Councils.

Questions for policy option 13

Q. Would you support the establishment of a vessel disposal network similar to the networks in France and Japan, as described in the text above? (Y/N)

A: No

Q. Please provide any further comments about the potential establishment of disposal networks for ELV waste in NSW.

A: We do not believe ‘establishment’ of such a network is the next step. Rather, we believe there needs to be collaboration between Transport and industry via the BIA to consider such an idea. This should include a discussion of what success looks like, what is involved in getting there and how that can be achieved. That in turn could lead to a discussion paper put to RVAG and then to the Maritime Advisory Council prior to advancing to any stage of implementation.

We need to develop genuine options for disposal solutions for composite vessels in advance of efforts to develop a vessel disposal network.

3.1. Actions led across NSW Government, Commonwealth Government and Industry

3.1.1. Recyclability of Fibre Reinforced Plastic (FRP)

Policy Option 14: The NSW Government to collaborate with other industry sectors to develop recycling pathways for fibreglass material.

Questions for policy option 14

Q. *To what extent do you agree with the following statements (1-5 scale):*

The NSW Government should collaborate with other industry sectors to develop recycling pathways for fibreglass materials.

A: 5

Recycling materials is an important aspect of the disposal of ELVs.

A: 5

Q. Please provide any further comment.



Submission

End of Life Vessels

A: We are keen, willing and ready to collaborate with the NSW Government on exploring appropriate recycling, repurposing and disposal pathways for fibreglass materials. This is the key opportunity.

3.1.2. Develop an extended producer responsibility scheme for vessels

Policy Option 15: NSW Government advocates at the respective transport and environment national committees for the development of a national regulated EPR scheme for ELVs.

Questions for policy option 15

Q. Do you think that a national EPR scheme which covers an ELV framework would be effective in addressing ELV issues in NSW? (Y/N)

A: No

Q. Why/Why not?

A: Please see the earlier response under 1.2.2. Engage with Commonwealth on extended producer responsibility.

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

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



Submission

End of Life Vessels

Issue date: 27/ 01/ 2023



Submission

End of Life Vessels

Appendix A

Definitions (suggestions):

1. Responsible Boat Owner – a person who as an individual or part of a group owns a vessel which is well maintained and kept fit for the purposes of use as originally designed and intended whether that be by paddle, sail or power. This includes keeping a vessel, when on a public mooring, Fit for the Purposes of Securing to a Public Mooring
2. Fit for the Purposes of Securing to a Public Mooring. The definition should be written to include the following:
 - a. Registered in NSW
 - b. Fit for purpose and capable of immediate safe independent voyage of at least 2 nautical miles as intended when originally designed and under its own primary propulsion system whether that be by engine, sail or a combination of both, without compromising the safety, amenity of others or imminent risk to the environment (eg., sinking). So if the primary propulsion is an engine, it should work; if it by sail, it should move under sail as designed and intended. This means any standing or running rigging, steering system and hull works as intended, and that does not include the hull being overgrown by marine growth
 - c. An annual self-declaration by the owner of the Fit for Purpose status
 - d. Random audits.