

**STATEMENT ADDRESSING THE BETTER REGULATION PRINCIPLES
IN RELATION TO THE**

***MARINE SAFETY (GENERAL) AMENDMENT (LIFEJACKETS)
REGULATION 2010***

1 *The need for government action should be established*

The proposed Regulation is required to improve boating safety in circumstances where the wearing of appropriate lifejackets will reduce boating fatalities.

2 *The objective of government action should be clear*

The objective of the proposed Regulation is to extend the circumstances where wearing an appropriate lifejacket is to be required.

These include:

- children less than 12 years of age on board vessels less than 4.8 metres in length or in open areas of larger vessels to 8 metres when the vessel is underway,
- persons undertaking certain recreational activities such as water skiing and kiteboarding,
- persons on board vessels in alpine waters,
- persons operating “off-the-beach” vessels, such as small unballasted sail-only vessels, in open waters,
- persons on small vessels (less than 4.8 metres in length) at night, or on open waters, or when alone, or on enclosed waters more than 400 metres from shore when the vessel is being used as a tender, and
- when directed by the Master of the vessel.

Other amendments will provide relevant definitions, clarify certain safety equipment requirements, such as for canoes and kayaks, allow alternatives to certain lifejacket wear requirements including the wearing of buoyant diving suits and require lifejackets not in use to be clearly visible to persons on board the vessel or stored in a clearly marked, unobstructed location.

The penalty notice schedule will be amended to enable \$100 penalty notices to be issued for offences created by new provisions.

3 *The impact of government action should be properly understood by considering the costs and benefits of a range of options, including non-regulatory options*

Non-regulatory options such as education and publicity have not achieved the desired level of lifejacket wear in circumstances where wearing of appropriate lifejackets will improve boating safety.

4 *Government action should be effective and proportional*

It is considered that the proposed amendments will be effective in increasing the wearing of appropriate lifejackets by recreational boaters and consequently improve boating safety.

The amendments are proportional as they are targeted at circumstances such as boating on alpine waters, use of small vessels and safety of children under 12 years of age where risk is highest rather than imposing a general requirement to wear a lifejacket at all times when boating regardless of the circumstances.

5 *Consultation with business and the community should inform regulatory development*

Consultation on the proposal to extend lifejacket wear requirements focussed on recreational boaters as the community sector that would be most affected by the proposal.

A Discussion Paper was published by NSW Maritime in November 2009. Publication of the Discussion Paper was supported by Ministerial Media Releases and information on NSW Maritime's website. Feedback and comments were invited from recreational boaters. A total of 3,615 responses were received from boating organisations, marine industry and the broader boating public. The responses were generally supportive of the proposals and were taken into account in drafting of the Amendment Regulation. Papers entitled "Summary of Consultation and Recommended Action" and "Lifejacket Reforms Saving Lives Through Safer Boating" and other information such as a series of "Frequently Asked Questions" with answers have been published on the NSW Maritime website. The changes were also publicised in July 2010 by Ministerial Media Release.

NSW Maritime also consulted with the Recreational Vessels Advisory Group and the Maritime Ministerial Advisory Committee. Both bodies encouraged and supported the proposed amendments.

6 *The simplification, repeal, reform or consolidation of existing regulation should be considered*

The Regulations do not raise simplification, repeal, reform or consolidation of existing regulation issues for consideration.

7 *Regulation should be periodically reviewed, and if necessary reformed to ensure its continued efficiency and effectiveness*

The effectiveness of the lifejacket amendments will be monitored.

The *Marine Safety (General) Regulation 2009* will also be reviewed as part of the staged repeal process under the *Subordinate Legislation Act 1989*.