



Cockburn Power Boats Association (Inc.)

Department of Transport
Marine Safety Business Unit
GPO Box C102
PERTH WA 6839

safetysafequipreview@transport.wa.gov.au

Ref: Safety Equipment Review – Western Australia

Submission of Cockburn Power Boat Association (Inc) (CPBA)

The CPBA welcomes the WA Government's current review and the consultative process of that Review.

The CPBA is one of the largest boating Clubs in Western Australia, and is located on the shores of Jervois Bay in the popular boating precinct of Woodman Point on Cockburn Sound.

CPBA was formed in 1961, with a long traditional history, initially predominantly for small trailer boats. The club today is a vibrant organisation that leases a parcel of land from Dept of Transport with Club Rooms and private launch ramps with finger jetties and pens.

CPBA has 1,300 members, many of these are families that enjoy recreational boating, and is a diverse sector of the boating community, with recreational boating pursuits encompassing pleasure power boats, to yachts, to Personal Water Craft (PWC) to Kayaks. Many of these members and their families and friends use the club facilities as a base to recreational boat to nearby precincts from Rockingham to Mandurah and out to the islands of Garden Island, Carnac and Rottnest and transit up and down the coast to their favourite boating destinations. Along with visitors and friends and families of members we conservatively estimate that over 10,000 recreational boaters use the facilities each and every year and are part of the wider community of the CPBA.

It would be true to say that CPBA are one of the largest boating Clubs in the metropolitan area of Perth.

+61 8 9418 5868
admin@cockburnpowerboats.com.au
28 Jervoise Bay Cove, Coogee WA 6166
PO Box 7100, Spearwood WA 6163
ABN 91 781 485 642



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cockburnpowerboats.com.au 

From a geographical spread, 67% of our members live in the nearby communities of Cockburn, Melville and the Kwinana districts, whereas up to 33% of our members live in the outer regions of the Perth Metropolitan area and a small number residing outside Perth from Jurien Bay to Augusta. It would be fair to say that many of our members value their experiences of club membership and their love of recreational boating to travel vast distances on a regular basis to belong to the community of the CPBA.

CPBA takes Marine Safety seriously and in fact the Cockburn Volunteer Sea Rescue group is located within the grounds of CPBA, The Cockburn Sea Rescue group works from the premises of CPBA manning its communication tower and with its fleet of rescue vessels and performs all its rescues from the CPBA base.



All these rescues and the unfortunate boaters that are rescued, actually end up back on dry terra firma on the CPBA finger jetties being their first time they have set foot on Australian soil again since many of their boating tragedies.

The CPBA already has a strong working relationship and supports an active safety programme of events, encumbering

- First Aid Certification for Members participation at member participation nights performed by qualified instructors usually by the Royal Life Saving Soc. or SLSA.
- Use of Fire Extinguishers and Safe handling of extinguishing fires by the representatives of FESA
- Flare Demonstration days in conjunction with DOT Representatives
- Access to DOT Marine Safety staff and the DOT Marine Safety caravan during annual Club Open Days
- Encouragement of members to belong and join Cockburn Volunteer Sea Rescue Group
- Access to Marine Safety briefings of the Cockburn Sea Rescue Group
- Full time bosun to assist members with safety information and sea regulations.
- Safe navigation programmes to assist members with night time navigation around Cockburn Sound active briefing events.
- VHF Radio courses for our members from our location.

CPBA has a number of active sub groups within the organisation, these groups meet on a regular basis, usually monthly to discuss a number of issues. Management has taken the opportunity to directly raise this Safety Review with a number of members of these groups.

Group responses form the basis of a number of our recommendations. Management Committee has spent considerable time in looking at the Review and the documentation supplied by DOT and we have made a number of Recommendations.

We commend DOT in the formation of the External Reference Group which we understand will guide a decision process to formulate a Consultative Paper for final review by the WA Boating Community.

When that paper is available, during “phase 2” it will give CPBA a further and valued opportunity to comprehensively better understand the positions taken and we reserve our right to make a formal submission to that paper on behalf of our members.

Whilst we appreciate this is wide ranging review, the CPBA is a wide group of recreational boating interests which include large recreational boats upwards of 12 – 15m , to small vessels of 4 – 5 m. including PWC and Kayaks, with the majority of our members falling within the scope of 6 – 8 m range of recreational vessels.

Likewise our members come from a broad range of demography, in terms of ages, which range from young families and young singles to many retirees.

The CPBA chooses not to comment on surf skis, sail boards, wind surfers, and kite surfers, as we do not have experience with these types of watercraft. As such we will restrict our comments and recommendations to the external Reference Committee.

Case of the OoRoo – Paul Clifton

Whilst we have studied a number of the Coroner Reports that give background reading to the Review, we highlight this case as it is a recent incident, which highlights a number of additional considerations.

We appreciate that DOT are in a position of having to establish this review given a number of deaths at sea and the findings of Coroners. We also note that in many cases Coroners appear to err on world's best practice issues, and in fact that may not be the best remedy.

We support the Coroner's findings, in light of difficult circumstances in that the vessel was never recovered, However we cannot support the key recommendation of Coroner Linton, to be wearing a PFD at all times in unprotected waters..

Whilst the Coroner's report was comprehensive, we note a number of factors.

Whilst interviews were conducted with the other 3 surviving crew members, did any of them bring PFD's on-board the vessel, given the absence in the report, we have concluded that all the PFD's on board the vessel were provided by the vessel's owner, Mr Paul Clifton.

Was there an opportunity for Marine Safety staff to examine other boating equipment at the deceased residence in Mundaring, if so, were there any additional PFD's and possibly PFD1's at the location that had been simply not carried with them for that fishing trip ?

We note that Mr Clifton was an experienced boater, given the evidence in the Report, and that he has used the Oo Roo a number of times, including trips to Rottnest and fishing expeditions up and down the coast close to Perth, If there were no other PFD's in any vicinity, then it stands to reason that the PFD's on board were the only safety PFD's ever stowed on the vessel at any point of time.

Mr Clifton had only recently purchased the boat several years before, were Marine Safety able to interview the previous owner using previous transfer information and supply that information to the Coroner and question were the PFD's found on the occupants that were seized by Constable Scholes at the scene, PFD's that were sold with the boat ?

We have made the assumption without this information that the PFD's were always with the vessel. And they were presumably purchased at the time of the vessel purchase.

Given the extensive amount of boating that Mr Clifton had carried out, and fishing trips, it would be likely during those years that he had at least one encounter with at least a Fisheries vessel or Fisheries land based officer, given that those records are kept on file at Fisheries, Has this matter been looked into ? If that is affirmative, did the officer in question inspect the safety equipment on the Oo Roo ? and if so, were there any infringements issued? If not, why not?

As mentioned later in this submission, the mystery as to why the OoRoo sank will never be known, however we make a number of observations,. If the witnesses, (crew members) are correct in what they are saying in the fact the bungs were in, well we support the findings of Marine Safety staff, that point to the possibility of deterioration of the bungs and in fact we have also considered that the 'O rings ' of the bungs may have been broken or deteriorated. Or secondly a stress fracture of the fibreglass following the beach launch either before or after the vehicle got bogged. We understand this was Mr Clifton's first beach launch of his vessel, given the conditions, it also would not be totally uncommon for this to occur.

More Importantly:

We note Mr Clifton was a OH & S employee with Boral, his primary focus with his occupation was to make sure the work place was safe and the workers adhered to safety practices to the highest order, Coroner Linton found that Mr Clifton was very safety conscious when it came to his own boating. However we have to question a number of matters in light of the tragedy in the hope that it prevents future events such as these.

The weather conditions were not ideal at the time of launch, whilst the conditions were set to improve as the day progressed of which they did, nevertheless at the time of venturing out, given the number of persons on board and the type of vessel and its age and the buoyance factors, we would assume that Mr Clifton should have waited for the afternoon, We note that it was perhaps somewhat of a peer situation and the fact that the previous day's fishing trip also had to be cancelled, due to bad weather and that the occupants also perhaps only had a limited time off work during their scheduled break, whilst at Ledge Point and Lancelin, and that it was a situation of now or never, we appreciate that weather sometimes never allows for such courtesy's.

We note that the 10 seconds on which the motors were started to move the boat forward actually cost lives and time, that decision, and whilst the spur of the moment, actually cost the life. Experience is something that can't be taught, it has to be experienced, (pardon the pun) , the vessel would have in all likelihood been able to stay afloat for at least 5 – 7 minutes to allow the deployment of flares, we note the reasonably close vicinity of other Recreational boats, it is a possibility that they would have seen the flares, and a rescue attempt could have been mounted. We have made the presumption the vessel at least had flares, as it had an EPIRB, although I don't think this issue was covered off in the Coroner's Report..

We note that under item 22 of the Coroner's report that the bilge pumps were on, however we make the assumption that they did not have a warning scream sound attached to them, we also do not know if Mr Clifton looked below the deck to see if they were really on, or just saw the switch to say they were on. In any event, if they were on, why didn't any of the crew see water being pumped from the bilge exit hole either at the stern of the vessel or the side of the vessel, given they were stationery fishing at the time. This points to a differing conclusion in the fact the bilge switches may have been on, but not activating the pump.

The grabbing of the EPIRB in this incident may have not been able to assist in the saving of Mr Clifton if all occupants had abandoned ship, as the water temperature and the onset of hypothermia would have costs the lives of all crew before any rescue vessel could have been launched and reached the scene. It is a worthy to note that the water temperatures off Perth that time of the year can be extreme and the surface temperature at 6 degrees and the wind chill factor was also an additional element.

We note and further to a number of points in Recommendation B3 below, that given the extreme cold the occupants were wearing additional clothing, including one was wearing a drizabone. In this case valuable time was lost in getting this off before they abandoning the vessel. It would not be reasonable to assume given the thick clothing and heavy outfits on their upper bodies that they could be wearing a PFD1 and be fishing at the same time. Even if they were wearing a PFD, they would have had to unstrap that PFD and undress and remount that PFD, given that exercise would have cost an additional 10 seconds or more, the result was that 10 seconds was not available to be cashed in at the time and quickness of the boat sinking.

We note that Paul Clifton entered the steering cabin just before the vessel sunk, and was effectively trapped there before swimming out, was he trying to locate perhaps his car keys, or mobile phone or some sort of water proof device to put them in, or do something else ? That decision in fact was what cost Mr Clifton his life that day.

We note that the crew in Mr Gude and Nicholson were able to jump ship just before it sank, whilst Mr Clifton's brother and Mr Clifton stayed on the boat a few seconds longer whilst Mr Clifton was up forward. The vessel up-ended and went down stern first, so Mr Clifton's brother was facing the stern , and was able to see the volume of water and was able to take a breath of air before being pushed back by the water flow, he later surfaced . However the deceased, Mr Clifton was facing the bow, and did not see the water coming at the precise moment, it is unlikely he had the time or knowledge to take a deep breath of air, and was very late in eventually surfacing, One also has to consider that they had to both swim down towards the ocean floor as they were trapped in the bimini and windscreen structure.

Very Importantly, Let's assume for a moment, that **if** both the deceased and his brother were in fact already wearing PFD's the same predicament would have occurred, in fact it may have been considerably worse. It is impossible to swim and dive under the water wearing a lifejacket to swim against that buoyancy. In the case of both of them wearing PFD's prior, we may have been looking at 2 deaths rather than 1. We think this is a considerable argument as to why neutral buoyancy can have an impact on saving life at sea, given this consideration of being able to swim quickly out to safety.

We additionally note that the state of the deceased when he finally made the surface and the convolutions later indicate that he would have had no air in his lungs at time of sinking and being dragged by the boat, under, whereas his brother had at least one split second to take a breath of air. (refer also Point 37 of the Coroner's report)

We note that given the ice cold water conditions that normally take your breath away in being submerged as such, only added to the situation. We note that the hypothermia and condition of the sea, and the considerations of the immediate condition of Mr Clifton would have had a major impact on any survival opportunities he had, whether or not he had access to a PFD1 in any case.

The mere fact that one of the crew of a passing cray fishing commercial vessel happened to notice what was a high vis vest on one of the occupants, that any of the crew were rescued at all. In all likelihood if that hadn't occurred, all 4 would have likely perished purely due to hypothermia, even if they were wearing a PFD it is arguable whether they would have survived. This is even more paramount supported by the evidence of the crew in the fact that the conditions on the water left them with very low morale and a situation that mirrors hypothermic conditions in loss of communication and a sense of impending doom.

We note that in any case, PFD1 should have been on the vessel and the correct sizing as such, Mr Clifton had a responsibility to his crew to carry and disperse these, and none existed. The PFD2 is insufficient and we question the one PFD on the boat we have taken the presumption that it was the box type as it is unusual for a wearer jacket type of PFD to become entangled, unless it was entangled with other items in that locker as such, we note that it is easy for that box type of PFD1 to become entangled.

We have made Solutions and Recommendations across 3 broad categories

A — Recommendations where there is little change and meets the majority of the National protocol and where Recommendations are non-controversial. A number of these recommendations still require a change to the Regs

B — Recommendations that are **Core Recommendations** for action and change from the current system and where the most feedback from our Members was.

C — Recommendations that are subsidiary to the Report, however still helpful in the overall Review as called for in item 20. On page 91 of 295. A number of these recommendations still require a change to the Regs

Recommendation A1 Bilge Pumps/ Bailers/ Paddles and Oars/Life rafts/Fire Extinguishers/Anchors

Background:

WA is in line with most other Australian states on the majority of these issues, including fire extinguishers. We note that in the case of paddles and oars, WA is out of step with all states with the exception of QLD.

CPBA notes that WA is out of step in not requiring vessels in Protected waters to carry an anchor, only Qld and Victoria are the same.

Solution – Recommendation

CPBA makes the recommendation for *** No Change to the current WA Regs. For Bilge Pumps, Bailers, Paddles and Oars, Life Rafts, Fire Extinguishers.

CPBA do not support the majority of views from other states on paddles and oars.

****CPBA supports that all vessels as well as those in protective waters require an anchor and rope, and support a change in Regs.

Recommendation A2 First Aid Kits/Torches

Background:

WA is in line with all other states in not requiring a First Aid Kit

However WA is currently not aligned with any state on torches with the exception of Tas.

CPBA notes however, this category falls similar to torches and finds that many skippers carry a first aid kit in any case.

CPBA suggests that a First Aid kit is made mandatory and note that a first aid kit is currently required to be carried by CPBA members.

CPBA makes the observation that most vessels carry a torch in most cases, as it is good practice.

Solution – Recommendation

CPBA therefore support a change to the Boating Regulations in relation to First Aid Kits.

Recommendation A3

Radios – Communication.

Background:

CPBA supports the findings on 6.2.11 in reference to the decline of 27 MHz in preference to VHF

WA currently sits mid way between the states, and is a higher level of safety to say NT and QLD. CPBA does not support any changes to the current distances of the carry of a radio.

6.2.3. Perhaps the Clifton case is a misprint, as the Marine Radio was deemed useless as the sea water level had gone over the batteries. Attempts to radio were unsuccessful. Perhaps Mr Clifton could have radioed a log on call, however Lancelin was only a volunteer small base, and in any event, it was unlikely this would have made any difference or prevented the loss of life, with a log on call, as the vessel went down early, and the loss of life was more contributable to other factors such as weather and hypothermia rather than the ability of any perceived rescue for lateness of a log off call.

Solution – Recommendation

CPBA recommends a change to the current Regs to require a marine radio under the same conditions as an EPIRB.

Recommendation A4

EPIRBs and PLB and EPIRB Registration processes

Background:

- 1) WA is in similar aligning to most other states,
- 2) There is currently confusion in the minds of many recreational boaters on the current renewal process and how that may also conflict with the battery life of many EPIRB beacons, yes we understand this is an AMSA jurisdiction issue.
- 3) Water activated EPIRB's we note the comments on 4.2.3.2. however in a number of boats it is not unusual for salt spray to go all over the vessel, if the EPIRB is mounted, it would get wet and go off and cause significant false alarms all over the metro area, additionally with boat wash down, usually the skipper will wash down the trailer axles and motor and the outside of the vessel, whilst crew usually concentrate on the inside of the hull, again it would not be unusual in this case, to note that an EPIRB will get wet. It is non sensible to have an EPIRB that self activates when it is wet.
- 4) On 4.2.4.1. CPBA remains concerned on the durability of PLB's with their watertight testing only recommended to 1 m and the drop test only to 1 meter as well, If you consider the case of Clifton, the EPIRB was dropped whilst in the hands of one of the crew, in this scenario, a PLB would have been useless. Also in the case of Clifton 2 of the occupants were dragged 3 metres below the surface by the vessel as she went down, again rendering a PLB beyond its water proof life. Also whilst the EPIRB was lost in the tragedy, it may have in another circumstances where it floated to the surface, in the case of a PLB, this would not have eventuated.
- 5) WA's EPIRB standard are already in line with most Australian states

Solution – Recommendation

CPBA strongly advocated that DOT make representation to AMSA that the current process of EPIRB re-registration to be made simpler. It is important to understand that a significant number of boaters, are BBC (born before computers) and find the navigation of this process as very confusing, DOT to recommend such a process to have the same opportunity to also be paper based, to assist a number of boaters that request it. CPBA further is concerned that many recreational boaters still do not have any idea on whether their current EBIRP is currently registered, the moves several years ago of AMSA to move to a non sticker system has not been successful.

CPBA supports no other immediate changes to Regs on EPIRBs and PLB's

Recommendation A5

Distress Sheet Signal device – V Sheet

Background:

We note that only SA, Qld and NT have this item as a mandatory piece of equipment.

Solution – Recommendation

CPBA advocates that WA continue to not require this device as a mandatory item of marine safety, it is recommended to carry, but not mandatory.

No Change to WA Regs required

Recommendation A6 Compass and Navigation

Background:

WA is currently out of alignment with most other states, other than Qld and Tas. In terms of a Compass.

We however note the primary source of navigation is a GPS, and most vessels venturing in unprotected waters out of sight of land, generally carry a GPS, There has been a significant change in technology in recent years which has brought down the price of these items, and handheld GPS units can be acquired within a moderate price range.

Quite recently a number of Charts of Marine Navigation have become both unavailable and are out of circulation at both DOT and the Chart and Map Shop in Fremantle, these areas as we understand are of significance in navigation planning of recreational boaters, they are apparently around the areas of Shark Bay – Exmouth and the Monte Bellos Islands. These are produced in conjunction by the Australian Hydrographic Office.

Solution – Recommendation

CPBA considered this issue, and advocates no change to WA Regs.

CPBA notes that most vessels have GPS, and whilst a compass is a good backup, should not be made mandatory, We agree WA should be aligned to Qld and Tas.

CPBA advocates suggested but not mandatory.

DOT work with the Federal Agency and to press for the reintroduction of these charts to assist and be helpful to the general public, noting many Rec Boaters use them for planning trips for extended boating ventures.

Recommendation A8

Fire Bucket

Background:

CPBA notes WA is out of step with most of the other states

Space is a premium and the use of a metal bucket can be more a hindrance,

It is already mandatory for vessels to have a fire extinguisher if there is a BBQ or inboard, or an inboard engine.

Most vessels have a bailer, however not a steel bucket. We note in recent years, collapsible buckets located at tackle shops, camping stores and some Bunnings outlets, have been pleasing to boaters, in being able to carry buckets in tight spaces.

We note that a metal bucket would not be a good idea.

Solution – Recommendation

CPBA advocates no need to change the current WA Regs

Recommendation A9

Boats operating from a WA base in different jurisdictions.

Background:

In the consultative paper, there is concern that WA should better align itself with other states to save certain measures of confusion.

We however do also note on a number of key issues the states of Qld/NSW and Victoria are conflicting across a number of key areas.

Solution – Recommendation

CPBA does not agree with the thought suggestion that WA needs to align itself in any way with any other Australian state.

It is important to understand the habits of recreational boaters across Australia to understand our recommendation

A number of eastern state operators will regularly take their vessel across state borders on a regular basis, that is to say, Victorians may travel to SA. NSW persons may travel to Victoria and Qld boaters may travel to NT or to NSW. This is due to most of these Eastern States being more geographically aligned. The same could not be said for WA.

Yes, in a number of issues, especially in the Kimberley there may be crossovers, however most of these boat owners would be and need to be cognitive of NT laws, CPBA does not see that this should be any further pre-requisite to align ourselves with other states just for convenience.

Furthermore each state is considerably different when it comes to the needs of their recreational boater, what commands priority in one state, may not be an issue in another state.

WA should be concentrating on the needs any safety review first and foremost of the needs of its own patrons.

Recommendation A10

DSC – Digital Selective Calling

Background:

We note some of the information for advocating a strengthening of the current regs in this area.

We also note that a number of VHF radios now sold and fitted to vessels, have DSC standard and the price is coming down, however it is also a process of having the system set up correctly.

We note that unless it is set up correctly, DSC calls become a false sense of security, and maybe the user thinks that the signal is sent, whereas, he or she makes the decision not to radio a MAYDAY distress call, this could be disastrous.

Solution – Recommendation

CPBA is concerned about the cost of upgrading each and every vessel without DSC.

We note that in time, this will change, a bit like unleaded petrol superseding leaded petrol, it takes time.

CPBA recommends no change to the current regulations in relation to DSC

Recommendation A11

VHF verses 27Mhz

Background:

Currently required in Regs.

We note that especially over the past 10 – 15 years the popularity of VHF has surpassed 27 Mhz.

We note that 27 Mhz in some cases has some limited benefits over VHF, However VHF overall offers a clearer coverage and is more suited to the WA coastline.

We note, that many boat owners have opted for VHF.

We note the VHF licence course is now shorter and just a half a day.

Solution – Recommendation

CPBA advocates that vessel owners still have the choice of what communication they wish in the current environment.

No Changes in Regs Required

Recommendation B1

Flares

Background:

As per 3.1 page 35 of 295 significant non-compliance

The changes to rules regarding Flares brought in just over 3 years ago, whereas previously, Flares were always in date order, if they were in a good condition, now flares expire each 3 years.

This has created a range of issues, in a number of chandlery stores, flares can tend to sit on the shelf for a period of time, before purchase, especially in many coastal regional towns, noting the owner, usually does not get the 3 years out of them.

Boaters recognising their flares are coming due for renewal, find it nearly impossible to do a changeover with or before the next boating trip, knowing they need flares, but also trying to make a purchase of a set with a full 3 years life.

Many boaters have raised concerns that they look after their flares, they cost a small fortune and they know they have to last, Many also re-cyrovac them again so they stay extra water tight.

CPBA does not support the changes to the Regs that came in 3 years ago, and believes the former system served the state in a better fashion.

We do note that Rec boaters tend to carry a spare set of flares and in fact this set may be the previous set of which is out of date.

We understand that when the Regs were changed 3 years ago, this may not be correct. However it stands to a reasonable basis, those boaters be allowed to have additional flares on their vessel as long as they are in good condition if they wish to do so.

We note, that this year, will see a significant amount of unused pyrotechnics and these should not fall into the wrong hands. Or be misused.

Recognising as well, the majority of these boaters, would have done this practice for the best part of the last 40 years, and been encouraged to do so by DOT. It is not a logical argument to now all of a sudden say no to a second set of flares, (even if they are out of date) as long as they are in good order.

Solution – Recommendation

Continue the option of parachute flares – We note that WA is out of step with other states in the use of parachute flares, however CPBA advocates that WA continue with that current Reg.

Investigate the extension of the life of flares as the current 3 year life appears very short. They are allowed to be maintained on the vessel as long as they are in good condition.

The allowance for Rec Boaters to carry out of date flares as a spare secondary or third set of flares, even if they are out of date. Change of Regs Required.

Recommendation B2

PFD's - Wearing - carriage

Background:

The comments below relate to Unprotected waters – they relate to PFD1

Debate on cartage of PFD as opposed to wearing them.

By far this was the main issue of feedback we received from our members, with over 70% of respondents wanting no change. There was only 1 respondent that advocating for wearing of PFD, but only in unprotected waters only.

CPBA notes that PoB is high in the stats. We note that drowning following a PoB is also likely

CPBA note other state jurisdictions.

The problems with the CO2 cartage system with self inflating PFD's is noted, the fact that the cartridge is recommended to be replaced every 12 months is costly and inconvenient it only adds to the uncertainty.

CPBA notes that a number of owners of this new technology, still have little faith and will continue to carry the standard PFD1 as well

We note that WA is the only state that does not require mainly a PFD 2 or PFD 3 in protected waters. To be carried. (with the exception of PWC)

CPBA noted the ATSB finding in relation to the "Norma Jean" however of the 4 occupants, whilst none were wearing PFD's only one may have survived that incident, not the other 3, whilst drowning was the cause of death on 3 occupants. Among 2 of those 3, the fact was they were instantly trapped in the hull at the moment of impact. It would be wrong to conclude any other facts. The 4 individual (the one found approx. 7 km away) may have survived if was wearing a PFD, but that still cannot be verified 100%. CPBA noted that the skipper of the Norma Jean was one of the most experienced skippers in Carnarvon, and we note members of the crew,, one in particular was a VMR person. We note that accidents do happen, to even the most experienced boaters. One fact missing on the ATSB report was that was a year of WA experimentation of daylight saving, so in other words 6am WST was really 5am WST . We also note that the CO2 canister type of PFD1 still may not have saved the 4th person, they would have to be a full wearer PFD1.

CPBA noted in the case of Paul Clifton, he apparently was also highly regarded as an experienced boater, and a OH & S officer in the building and construction industry. There will never be a final outcome as to the sinking why of OoRoo, however CPBA suspect that it may be as simple as worn or severed o rings in the bungs, it is also not known at during launch, certain stress fractures could have been placed on the hull, prior to the vehicle getting bogged. CPBA noted that whilst Mr Clifton especially with his occupational background, and his boating experience, was operating with only 1 x PFD1 and the remaining PFD's were PFD2. This is inconsistent with Regs and unfortunately perhaps Mr Clifton was not paying attention during his RST. However we still hold reservations in fully supporting Coroner Linton, as the crew were ordered at the time of donning PFD's to lighten their clothing; one was even wearing a Driz-a-bone. If the crew had of been wearing their PFD's they still in the exact same circumstance be forced to unstrap their PFD and unclothe and re-strap their PFD. There would have been no time for that issue, we note the weather was 6 degrees Celsius on the day, the wind chill factor, and the time of the year, would have seen the immediate onset of hypothermia, Mr Clifton still may have suffered the same fate wearing a PFD1 Under 2.2.2.3 page 30. It is wrong of DOT to make such a simple conclusion of a cherry pick of this coroner's report.

We note that in the case of Wong 2016, If Mr Wong was wearing a PFD, at the time of PoB incident, it would have made it even more difficult to avoid propeller strike, as the PFD would have fully prevented him from being able to duck-dive below the surface to avoid the vessel from striking the occupants in the water including Mr Wong. In this case, it would have made no difference if Mr Wong was wearing a PFD, or in certain circumstances, the other occupant could have died as well, if he was wearing a PFD given the actions of the vessel.

CPBA notes in the case of Coffey and Weppner, the wearing of PFD may have saved Weppner, but Mr

Coffey chose to and made a decision to swim to the nearby island, as such, and in that tidal movement. Wearing a PFD, would have only hampered Mr Coffey's attempt. Whilst it was still unsuccessful, Mr Coffey was an able 23 YO and an expert strong swimmer of oil rig capabilities and most probably a navy seal standard, even to this standard. His abilities still did not save him.

CPBA were concerned about the statistical knowledge of the amount of small boat tragedies at sea and this is disproportionate to this sector overall. However this matter fell short of having this also form in the basis of our recommendation 3 as per below. In this regard we chose to vary from the protocol of NSW, Victoria, Tasmania and SA. CPBA therefore does not support WA changes its Regs to fall in line with the other states on small craft ie 4.8 – 5m without it automatically falling into one of the categories as per 3 below.

CPBA vigorously opposes Victorian model of mandatory wearing of PFD in a tender. We also note the National Standard is tender exempt.

In the case of Barfield 1991 South Passage of Coral Bay it is obvious of the quick actions of Mr Delich – otherwise other lives would have been lost. Yes, one could agree that PFD's worn would or may have saved Mr Barfield, This is also one of the reasons why CPBA has come up with recommendation 3 below, (not just because of the Barfield case, but the over-welcoming issues in relation to bad weather. Etc.) Finally in the coroner's report of Mr Bugg of Tasmania 2014. We note, Mr Bugg was wearing a PFD as required by Tasmanian Regs, it was the CO2 type, Mr Bugg was found face down in the water soon after PoB, it is becoming increasingly obvious that these CO2 canister PFD1's are somewhat of a death trap, in the fact that the CO2 canister had not been serviced, and therefore all these precautions did not save Mr Bugg. It may also be a case that Mr Bugg hit the water and was knocked unconscious at the time of the fall. However the Coroner found that if that was not the case, the CO2 cylinder still would not have activated. And water temperatures off Tasmania would render the victim with other conditions such as the early onset of hypothermia.

We also note, that in Tasmania, the only state that requires mandatory wearing of PFD – also had a death following PoB in the case of Bugg.

Solution – Recommendation 3 Recommendations

CPBA recommends a two offerings solution – Ref 2 or 3 for Unprotected Waters..

- 1) CPBA advocates a change in the regs for protected waters to bring WA in line with most other states (NT or similar, not the same) that is minimum type 2 or 3 1 per person.
- 2) CPBA makes a Core recommendation that the current Regs of PFD is sufficient and there is no requirement to alter the current regs. We do not support the compulsory wearing of lifejackets. (page 27 of 295)
- 3) After looking at a number of merits in the Vic/NSW and SA model - CPBA offers a fall-back position in that, the External Reference Group may by majority come up with differing views on this matter, CPBA therefore, advocates that a vessel being operated by single operator, that that operator should wear a PFD. We note that persons that have no ability to swim or tread water where a PDF whilst vessel is underway in Unprotected waters. Children of 2 years to 10 years inclusive in unprotected waters when vessel is underway. We note that operation of a vessel in extreme boating weather such as a 5+ m swell and 40+ knot winds, a PFD is worn. Operation of a vessel after dark whilst under way. CPBA also advocates listing in the regs, a number of locations where PFD should be worn whilst underway, these would include the Kalbarri Bar. South Passage at Coral Bay. Navigation between Dorrie and Bernier Islands, sandbar out from Walpole, navigation between North and South Murion. Navigation of the Horizontal Waterfalls and the "Whirlpool Pass" in the Kimberley region. There would be other sites, however having the proviso of the 40 knot and 5 m swell would assist in this matter. A PFD1 be worn in any of these circumstances

- CPBA continues to advocate and change to the protected waters WA Regs. We do note that in practice, it would be very strange and unlikely that there be vessels operating without any PFD in protected waters. – other than say a tender. It would be generally I think a common presumption that all vessels are required to carry a PFD in any case, by most WA skippers

CPBA on point 2, advises that Regs note that the swell must be 5M and a 40+ knot wind. Rather than just a subjective statement of severe weather conditions. We note that what one boater considers severe, another boater may consider normal.

CPBA also notes that many recreational boaters, take additional note of boating conditions and chose in many cases to wear a PFD

Wearing for long periods of time a PFD can induce seasickness as there is restrictive movement of the wearer.

CPBA notes that persons overweight or obese find it difficult and uncomfortable to wear a PFD, it is almost impossible to bend over and pick something up from the deck of a boat when wearing a PFD.

It was noted that certain vessels such as centre consoles that have gear and throttle ratios exposed to one side (usually the starboard side) have reported that PFD straps can readily be caught in the throttle mechanism and this can cause significant injury and PoB and loss of life. It therefore hinders the safe movement of vessels.

Others that have worn a PFD on board whilst in transit, have advised the whistle cord also gets caught by the wind, and has the tendency to catch on items in the boat, one member advised, he was nearly strangled by his whistle cord.

CPBA advocates no change to current protected Waters zone. We note that it would also be additionally impractical for many boat tenders to carry PFD's – If one looks at Rottnest and the movement of tenders, persons would be forced to carry their PFD's all over the island with them, as they would not be secure just left on the tender on the beach, this would mean carrying PFD's into restaurants and cafes and other shopping venues, even to the toilets.

Special Note:

CPBA has not actively sought the views from our kayak members, we cannot comment fully here on the practicalities of wearing and operating a kayak at sea and the issues based on restriction of activities.

Recommendation B3

Kill Switches and engine cut outs

Background:

In a number of cases and very recently with the case of Mr Chapman (January 2017) of Exmouth who was a very experienced boater, that fell overboard in a freak way whilst bill fishing off Exmouth, he was luckily found and was successfully rescued.

Additionally in the case of 2016 Mr Wong, at Cathedral Rocks, again a very experienced boater, who died of a boat strike.

We note a cut out switch may not have saved Mr Bugg of Tas. in similar circumstances, as it was likely he was unconscious at the time of hitting the water, and did not regain conscious until found by Mr Clarke.

Solution – Recommendation

CPBA even in consideration for what may be a conceived benefit of a kill switch, does not support the mandatory change to the regulations that a kill switch be worn.

CPBA notes that whilst a number of boaters practice this as safe boating and it is normal practice of PWC. It does pose a number of challenges and technology issues, perhaps in the future technology may continue to advance in this area,

However CPBA supports no change to the current Regulations at this period of time.

We additionally note that many vessels do not have the ability to convert to this technology due to the age or type of engine.

It would also have no assistance to yachts.

Recommendation C1

Reduce Cost of Marine Safety Equipment

Background:

The cost and ever increasing cost of Marine Safety equipment continues to rise, in many cases it is a significant cost burden for many recreational boaters, prior to the Introduction of the GST in Yr 2000, and moves were a foot to remove Sales Tax from Marine Safety equipment. With the Introduction of the GST, these matters were overlooked.

Solution – Recommendation

Have all Marine Safety equipment GST exempt. – Western Australian Transport Minister with other state Transport Ministers make representation on behalf of the state of Western Australia and other state Transport Ministers the same at a COAG meeting for the exemption of Marine Safety Equipment from the GST.

Recommendation C2 Education Programme

Background:

There is a need for an ongoing education programme in the community.

We acknowledge DoT's training and educational programs in this area.

Solution – Recommendation

Dot to continue their current programs.

DOT to use volunteers in the community in a similar fashion to Fisheries in the past on education to boat owners.

Recommendation C3

Information on Boat Rescues and tragedies including deaths at sea

Background:

Having now seen the information in the report and looked at a number of coroners' reports, the CPBA feels that the information is valuable and certainly if the general public were aware of facts, it would improve boater behaviour.

Solution – Recommendation

CPBA requests that DOT make available to boating groups copies of future coroner reports, for analysis and allow boating organisations the opportunity to make available to their membership certain facts about boating tragedies.

Certainly the OoRoo – Paul Clifton Coroners' report makes valuable reading and is a salient text book on how things that are very well planned can go horribly wrong, even if we don't know how the boat took on water and sunk.

Whilst this information is freely available anyhow, it is not always front and centre in the mindset of boating organisations, if they had that information come across their desk, it would be of valuable assistance in educating our members.

Recommendation C4 Enforcement and Fines on Marine Safety Equipment.

Background:

We note Mr Buchholz testimony in the Clifton's Coronas' report is that DOT carries out some 12,000 checks per year.

However it is not known whether these are Dept of Fisheries related or Transport safety related.

Many of CPBA members report being intercepted on a regular basis by Fishery officers, in some cases, in remote locations, a number of CPBA report that it is not uncommon for them to be say accidentally targeted 3 times a day or say 7 – 8 times over a 5 day period, simply because there is a number of vessels at the same location. During these times of interception by Fishery Officers very rarely are skippers asked to provide their safety equipment.

Solution – Recommendation

Following the election of the previous ALP government, in their first term in office, they incepted the Machinery of Government Review and merged many of the former Transport and Fisheries full time officers on the beat.

Over the years, much of this has been worn down.

CPBA advocates that current government resources be used to enhance police and enforce current Regulations. Fisheries Officers be given training in Transport regulations.

CPBA requests that in fact the initial intercept of a Rec vessel, that the safety equipment is the items first asked for and inspected. And the second item is the fish catch.

CPBA advises that if we want to get serious about marine safety, then the Government of the day needs to lead on this matter and be serious about this facet as well.

Recommendation C5

Current location of Hyperbaric Locations

Background:

Western Australians have always counted on the locations of decompression chambers and known that there were 2 in the Perth metro area, one being at HMAS Stirling - Garden Island and one at Fremantle Hospital.

With the closure of the Emergency Dept. at Fremantle Hospital, there is no simple education programme out there to boating individuals involved in diving, even the DOT literature is vacant on the location of where the hyperbaric is located. The CPBA now understands it has been located to Fiona Stanley Hospital. Especially in light of a number of patients having arrived at Fremantle Hospital unaware of the relocation of government services.

Solution – Recommendation

DOT to make aware via their website on recreational boating and literature the locations of the state's decompression chambers so they lead future patients to the correct locations.

Recommendation C6

RST Training – PFD placement and safety jumps into the water

Background:

Many individuals have no idea of wearing a PDF, the skipper in his safety briefing to new crew, should explain some of the issues, however if the skipper has not had experience in wearing a PFD him or herself, this cannot happen.

Solution – Recommendation

CPBA recommends the RST be expanded to include a safety jump from a vessel whilst wearing a PFD, so all participants understand what the experience is when entering the water wearing a PFD.

Recommendation C7

Weather Reporting on mainstream media

Background:

Recreational boaters usually are keen to look at weather before a day's outing, along with long term planning and forecasts.

While weather sites and phone apps have vastly improved even in very recent years and weather reporting and information on BOM site.

We note that the equivalent DOT have marine weather broadcast on commercial TV channels in an extended way, that is easily understood.

WA weather and options can be from one extreme to another. A further information source is and would be readily accepted by the Recreational Boater.

Solution – Recommendation

DOT to buy slots in main stream media eg channel 7 6.30pm weather report to have an additional dedicated marine weather report as well – we note or understand DOT Qld has something that is well regarded by their members of the public in this regard. This then in turn, helps to promote a healthy boating environment that is easy to read and understand to many recreational boaters out there.

Recommendation C8

Use of Anchor Lights on Rec vessels and Commercial vessels and other man-made structures particularly in Cockburn Sound

Background:

CPBA notes the significant number of collisions in the statistics.

Members still note that a number of vessels at anchor in areas such as Cockburn Sound, Rottneest and Garden Islands still forget to display their anchor lights.

There are now a significant number of buoys large commercial boys in Cockburn Sound, a number of them are of dark colour and possibly even black.

It is concerning that there are a number of hazards that DOT safety officers are just not noticing or there appears to be no communication between the commercial operations and DOT in this regard.

The experience of the Norma Jane should be remembered and not forgotten.

Solution – Recommendation

CPBA recommends DOT look to review all navigational hazards in Cockburn Sound, especially unlit hazards, with an immediate intent to remedy the situation.

Recommendation C9 Marine Safety Phone App

Background:

If there are Marine Hazards that do occur from time to time, it is difficult for the Rec Boater, to get across these, a similar situation of say the "Norma Jean" experience, even though that was not posted as a Marine Hazard.

The state government in particular Fisheries have had significant success with their shark alert mobile phone app.

The Recfish app is also very beneficial and could be linked to a safety app.

A similar app could be developed by DOT for Rec Boaters, that has information, about current Marine conditions,

Solution – Recommendation

DOT to develop a mobile phone app that covers first of all the Perth metro area, and if successful the wider parts of the state, from major coastal towns.

This app to cover off on say a rain storm event that has caused large logs and floating debris to end up in the lower part of the Swan. To say the sinking of vessels in certain reefs and bays where it is a caution note to mariners.

CPBA note the very successful Facebook page of Fremantle Sea Rescue that keeps Rec Boaters on alert of a whole range of issues.

Yours sincerely



Des Kelly
Commodore
4th July 2017