



Use of Jetskis

Discussion paper

Prepared by the Strategic Planning Unit
Sutherland Shire Council
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Introduction

On 20 August 2001, at a Special Council Meeting, Council passed the following resolutions:

- *That consultation with all relevant user groups be conducted and all user groups be invited to participate at a Port Hacking Management Panel Meeting to discuss the use of jet skis in Botany Bay and Port Hacking.*
- *That discussions be held with the Waterways Authority advising them of the consultation held with relevant user groups.*
- *That a letter be sent to the Premier seeking information as to the need for a total ban on Sydney Harbour and the Government's undertaking that this proposed ban will be reviewed to allow for consultation with industry and user groups.*
- *That Councillors be invited to an on site inspection with the Jet Ski Owners Association.*

As a result of this resolution, the Strategic Planning Unit of Sutherland Shire Council was commissioned to undertake consultations as outlined in point 1 above. The proposal for the research was as follows:

Research Methodology

In response to the resolution by Sutherland Shire Council to review jet-ski management practices, the Strategic Planning Unit proposed a four-step consultation process as follows:

- A series of individual stakeholder workshops to identify their major issues. Key stakeholders have been identified as jetski owners & operators; those with environmental and technical interests such as Waterways, Water Police, Port Hacking Protection Society; and recreational waterways users. These workshops are designed to uncover and explore the main issues and concerns each group has with the operation of jetskis. Hopefully, they will raise concerns based on perceptions, experience and previous formal research studies of the impact of jetskis on the social and physical environment. In addition to the workshops, submissions by any interested parties were also called. Submissions could be made either via email to a special address jetskis@ssc.nsw.gov.au or via post.
- Formulation of a discussion paper. Issues raised in the above workshops will be analysed and written up in an issues paper. The discussion paper will then be circulated to all participants of the above workshops, giving them an opportunity to absorb the material and prepare comments thereon.
- Mediation workshop. A further, half-day workshop with all participants together to discuss all the issues and options raised in the paper. This facilitated workshop will be outcome focussed, and aim to develop a workable draft management plan. It is possible that 2 workshops will be needed in order to cover all relevant issues.
- Recommendations. From ideas obtained from the foregoing a report will be prepared with recommendations for council to consider.

Background Information

Rules & Regulations

Jetskis are subject to stringent rules and regulations governing their use, where and how they can be ridden, the need to avoid swimmers and other passive recreational users, speed, etc.

Jetskis are banned from operating in Sydney Harbour, and have restricted use within The Hacking River and associated inlets (the Hacking). Restrictions include no 'irregular driving' within 200m of the shoreline in bays, rivers and other waterways within restriction zones. Effectively, this means that personal watercraft (PWCs or jetskis) can only be driven in a straight line within 200m of the shore and are able to operate at the allowable speed applicable to all other watercraft. A diagram showing 200m restriction zone for jetskis in the Hacking is attached under Appendix I.

Jetskis are also prohibited from operating between sunset and sunrise.

When operating at a speed of 10 knots or more, PWCs must keep at least 60m away from persons in the water and from small, non-powered vessels such as sailing craft (under 4m). They must also keep a minimum distance of 30m from any power driven vessel (including other PWCs), any river bank or shore and structures such as jetties or moorings; and any sailing vessel over 4 metres in length.

A number of other regulations apply to PWCs, covering licencing requirements, registration, display of identification, and others. These are contained in a handbook available from Waterways, and can be found through the Waterways website at www.waterways.nsw.gov.au/pwc.html

Licensing Requirements

A licence is required before any individual is permitted to operate, or even sit on, a PWC on the water. Applicants must attend a Waterways Office or complete a seminar, and successfully answer PWC licence test questions.

There is no requirement to demonstrate ability to ride a PWC.

Once a licence application is successful, a full photo licence will be issued. There are no restrictions on new licence holders, as with provisional licences issued for driving cars.

Revenue Raised

According to information obtained during the workshop for jetski owners and operators, revenue of around \$800,000 per annum is raised from jetskis through licence and registration fees.

Administrative costs for policing and management of jetskis is funded by the NSW state government. According to the NSW Premier's Department costs of police resources used in monitoring jetskis are disproportionately higher than for other boats. US research also shows that accidents and injuries are higher for PWC users than for other boats, resulting in higher health costs being borne by the community. Although no statistics are available for NSW, it is reasonable to assume that the situation would

be comparable. In addition, there are direct costs related to licensing and registration of PWCs and users.

Information about costs and revenue is not readily available from the state government. Council has been informed this information could only be provided under the freedom of information process.

Roles & Responsibilities

NSW Waterways Authority & NSW Water Police

These two bodies have principal responsibility for ensuring that all users of the waterways do so in a safe manner, and adhere to maritime rules and regulations.

Sutherland Shire Council

Sutherland Shire Council has limited authority on the Hacking. Council's main responsibility is limited to above the high water mark, but also includes jetties and waterside structures. Council also has a shared responsibility for the riverkeeper program as detailed below.

The Riverkeeper

The Hacking

The Riverkeeper for the Hacking is a joint venture between Sutherland Shire Council and the NSW Waterways Authority. The purpose of the riverkeeper program is, amongst other things to "*provide a range of customer services that specifically relate to both Waterways and Sutherland Council and enforce regulations and conditions imposed or stipulated by the Authority to ensure that all people using the waterways do so in a safe and environmentally responsible manner*". (See Riverkeeper job specification, Appendix II).

The Riverkeeper is under the direction of the NSW Waterways Authority, with Sutherland Shire Council contributing towards operational and salary funds. The Riverkeeper program has been in operation on the Hacking since 2000.

Georges River

The Georges River Riverkeeper program commenced operation in May 1997. This program has a greater emphasis on environmental concerns, with the mission statement being that "*The Georges River Riverkeeper Program is to act on behalf of the Georges River to achieve its rehabilitation*". The Georges River Riverkeeper program is an initiative of the Georges River Combined Council's Committee, of which Sutherland Shire Council is a member. Sutherland Shire Council provides volunteers and financial support to this riverkeeper program.

The Georges River riverkeeper does not have responsibility for ensuring safety of river users (beyond environmental safety), monitoring behaviour or issuing infringements.

The Workshops

Although only three workshops were originally proposed, meetings and workshops have been held with key stakeholders as follows:

- Jetski owners, operators and businesses. This workshop was held on 17 October 2001 at the Royal Motor Yacht Club, Burraneer. A total of 14 representatives attended this meeting, facilitated by two staff from the Strategic Planning Unit. A number of issues and concerns were raised which will be discussed in detail below.
- Meeting with representatives from Waterways, held at Waterways offices at Roselle. This meeting took place on 26 October 2001.
- Recreational users. This workshop was held at Council chambers on Tuesday 25 October 2001, with representatives of Burraneer & Port Hacking sailing clubs and the Lilli Pilli Kayak Club
- Technical and environmental interests. Representatives from Waterways, Fisheries and the Water Police attended this meeting, with submissions received from a number of other government departments & non-government agencies. The meeting was held at Sutherland Shire Council offices, on 30 October 2001 at 9.30am.
- Residents. A meeting was held at Bundeena with Bundeena residents, and others with environmental and local concerns relating to PWC use.
- Meeting between representatives of the Personal WaterCraft Distributors Association, Waterways and the Mayor of Sutherland Shire Council to discuss Waterways' management plan and a proposal for a courtesy rider program based on a similar Victorian program. This meeting was held on 14 November 2001 at Sutherland Shire Council offices.

Written submissions

A total of 54 written submissions were received either via email or post. Included in this total are a number of submissions received from workshop participants. Submissions ranged from very detailed and researched documents to short letters providing personal experiences. Information from all submissions received has been included in this report.

The Issues

While some differences were noted, there was a great deal of similarity in the issues raised.

Complaints Received

According to a media release from the NSW Premier's office "*While jet skis represent only eight per cent of all boating licences, last year they accounted for 29 percent of all complaints to the Waterways Authority and 28 percent of all infringements*". The release goes on to state that in 2000 a total of 551 infringements were issued to jet ski riders by the Waterways Authority. Attempts to confirm this information with the NSW Waterways Authority were met with advice that details were available through the Freedom of Information process.

Policing

High on the list of priorities was the need for more stringent policing of those who are breaking the rules. The jetski owners & operators noted that a number of the

complaints received about operation of jetskis are about illegal behaviour, and that this did need to be better policed. Information from the NSW Premier's Department is that the cost of policing jet skis is disproportionate to the number of jetskis registered.

It was noted that the Waterways Authority complaints line is not well advertised, and therefore relatively unknown to many recreational users of the waterways. The hotline number, 13 12 56, is available 8am to 9pm 7 days a week. A further problem with the complaints line is that often those using the waterways do not have access to a telephone in order to lodge complaints. Because of this lack of immediate access to a telephone, statistics are likely to be misleading on levels of concern, and therefore not a reliable indication of the extent of the problem.

A number of participants & respondents identified too few police and Waterways representatives monitoring the Hacking during peak use times. In response to this, Waterways state that due to regulation changes on Sydney Harbour (specifically the ban on operation of jetskis) 6 additional officers are now available on the Hacking. These officers operate the SECT program (Safety, Education & Compliance Team) designed to both actively police use of the Hacking, and to provide educational material for PWC operators on rules and regulations. The SECT replaces the Ride Smart Team. Due to the recent implementation of the SECT no data on their success is yet available.

Response to incidents by the Water Police was identified by some participants as a particular problem. When responding to reports, one of the problems encountered by both Water Police and Waterways is the easy identification of their craft. This can lead to riders who have previously been doing the wrong thing changing their behaviour so that the authorities can not charge them with anything. Information from the Water Police is that during peak times – weekends, holidays – they have one boat crew stationed at each of the Hacking and Botany Bay. During other times there is one crew to service both areas. While specific police operations can not be discussed, council has been informed that the Water Police utilise a number of tactics, both overt and covert, to respond to complaints and information from the public, as well as to conduct their own operations. New laws that came into effect on 1 October 2000 have given the police stronger powers to stop, check, and, if necessary, fine jetskiers, however data on the effect of the new powers is not yet available.

Recommendations

That Waterways Authority 'hotlines' be more extensively advertised, and that statistics and data be kept on the number and type of complaints received.

That information (statistics and other data) be kept and analysed to examine the effectiveness of SECT as both an enforcement and educational program, and that this information be made publicly available.

That, as a preventative measure, consideration be given by the NSW Water Police and NSW Waterways Authority to promoting the possibility of the presence of covert operations.

Anti-social behaviour

Anti-social behaviour by jetskiers was raised by all groups of participants in the consultation. In most cases this was blamed on a small minority of riders, mainly from outside the Shire, who are responsible for giving all users a bad name and reputation. There is no statistical evidence available to facilitate an analysis of the place of residence of users issued with infringement notices. It was claimed by some that some riders are threatening and intimidating, to the point where it is difficult for the Waterways Authority or the riverkeeper to approach them safely. Therefore a small group of riders gets away with very bad behaviour, which then taints other users.

Anti-social behaviour has been identified as irregular riding (ie wave jumping, 'donuts', etc) within an exclusion zone, speeding, riding too close to swimmers or other passive users, making excessive noise. All these behaviours are in contravention of regulations and therefore subject to penalties.

Another aspect of anti-social behaviour which is not against regulations is launching from a beach where there are swimmers and other passive recreational users. Provided that the jetski speed remains below 10 knots, it is permitted for the PWC to launch from and return to the beach area, but in doing so they must remain 60 metres either side of marked swimming zones. The exclusion zone in designated swimming areas is also extended 60 metres out from shore.

The multiple impact of jetskis is such that one jetski can be operated by a group of users, each taking their turn. This creates a situation where the jetski is repeatedly launched from and returns to the same area of the beach, often continuously. If two jetskis are being used then not only is the interruption greater, but the noise level is also higher. If both jetski operators and swimmers are observing set boundaries there should be at least 60m between them, reducing both the noise effect and hazard. Problems occur when one or more parties do not observe regulations and guidelines.

It was stated by a number of participants that the problem of anti-social behaviour on jetskis is greater in both Botany Bay and the Georges River, than in the Hacking. This would indicate that there is as great a need for both policing and education in these areas, particularly given that there are exclusion zones within Botany Bay, such as the area near Congwong Beach.

Recommendations

That Sutherland Shire Council, in conjunction with the Botany Bay and Georges River Combined Councils Committees, examines the possibility of amending the charter of the Botany Bay and Georges River Keeper programs to more closely mirror that of the Port Hacking Riverkeeper Program.

Education

All participant groups agreed that there is a need for more extensive education of jetski licence holders. Education would not only include maritime regulations and practices, but also how to ride safely, the impact of jetski use on others, safe riding skills, interaction with other boats/swimmers, etc. This education needs to be ongoing, rather than restricted to licensing requirements.

A peer education process “Courtesy Rider Program” has been operating in Victoria since 1999/2000 as a partnership between the Marine Board, the Victoria Water Police, Parks Victoria, Gippsland Ports, Play It Safe by the Water, and the Boating Industry Association. In 2000/2001 the courtesy rider team targeted the waterways most actively used by PWC operators. While the stated aim of the program is to provide education about rules and regulations for jetskis, law enforcement was also available.

A similar project to that in operation in Victoria was presented to the Mayor, Councillor Tracie Sonda, seeking Sutherland Shire Council’s support. This proposal included a request for practical support in the form of a vehicle with prominent signage which would be easily recognisable at boat ramps, one council officer to be part of the courtesy rider team (possibly the riverkeeper) and a team or data manager.

An important part of the success of the Victorian program has been its practical support by the Victorian Water Police, which gives the program both credibility and authority to operate. For a program to be successful here, a similar level of support would be required. Should a program such as this be implemented it would need the practical support of either the Waterways Authority or the Water Police, or both. Without that crucial support such a program is unlikely to be effective. Given concerns raised in consultations about an extreme element whose behaviour is not only anti-social, but threatening and intimidating, the support of the authorities would be crucial to the success of this program.

Given that the lead role in this program would need to be with either the Waterways Authority or the Water Police, it is recommended that should council choose to pursue this opportunity, they do so in conjunction with these authorities.

As both revenue raised from jetskis, and authority for policing their use, lies with the NSW state government, resources and financial assistance for the program should be the responsibility of the state government.

A concern raised by Waterways about this program is legal liability for the safety of volunteers. Sutherland Shire Council is currently looking into this issue.

The Waterways Authority currently operates a “Safety, Education & Compliance Team” (SECT) which targets jetskis for licence and vehicle spot checks. During these checks riders are provided with educational material detailing some regulations for jetskis. Licence spotchecks are based on Waterways research which shows that unlicensed riders are more likely to be the ones who cause trouble and ride illegally. A number of concerns were raised about this program, with some riders reporting being pulled over a number of times in one day and asked to produce their licence.

Recommendations

That Sutherland Shire Council petition the State Government of NSW to examine how revenue raised from operation of jetskis can be used to implement broader educational programs for jetski operators, both prior to and after obtaining their licences.

That Sutherland Shire Council facilitate meetings between the NSW Waterways Authority and representatives of the Courtesy Rider Program in order to examine ways in which users and the authorities can work together to the benefit of all.

That NSW Waterways Authority officers utilise an educational, customer-friendly approach when conducting spot-checks of jetski riders, and advise riders of the reasons for and desired outcome of the operation.

That Council lobby the state government to implement an advertising program reminding all users of the waterways that they have responsibilities to themselves and each other to ensure that the waterways can be used safely and enjoyed by all.

Licensing

Representatives from the Waterways Authority assert that most problems with PWCs are caused by unlicensed riders. To this end, they are currently conducting spot-checks of jetskiers for licence infringements.

A licence is required to operate, or even sit on, a jetski in NSW, with substantial fines for unlicensed riders.

It was suggested, particularly by jetski owners and operators that licensing requirements were not strict enough, and that licences, in their view, were too easy to obtain. Previous requirements included a face-to-face interview with a Waterways representative, and answering questions about maritime regulations. It was felt that the previous system was preferred and resulted in better qualified riders. Currently, there is no requirement to prove competence on a jetski.

Recommendations

That council lobby the NSW Waterways Authority and the NSW government for stricter controls to obtain a PWC licence. In order to obtain a licence operators should show proficiency in and understanding of safety issues, including difficulty in seeing swimmers in different water conditions, and environmental concerns.

Safety

Safety is the issue with the widest variation in opinions between jetski operators and others. Jetski operators and users point to the design of the craft, with no external propeller, as being less likely than other boats to cause injury in the event of an accident.

On the other hand, participants report a number of accidents resulting from the inability of jetski operators to see swimmers in swells or when riding at speed. Incidents of swimmers being run over by jetskis were detailed.

Research from the US shows that PWCs are more likely than other craft to be involved in accidents, and more likely to cause injury. In the USA, the Florida Fish & Wildlife Conservation Commission collects statistics on boating accidents/injuries. These figures show that in 2000 PWCs constituted 12.5% of all registered water craft, yet were involved in 32% of accidents. Almost half of all PWC accidents involved rented craft, with 28% being borrowed and 26% owned. The majority of accidents

involved collisions with other vehicles. Reviewing authorities placed blame for most accidents on careless or reckless riding.

Not surprisingly, users with less experience were more likely to be involved in accidents.

Research from the same source shows that in 2000, PWCs were responsible for 46% of boating injuries, and 20% of boating related fatalities in Florida. Broken bones, lacerations and contusions were the major injuries received, however head and back injuries also comprised a large percentage of the reported injuries. Many of these accidents required treatment or hospitalisation.

Unfortunately, comparable statistics are not available in NSW. A request to the NSW Waterways Authority for accident statistics was met with the advice that the information was available through the Freedom of Information process.

There is a need in Australia for a co-ordinated, centralised collection of data if effective boating plans of management are to be put in place. This data should be published on an annual basis. Yearly comparisons of the data should be utilised for ongoing reviews of the effectiveness not only of the riverkeeper program but also overall Waterways management of the area.

Given the concerns over PWC and other boating users, greater emphasis should be given to this as a management tool to limit the user of waterways for anti-social behaviour. Where educational programs are shown to be ineffective in the medium term, then it may be necessary to strengthen broad based enforcement as a deterrent against illegal and anti-social activity.

Recommendations

That a co-ordinated data collection system be established to document boating accidents and injuries received, along the line of those kept by the Florida Fish & Wildlife Conservation Commission (available from their website at www.floridaconservation.org/law/boating).

If clear, concise and factual evidence of repeated safety concerns, anti-social behaviour and illegal activity can be demonstrated over a sustained period, despite the implementation of new/revised licensing, policing and educational strategies, then a further review of the use of the Hacking by PWC users should be initiated. This review should be undertaken by the authorities most able to upgrade punitive and educational programs, such as NSW Waterways Authorities, NSW Water Police or other relevant state government instrumentality.

The Environment

There are a number of environmental concerns that have been raised regarding operation of PWCs, both generally and on the Hacking specifically. These include:

Pollution. According to the Environmental Protection Authority discharge from jetskis is not an offence under the Protection of the Environment Operations Act. They also state that new vessels are likely to conform to US EPA Emission Standards

for New Gasoline Marine Engines. The US EPA claims that this will result in a 75% reduction in hydrocarbon emissions from these engines by 2025.

Noise. According to residents of Bundeena and other recreational users of the waterways, noise from jetskis is a major concern. While it is claimed that jetskis have a noise levels of 76DbA, this level can be amplified when jetskis are operating together, or in specific places and times. The Sutherland Shire Environment Centre Inc reports that the nature of many parts of the Hacking as a confined estuary bounded by high foreshores creates an amphitheatre-type effect with noise being amplified. When jetskis stay in one place for extended periods, or operate in twos or threes this noise is again amplified.

Bird habitats/fisheries/etc. The high manoeuvrability of jetskis, coupled with their ability to operate in shallow water, raises concern about their impact on environmentally sensitive areas such as bird/fish nesting grounds, sea grasses, etc. While these areas are generally off-limits to jetskis, as they are to other craft, reports have been received of jetskis operating in such areas. The noise of jetskis in, or close to, wildlife habitats has also been raised as a concern. This concern is equally, or more, applicable to other boats, especially 'tinnies'.

The nature of many parts of the Hacking as a pristine environment, more suited to passive recreational use was raised during the consultation process. However, the large number of power boats in use on the Hacking demonstrates its popularity by a wide range of people and boats. These range from small tinnies to substantial cruisers. Given this use, it is doubtful that the Hacking could ever be designated a 'power craft free' area. The challenge is to manage use of the Hacking so as to not compromise its environmental qualities.

While jetskis, due to their design, can access shallower water and narrower channels than most other types of boats, it is also noted that "tinnies" are also capable of, and do gain access to sensitive areas. Given the high usage of other craft in the area, any attempts to limit power boating activity for environmental reasons should be extended to all craft and be included in the overall Boating Plan of Management being prepared by the Waterways Authority. This Boating Plan of Management has not yet been released publicly.

From an environmental perspective there is little evidence to suggest that PWCs create any greater damage to aquatic flora, fauna, bank structures, etc, than do other powered craft. A number of participants stated that they have greater concerns about the damage from propellers of boats ranging in size from 'tinnies' to cruisers, together with bilge, oil and other emissions from such craft. The wash from larger boats was also raised as an issue of concern.

According to the Port Hacking Protection Society, the extent of sea grass beds in the Hacking has declined by a total of approximately 50% since around 1930, and by approximately 75% in the main channels. However, the impact of jetskis on seagrasses is unclear, given that jetski use was introduced to Australia around 1975 and has largely increased only in the last decade.

While evidence undoubtedly shows that the environment of the Hacking has changed considerably in recent years, again, the extent of jetski impact itself is not clear.

However, it is also noted in many studies undertaken by council that the natural environment and peaceful surroundings are identified as major attractions of the Shire, both for residents and visitors. This is particularly true in the national park area and the Hacking River. The area around Bundeena and Maianbar has been identified as being particularly problematic for jetski use due to its topography which amplifies sound, particularly from the water. Parts of this area, such as Simpson Bay, are designated no boating zones, where all power vessels, including jetskis, are banned. A 4 knot speed restriction exists from Horderns Beach in the west to the rocky outcrop east of Gunyah Beach, and from a point on Deeban Spit extending in a south-westerly direction to Yenabilli Point.

Recommendations

That jetski licensing requirements include an environmental knowledge component, with both generalist and specific area questions.

That council discuss with the Waterways Authority provision of better advertising and signage at boatramps advising of environmentally sensitive areas in surrounding waterways.

That council lobby the Waterways Authority for provision of leaflets and information to jetski licence holders about environmentally sensitive and restricted areas in local waterways.

Long term vision for the Hacking – “Desired Future Characteristics”

It has been noted by all participants that problems on the Hacking are not confined to jetskis. Pollution, noise, anti-social behaviour, environmental degradation are all experienced across the spectrum of boating use. Many of these issues are not within council’s power to address. Council is in the position where any recommendations it makes made need to be negotiated with the Waterways Authority or Water Police. This places council in a difficult position of not being able to ensure implementation of recommendations.

Due to improving technical and manufacturing techniques, it is also possible, even likely, that should use of jetskis be substantially restricted, a different type of craft will emerge to take their place on the waterways. It is therefore imperative that any plan of management for the Hacking covers all vessels and usages, rather than be restricted to individual types of craft. Council should negotiate with the Waterways Authority on an overall plan of management for the Hacking and other waterways within the Shire, including Botany Bay and the Georges River. This plan needs to consider the social and economic benefits of boating activities and ensure that these do not compromise the environmental qualities of the waterways.

Recommendations

As a long-term strategy an overall plan for the future of the Hacking should be developed. This should be based on research with all user groups on the future direction of the area – what is the desired usage of the port, how do we want it to be in ten, twenty, thirty, years from now, what is the best way to get there?

APPENDICES

Appendix I

Appendix II