



6<sup>th</sup> September 2022

## Independent Review of Domestic Commercial Vessel Safety Legislation and Cost and Charging.

### **Book My Boat comments on the Draft Safety Report – Phase 1 released in Aug 2022.**

Book My Boat is an online boat hire marketplace. Our mission is to make boat ownership more affordable and safe boating experiences more accessible in Australia.

Book My Boat provides boat owners of recreational boats that maintain a suitable DCV certification to generate an income from their boat through rental to suitably licensed rental customers. In short, Book My Boat is a rental marketplace that operates in a similar manner to Camplify, Car Next Door, or Airbnb for Hire & Drive vessels Australia wide.

Book My Boat utilizes the principles of the share economy and is a relatively innovative business model in the boating industry of Australia. As a company we are challenged by the unsophisticated nature of the National Law that was written prior to the introduction of the share economy to the maritime industry. We welcome this review of the national law and its considerations around being future ready to cater for emerging technologies, business models and alternate ways our community are enjoying safe boating in Australia.

We have reviewed the Draft Safety Report released in August 2022 and make the following comments.

#### *1. Finding 1 & 2*

**Finding 1:** Much of the complexity and regulatory burden would be reduced if the general safety duties in the National Law, supplemented by codes of practice developed by AMSA in consultation with industry were used as the primary regulatory tool for the less risky segment of the DCV fleet. This would also allow AMSA to concentrate on the riskier segments.

**Finding 2:** The requirement for all DCVs to have Certificates of Survey and of Operation is unnecessary to achieve safety outcomes and has resulted in a complex and burdensome array of exemptions for less risky operations.

#### Comments:

Book My Boat are in agreeance with the draft findings surrounding the complexity of the national law and regulatory burdens that do not lead to increased safety outcomes for low risk operations.

We support the submission of the Boating Industry Association (BIA), and AMSA which calls for changes to the requirements for vessel categorized as low risk and vessels whereby their use is intended for recreational purposes Eg: Hire boats, human powered, etc.



More specifically we make the following comments relating to low risk vessels and vessels that are being used for recreational purposes such as Hire & Drive operations

1. We are of the view that AMSA should remain the governing body for low risk Hire & Drive operations. Removal of these vessels and returning them to the State departments to manage will only add to the complexity and unnecessary regulatory burden and delineation across state lines.
2. We support the removal of Certificates of Survey and Certificates of Operation however we maintain that AMSA Maritime Safety Officers should continue with compliance management in line with the risk based framework identified. In lieu of these traditional certificates of survey/operation we propose
  - a. The General Safety Duties including the need for a compliant Safety Management System (SMS) should be maintained to regulate the human factors surrounding operations, maintenance, and the minimum safety equipment requirements.
  - b. Similar to some of the existing Certificates of Operation, the General Safety Duties and SMS are assumed and do not need to be applied for. Boat owners are however liable for upholding the standards.
  - c. The Australian Builders Plates (ABP) or equivalent affixed to the boat be the suitable standard for low risk hire & drive vessels. The ISO standards and Australian Standards (AS1799.1) are prescriptive in key areas such as design, construction, power rating, passenger/weight capacities, flotation and buoyancy. These standards are deemed suitable for vessels being used recreationally around the world. We strongly recommend the use of the ABP or its equivalent in place of NSCV Part G for matters covered by the ABP standard.

The Australian Builders Plate Standard requires the majority vessels <24m, built after 2005 to maintain an ABP. The ABP standard is deemed a safe standard for recreational use. It is our view that this plate should be used to determine safety standards for boats that are being used commercially but for recreational purposes such as Hire & Drive operations instead of NSCV Part G which was not written with small H&D boats in mind.
  - d. For Hire & Drive vessels that do not maintain an ABP they will need to obtain one by the usual means.
3. Due to the fact that commercial application would be assumed. We recommend vessel registration is paid through the state departments as it is now Eg: RMS, MSQ.

We recommend the recreational registration process should be altered to include a declaration regarding the use the boat for hire purposes. If boat owners tick that box upon recreationally registering their vessel, then we propose there should be a registration revenue share arrangement between the State departments and AMSA. This is due to the shared responsibility and costs being incurred by both departments. State department for registration, waterway management and education. AMSA for compliance management and education.

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## 2. Finding 10

**Finding 10:** The current requirement that changes to regulations made under the National Law be agreed by all States and the Northern Territory is a barrier to flexibility and responsiveness to innovation.

**Recommendation 11:** The current requirement that changes to certain regulations be unanimously agreed by the States and the Northern Territory be removed.

### Comment:

Book My Boat agrees with Finding 10 and recommendation 11 whereby the current requirement for changes to certain regulations be unanimously agreed by the States and the Northern Territory be removed.

This requirement appears to be a hangover from implementation of the national system when the states were responsible for the service delivery as agents to AMSA. As the national law is operating to good effect, we agree that the decision making of the changes to the national system are considered by the national regulator who should consult accordingly with the various user groups and state departments. As a national regulator, we don't consider the need for unanimous state agreement conducive to modernization and progression of the legislation.

## 3. Finding 11

**Finding 11:** There is a need to further consider how the National Law framework can be future ready.

### Comment:

As a company that is introducing a new means for how people can enjoy safe boating, Book My Boat strongly supports the need for modernization and provisions in the law to be 'future ready'.

As population and housing density increases around major waterways and cities, it is becoming more difficult for people to own a boat. The costs of living, smaller house block sizes, lack of storage options and restrictions around parking trailer boats on the street is having a negative impact on people's ability to own a boat. It is due to all of the above scenarios that Book My Boat was created. The principles of the share economy lend themselves perfectly to boating and we need to embrace this business model to ensure boating remains an affordable and accessible past time in Australia and that its regulated to ensure the sector operates safely and within the national law at all times.

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Whilst the national law is supposed to adequately cater for all vessel and operation types, it is clear that there is simply too big a gap between the needs and requirements of a diverse range of vessels and operations.

The national law is correctly written with big boats and operations in mind, however, is out of touch for smaller vessels such as day hire & drive vessels. The AMSA Exemption 02 was created to somewhat alleviate the inadequacies of the national law for low risk operations such as small boat day hire & drive. Whilst the exemption has partly addressed the requirements, the complexities of the commercial system still remain. This low risk operation is still far outdated and overregulated for vessels that are being used for recreational activities.

The national law imposes different standards in design, safety, and operations to the Australian and International Standards that these small boats are built to and displayed on their builder's plate. These build and operational standards are deemed safe for recreational activities. We don't see the need to add further complexity to the requirements considering the boats are still being used for recreational activities as they were originally designed to do.

The proposal to modernize the national law to properly consider low risk operations and vessels being used for recreational activities is a big step in the right direction that we overwhelmingly support.

#### About the author:

Matthew Lloyd – Managing Director Book My Boat Pty Ltd, State counsellor Boating Industry Association (BIA), MBA and GAICD.

Matthew has international experience in commercial maritime operations. Previous roles include CEO of Yangon Water Bus (Myanmar), Operations Manager Sydney Ferries, General Manager Fantasea Cruises (Whitsundays and Sydney).

Matthew maintains a professional consultancy specializing in maritime safety, operations & infrastructure development with blue-chip clients including Lead Lease, Acciona, Watpac, Thales and the Australian Defense Force to name a few.

Matthew would be happy to participate in further consultation on this matter in the future if required.

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