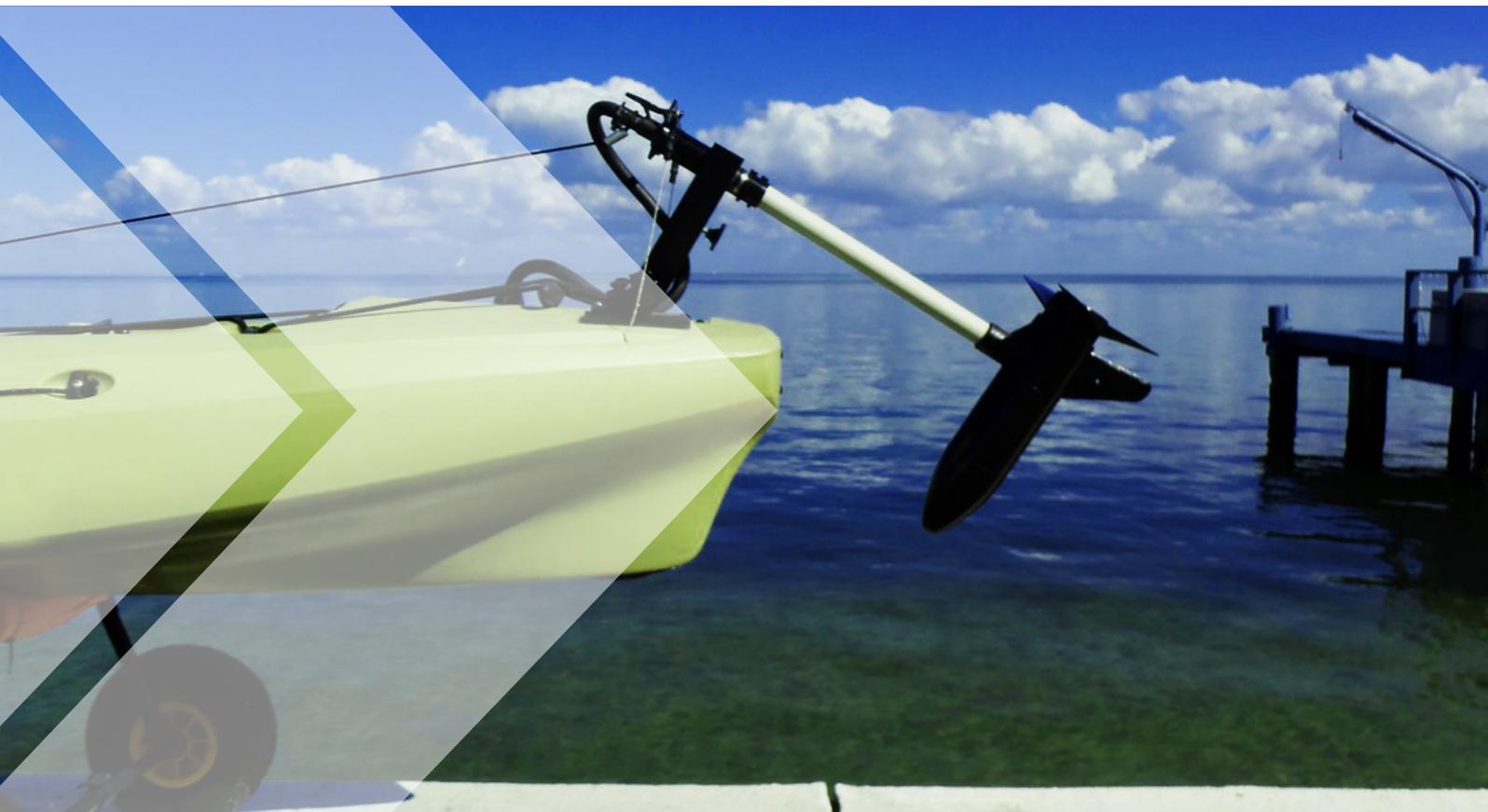


Consultation:  
Trial exemption from registration and licensing  
requirements for low-powered paddle craft





Contents



<b>Introduction</b>	<b>3</b>
<b>Context</b>	<b>3</b>
<b>Regulatory requirements</b>	<b>3</b>
<b>Interstate comparison</b>	<b>4</b>
<b>Safety considerations</b>	<b>4</b>
<b>Scope of the proposed trial exemption</b>	<b>5</b>
<b>Safety equipment</b>	<b>6</b>
<b>Length of the proposed trial</b>	<b>6</b>
<b>How to submit feedback</b>	<b>6</b>

## Introduction

In 2016 the Red Tape Commissioner requested the Director, Transport Safety (**Safety Director**) to review the requirements applicable to kayaks and canoes fitted with low powered electric motors. The Red Tape Commissioner noted that in other eastern states certain low-powered vessels are either exempt from registration and licensing requirements or these requirements do not apply. The Safety Director subsequently undertook a review into these requirements.

This consultation paper has been prepared to seek feedback on a proposed trial exemption from vessel registration and marine licensing requirements for owners and masters of low-powered paddle craft. The views and comments received from stakeholders in response to this paper will be taken into consideration in deciding whether to proceed with the trial and in determining its scope and duration.

As Victoria's maritime safety regulator, Transport Safety Victoria (TSV) is seeking feedback on the questions set out in this document as well as any other general comments interested parties may have in relation to the proposed trial.

## Context

The use of paddle craft such as kayaks and canoes is becoming increasingly popular in Victoria. A recent survey commissioned by TSV has indicated that 644,000 (or 14 per cent) of Victorians had used a paddle craft at least once in the past 12 months.

TSV has also observed that more paddle craft users are seeking to fit small motors to these vessels, for example a trolling motor on a kayak to assist with fishing. This has resulted in a potentially higher risk for these types of vessels.

## Regulatory requirements

The *Marine Safety Act 2010* (Vic) and *Marine Safety Regulations 2012* (Vic) require all powered vessels, including kayaks and canoes fitted with a motor, to be registered (\$40.40 per year), carry specified safety equipment and for the operator to hold a marine licence (\$34.90 per year).

The purposes of registration and licensing under the *Marine Safety Act 2010* are to:

- enable powered vessels operating on Victorian waters to be regulated for reasons of safety
- ensure that persons in charge of these vessels are competent masters and aware of safe operating practices and relevant marine safety laws.

However, the suitability of these requirements and the extent to which their purposes are being achieved in relation to low powered paddle craft is worthy of further consideration.

## Interstate comparison

The registration and licensing requirements for low-powered vessels, including paddle craft, in other states are set out in the table below.

**Table 1: Registration and licensing requirements across jurisdictions**

State	Registration requirements	Licensing requirements
NSW	Vessels are exempt from registration if the engine output is less than 4 kilowatts (5 horsepower) and the vessel measures less than 5.5 metres in length	Persons are exempt from the requirement to hold a marine licence when operating a powered vessel at a speed of less than 10 knots
Queensland	Registration requirements do not apply if the engine output is less than 3 kilowatts (4 horsepower)	Persons are exempt from the requirement to hold a marine licence when operating a powered vessel with an engine output of less than 4.5 kilowatts (6 horsepower)
South Australia	Persons can apply for an exemption from registration if operating a kayak with a motor of no more than 150 newtons (2 horsepower)	Persons can apply for an exemption from the requirement to hold a licence if operating a kayak with a motor of no more than 150 newtons (2 horsepower)
Tasmania	Vessels are exempt from registration if the engine output is less than 4 horsepower (3 kilowatts)	Persons are exempt from the requirement to hold a marine licence when operating a powered vessel with an engine output of less than 4 horsepower (3 kilowatts)

## Safety considerations

TSV's review of the registration and licensing requirements for low-powered electrically-propelled paddle craft (**the review**) considered the following safety issues arising from the potential removal of these requirements.

1. Loss of ability to suspend the registration of an unsafe vessel or cancel the marine licence of a person deemed to be incompetent.
2. A reduction in interaction with operators and licence-holders by way of the marine licence and vessel registration renewal process, including the dissemination of important safety information with renewal papers.
3. A reduction in safety awareness among people affixing motors to paddle craft, which could result in owners affixing motors to their vessels in an unsafe manner – for example in a way that compromises the integrity of a vessel so that it is no longer watertight.
4. A rise in the number of low powered kayaks, canoes and other paddle craft being operated across Victoria which, while representing significant health benefits for the operators, could also lead to an increase in fatalities and serious incidents involving these vessels.

According to data collected by TSV, there has been an overall increase in the number of paddle craft fatalities in recent years, and most of these incidents have involved human powered vessels. The increase is attributed to a number of factors including persons being submerged in cold waters, inappropriate PFD wear, unsuitable or unsafe vessels and persons operating the vessel without a means of raising an alarm (such as a mobile phone, flare, or distress notification device).

The findings of two recent studies commissioned by TSV into paddler behaviour also found that paddlers do not perceive their activity to be high risk. Inexperienced paddlers, in particular, are not employing risk management techniques.

However, TSV's review identified that registration and licensing may not be the most appropriate intervention by which to address these behaviours and risks. Instead, these issues are best dealt with by the provision of targeted information and education about the risks associated with paddling, and the importance of wearing a lifejacket and having a means of raising the alarm.

### Questions:

1. Are registration and licensing appropriate mechanisms to address the behaviours and risks which are associated with low-powered paddle craft?
2. What are the most suitable mechanisms for dealing with these risks?

## Scope of the proposed trial exemption

TSV considered various factors during the review, including the size of motor, type of vessel, maximum speed and any potential enforcement issues.

After due consideration of the options, it is proposed that the trial exemption apply to kayaks and other paddle craft (such as canoes) which are fitted with a small electric motor of up to 40 pounds thrust powered from the engine, and are capable of travelling at a speed of no more than 5 knots. Electric motors that are considered to be equivalent in size are 400W and 1Hp. The 5 knot speed capacity is intended to provide a limit to the maximum power installation included within the scope of the trial exemption.

The motor and speed limits have been determined on the basis that low-powered paddle craft are a low risk operation. TSV's discussions with industry representatives to date have indicated that 40 pounds thrust is the largest motor which can safely be attached to a small kayak. The pounds thrust measurement is recommended as sales representatives have indicated that most small electric motors are sold in this measurement.

A motor of this size will only allow the vessel to travel at a speed of up to 5 knots, which is the approximate fastest speed at which a reasonably fit person would be able to paddle.

Limiting the maximum speed to 5 knots will also mean that the vessels stay within waterway speed and distance rules. This reduces the potential impact on other waterway users.

For effective enforcement activities to occur, it is proposed that to qualify for the exemption owners and masters of vessels will be required to provide basic details, including their name and the size of the motor on their vessel. The information can be submitted either through TSV's website or through a form provided by TSV via mail on request.

Once the information is provided, TSV will generate a written statement notifying that person that they are exempt, which can be displayed on a smart phone or printed out and stored in a waterproof pouch.

TSV recently undertook on-water tests of two kayaks fitted with a motor of 33 pounds thrust to assess their performance on the water. It was found that while the powered vessels could travel faster than a human powered vessel, the increased speed capacity was not significant.

However, the life of the battery decreased sharply as the speed increased. When the kayaks were operated at full speed, the life of the battery was only 45 minutes; when the speed was decreased to 3km/hr (1.62 knots) the life of the battery was 12 hours. Vessel operators will lose the ability to travel with the motor once the battery is flat.

It is therefore intended as a condition of the proposed exemption, that an alternative means of propulsion (such as a paddle, a pair of oars or a pedal mechanism) must be carried at all times.

The trial exemption is proposed to be limited to paddle craft fitted with electric motors, as vessels fitted with petrol motors require the carriage of flammable fuel, and provide sufficient power for the vessel to travel at speeds faster than 5 knots.

### Questions:

1. Do you agree with TSV's preferred option to limit the proposed trial exemption from registration and licensing requirements to kayaks and canoes fitted with low powered electric motors of no more than 40 pounds thrust, powered from the engine? Would you prefer an alternative option? *Note 40 pounds thrust is equivalent to 400W or 1Hp.*
2. Do you believe that the proposed trial exemption should be limited to vessels travelling at no more than 5 knots?
3. Have you operated a kayak or canoe fitted with low powered electric motor of 40 pounds thrust or less? If so, were you able to travel much faster than 5 knots?
4. What were your observations on the life of the battery when operating these vessels?
5. Do you think requiring masters of low powered paddle craft to carry an alternate means of propulsion at all times is appropriate?

## Safety equipment

As part of the review, TSV considered safety equipment requirements for low-powered paddle craft in comparison with the safety equipment requirements for human powered paddle craft.

The review determined that most of the additional prescribed safety equipment for low-powered paddle craft, such as a fire extinguisher, is impractical and unnecessary. Therefore during the course of the trial, it is proposed that masters will only be required to ensure their vessels are fitted with the safety equipment prescribed for human powered paddle craft – in addition to a means of raising the alarm, such as a mobile phone in a waterproof pouch. Persons operating vessels on coastal waters more than two nautical miles from the shore will still be required to carry a marine radio as is currently the case because of the attendant risks when travelling in these areas.

### Questions:

1. What do you think of the current safety equipment requirements for low powered paddle craft?
2. Do you think the proposed safety equipment requirements are appropriate?

## Length of the proposed trial

It is proposed that the trial exemption be conducted for 12 months, which would give TSV and other enforcement agencies, such as the Water Police, sufficient time to monitor the effects of the trial and determine its effectiveness.

### Question:

Do you agree with the proposed 12 month duration of the trial?

## How to submit feedback

Submissions close on 13 April 2017

### Feedback can be provided by:

Email: [information@transportsafety.vic.gov.au](mailto:information@transportsafety.vic.gov.au)

Fax: 03 9655 6611

### Or in writing to:

Transport Safety Victoria

PO Box 2797

Melbourne Vic 3001