

Annual Report of the National Inland and Offshore Committee (NIOC)

July 2011

Regulatory work opposite SAMSA

In early 2010 a draft revision of Marine Notice 13 of 2007 was circulated to all the small vessel authorised agencies. From a sailing perspective this draft was disastrous. The most extreme problems with this draft proposal were:

1. For sailing vessels the cut off for certificates of competence and certificates of fitness was reduced from 9m to 3m. For power boats the cut off was reduced from 15HP to 5HP. A Dabchick would require a CoF and the skipper would require a skipper's ticket.
2. Any sailing boat without a buoyancy certificate (this would include almost all keelboats) would require a life raft at sea even for day sailing.

SAS was the only authorised agency that opposed these changes. By consistently pointing out the absurdity of these proposed changes and the comparison with other countries SAS has finally convinced SAMSA that these proposals were unworkable. In June 2011, Marine Notice 13 of 2007 was replaced by Marine Notice 13 of 2011. All the changes unfavourable to sailing have been removed.

Many at SAMSA have come to suspect that some of these proposed changes were driven by financial greed at one or two agencies who saw an opportunity to increase revenue by imposing a higher level of regulation on SA recreational boating.

Regulatory work opposite the City of Cape Town

As if the regulatory threats at the national level were not enough, the City of Cape Town published a draft by-law at the end of February 2011 which was aimed at regulating boating and the general use of inland waters under their control. The draft threatened to impose an additional level of bureaucratic and in some cases absurd regulation on the already over-regulated recreational boating. Some of the more extreme requirements were:

1. In addition to the existing licencing of recreational vessels imposed by SAMSA regulations, recreational vessels would also have to be licenced by the City of Cape Town.
2. The by-law created a list of safety equipment different from the list in the SAMSA National Small Vessel Regulations.
3. The by-law selected individual rules from the International Regulations For the Prevention of Collisions at Sea (IRPCS), creating a subset of rules with internal inconsistencies and in conflict with the IRPCS.

SAS assembled a working team with representatives from ZVYC, IYC, MAC, UCTYC and SAMSA and drafted a submission to the City of Cape Town. We subsequently met with the authorities concerned. We were able to convince them that recreational boating in South Africa was already more regulated than anywhere else in the world, and that creating a kaleidoscope of municipal regulations on top of national regulations would be truly disastrous for recreational boating. We supported those aspects of the regulations which were aimed at protecting the environment, but argued that the municipal regulations should leave the issue of boating safety

and licencing to the national regulations. This argument was eventually accepted and we have seen a second draft which has addressed all of our objections. Unfortunately a new safety requirement about windsurfing has crept in and will have to be addressed.

It is clear from these experiences that the regulatory mind set in SA at this time places a heavy burden on sailing and recreational boating.

International Acceptability of the SAS Certificate of Competence (Skippers ticket) and the International Certificate of Competence

Many South Africans pay very substantial premiums to attend RYA schools and get RYA certificates of competence. The funds flowing in from this process are a major source of revenue for the RYA. The wealth of the RYA allows them to employ a full time staff of professional sailors who lobby government to ensure that UK legislation is favourable to yachties and generally promote the advancement of competitive and recreational sailing in the UK.

One of the major reasons for SA recreational sailors to go the RYA route is the perception that the RYA certificate is more acceptable than the SAS ticket. In the case of recreational tickets there is little to support this view.

However last year for the first time we had reports that the SAS recreational tickets were being questioned by the Croatian authorities. SAS contacted the Croatian Ministry of the Sea and supplied them with a comprehensive pack covering the SAS syllabus and examination systems. Acceptance of the SAS recreational ticket was formally published on their web site in June last year.

It is becoming common for charter companies in the Mediterranean to ask for the International Certificate of Competence (ICC). Even the RYA recommends that its members get an ICC for cruising or chartering in many parts of Europe. The ICC qualification was created by Resolution 40 of the United Nations Economic Commission for Europe in order to facilitate tourism within Europe. It was originally intended for use only by those UNECE countries who accepted Resolution 40. However SAS has worked with the UNECE and more recently with SAMSA on this issue. At a UNECE meeting in February this year it was agreed in principle that acceptance of Resolution 40 by the South African maritime authorities would be favourably considered. We then persuaded SAMSA to write formally to the UNECE accepting Resolution 40 on behalf of South Africa and proposing that SAS be authorised to issue ICC certificates to holders of the SAS Day Skipper Certificates or higher certificates. This proposal has now been accepted formally by the UNECE.

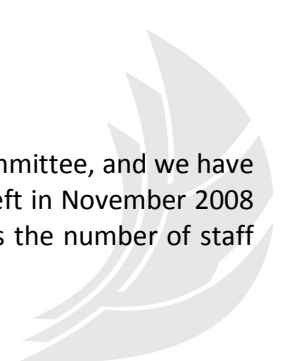
We still have to work through the details of the implementation of the ICC with SAMSA but we should be able to issue the ICC within the next few months. South Africa will be the first country outside the UNECE to be authorised by the UNECE to issue the ICC. We have to say a big thank you to Captain Dave Colly of SAMSA and Mrs Azar Jaimurzina of the UNECE for their help in finding a way through the various legal and bureaucratic obstacles along the way.

A quid pro quo of course is that SA will recognise the ICC in South Africa, but only in the case of foreign visitors for a period of three months.

SAS' authorisation to issue the ICC on the back of a SAS ticket should go some way towards assuring the recreational sailor that his SAS ticket is internationally acceptable. However we would like to take this further and have talked to ISAF about ISAF accreditation. Currently ISAF have no accreditation process for skippers certificates of competence but are receptive to a proposal in this regard. Rob Holden will be attending the annual ISAF conference in November and we will take this opportunity to put forward a proposal.

Costs

The costs of offshore services – Listings, CoF's and CoC's – are a concern to the Offshore Committee, and we have attempted to contain costs at every opportunity. When Sandy Ostendorf (now Samways) left in November 2008 she was not replaced. When Robyn Africa left in August 2009 she was not replaced. Thus the number of staff



involved in offshore activities has reduced from 4 to 2. However without good database systems operating at this reduced staff level has been barely sustainable.

In order to enhance productivity and the robustness of the SAS database, computer based systems are being introduced to cover CoL's, CoF's and CoC's. The first phase will go live in July, and the remaining two phases should be complete well before year end. This will create a platform for further developments which could enhance productivity and the service to our members.

The cost of office accommodation in Cape Town has also been a concern as 50% of this cost is allocated to 'Offshore' and has to be recovered through the charges for certification. The lease on No 14 Melrose Close expired at the end of June. We have found very suitable office accommodation at a saving of some R7000 per month. Half of this saving will accrue to "Offshore" and will help us limit future inflationary price increases.

The road ahead

Recreational sailing in SA is more regulated than elsewhere in the world. Many countries still do not require a CoC for recreational sailing and we are not aware of any country that requires a CoF for a recreational sailing vessel. However many yachties have come to see some benefit in the system of CoC's and CoF's and some even regard them as necessary in a SA context.

However the cost and bureaucracy of going foreign or owning a yacht in a foreign location is a major stumbling block for SA sailors. We have begun to place this issue on the agenda at SAMSA and there is a level of sympathy for our position. First prize would be a simple on line registration as is done in the UK. Third prize would be some appropriate relief on some of the questionable requirements for registration such as the requirement to pull the prop shaft and blue the taper.

Some of the key objectives for the offshore committee are:

1. Ensuring that any changes to the 2007 National Small Vessel Regulations are favourable to sailing and strike a sensible balance between safety, bureaucracy and cost.
2. Improving the credibility and international recognition of the SAS skipper's ticket.
3. Commissioning internet based computer systems which improve the service to SAS members, enhance the robustness of our data base and reduce operating costs.
4. Addressing the cost and bureaucracy of going foreign for racing and cruising or owning a yacht in a foreign location.

In conclusion I would like to thank the many people involved in the affairs of the SAS National Inland and Offshore Committee – the SAS staff, the safety officers and safety surveyors, the examiners and the members of the offshore committee - for the huge contribution they have made to sailing in the last year.

Jannie Hofmeyr

Chairman, SAS National Inland and Offshore Committee

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