



Transport
for NSW

Centre for Maritime Safety

Personal Watercraft Stakeholder Forum

Summary report



Monday 22 August 2016

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1 Introduction

On 16 December 2015, in response to dangerous and anti-social behaviour by some personal watercraft (PWC) riders, the Minister for Roads, Maritime and Freight introduced amendments to the *Marine Safety Act* through the *Marine Legislation Amendment Act 2016*

The new measures have been introduced to address dangerous and menacing behaviour by a minority of PWC riders where NSW Police and RMS have the power to seize and dispose of vessels in cases or repeated inappropriate behaviour. Cameras in problem areas to aid in the enforcement of compliance will also be installed. These measures are aimed at improving water safety and protecting the amenity for all waterway users. The changes will be in place for the 2016-17 boating season.

KJA was engaged by Transport for NSW to facilitate a stakeholder forum to discuss the behaviour of PWC riders and develop ideas to inform and shape strategies to respond to anti-social and unsafe behaviour on the waterways of southern Sydney. The forum was held on Monday 22 August 2016 at the NSW State Library.

This report summarises the outcomes of the forum, including the concerns and priorities of stakeholder groups as well as communications and engagement opportunities to address dangerous and anti-social behaviour by a minority of PWC riders.

2 Consultation methodology

The purpose of the forum was to:

- inform stakeholders of the legislative response and its background
- facilitate information sharing
- assist in developing a coordinated education and awareness effort.

2.1 Forum objectives

The objectives of the forum were to;

- Discuss some activities and actions that could address anti-social behaviour and promote safe responsible use of PWC.
- Discuss the specific waterway issues at the Georges River, Botany Bay and Port Hacking.
- Capture key learnings, suggestions and ideas to assist in shaping strategies to apply on these waterways and to also apply, where appropriate, in other waterways in NSW.

2.2 Forum attendees

The forum brought together a number of major stakeholder groups from government, industry and the community – including a kayaker who had been seriously injured by a PWC in 2015.

The forum emphasised the need for collaboration between stakeholders in order to generate shared solutions that support education and the coordinated implementation of communication about legislation and stricter riding conditions in the coming 2016-17 boating season.

The following organisations were represented:

Transport for NSW
Roads and Maritime
NSW Police Force – Marine Area Command
Marine Safety Queensland
NSW National Parks and Wildlife Service
Georges River residents
Industry groups including retailers, manufacturers, the Boating Industry Association, a PWC riders representative and the Australian Boating College

2.3 Forum agenda

The forum included a series of presentations to highlight the diverse perspectives of stakeholder groups, a facilitated discussion and group exercises.

The group discussions and exercises provided stakeholders with the opportunity to share their collective experiences and knowledge. Stakeholders were made aware that their input would be crucial in shaping strategies to address the behaviour of those who flout or ignore the law, or are complacent about riding PWC safely and responsibly.

3 Presentations from stakeholder groups

There were presentations from several stakeholder perspectives – and are summarised as follows:

3.1 Rider perspective

The PWC rider perspective was provided by person with years of experience riding a PWC and advocate for safe PWC use.

The rider represents the PWC sector in the Recreational Vessels Advisory Group, established to provide advice and expertise to the Centre for Maritime Safety and RMS. The rider expressed his interest in working to improve communication and education around safety as well as the perception of PWC riders.

The rider reminded participants that legislation to ban PWC from Sydney Harbour was introduced in 2001. Although not an advocate for reintroducing PWC back into Sydney Harbour, the rider is an active spokesperson for rider interests. He told forum attendees that it is a minority that deliberately ride dangerously.

The rider suggested several initiatives to combat the problem and emphasised the need for education of riders. He cited the courtesy rider program, initiated in 2004, which has been successful in achieving some behavioural change in NSW, ACT and Victoria. (The rider provided the forum with sample packs of the educational materials).

The rider said that he had worked with Councils to develop a new boating education program and had also partnered with the Victorian Police to develop an educational DVD about the safe and respectful use of PWC. The rider had also worked with PWC dealers and rider clubs, and had spoken to members of the PWC community drawn together at organised 'beach days'.

3.1.1 Areas of interest/priorities

- For most riders, PWC use is about enjoyment and adventure
- Locations such as the Georges River are popular due to the river's length and its opportunities for leisure and adventure riding
- PWC are not only used at speed they are also favoured as a boat substitute in other water activities such as for recreational fishing
- PWC often travel in groups, and share the experience of being on the water with their like-minded friends
- There is a Facebook group for riders on the south coast, who use this platform to organise group trips for up to 12 riders.

3.1.2 Key concerns

- A minority of PWC riders don't care about riding PWC safely and responsibly
- Educational material and the way that it is presented needs to be reassessed

- A small proportion of PWC riders, including a minority at Brighton-Le-Sands, use PWC to 'show off' and attract attention to themselves

3.1.3 Communications initiatives

- More needs to be done on the education of PWC riders
- Concentrate education and information efforts at point-of-sale and when riders apply for a licence
- Handouts and educational information cards must include facts about speeds and where riders can ride
- Back-up the education response with compliance and enforcement.

3.2 Industry perspective

The industry perspective was provided by a representative from BRP Sea-Doo. The industry representative indicated industry is keen to work closely with other stakeholder groups to deliver strategies that will improve the safety of PWC activities.

The industry representative explained there has been an evolution in the products on the market and there are a diverse range of applications based on the type of PWC. The PWC industry has worked closely with regulators to develop a Code of Conduct for PWC use that has been rolled out in Victoria.

3.2.1 Areas of interest/priorities

- Majority of PWC purchases are for recreational use by families and/or groups of friends
- The three seater PWC is the biggest seller, with the two seater also popular
- High performance PWC come with responsibility and industry representatives endeavour to communicate this to buyers
- These vessels are sometimes used for 'aggressive riding'
- There have been developments in the PWC industry to improve safety including dual ignition keys, braking mechanisms etc.

3.2.2 Key concerns

- Educational campaigns should be national, not state-based
- Campaigns should be long term rather than run for a season or for an 18-month time span because education and generational behaviour change requires a long term approach

3.2.3 Communications initiatives

- Communications platforms such as Facebook and YouTube should be used more widely to deliver safety messages relating to PWC riding

- Courtesy ride programs and education programs should be implemented as part of a longer term and more strategic approach
- Communications need to be tailored specifically at operators and PWC riders

3.3 Community perspective

The community perspective was provided by a resident who lives on the Georges River, regularly comes into contact with PWC riders through his various uses of the river including boating, fishing and kayaking.

The resident suffered serious injuries in 2015 when a PWC travelling at speed hit his kayak. (His presentation included a short news video about his accident). The resident would like to see PWC banned from parts of the Georges River and has started a petition.

Over the years as a regular river user, the resident has been sprayed, abused and threatened by PWC riders. He said many other boaters and kayakers in the area have experienced the same treatment. The resident said that anti-social behaviour among a minority of PWC riders was endemic.

3.3.1 Areas of interest/priorities

- Improve safety for other waterway riders – including those using boats, dragon boats and kayaks

3.3.2 Key concerns

- PWC were first built to race and for tricks such as wave jumping, spraying, and doing “donuts” – all illegal activities and this culture is ingrained
- The river is too narrow for safe PWC riding – in some sections, the Georges River is not more than 100m wide with moored boats further constricting the passage of other vessels
- There will always be rogue riders who will refuse to change their attitudes or behaviours
- Unlike car or motorcycle use, there is no learners permit or speed limit for PWC riders when they first receive their licence.

3.3.3 Communications initiatives

- Make the vessel disposal process public with a dumping facility at Revesby Beach to make an example of those who do not comply with regulations
- Increase fines and improve education and enforcement – including more compliance officers on the water

3.3.4 Success: A reform case study

The Centre for Maritime Safety presented a case study which drew parallels between the anti-social behaviour of PWC riders and dangerous motorcycle behaviour in the Royal National Park.

A number of road safety issues attributed to high risk and anti-social behaviour such as speeding, illegal overtaking, intimidation and crossing double lines, had been observed in the Royal National Park. As a result, there had been community complaints, near misses, crashes, injuries and fatalities.

Addressing these issues was particularly challenging as the Royal National Park had restrictions preventing usual interventions and road treatments such as realignments, widening, the installation of fixed speed cameras, tree removal etc. To reach the target audience - primarily young thrill seekers - a combined/education/enforcement/compliance strategy was deployed.

TfNSW worked with residents, NSW Police, National Parks and RMS. They also consulted with advocates and influencers within the motorcycle industry and among motorcycle groups.

Initiatives taken included:

- Special outdoor onsite breakfast BBQ talks – face-to-face consultation with industry and motorcyclists
- Targeted communications and engagement activities
- Improved and increased high-visibility enforcement including opening extra road bays for NSW Police
- Lower speed limits in some areas and clear zones in areas to improve safety for other road users.

Although there are still ongoing issues, the measures taken have facilitated significant progress including a reduction in crashes and complaints.

3.4 Government perspective

3.4.1 Transport for NSW

The Principal Manager of the Centre for Maritime Safety presented an overview of the role of the Centre for Maritime Safety within TfNSW in the PWC reform approach and reiterated the need for a coordinated response.

The Centre for Maritime Safety is responsible for ensuring maritime safety across the state and reports to the Minister for Roads, Maritime and Freight, Duncan Gay. It was explained that the Minister is an advocate for the safe use of waterways for all.

The Centre for Maritime Safety has been modelled on the Centre for Road Safety and is responsible for strategic policy, legislative reform, marketing campaigns and key stakeholder relations for the maritime program in NSW. The Centre works closely with RMS which is responsible for operational and service delivery, direct engagement and on-water compliance programs. Partnerships with key stakeholders including industry, the community, NGOs, Local Government, Government Agencies and the NSW Police are crucial to the delivery of maritime safety.

The new legislative framework including the introduction of compliance cameras were explained.

Reasons for the new measures include:

- PWC and boat registrations are increasing
- PWC requires skill to operate safely due to a combination of engine power and no braking or stopping mechanisms on most craft
- High concentrations of reckless behaviour in certain areas
- 634 penalty notices and 640 formal warnings issued in the Botany Bay and Georges River areas in the 2015/16 boating season
- 51 per cent of all penalty notices issued in the area were for PWC riders – with the most common offences being speeding, irregular riding and unlicensed riding
- 25 per cent of PWC riders subjected to compliance checks in the Botany Bay and Georges River areas did not comply with safety regulations
- Community research suggests that unsafe behavior is the most important issue for residents and waterway riders in the Georges River area
- 45 per cent of local residents and waterway users have witnessed or perceive antisocial behavior of riders including high noise levels.
- Community demands for a safer environment rather than an outright ban
- A shared desire among government, industry, riders and community for a long term and sustainable solution

The new measures aim to target those who don't respond to the usual enforcement or awareness campaign/education methods. The *Marine Legislation Amendment Act 2016* includes the following:

- A shared desire among government, industry, riders and community for a long term and sustainable solution
- A new offence for operating a vessel in a menacing manner
- New measures to deal with dangerous and menacing "hoon" behavior
- New powers to put up camera surveillance for enforcement purposes
- New owner liability and nomination scheme for specified offences recorded by camera

New 'hoon' powers are as follows:

- The new offence of operating a vessel in a menacing manner carries a penalty of up to \$3,300 or imprisonment for 18 months or both
- New "hoon" sanctions will apply when:
 - There is a death of, or grievous bodily harm to, another person caused by the use of a vessel, being an offence that comprises the crime of murder or manslaughter
 - A vessel is operated recklessly or at a speed or in a dangerous manner
 - A vessel is operated in a menacing manner
- New "hoon" sanctions include:
 - Seizure and impounding of a vessel for a first offence (vessels to be impounded for 3 months i.e. for most of the boating season)
 - Vessels used in a second offence in a five year period to be forfeited

- Forfeited vessels to be sold or disposed of by the Crown
- Restrictions imposed on the transfer of ownership of vessels used in “hoon” offences to prevent offenders avoiding responsibility

3.4.1.1 Installation of compliance cameras

A new compliance camera program for enforcement purposes based on the NSW roads operating model will be introduced. This program will aim to facilitate increased and targeted enforcement and will also aim to be a deterrent to riding dangerously/anti-socially particularly when compliance officers are not present.

Drawing on some insights from the NSW road camera experience, TfNSW, with RMS support, are working to implement the new camera scheme from October 2016.

Camera recorded evidence will be able to be used for enforcement of the following offences:

- Using a vessel in a menacing manner
- Operating a vessel negligently, recklessly or at speed in a dangerous manner
- Exceeding the speed limit
- Not keeping a safe distance from other vessels, people, land and structures
Causing damaging wash
- Operating an unregistered vessel
- Operating a PWC in breach of regulations.

New provisions to aid compliance include:

- Interstate licence holders will be required to produce their licence if requested
- A new offence for assaulting, threatening or abusing an authorised officer
- New powers to immediately suspend a boat license for a serious offence.

To implement these new measures, TfNSW has been working with their partners, including RMS to:

- adopt an approach which combines education and compliance
- implement a refreshed, targeted behaviour change campaign
- promote increased use of the RMS community hotline – the mechanism the community can use to report dangerous and unsafe PWC behaviour;
- continue to monitor and evaluate PWC use
- evaluate the impact of the new measures on fines, warnings, and incidents and accident rates through data analysis.

3.4.2 Roads and Maritime

The General Manager of RMS provided an overview of past compliance measures and results as well as the proposed new initiatives.

The 2015/2016 Summer PWC Compliance Campaign was run between December 2015 and February 2016 and focused on the Georges River and Botany Bay. Between 18 December 2015 and 1 April 2016:

- 1600 PWC compliance checks were carried out
- 189 PWC penalty notices were issued (higher than previous years)
- 100 formal warnings were issued
- 67 PWC exhaust defect notices were issued

The compliance campaign included the introduction of new and more visible signage and speed restrictions; upgrades to a number of navigation aids; additional patrols; and the redistribution of resources based on need.

The Georges River area was also targeted during RMS' seven state-wide Operation Boat Safe campaigns.

The General Manager said RMS had moved to address repeat offenders and part of this work had included sending 14 repeat PWC offenders warning letters.

In response to the campaigns, new initiatives have been planned for the future and are as follows:

- Recruit two additional Boating Safety Officers
- Install additional signage to assist PWC operators and compliance officers
- Install additional compliance cameras

3.4.3 NSW Police

A Senior Sergeant from the NSW Police Force spoke about common enforcement issues including obstacles to enforcement. NSW Police are working with a number of organisations including RMS, NSW National Parks and Wildlife Service, PoAir, Public Order and Riot Squad, Traffic Command and the Middle Eastern Organised Crime Squad. Extensive resources have been dedicated to addressing this issue.

It was suggested that there are two groups within non-compliant PWC riders. The first is those who show off or take risks and the second is those who have a flagrant disregard for the law. Only the first group will respond to compliance enforcement efforts.

A key challenge is the community resisting to report anti-social behaviour as this requires them to provide a witness statement to be used as prosecution evidence. Many people fear this will put them in danger.

The Senior Sergeant emphasised the importance of stakeholders providing information particularly from the community, to assist in prioritising resources and enhancing the calendar of targeted covert and overt enforcement campaigns.

The Senior Sergeant reiterated that a minority were responsible for anti-social PWC riding.

4

Discussion themes

Key discussion themes raised throughout the forum were follows:

4.1 Engagement and communications

The most recent legislative reform provided an opportunity for new engagement, and an opportunity to communicate strongly about the community expectation for PWC behaviour and the measures to address issues relating to illegal PWC use.

It was agreed that the issue is isolated to a minority of PWC riders rather than the entire PWC community. It was suggested that communications should also highlight the positive side of the industry. It was acknowledged that engaging with the minority and addressing their anti-social behaviour difficulties is a communications challenge.

4.2 PWC use and subculture

There has been a significant increase in new registrations of PWC across NSW, and over the past four-five years, PWC riding has increased by 50 per cent. For every PWC ownership registration, there is on average four rider licences associated with the one vessel.

A minority of PWC riders are part of a subculture that is disrespectful, anti-social, dangerous, aggressive and known to Police. Industry stakeholders noted that in most cases, though not always, these customers ring alarm bells with retailers at the point of sale. Appropriate education at this point is therefore critical as a first step to informing the at-risk group of their responsibilities.

Industry stakeholders noted that while generally PWC riders upgrade every three-five years, the minority of riders who are part of the PWC 'subculture' tend to upgrade their craft every 12 months. This suggests that there is an opportunity to re-engage with this group every year, warning them of the implementation of new seize and dispose-of-craft powers.

It was noted that 65 per cent of infringements are issued to riders who are not the owners of the vessels they are using. It was further noted that repeat offenders are often law-breakers and as a result, familiar with police, the courts and/or prison.

While several workshop participants favoured expanding the road-based driver demerit scheme to take into account on-water breaches, TfNSW suggested it would involve considerable financial investment and was currently not in scope.

4.3 Wide spread issue

Although the anti-social behaviour of a minority of PWC riders on the Georges River and Botany Bay was the focus of discussions, it was acknowledged that the issue is not isolated to these areas nor to NSW. Another factor was that the disturbance caused by PWC misuse disrupted the passive enjoyment of many other people on or by the water.

4.4 Collaboration

A strategy for addressing the issue will need to be developed and implemented by Government, industry and community stakeholders to encourage compliance.

4.5 Impact on other people on or by the waterway

The issue of the safety of non-PWC riders was discussed in great detail throughout the forum. A local resident representative suggested that they did not feel the Georges River was safe for their grandchildren - an issue which needs to be addressed. It was suggested that both the PWC and boating community need to develop a better understanding of speed limits (and adhere to them) to help ensure the safety of all waterway riders because water craft of all types were proliferating.

One participant noted that even when PWC riders were not breaking the law, they travelled in large groups creating noise and inconvenience to other waterway riders.

Noise complaints have also been associated with earlier PWC models and modified vessels but industry representatives said that newer vehicles were quieter. Recently, a campaign was launched to address modified PWC, including those that have been adapted to be noisier. The campaign saw a decrease in noisy PWC by the end of the 2015/2016 boating season.

4.6 On-water measures

NSW Police and RMS boating safety officers described the logistical challenges of pulling up individual riders amongst large groups of PWC riders to check licences or issue infringement notices. From their experience, it was not uncommon to be offered on-the-spot cash payments for \$500 fines. They also reported that suspected offenders were well networked and alerted each other by mobile phones to clear the area when authorities were approaching.

All arms of compliance and enforcement represented at the workshop emphasised the importance of intelligence gathering and following patterns of behaviour as a way of anticipating where and when the high-risk and dangerous behaviour would occur and who was likely to be involved.

4.7 Information gathering and data collection

The importance of the community telephoning the RMS hotline to report dangerous/unsocial behaviour was reiterated throughout the forum.

Community representatives stated that residents are reluctant to telephone complaints hotline because they:

- do not have enough specific information about rider identity e.g. they are unable to see the registration number
- feel that they will be intimidated or threatened if they report anti-social behaviour
- assume that a compliance officer will not be able to respond in time to catch an offender
- Feel the “13...” number will not deliver a result.

Enforcement and government representatives underlined again to community representatives the importance of using the phone line as both an immediate

response tool that also provides data to inform future enforcement strategies. They were encouraged to value and encourage other community members to use the hotline.

It was emphasised that the hotline enabled RMS/NSW Police to address issues immediately as well as to plan for and deploy resources to problem areas ahead of time. The data captured by the hotline provides data and intelligence to determine the allocation of resources and the direction of enforcement and strategy.

4.8 Long term strategy

Participants agreed it was important that a long term, robust and systematic strategy be developed to achieve generational behaviour change. One participant commented on the success of the 'buckle-up' seatbelt campaign, introduced in the 1960s. The need for consistent education was noted, acknowledging that campaigns should become more targeted over time.

One participant observed that campaigns were not run long enough to bring about generational change. A long term strategy (i.e. a five-10 year plan) would help to maintain the momentum of the campaign and enable generational behaviour change.

4.9 Funding

There was some discussion around funding initiatives to address anti-social PWC use, both in the immediate time frame and long term. One participant believed that the increase in PWC registration fees, which began in 2001, could be used to fund initiatives. Another suggested that licencing fees could be allocated toward funding the initiatives.

4.10 Strategic approach

Towards the end of the forum, there was a question about whether 'raising the bar' in relation to enforcement might cause a backlash and actually encourage more people to defy and flout the law. Participants were not so concerned about this and felt that the new measures would dissuade rather than promote anti-social behaviour as typical offenders are thrill-seekers and not particularly motivated to defy laws.

It was suggested that there may be an opportunity to create a special zone for PWC riders where they were clearly separated from other people on or by the water. Generally this idea was not supported with several making the observation that Revesby Beach has no speed zone and therefore, any 'speed' related offences will not be able to be issued.

5

Next steps – recommended actions

5.1 Public communication

- Include the consequences for unsafe and dangerous PWC riding and reiterate this is in response to the safety concerns of the community, the PWC industry, NSW police and water safety experts.
- Underline in public statements the importance of the community telephoning the 1-3xx hotline so RMS/NSW Police are made aware of unsafe PWC behaviour.
- Demonstrate the joint concern of industry and government about unsafe and dangerous PWC riding
- Survey PWC riders about their knowledge of the rules and regulations at the start and finish of the 2016 – 2017 seasons. Measure the change in understanding as a baseline. Repeat the survey and review findings in the 2017-2018 season.

5.2 Targeted PWC communication

- Encourage and support PWC industry efforts to supply all new and established PWC riders with information about the rules and regulations in English and community languages.
- Engage and inform at the point of sale new riders about the rules and regulations around PWC riding and the consequences for failure to adhere to these.
- Ensure that all written communication material is published in English and relevant community language. This means plainly understood information provided in appropriate languages.
- Install signage – fixed and mobile - at the water's edge and near jetties and popular launch about strong new penalties.
- Install signage – fixed and mobile – warning of camera surveillance.
- Initiate water's edge events that provide access to experts and educational material for PWC riders e.g. breakfast BBQs.
- Provide case studies of bad, good or changing behaviour to industry newsletters and social networks, always underlining what is expected of PWC riders, make the disposal process public.

5.3 Strategic communication and education

- Coordinate communications for consistency on all government, Ministerial and industry statements that are released to traditional media and social media.
- Leverage existing engagement channels, particularly to engage with hard to reach groups via:
 - Local Government

- NSW National Parks and Wildlife Service
- Community newspapers
- Consider joining with industry on endorsement of appropriate rider training and education programs.
- Partner with industry and other stakeholders and co-brand communications material that is aimed at PWC retailers and riders wherever possible.
- Emphasise safety as a key message, telling the story through the experiences of lawful PWC riders, industry spokespeople, kayakers and water riders, police and compliance officers.
- Assess the scope for government support of an industry-lead long term public awareness campaign about PWC/ water safety.
- Work with responsible riders to broaden their 'ownership' of the sport as an enjoyable, not a risk-taking activity.
- Encourage diversity with females and encourage them to take more of an interest in the sport as participants and as influencers of safe behaviour.
- Engage industry and rider representatives to champion peer-to-peer behaviour change and to advocate safe PWC use.
- Review existing PWC licensing and training requirements with a view to strengthening them and seek opportunities for education

5.4 Joint communication initiatives

- Develop and use key messages that are consistent and relatable.
- Promote safe PWC use in local communities in local languages.
- Seize the initiative to raise awareness of safe PWC use at the point of sale.