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Shadow Parliamentary Secretary for Environment
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Faulty Logic in ‘Hoon Boating’ Bill Legislative Assembly 26th November 2009

Mr MORRIS (Mornington) — Despite the somewhat gratuitous insult contained in the title of the bill — the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill — it actually relates to a great deal more than hoon boating. It covers port towage services, alcohol interlocks, fatigue management and the transfer of EastLink to VicRoads.

You might ask why EastLink is being transferred to VicRoads some 17 months after it was opened and why it was not transferred forthwith, but at least it is finally being transferred from the road construction authority to the road management authority.

The member for Polwarth has foreshadowed a number of amendments, and I would have welcomed an opportunity to comment on all of them, but given the government’s total mismanagement of the legislative program I must confine my comments to proposed new part 7A which is headed ‘Impoundment, immobilisation and forfeiture of recreational vessels’. The heading in the explanatory memorandum has ‘Hoon boating scheme’ in brackets, so those words will be enshrined in the legislation by way of the explanatory memorandum.

The first point I want to make is that users of personal watercraft are engaging in a legitimate recreational activity. The cost and accessibility of these craft means that a far greater number of people have access to boating. In terms of cost, the bar has been lowered. Boating is far more accessible to lots of families who otherwise would not be able to engage in the activity. It is a legitimate, reasonable and entirely decent activity.

There are a few senseless idiots; the estimates are put at between 1 per cent and 2 per cent, and that is about the limit. This legislation, and particularly the commentary from the minister, is all about tarring every user with the same brush. It is a legitimate, reasonable and decent recreational activity, and we should not be incorporating these sorts of pejorative and abusive terms in legislation.

The second point I want to make is about the contrast between the government’s approach in terms of legislation and education. On 21 December 2007 the Minister for Roads and Ports put out a press release relating to the courtesy rider program. He indicated that during the forthcoming weekend personal watercraft (PWC) riders would be advised to:

hold a boat operator licence with a PWC endorsement;
as they certainly should —
wear an approved personal flotation device;
operate in accordance with appropriate speed regulations;
always attach the ignition cut-out safety lines;
don't drink and ride;
obey all boating regulations and signs;
always consider other people.

For some reason best known to itself, the government has decided that we do not need education any more; we do not need to encourage people to do these things. We simply need to belt them over the head if they misbehave. I suggest that in every other program like this we have seen education programs that work, and on any night of the week you can see an education program for all sorts of things which is funded by Victorian taxpayers funds.

You need to set laws in place, but you need to balance that with an education program. Occasionally a big stick is warranted, but in this case the entire carrot has been tossed into the rubbish, and I think that is disappointing.

We are again creating offences that the government knows cannot be enforced. It is absolutely pointless having penalties without enforcement. They simply do not work no matter whether it is to do with licensing conditions, boating regulations or motoring regulations. If they are not enforced, people do not obey the rules. In this case the government is not providing resources. It is doing nothing other than creating a big stick which will not have any effect at all.

The wasted resources would have been much better deployed in completing the boating zones review. I have been advised by the Minister for Environment and Climate Change that rather than being completed this summer, that implementation could take up to five years.

Unless the government can provide the resources to enforce these laws, we are still going to have to put up with the few idiots who will continue to spoil a good day at the beach for all concerned.