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Marine Safety Bill – “A Gross Discourtesy...to the Parliament as a Whole”

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Mr MORRIS (Mornington) — What is proposed with the Marine Safety Bill 2010 is a new principal act — an act with the intent of providing a safe marine operating environment in Victoria.

It is a substantial piece of legislation, and I think comment has already been made that it is 355 pages, over 420 clauses and 3 schedules. It is a real doorstopper piece of legislation.

We now add to that three pages of amendments, and while there may well be some merit in the amendments — and I cannot pretend to have sat down and worked through the three pages since they were introduced to the house — I make the observation that I believe it is a gross discourtesy not only to the member for South-West Coast but to the Parliament as whole, particularly on a day like today when we have very limited debate opportunities, for the minister to waltz into the house and put down on the table three pages of amendments that we are expected to get across and consider in the context of a bill of this size.

Notwithstanding the size of the bill and the size of the amendments, I wanted to acknowledge that the member for South-West Coast and I received a comprehensive briefing on the legislation as it stood at that point. I appreciated at the time, and that appreciation remains, that we were assisted to get across the detail in that way, but as I have said, I am extremely disappointed with the actions of the minister, and I distinguish between the actions of the minister and the actions of the department in this matter.

Given the size of the bill it is a difficult task for members to get across the detail of the legislation and to ensure that the stakeholders that may be impacted are aware of all the details. Given the telescoped time frame we have to consider the bill, that is simply not possible.

I acknowledge that the bill follows a substantial period of consultation on the review of the old Marine Act and a substantial discussion paper. There were, I think, 400 submissions, including 200 submissions from individuals. Many options were considered in that discussion paper, as the member for South-West Coast indicated. Many of them fell by the wayside; some, I

suspect, more quickly than others. But — as is the nature of any discussion paper — it is exactly that, a discussion paper. It includes all sorts of things you may want to consider, and it obviously includes all sorts of things that do not find their way into the final bill. That is really the core of the issue in this matter.

Despite having a very extensive and, I think, good consultation process, at the end point the bill is lobbed in the front door and we are expected to deal with it and get it out again. It is not just about the 88 members of this house, it is about the community. It is about the thousands, probably hundreds of thousands, of Victorians who go out and get into their boats every weekend. It is about the substantially larger number of people who are about to get into their boats as the weather warms up, and those are the people who do not have the opportunity to have a say on the bill.

I certainly would have preferred that we work through the issues with users, that we do it with a draft bill — and this would have been, in either version, an excellent draft bill — but members should have the opportunity to work through the issues with those who use vessels, and the industry, and get it right. However, I accept that we are on a tight time frame to November and we need to deal with the matter, but it would be nice to be able to do it with a little more cooperation than we have received.

I also contrast the approach taken with this bill with the approach taken by the government in the implementation of the new boating zones. I last spoke on the new boating zones in October 2009 in this place. At the time I indicated that the final recommendations for the new boating zones had been published and comment was invited until 5 December 2008. It was on 15 October 2009 that I sought some speed in implementing the recommendations.

When we came to deal with the bill before us tonight I thought I would check to see how the new boating zones were progressing, because clearly no-one had managed to get them in place by the commencement of the 2009 boating season. I knew it was taking a while because Parks Victoria had to be involved with the former body, Marine Safety Victoria, but imagine my surprise to find when I went to the Parks Victoria website that none of the new boating zones had yet been implemented and two are promised for this month. This is 22 months after the final consultation closed. I would have thought it was a pretty open-and-shut case, yet it has taken almost two years to get these things implemented.

A little less haste on the Marine Safety Bill and a little more speed in introducing the new boating zones, I would suggest, would have been a much better outcome for not only the users of recreational craft but all water users, including swimmers. There would have been a much better outcome altogether on both fronts.

This is, as I said at the outset, a substantial piece of legislation intended to provide for safe marine operations in Victoria. It imposes, and I think the

member for Rodney commented on this, a range of safety duties on not only people like owners, managers, designers, marine safety workers, masters of recreational vessels and people who have traditionally been required to behave in an appropriate manner but also extends, and it is a useful extension, to passengers and users of recreational vessels.

The bill also provides for the licensing of masters of recreational vessels and hire-drive vessels. It provides for the regulation and management of the use and navigation of vessels on state waters. That regulation and management includes substantially increased enforcement powers, impoundment powers, immobilisation provisions, seizure provisions, forfeiture provisions and procedures for the disposal of vessels.

It requires the port management bodies to engage harbour masters and assistant harbour masters. It provides for the pilot service which is obviously a critical service in an area like Port Phillip. I have had the privilege of going out on a pilot boat and seeing specifically how the pilots operate. They are a very important part of our commerce, and the provisions in the bill are appropriate for that. The bill also deals with the need for compliance with nationally agreed standards on a range of matters. As I have said, it is a substantial bill. The whole series of legislative reform undertaken in the transport sphere seeks to achieve consistency, and that is a more than reasonable objective, but unfortunately a number of provisions appear to have been lifted directly from the road safety legislation and some fit better than others.

It is probably fair to say that the same very few idiots who cause problems on the roads are causing problems on our waterways. Obviously with an electorate like Mornington I am very much aware, like most of the members who have spoken tonight, of the difficulty we have with a few idiots on the water and the risk they pose to the community.

I still think the hoon boating bill was a gratuitous insult and swipe at largely law-abiding personal watercraft users, but it is one thing to have laws and another thing to enforce them. The fact is we have a chronic inability in this state to enforce the laws we have in place. No doubt the refusal of the government to adequately fund enforcement activities in the marine area has led to the decision to issue fines to the owners of craft rather than try to catch offenders in the act. It may well help the situation but it is a secondary measure, rather than an attempt to nip bad behaviour in the bud and stop potential incidents.

I repeat my concerns about the government's amendments, and I will certainly be supporting the amendment proposed by the member for South-West Coast.