



DAVID MORRIS MP

**Member for Mornington
Parliamentary Secretary for Local Government**

Marine Safety

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Mr MORRIS (Mornington) — I am pleased to have the opportunity to speak on the Transport Legislation Amendment (Marine Safety and Other Amendments) Bill 2011.

Dr Napthine — Hear, hear! It is an important bill.

Mr MORRIS — It is a very important bill, as the Minister for Ports has just said. It is a package of measures covering a range of areas, including the facilitation of marine operations.

It is an extension of the hoon boating scheme, particularly in terms of marine wildlife offences, and I will come to that shortly. It is about the improvement of the management of our ports, and it is about bringing in enforcement in regard to offences that might occur in the environs of a port within the transport safety infringement framework.

The Marine Safety Act 2010 was passed by the Parliament in September of last year. It was a bill of substance, certainly in the physical sense; it was 355 pages long and contained 420 clauses and 3 schedules. At the time I described it as a doorstop. As a final insult to the Parliament, there were three pages of amendments once the bill was introduced.

The now Minister for Ports, who was then shadow minister, and I were briefed on the Marine Safety Act 2010 before it was enacted. At that stage I think it was very much a work in progress. The final bill was somewhat different to the one on which we were briefed.

All of that is symptomatic of the issues we have had with the bill. Despite some comments from the other side, the bill was rushed through. It has some significant issues, and many of the changes that have been made in the context of this bill were necessitated by mistakes made by the former government in its haste to push the legislation through.

I turn firstly to the amendments to the Marine Safety Act 2010. They cover a wide range of areas. For example, they ensure that international and interstate certificates can be recognised as being equivalent in Victoria. I understand that there is a head of power in the existing act which has not yet been brought into operation. It is not an adequate head of power in that it does not cover all

circumstances. That needs to be fixed. There will be a capacity established for the safety director to suspend or cancel endorsements on licences, certificates and accreditations. There will be some certainty created so that the safety director has the capacity to cancel the registration of commercial vessels as recreational vessels.

There is a provision that will ensure that masters and operators of recreational hire-and-drive vessels are subject to the same duty of care in a statutory sense as the masters and operators of all recreational vessels. There is a capacity built in to ensure a clear power for the safety director to impose conditions on licences and to impose training requirements on licence applicants, particularly by specifying the type of training the director is permitted to require.

Other amendments will: ensure consistency in regard to the taking of disciplinary action against the holder of a commercial certificate, and there is a set of triggers specified in the national standard for commercial vessels; enable disciplinary action to be taken against a person who holds an equivalent certificate issued in another jurisdiction — I referred to those certificates earlier; establish an accreditation scheme for persons providing quality regulatory services in the act rather than using regulations; and enable the safety director to disclose information to people about themselves.

That last provision is rather obvious, you would have thought, but apparently that is not the case. That will be established. There is also an amendment that will ensure consistency of application for the regulatory framework of infringement notice schemes right across the transport portfolio, and there are a range of other matters.

I said I wanted to come back to the hoon boating and marine wildlife aspects of the bill. The Deputy Speaker would recall that the concept of hoon boating had an unfortunate start under the watch of the former government.

Rather than being what it was — a very welcome measure to deal with the very small number of idiots who get onto our waterways and bays and make their watercraft a menace for themselves and the general public — it was very much an attack on the users of personal watercraft. It was an unfortunate portrayal of users of personal watercraft.

While they can be a bit noisy and intrusive in the wrong hands, the use of such watercraft is very much a legitimate activity. They have become far more accessible in terms of cost for many people who want to get out on the water but cannot afford the sometimes many thousands of dollars required to do that. The numbers of people using watercraft are increasing. It certainly was an unfortunate situation under the former government.

However, I think the legislation itself and the intent has worked well. It was introduced in 2009. It was about combating antisocial behaviour on our waterways and bays, but that is a very narrow definition that is essentially limited to dangerous behaviour.

The scheme currently makes sanctions available to water police and to some other authorised officers which give them the ability to order a person off the

water for 24 hours or prohibit the use of a vessel for 48 hours. There are also some provisions that commenced on 1 September this year to impound and forfeit a vessel under the scheme. However, these all relate to dangerous behaviour.

We know that there have unfortunately been some situations where people do not simply find themselves, as someone has said, on top of a pod of dolphins in the bay but have actively pursued them. They have set out to hunt them down, even if it is just to get close to them. Often these people do not understand the effect of their harassment of these animals, so they are a menace and they do provide a very definite threat to our wildlife.

For those of us who live by the water, this has been a subject of which we have been very much aware for a long time, so I certainly welcome the decision of the government through the mechanism of this bill to amend the hoon boating provisions, to extend them to the intentional and active pursuit of marine wildlife, dolphins and birds, and to link the offences in the wildlife legislation to the scheme. This has the effect of enabling the Department of Sustainability and Environment's authorised officers as well as police to use the hoon boating sanctions.

On that theme, a number of people have referred to some commentary from Mr Jeff Weir of the Dolphin Research Institute at Hastings. I am certainly not going to repeat the commentary except to endorse his views that it is about all of us — it is about everyone who uses the water.

Sadly I do not get out there very often, but it is about everybody who uses the water and the environment. We must make sure we catch up with the stupid few who pose a risk to our wildlife and that we achieve an attitude change.

This is a far more complex piece of legislation than the aspects to which I have referred, but time eludes me so I will simply commend the bill to the house.
