



## **DAVID MORRIS MP**

Member for Mornington  
Shadow Minister for Finance

### **Pilot Boats and Jet Skis**

**Legislative Assembly 22 March 2017**

**Mr MORRIS** (Mornington) — I must say I thought the representative of the boating capital of Victoria, the member for Essendon, might have got his pilots confused when he was doing his research, but he got to the right sort eventually.

As the explanatory memorandum notes, this bill makes a range of changes to the ports and marine legislation and to a number of other acts. The government claims in the explanatory memorandum that the bill will result in improved management of marine safety risks, improved public safety, more efficient and effective management of state waters and that it will also provide some administrative savings.

Of course as we have heard in the debate thus far the principal area of interest is personal watercraft, and I do not have an interest to declare in that area; I do not hold a marine licence. But there are a number of other important changes as well as the proposed changes to the personal watercraft age limits.

The bill refers to accountability, and in particular accountability in the form of Transport Safety Victoria and providing them the opportunity to acquit their accountability requirements, and indeed there are explicit references to that role in clauses 7 and 9 of the bill.

There is no reference in the second-reading speech, though, to clause 8, which I must say I found a little surprising. Clause 8 inserts a new part 2.2B in the principal act, 'Safety duties of persons who manage boating activity events'. It imposes a requirement that so far as is reasonably practicable the organisers of an event — and an event is defined — will ensure the safety of participants. I think that is an entirely reasonable thing to do, and there is an example given in the second-reading speech of an event that had some problems and resulted in more than 100 rescues. So I have no problem with the concept.

I do note, however, the severity of the proposed penalties and the fact that an offence against section 25A(1) of new part 2.2B is considered to be an indictable offence.

The penalties are particularly steep: 1800 penalty units for a natural person and 9000 penalty units for a body corporate. In dollar terms, that translates to a maximum penalty of almost \$280 000 for an individual and some \$1.4 million for a corporation. So they are very steep penalties. I am not saying they are excessive, but they are very steep, and given the substantial nature of those fines, I was a little surprised that the minister did not provide greater explanation in the second-reading speech.

The bill goes on to provide examples of the type of information that must be provided to participants and the type of events that are anticipated by the bill. They include a number of things: boat races, open water swimming races, water sports, even down to school kayaking excursions. Again, given the substantial nature of those fines, I trust that the minister will make sure that people are made aware of the consequences of their actions.

The second matter I want to talk about is the issue of the additional compliance requirements for sea pilots or for marine pilots. In particular the bill provides powers, which do not exist currently, for the safety director to have oversight — and the member for Essendon referred to this — of the medical fitness of marine pilots and also provides the capacity to impose conditions on marine pilot licences.

Of course the principal group operating in Victoria — not the only group but the principal group — are the Port Phillip Sea Pilots. As the member for Essendon said, they were established in June 1839. When you consider that that was 11 years before the foundation of the colony of Victoria, that certainly has to be one of our longest running private organisations.

You would have to say that over the intervening years, the 178 years they have been operating, they have served the state and the colony before it very well. Of course we have a large volume of international trade now and we have had for many years, and when you consider the few incidents and at how well they have operated, it is perhaps difficult to see what justification there is for imposing further red tape on that organisation.

Again there is potential justification in a conceptual sense, but unfortunately there were no examples given in the second-reading speech to indicate why that extension of government powers was necessary.

It would also be remiss of me not to mention, in connection with Port Phillip Sea Pilots, the terrific success of Hart Marine of Mornington, which now build the pilot boats for the Port Phillip pilots.

Indeed prior to the global financial crisis Mal Hart was better known for producing high-performance racing yachts. Many of those figured very successfully in the Sydney to Hobart and other similar races. With the onset of the global financial crisis that particular source of business dried up, and he has now turned to a new career building pilot boats.

In June 2015 there was a report of the handover of a new pilot boat, and the report says in part:

*This vessel embodies the culmination of 15 years of extensive design, research and modelling from the renowned French naval architect Pantocarene.*

*'Corsair' represents further steps forward in terms of the function and overall capabilities of a modern pilot boat. Constructed of fibreglass and displacing 28 tonnes, the vessel is 18.55 metres long, 5.50 metres wide, has a draught of 1.55 metres and a depth of 2.30 metres.*

They are all, I am pleased to say, built in Mornington.

Most importantly, though, they are self-righting, and they are designed in such a way that they can come up and continue operating. The engines are fixed securely enough so that they do not fall through the cabin in the event of a capsize, and the boat is exceptionally safe. The particularly important part is that that means the pilots can continue operating when with other vessels they would have to cease operation and the port would have to close.

Mal is now supplying boats, or has supplied boats, not only to the Port Phillip Sea Pilots but to the Geraldton port authority in Western Australia; Rio Tinto in Western Australia at Dampier; Esperance Ports Sea and Land, also in Western Australia; the Port Kembla port in New South Wales; Chevron's Barrow Island site in Western Australia; Flinders Ports in South Australia; and the Tasmanian Ports Corporation.

It is a real success story. It is a great example of adaptability, ingenuity and just plain hard work from a master craftsman. He has built up a tremendous team — more than 70 people are involved there — and I am sure his success will continue for many years.

I do want to get to the issue of personal watercraft, because it is clearly an important issue for anyone who has the sort of coastline I have along Port Phillip Bay. Those members who have been in the house for some time will understand that Parliament has taken successive steps to deal with a range of conflicts between swimmers and those using watercraft, but clearly there are still some issues.

These personal watercraft, if they ever were, are no longer low-powered machines. They have up to 350-horsepower engines, good acceleration, as another speaker mentioned, and are capable of travelling 60 kilometres an hour or more.

Unfortunately the users of these craft are over-represented in terms of injuries. They represent only 10 per cent of the total fleet, but 25 per cent of injuries occur as a result of these vessels.

We also understand that most of the people causing problems with these craft are not in the 12 to 16 age group; they are in their 20s or they are in their early 30s. We have regular reports, and I have them on the table in front of me, of incidents that occur during the summer months, and they are more frequently in this age group.

There is clearly a small group of people who are causing some problems. I do not have a particular issue with taking unsupervised 12 to 16-year-olds out of the equation; I think it is reasonable for them to still be able to use the craft supervised. However, I am not sure that we are actually solving the problem by taking these kids out without dealing more specifically with the hoon element that definitely cause the problems in my part of the world.

It is about sharing that great resource of Port Phillip and our waterways evenly between all people.

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