

DEPARTMENT OF FISHERIES, NAVIGATION LIGHTS, USE AT NIGHT

3173. Mr J.P.D. Edwards to the Minister for Planning and Infrastructure

- (1) Is the Minister aware that it is a requirement of the Prevention of Collisions at Sea Regulations, being regulations promulgated under the *Western Australian Marine Act 1982*, that between the hours of sunset and sunrise all vessels, including vessels owned by the Crown, are required to display navigation lights in accordance with those Regulations?
- (2) Is the Minister also aware that the purpose of that requirement is to prevent collisions at sea (with consequent serious injury and loss of life) and to ensure the safety of all mariners?
- (3) Is the Minister aware that to navigate a vessel at night without navigation lights is an extremely dangerous practice and one calculated to cause collisions with consequent serious injury and loss of life and, moreover, is a serious breach of the *Western Australian Marine Act 1982* and Regulations?
- (4) Is the Minister aware that the Executive Director of Fisheries and his Officers, being Masters in charge of vessels owned and operated by the Department of Fisheries, make a practice of navigating their vessels at night without navigation lights (and without any lights at all) and with their vessels in that condition surreptitiously, come alongside fishing vessels in circumstances where a collision is extremely likely if not inevitable?
- (5) Is the Minister aware that Senior Officers of the Department of Fisheries allege that the Department for Planning and Infrastructure, which administers the *Western Australian Marine Act 1982* condone, if not encourage, this extremely dangerous practice?
- (6) Will the Minister ensure that this extremely dangerous practice is stopped immediately and that the relevant Officers are dealt with according to law?
- (7) Is the Minister aware that the Department of Fisheries Regional Manager, Mr Russell Dyson in a radio interview of 7 July 2004 stated that Patrol Vessels had an arrangement with the Marine Safety division of the Department of Planning and Infrastructure to operate vessels without navigation lights in certain circumstances?
- (8) Will the Minister provide the written authority for that arrangement that supports Mr Dyson's statement?

Ms A.J. MacTIERNAN replied:

- (1) Yes
- (2) I assume that the primary purpose of the regulations is to prevent collisions at sea.
- (3) Failure to display navigation lights at night is a breach. The degree of any danger arising from such a failure will depend on the circumstances of each case.
- (4) No. I am aware of 7 occasions when a vessel operated by the Department of Fisheries has conducted a night time covert investigation without displaying navigation lights. I understand that on each occasion the Master of the vessel has exercised extreme caution and complied with specific safety requirements.
- (5) No
- (6) I understand that the Department of Fisheries has ceased navigating vessels at night without navigation lights. It has been determined that no action regarding the relevant Officers should be taken.
- (7) I have not heard the radio interview but am aware of Mr Dyson's assertion.
- (8) There is no written authority. There is no arrangement. I assume that Mr. Dyson was referring to the determination/policy of the Department for Planning and Infrastructure that it is not generally in the public interest to take prosecution action in circumstances where appropriate safety measures were taken and no misuse occurred. The Department of Fisheries was aware of this determination/policy.