

WESTERN AUSTRALIAN MARINE AMENDMENT BILL 2023

Third Reading

MR D.R. MICHAEL (Balcatta — Minister assisting the Minister for Transport) [3.00 pm]: I move —

That the bill be now read a third time.

MR P. LILBURNE (Carine) [3.00 pm]: I am pleased to support the Western Australian Marine Amendment Bill 2023. This will significantly update the current act, which has remained largely unchanged since 1982, when it commenced. As we have heard, the new bill will see the establishment of a marine alcohol and drug testing regime, giving Department of Transport officers the power to undertake on-water testing as well as the ability to direct a vessel to a safe location when appropriate. A number of new penalties are also included.

This bill will also provide consistency between the laws on our waterways and those on our roads and send a clear message that excessive use of alcohol or drugs when in control of a vessel will not be permitted. We have strong laws for the driving of motor vehicles, with blood alcohol limits for drivers in place for over 50 years. It is now time that we apply these rules to our waterways. I am advised that research conducted by Surf Life Saving Australia between 2012 and 2022 demonstrated that alcohol and drugs were a causal factor of 21 per cent of drowning deaths in Western Australia. This is avoidable. Further—the minister highlighted this previously—data from Royal Life Saving WA shows that of the 98 boating and watercraft fatalities that occurred in WA between 2002 and 2019, 12.33 per cent had an alcohol content above the legal driving limit. I also wish to state for the record that I am a vice-patron of Surf Life Saving Western Australia and I proudly advocate for safety improvements in our community.

As the weather warms, our attraction to water activity increases. Safe navigation on our waterways is never more important. I am also pleased that this bill will build on the water safety equipment requirements on recreational vessels that were brought in from 1 September this year. The safety requirements include the need for recreational vessels and a range of other personal watercraft to carry appropriate lifejackets for each person. Further, the wearing of a lifejacket for children between the ages of one and 12 years old is now compulsory, as well as the use of a GPS-enabled emergency position indication radio beacon, or EPIRB, or a GPS-enabled personal locator beacon. The use of EPIRBs and personal beacons is to be phased in over five years. There is also a five-year transition to the more reliable VHF and UHF radio when four miles offshore. I congratulate the minister for bringing this bill to the house and I am proud to support this and the other safety measures in place to keep our waterways and those who use them safe. I commend the bill to the house.

MR D.A.E. SCAIFE (Cockburn) [3.04 pm]: I rise very briefly to make a contribution to the third reading debate on the Western Australian Marine Amendment Bill 2023. I do so in the context that I am very fortunate to have Marine Rescue Cockburn in my electorate. When I was first elected, Marine Rescue Cockburn approached me and said that the number one reform it was seeking when it comes to safety on our waters is what we might colloquially call a “skippering under the influence” regulatory framework. This bill introduces that. It is really great to see something that Marine Rescue Cockburn raised with me just a couple of years ago being introduced and progressed by this government. I congratulate the minister for that.

I acknowledge Commander Brett Barbarich and Deputy Commander Bradley Marston for their advocacy for the reform contained in this bill. I also acknowledge the members of Marine Rescue Cockburn who were acknowledged for their service to our Marine Rescue Cockburn service at the City of Cockburn’s emergency services dinner: John Link and Colin Holmes for five years of service and Stuart Johns for 10 years of service. Thank you for your service. I commend the bill to the house.

MRS L.M. O’MALLEY (Bicton) [3.05 pm]: I am very pleased to support the Western Australian Marine Amendment Bill 2023. The electorate of Bicton is blessed to be bordered to the north by the magnificent Derbarl Yerrigan. To many of my constituents, the river is where they play, exercise, relax, recreate and connect to country and place. To all of us the river is special. Those who boat, float, ski, paddle, sail and swim, including the members of the Swan Yacht Club, East Fremantle Yacht Club, Fremantle Sea Scouts, Fremantle Swan Dragon Boat Club, Hurricane Paddling Crew and the Fremantle Rowing Club need to feel safe and confident. That is why this bill is so important to everyone who enjoys on-water activities, including the boaties of Bicton and beyond.

The bill introduces new offences for reckless and dangerous navigation, including offences for when unsafe navigation has resulted in death, grievous bodily harm or injury to a person. As the minister mentioned in his second reading speech, there are more than 100 000 registered recreational vessels in WA, including many in my electorate of Bicton. Further, he pointed out that statistics show that in WA from July 2017 to July 2023, there were approximately 257 reports of injury and 46 fatalities on the state’s waterways.

Mr David Michael; Mr Paul Lilburne; Mr David Scaife; Mrs Lisa O'Malley; Mr David Templeman; Mr Shane Love

As we have heard, the bill will also ensure appropriate laws apply when vessels, operators and masters have been shown to have used alcohol or drugs to excess. The new laws are important and well needed, and that is why I congratulate the minister on bringing this bill to the house. I am pleased to add my support to its passing.

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [3.07 pm]: I would like to make a contribution very briefly on the Western Australian Marine Amendment Bill 2023, because the members for Dawesville and Murray–Wellington and I represent one of the highest numbers of registered boat owners in Western Australia in our region. I am also a boat owner, but unfortunately last Wednesday I failed my skipper's ticket.

Several members interjected.

Mr D.A. TEMPLEMAN: I am being honest! I failed the theory, so I have to sit the theory again. I failed it twice. I got eight wrong the first time and seven wrong the second time.

In all seriousness, this legislation is important. It is important that we have safe waterways and that as we have more boat owners using the waterways of Western Australia, it is important that as part of safe boating practices we have legislation that is up to date, modern and addresses an issue that as we know statistically and sadly has seen deaths on our waterways because of people being under the influence of alcohol. I think the legislation is well framed and very timely.

MR R.S. LOVE (Moore — Leader of the Opposition) [3.09 pm]: I want to make a very brief contribution on the third reading of the Western Australian Marine Amendment Bill 2023 and once again put on record the opposition's support of the legislation. I would like to thank the minister for his explanations throughout the consideration in detail stage. We also put on record some of the reasons for the amendments put on the notice paper. Because of those amendments, we are here today instead of having been able to wind it up yesterday in the normal course of events.

I also convey my thanks through the minister to his advisers who not only provided a good service to the house, but also provided information in briefings prior to the legislation going through this place. As I said, I support the bill. I wish it a speedy passage as it navigates its way through the Legislative Council. I believe with its passage and assent this year, certain parts of the bill will be enacted and enforced to enhance boating safety this summer. Hopefully, we will see the full measures of the bill come into force in the next summer to keep people using the water in Western Australia safer than they would otherwise be. We are coming into the summer period. I wish all Western Australian boaters a safe and enjoyable time on the water. I also put on record my thanks to those people involved in keeping people safe such as the volunteers who man the marine rescue centres up and down the coast of Western Australia. With that, I conclude my remarks and commend the bill to the house.

MR D.R. MICHAEL (Balcatta — Minister assisting the Minister for Transport) [3.11 pm] — in reply: I thank all members for their contributions to the bill, including those short contributions that we had yesterday from the members for Hillarys, Carine, Bicton and Cockburn and the Leader of the Opposition. I thank the member for Mandurah for his contribution and wish him luck for the next time he sits his theory test. I just remind him that he cannot pass it through street theatre!

I also thank the opposition for its support in having the bill dealt with as a priority. I know that we started with the bill at midday yesterday, and then the Leader of the Opposition went into question time. We then went back into the bill and the Leader of the Opposition went on to be the lead speaker during private members' business, so I thank him for his efforts yesterday.

With warmer weather approaching, we will see more people enjoying recreational activities on the water. It is important that they know that they can do so safely. Once the bill has passed through Parliament, it is the government's intention to ensure that the offences for reckless, dangerous and careless navigation, including specific offences for incidents in which unsafe navigation has resulted in death, grievous bodily harm or injury to a person, are in place by mid-December. The new marine alcohol and drug testing regime will follow in the new year. For the first time, we will have a consistent approach to how we deal with irresponsible alcohol consumption and the use of drugs on Western Australian roads and waterways.

WA's laws will also be consistent with how the law is applied across most other Australian jurisdictions. As highlighted in my second reading speech, statistics show that from July 2017 to July 2023, there were approximately 257 reports of injury and 46 fatalities on Western Australian waterways. Although most people do the right thing, we need to do all we can as legislators to ensure our waterways are as safe as possible. Bad behaviour will not be tolerated.

The drafting of this bill has been complex, and even more so due to its connection to the Marine Safety (Domestic Commercial Vessel National Law Application) Act 2023 that passed recently. This bill will also make consequential amendments to other acts. I take the Leader of the Opposition's point, and I would like to personally thank officers at the Department of Transport, the Western Australia Police Force and the drafters from the Parliamentary Counsel's Office for their combined efforts in bringing this bill to the house. I also acknowledge

Mr David Michael; Mr Paul Lilburne; Mr David Scaife; Mrs Lisa O'Malley; Mr David Templeman; Mr Shane Love

the many hours that have gone into the drafting process. I also thank the Minister for Transport and the Minister for Police their work on the bill. I am pleased to have been able to bring the bill to the Parliament and I commend it to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.