

**MARINE SAFETY (DOMESTIC COMMERCIAL VESSEL  
NATIONAL LAW APPLICATION) BILL 2023**

*Second Reading*

Resumed from 22 June.

**HON NEIL THOMSON (Mining and Pastoral)** [2.12 pm]: I rise on behalf of the opposition to speak on the Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023. In making my comments, I put the view that the opposition will support this bill. The intent of this bill was agreed to some time ago. It stems from the Intergovernmental Agreement on Commercial Vessel Safety Reform. The first agreement was signed by Colin Barnett, former Premier of Western Australia, on 19 August 2011. I note that the minister's second reading speech at the introduction of this bill talked about a much later date, and I wonder why it has taken so long to get to this point. A range of things have brought us to this point, and it is not my intention to delay the process unnecessarily. We hope to get through this bill today in order for it to be adopted to improve the safety of Western Australians in our marine environment.

The commonwealth Marine Safety (Domestic Commercial Vessel) National Law Act 2012 was enacted with the start date of 1 July 2013. Other states introduced acts; Victoria commenced concurrently with the federal act. I have a question that will be asked during Committee of the Whole, and I expect there will be some discussion in committee, noting for the minister that we will hopefully push this bill through relatively quickly, with the few questions that I have.

On 21 August 2018, the 2011 intergovernmental agreement was terminated effective from that date. However, many of the intergovernmental provisions remain active in the national law. In January 2022, the federal government commissioned a comprehensive independent review of the national law. The review was done, and I have a copy of its report. I will make a couple of points about that. The draft report, released on 8 August 2022, states —

When the National Law came into effect from 1 July 2013, a number of jurisdictions had not yet drafted their complementary application legislation to apply the National Law to any gaps in the Commonwealth's constitutional reach. All jurisdictions other than Western Australia have now done this.

In the final report released in September this year, there was mention of Western Australia's recalcitrance—that might be the right word—by stating that we had not met the requirements.

That is the history. That seems to be a bit of a pattern with the application of national law in our jurisdiction, with a long history of a level of independence in Western Australia. Even though we have agreed to the intergovernmental agreements, we will have mirror legislation as opposed to the application of a national law. State sovereignty issues have previously been well canvassed on many occasions in this place when dealing with the application of national laws. There is a process when amendments are made to a national law by which regulatory arrangements are tabled in this place. That is the mechanism of protection for the Western Australian jurisdiction in order to ensure that we retain our sovereignty as a state and retain our input for the state's unique circumstances. I could probably say that about marine safety, but I might not say the same thing about transport issues, because we have some very unique matters when it comes to road transport. For example, our road transport arrangements for fatigue management are quite different from those in other parts of Australia due to the incredible distances that people have to cover across our state in order to ensure that the wheels of our economy continue to roll. When it comes to marine safety, there seems probably little justification for any particularities in our laws, and this bill will, in effect, achieve that.

I want to just talk a bit about the issue of safety. The state has ocean on three sides and it is a big part of our life in Western Australia. Most people in Western Australia have some connection to the sea. I own two registered pleasure craft.

**Hon Stephen Dawson:** How big?

**Hon NEIL THOMSON:** I have a nine-metre trailer yacht, which is located in Carnarvon at this present time.

**Hon Dan Caddy:** Is it in the water or still on the trailer?

**Hon NEIL THOMSON:** It is actually in the water. I make the comment that I am very pleased to see the fascine project going ahead. I will give the minister a plug—she might be pleased to see—for the dredging of that. Mind you, the draft on our vessel is very small indeed, so we can get through the fascine prior to its dredging, but I know many people in the Carnarvon Yacht Club—of which I am a member, by way of disclosure—will be very pleased to see that fascine dredged. Hon Peter Foster is nodding. I know he is a strong supporter. The other vessel, to answer the minister's question across the floor, is a 4.2-metre tin boat. I have used that one very many times fishing off Broome. Everyone in Broome has a tin vessel.

By way of putting a bit of a dampener on my enthusiasm for the minister's movement on the fascine, I encourage the minister to get on with the new boat ramp in Broome, because I know many people were expecting that to be completed.

**Hon Stephen Dawson:** As the member knows, we put some money on the table but the feds did not. The feds never came to the party.

**Hon NEIL THOMSON:** That third party is still missing. I suppose the only value in relation to this conversation, other than just expressing probably a fairly typical situation for many regional people—I know many people in Perth also own vessels—is that we all love the water. A lot of us do, anyhow, and we certainly support the important work of the Department of Transport and the marine safety branch. I know some of those officers might be here listening or watching. I was going to do a bit of a shout-out on that matter. It is probably not directly related but some consequential changes will occur. I have some brochures in my hand. I am happy to table these for those who want them tabled. I will not go into any great detail. Like Hon Kyle McGinn, I attended the Lorna Mitchell Spring Festival at Kalgoorlie. People would say, “Well, there we have a landlocked town.”

**Hon Dr Steve Thomas:** Where’s your haircut?

**Hon NEIL THOMSON:** I did not get my hair braided. I challenge anyone to try to do that. It could be quite a challenge. I did not get my hair braided but I could always add an extension to try to match the fashionista stakes that Hon Kyle McGinn has set at a very high level in this chamber.

There was an officer at the spring festival. I think his name was Laurie. He was there with his display and I had a bit of a chat with him. I commend the Department of Transport for getting out to these public events like shows, because people in Kalgoorlie in the Mining and Pastoral Region, which I share with my colleagues here in this place, also like to get out on the water, particularly down at Esperance. They get down there with their 4.5-metre or 4.8-metre dinghies—or maybe bigger because a lot of them are on good salaries in the FIFO industry—and have the opportunity to enjoy our fantastic and wonderful waterways.

Of course, safety is a big issue. I did the 30-second challenge at the festival. I got to 37 seconds. I went on a fake centre console and a video showed that the boat was sinking. I did the challenge and got 37 seconds. Apparently that was a very good time even though I did not quite hit the 30 seconds. At one stage I almost put the life jacket on back-to-front in my rush and I quickly fixed it. It might sound lighthearted but safety is very important, because we know that when things go wrong on the water, they go wrong very quickly. For example, if a vessel catches fire, we do not have a lot of time. A large wave, particularly down the south coast where we get rogue waves, can swamp a vessel very quickly and people can suddenly find themselves in a dangerous situation and may panic. The master of the vessel will run around looking for life jackets and the things they need to ensure that all those on board have an excellent chance of survival and recovery and care at the earliest opportunity.

A number of rules changed. Again, I am just using this opportunity to highlight that in the chamber. In September the updated regulations brought in new safety equipment requirements around flares and distress signals and life jackets for children so that people are not putting life jackets on children at the last minute. We need to make sure that they are wearing a life jacket already. The new slimline life jackets that are available these days are fantastic. They can be worn without any discomfort, really, while fishing and going about daily activities on the boat. They are not uncomfortable to wear. We can almost forget they are there. I note that there has been a lot of thought put into that extension into the community to make sure people are clear about what they need on their vessel, how they need to be prepared, what is required with marine radios, and all those important things.

As we come into the Christmas break, if anything is going to be picked up from this place, I hope it is this. We think maybe not many people watch, but I encourage people to go online to the transport website and check out what they need. It is a great time to update safety equipment. I am slightly digressing from the specifics of this bill, but I am sure the minister representing the Minister for Transport today agrees with me that it is an important time for people to check their kits and make sure that they are up to date. For example, safety distress beacons are now GPS enabled and provide people with an opportunity to be found within a very small area of accuracy. For example, I am going to replace my non-GPS beacon after meeting with Laurie the other day, because non-GPS beacons have a five-kilometre radius in which to look for someone in the water, whereas the GPS search radius is within 120 metres, and they are not very dear. Of course, body-worn GPSs on life jackets are even better because they can, with much greater precision, find people if have been thrown off a vessel or otherwise.

The department does a number of things very well. Some powers in this bill will enhance the department’s capacity to regulate in a nationally consistent way.

Another aspect of the Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023 is that it will bring recreation vessels into line with national standards, which is great, and it will provide some streamlining. As safety equipment evolves, there are also new types of vessel challenges. For example, a whole range of jet skis and other personal watercraft are starting to appear in our environment, particularly with the new forms of propulsion. Of course, there has been an incredible revolution in personal watercraft. I am sure that in adopting the national framework, we will be able to evolve more rapidly as new types of vessels come online, such as hybrid-type vessels

that do not run on a standard outboard like the 4.2-metre tin dinghy. A range of new types of vessels are coming into play.

Before I turn to the specifics of the legislation, I note that when I was at the Lorna Mitchell Spring Festival in Kalgoorlie, Laurie advised me of a couple of other key features that are very helpful. I thank Laurie and the team at the Department of Transport for what they do. The department has created—I can only describe it for *Hansard*—a registration sticker that displays a vessel’s expiry date that people can put on their vessel to keep track of their registration. There is also the opportunity to get on board with the third party app, which is recommended through Google Play or an app store, which allows the authorities to know a vessel’s position. It provides a range of safety alerts. The Department of Transport has been willing to put its logo on it. The use of technology is important, and that is why we need to move to a national framework. Technology is changing people’s accessibility to our waters. Technology is certainly making life a lot safer. I can say again from personal experience, we have modern GPS and mapping technology on our vessel. The GPS readers are now not that expensive; they come with fish finders and allow people to be a lot more confident on the water. But obviously we need to make sure that our regulatory arrangements keep track and the Department of Transport can get on with the job of managing a changing vessel environment and a changing technology environment and address that increasing participation on the water. There is a lot more participation because as accessibility increases, the number of people engaging in water activities also increases.

There have been fatalities in the commercial vessel sector. Members can probably recall specific examples if they have had anything to do with the water over the last few years. The number of fatalities has fortunately been trending downwards. The most recent data from 2020 showed that Western Australia had one fatality while Queensland had 19. Interestingly, when we look at the commercial vessel sector, we see that there has been improvement in other states, and maybe that is the result of the application of the national law throughout jurisdictions across Australia. Although we have yet to adopt the national law explicitly, the influence of the national approach exists in our existing regulatory arrangement, which has led to a decline in fatalities. If we look at Australian Bureau of Statistics data on the basis of per 100 000 participants and compare it with the transport, postal and warehousing division, the rate has been falling. It is lower than the data for the agriculture, forestry and fishing division. I understand that there might be some overlap with fishing—I am not sure how it works—but there is a separate category for commercial vessels and it is lower, which is a positive. Unfortunately, Queensland seems to have the history of the highest fatality rate. Perhaps that it because of the higher number of recreational vessels that operate in the Queensland marine environment. I am not sure how that factors in, but this is commercial data. Obviously, there is a lot of marine activity off the northern coast of Queensland. These figures are on a per 100 000 basis. I question how that all works. The good thing is that Western Australia does not sit at the top of the table and, hopefully, this bill will serve to bring it down further.

The opposition definitely supports the approach driven by the Council of Australian Governments. As I said, it was a Liberal Premier who signed off on the Intergovernmental Agreement on Commercial Vessel Safety Reform way back in 2011. It is noted that we are now in 2023 and the sooner we get on with this the better.

On 21 August 2018, the 2011 intergovernmental was terminated, but many of the intergovernmental agreement provisions remain active in the national law. I hope there are no gaps in relation to that. Perhaps the minister can explain the impact of that and whether there have been any problems. I presume not, but that is why we obviously need to get on with it.

I note that the Western Australian Fishing Industry Council, WAFIC, put in a submission. It is strong in its support of the intent of the legislation, including the improvement of the safety culture driving individual operator responsibility. It is all about the safety culture and people’s awareness. It is about the work done on the ground by people like Laurie, who get out and talk to people. The issue of safety in the pleasure cruising or fishing environment is not brought to people’s attention. It is not that expensive for an operator to get themselves kitted out properly, and it is certainly not hard to comply with the regulations. As I said, the modern gear that is available now make it is so much easier.

WAFIC supports the safety culture driving individual operator responsibilities and it continues to support a single national management framework for marine safety. It is also supportive of the national law remaining the primary legislation for domestic commercial vessels. Having said that, the Western Australian Fishing Industry Council believes that the priority should be to balance the cost impacts of creating nationally consistent vessel safety management. One can understand that coming from WAFIC, because costs are important. Anyone who gets involved in the industry, or with a recreational vessel, makes a certain investment, and the safety equipment should be invested in as well. The issue around the ongoing cost of that maintenance is also important. The original government was clear when it stated that the objective is to be achieved with minimal legal and administrative costs and no overall increase in the regulatory burden over that applying prior to the commencement of the national system. I guess by going nationally, it creates a little bit of an opportunity for everybody, because we know that

the purchase of vessels is in a national market. When a person acquires any vessel involved even in a small-scale commercial operation, they are looking across Australia for that vessel. A level of standardisation will occur and that is a good thing, and because that is a big issue in the recreational market.

The views of the industry should remain clear in all legislators' considerations and it is clear that a review of the national legislation is yet to consider what is called phase 2. The phase 2 component is a cost in charging a range of Australian Maritime Safety Authority activities. I will go to a number of reports undertaken, but I am making sure I do not lose my spot in my speech here, because I want to refer to them. There are a number of recommendations from the Senate inquiry into the performance of AMSA. Was there any response to the recommendations on the adoption of the national standards and the role of AMSA going forward? I put to the minister to be aware that we might discuss very briefly any feedback provided to this place.

The Productivity Commission's inquiry into national transport regulation reform contained recommendations that applied to the Australian Maritime Safety Authority. Recommendation 6.6 states —

The Council of Australian Governments and the Australian Maritime Safety Authority should wind up the grandfathering of safety regulations under the Marine Safety National Law. Priority should be given to ending grandfathering arrangements that relate to vessel survey requirements and fire detection and smoke detection systems.

It went on to state —

The Australian Maritime Safety Authority should use the information from vessel survey and other sources to review the safety risks arising from other grandfathering arrangements and the costs to vessel operators of removing the arrangements. Where the safety benefits exceed the costs, grandfathering arrangements should be removed.

Reading here, there seems to be some very minimal grandfathering arrangements and that might be a comment on that. It was probably just a practical approach. Another recommendation in the Productivity Commission's report stated —

The Australian Government should negotiate with State and Territory governments to return responsibility for regulating Class 4 Domestic Commercial Vessels (Hire and Drive) to State and Territory agencies.

There is some comment about the definition of hire vessels. I assume adopting this law will not alter the arrangements. It has certainly been a while since I hired a vessel, but members who have holidayed down at Mandurah have probably hired one of those rather large houseboat vessels that can be boarded without even a skipper's ticket. A person can pop on there and get a bit of a buzz around by the hirer to work out how to use it. I am not suggesting we should remove that situation. I think it has a fairly good safety record—hopefully an excellent safety record—because it is important. I can understand the rationale that someone who has very little experience cannot jump on a vessel considerably more complex to operate than the ones I mentioned. I had my small collection and going forward that obviously poses some of its own challenges as well. I assume the reason the Productivity Commission put that in its report is that it felt that should be regulated at a state and territory level. Maybe that is not the view through the operation of the Council of Australian Governments and subcommittees process, but I assume that has been responded to.

Productivity Commission report recommendation 6.5 states —

The Australian Government should direct the Australian Maritime Safety Authority to take steps to improve:  
incident reporting by owners of domestic commercial vessels

On this component about incident reporting, I am interested to know what measures are being put in place to ensure that people are aware of incident reporting, and how that would occur. Certainly, the Department of Fire and Emergency Services has excellent marine rescue organisations, which I administer, and I am a very regular user of the log-in, log-off arrangement. Those of us in the industry and the recreational sector very much appreciate the log-in, log-off arrangement. However, the question is what is an incident and, again, what will be the process of engaging with the recreational sector in particular about when a report incident is required? I may have missed it when reading, but I saw additional changes there. Are there any arrangements contemplated by the government around that?

The public disclosure of safety incidents is important. If one has experience in any workplace where safety is a major paramount concern—workshops or sites where machinery is used—disclosure of safety incidents is the number one tool of measuring those incidents and making sure they are able to be assessed and solutions provided to them. That is important because something cannot improve if it cannot be measured.

Recommendation 6.5 goes on to state —

AMSA should report fatalities and injuries in greater detail, including a state-by-state and vessel-type breakdown of fatalities and injuries.

Another report was the senate inquiry, *Policy, regulatory, taxation, administrative and funding priorities of Australian shipping*. I see at least four recommendations relevant to some of these things that will no doubt be considered and hopefully reflected in the national law. This includes recommendation 16, which stated —

The committee recommends that the Australian government strengthens the Australian Maritime Safety Authority's ability to detain ships which have caused, or are suspected of having caused, environmental damage, irrespective of the type of event which caused the damage.

The report has other recommendations on improving safety standards and on domestic vessels and the jurisdiction of the Australian Transport Safety Bureau. Finally, recommendation 24 of the committee's inquiry is that the Australian government amend the Navigation Act 2012 to restore the appropriate balance in ships that are covered under the Navigation Act. It goes on. That may not be directly relevant, but I note there are some consequential changes happening to navigation legislation as part of this process.

I have just given a bit of a summary of some of the different reports on the national marine safety environment that have been done over the last few years. In this regime going forward, the state government will importantly require a position on the grandfathering of the current fleet and the industrial productivity and safety implications, noting that the state of Western Australia has signed up to the reviews and any state and national financial assistance that may be required. Minister, I seek to understand the state's position on the Western Australian Fishing Industry Council submission because I think that would be useful. Whether that is done during Committee of the Whole or in his response will be fine.

There are some matters that have come up in this bill that relate to the role of marine inspectors —

**Hon Stephen Dawson:** By way of interjection—not to slow you down—the WAFIC submission that you were talking about was a WAFIC submission into what?

**Hon NEIL THOMSON:** Hopefully someone is watching; they might send me a text because they gave me a copy of the extract. My staff might send me a copy of it.

**Hon Stephen Dawson:** I only ask you so that I can have an answer.

**Hon NEIL THOMSON:** Sometimes I know that the minister has to do this as well. I agree that we are reliant on others here, and I must say that they do a very good job. I might just let that be known. If I cannot get that soon, I am sure someone from either side will find it. It was a WAFIC submission. My understanding is that it was about a review of this intergovernmental law. There is a question of whether it was sent to the commonwealth, the Australian Maritime Safety Authority, or to the Western Australian government. I do not have the answer.

I should actually have a copy in my file. Minister, I now have it. It is just me not being as organised as I should be. It was to the independent review of the domestic commercial vessel safety review panel in Canberra. It was an independent review of Australia's domestic commercial vessel safety legislation and cost and charging arrangements. I note that the cost and charging piece is referred to as phase 2 under the national review process.

**Hon Stephen Dawson:** I presume that is a public submission?

**Hon NEIL THOMSON:** It was found on the public —

**Hon Stephen Dawson:** Just to be helpful, would you mind tabling it? The advisers can give it back to you, but they will give me a copy of it so that that I can give it to my advisers.

**Hon NEIL THOMSON:** I would be very happy to. I have highlighted a couple of lines in the submission. In the process of getting this speech together, I forgot that I put them there. I am happy to table that.

[Leave granted. See paper [2727](#).]

**Hon Stephen Dawson:** Thanks, honourable member.

**Hon NEIL THOMSON:** I am very happy to assist on such an important bipartisan matter.

I was just talking about the role of inspectors. The bill will extend the role of inspectors, particularly the capacity for marine inspectors to enter premises on land. I am certainly not questioning that; however, one issue I will raise is the provision on the use of force against persons to enter a premises, for example. It raises questions around the capacity of our inspectors to undertake that. From my position after reading it, I wondered why that is not a process that would involve police and why the inspector does not have a mechanism to activate police involvement. I assume that could be done by way of a warrant or something like that. This is obviously a national approach. I note there was a comment in the WAFIC submission about the relationship between marine safety law and work health and safety law.

There is a reference to double jeopardy in the documentation that the government provided. Double jeopardy from the doubling up of the application of various laws will be removed, which is good. It might also be something that it would be useful to discuss in this place. The question is whether there would be any level of duplication between

work health and safety legislation, marine safety inspectors and the Western Australia Police Force in managing a range of overarching issues. There must be some logic in that. What is the extent to which these powers will be granted to these inspectors, how many inspectors will there be, how often will they be used and what is the purpose of extending those powers? I assume it is to do with commercial operators for which there is some sort of concern about the capacity of that commercial operator to meet the requirements of those marine safety standards. That concern then get to the point at which the Department of Transport, through the use of its inspector powers, has to cut locks, go into a site and maybe even forcefully approach persons or whatever. There are obviously a range of related safety management issues in the workplace in our jurisdiction. I would certainly be interested to know the capacity of inspectors to meet those requirements safely themselves, with their need to proceed. I am not suggesting that we should not support that, but I think it is worthy of some discussion.

The WAFIC submission raised this issue. It is mentioned in the documentation provided on the issue of double jeopardy. The issue of protecting the industry from multiple investigations into the same issue has been raised. I think there is also a question about the sharing of information. I have certainly flagged a few provisions in the bill.

I will refer to a few clauses, and I hope we can get through the questions pretty quickly, not only for the record, but for the importance of sharing information. Sometimes in the various sectors there is complexity, as we all know. Sometimes the sharing of information is dealt with through memorandums of understanding. That can be cumbersome; the issue might even be considered in some cases to be challengeable, given the matters of privacy, but I think some of that will be dealt with under this legislation to try to streamline that so people can exercise control of the regulatory environment properly.

The bill will allow for the right to execute force, including against a person. The Western Australian Fishing Industry Council submission—I have relied a bit on its comments—supports the view that emerging technologies are not well addressed by a national law framework at this point. It is a point worth taking, but I would suggest a lack of national law framework will give more capacity, given the evolution of technologies, including autonomous systems—waterborne systems that are operating, for example. Things are changing rapidly. I think there is a case for the application of national law, because we know how difficult it is for this place to keep up with emerging technology, given the weight of legislative burden in this place on a range of fronts. I will restate that throughout the application of this law, there will be an opportunity to table legislative instruments under scheduled law into this place for disallowance. That is an important point because it still retains the capacity for us to move a disallowance motion on the other side if we do not agree with it, as could the government if something was not considered to be appropriate to the Western Australian context. It enables us to move with the times.

I referenced the Senate and the Productivity Commission inquiries, which provided input and expertise. I know the Department of Transport will be keeping an eye on the policy environment. It helps to have a wider level of scrutiny across all state jurisdictions in terms of the policy areas. I think that is the virtue of national law, when every jurisdiction is keeping a level of scrutiny over the law, along with the commonwealth government itself. The Australian Marine Safety Authority will assess how that is progressing, along with the ability to address current situations. To sum up, Western Australia is not a first mover on this front. Despite that, we do have a low level of incidents on the water compared with other jurisdictions, but that may be a function of our population. I strongly recommend that we keep a high level of transparency about how that is going and take on the suggestions about better reporting that have come out of those reviews.

I reiterate to the community broadly, please go online to the Department of Transport and keep up to date. Go through local fishing clubs, sailing clubs—all those organisations that have engagement on the water. Make sure you familiarise yourself with changes, whether they be a function of this national law change or whether they be a function of the regulatory changes brought about in recent times. I recommend that to the community because, at the end of the day, the only reason these laws are put in place is for the safety of the community. They are for the safety of those mariners who earn their living on the marine environment. I can speak from the perspective of my own family members who work professionally in the marine environment—their safety is paramount to me. Many in this place enjoy the leisure of a marine environment, and putting safety first is a critical part of what we do. We might drop our guard from time to time, but it is vital that we familiarise ourselves with the processes and ensure that everyone who departs from the jetty or wharf comes home in one piece. That is why we are here today.

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [3.06 pm] — in reply: I thank the honourable member for his contribution today, and his indication of the opposition's support for the Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023. I thank him for providing a copy of that document because it has helped us understand where he is coming from, and having a copy was helpful so my advisers could take note.

I will take the opportunity to congratulate Laurie Adams, who the member spoke to on the weekend. Laurie is the manager of safety education in maritime at the Department of Transport. He obviously did a good job, so

I congratulate Laurie, but I also congratulate the member on not getting one of those silly things in his hair that my colleague did in Kalgoorlie on the weekend.

This bill has been on the government's legislative agenda since 2017 and drafting was well underway when COVID-19 caused other legislation to be prioritised. It was necessary to change the drafting of the bill from mirrored legislation to applied legislation following consideration and passage of the Legal Profession Uniform Law Application Act 2022, which applied a national law in WA for the first time, using the same mechanism as in this bill. Significant consequential amendments and further drafting resources were required due to the outdated and complex nature of our marine legislation.

In terms of how the national law is amended, the commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts has responsibility for the national law and, in general, amendments occur in line with the commonwealth legislative and parliamentary process. Section 159(6) of the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 requires unanimous agreement from the states and the Northern Territory for certain changes to the regulations, including what is and what is not a domestic commercial vessel. AMSA administers the marine orders and those are developed following stakeholder consultation processes in line with the commonwealth's 2021 *Regulator Performance Guide* and the Legislation Act 2003.

In terms of how commercial vessel owners will know when the national law, regulations or marine orders have been amended, AMSA has responsibility for the marine orders. It will use the same process for amendment for vessels currently in the legislative gap as it does for existing commercial vessels. AMSA publishes its annual regulatory priorities for each financial year, including amendments to marine orders. This provides industry with notice of upcoming reform initiatives so that it can prepare accordingly. AMSA consults with industry and the public on any proposed changes to marine orders and releases a consultation feedback report to explain the outcomes of consultation and the proposed next steps. AMSA uses a range of media to communicate the progress of any amendments. This includes its website and its monthly newsletter, *AMSA Update*, which reaches an audience of about 22 000 stakeholders. AMSA also uses social media channels like Facebook, LinkedIn and X, formerly Twitter, and directs emails to stakeholders. It informs National Safety Committee and Regional Safety Committee members directly. These committees were established to support consultation and collaboration with industry. Members include key industry stakeholders and peak bodies.

The commonwealth Department of Infrastructure, Transport Regional Development, Communications and the Arts has policy responsibility for changes to the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 and regulations. This agency follows best practice rules for legislative reform. That includes public consultation. In addition, clause 9(1) of the Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023 requires the Governor to make a proclamation in the Western Australian *Government Gazette* if an amending act has effect for the purpose of that part.

The member made some comments in relation to the department's recent safety equipment review. How does the bill enable the proposed safety equipment changes? The safety equipment reform for recreational craft will be implemented in two phases, with changes for vessels taking effect first followed by changes for windsurfers, kiteboards and some paddle craft. Until phase 2 commences, existing equipment requirements for those craft will continue to apply. Regulations for phase 1 have been enabled by a head power under section 99(1)(d) of the current Western Australian Marine Act 1982 and draft regulations for phase 2 can commence once this bill has passed. For craft that have been specified as vessels, the regulations will rely on the head power under proposed section 99(1)(e), whereas regulations for craft that are not vessels will rely on the head power under proposed section 114(1A)(b). The first phase of changes will apply to registrable vessels, personal watercraft—PWC—and non-registrable yachts and tenders. Regulations for these vessels commenced on 1 September, which obviously was in time for the summer boating season.

The main changes in phase 1 include: that a vessel's length will no longer determine how far it can travel offshore; that vessels will no longer be required to carry a fire extinguisher, anchor, bilge pump or bailer; and that all emergency position indicating radio beacons—EPIRBs—and personal locator beacons—PLBs—will need to be GPS-enabled. Beacons that are not GPS-enabled will be phased out over five years. All vessels will be required to carry a VHF or HF marine radio when travelling more than four nautical miles from shore; 27 megahertz radios will be phased out over five years. Everyone on board a PWC will be required wear a lifejacket at all times and in all waters.

Other vessels operating in protected waters, such as rivers, lakes, estuaries, harbours and within 400 metres of shore will be required to carry a lifejacket for each person on board. When a vessel less than 4.8 metres long is operating in unprotected waters more than 400 metres from shore, everyone on board must wear a lifejacket. When a vessel that is 4.8 metres long or more, other than a PWC, is operating in unprotected waters, it will be required to carry a lifejacket for each person on board, and children aged between one and 12 years will need to wear lifejackets. For all vessels operating in unprotected waters, a GPS-enabled EPIRB must be carried, or someone must wear

a GPS-enabled PLB. At least two red and two orange flares must be carried, and electronic visual distress signals may be carried instead of flares if a GPS-enabled EPIRB or a GPS-enabled PLB is worn.

There was a question on the necessity to specify some craft as vessels. The ability under proposed section 3(2) to specify that a class of craft are vessels via regulations is crucial to the operation of the act for the following reasons. It is needed to put it beyond doubt that the government can quickly regulate various types of novel craft that appear in state waters. That is very similar to the national law's definition of "vessel" under section 8(1). If regulation 12 of the national regulations specifies that a particular type of craft is not a vessel, it will fall outside the scope of the national law. If WA cannot specify in the regulations that it is a vessel, it will fall into a regulatory gap between the two regimes. High-risk craft, such as those with high-powered engines and of high speed, should be regulated to reduce risk to themselves and to other water users. Craft that may be specified as vessels include, but are not limited to, amphibious craft; electric hydrofoil boards and motorised surfboards; and personal watercraft with an aerial device attached.

It is not possible to list every type of vessel under the proposed section 3 definition of "vessel", and even if it were, it would not be feasible to attempt to amend the legislation every time a new type of high-risk craft emerges. New types of novel craft are emerging more and more frequently; I know that, as Minister for Innovation and the Digital Economy, having met some innovators who have won innovation booster grants to work on novel watercraft. By the time an amendment comes to Parliament, one may have already been involved in a serious incident due to the lack of application of speed or safety equipment provisions. That is just an example.

The lack of specificity in the current definition of "vessel" requires consideration of the UK common-law definition, which excludes craft that are smaller than rowboats and are not of a traditional concave shape. For instance, UK courts do not consider craft such as submersibles and personal watercraft to be vessels. There needs to be consistency between the operation of this legislation and the national law, or there will be some high-risk craft in WA's waters that are not regulated at all. It is important for the state to have a statutory framework to regulate such craft when necessary.

What are the improved safety outcomes of the national law? The national scheme provides a consistent approach to safety for the owners, operators and crew of commercial vessels working in Australia. It was reviewed by an independent panel in 2022. The number of operational-related fatalities on domestic commercial vessels has been trending downwards, which is a good thing. The three-year rolling average has decreased from 2016–17 to 2020–21, which was the information available when the independent review was done. The information provided by AMSA is that safety outcomes have improved since the national law commenced.

In WA, the national law replaced the WA marine safety legislation for commercial vessels dating from 1982, and provisions relating to commercial vessel building, surveying and crewing have been strengthened and modernised under the national law. In the 10 years that the national law has been in place, there have been few major incidents in WA, although there have been some notable ones. Commercial vessel standards are frequently revised and updated as they are captured in marine orders under the national law. Once this bill passes, updates to safety standards will automatically apply to all domestic commercial vessels in WA, subject to the disallowance provisions under clause 15.

The national law was designed to have a number of benefits, both for improving safety and reducing costs and red tape. These include reduced compliance costs for commercial vessel operators and crew and seamless transfer of labour and vessels between jurisdictions via nationally consistent laws. This removes the delay and cost of reassessment in each jurisdiction. Another benefit is increased market size and competition for boat designers and builders whose vessels will be compliant with national standards. There are also benefits for state governments, including less requirement for highly qualified departmental staff as there is less exposure to appeals for compensation. A national system of compliance will reduce duplication between jurisdictions in terms of monitoring and inspecting interstate vessel operations. There are some wins there on multiple levels.

I turn to the impact on intergovernmental agreement terminations. The clauses of the IGA that remained relevant after commencement of the national law scheme were primarily concerned with funding; service delivery by states and territories; and other areas that were no longer relevant by 2018.

**Hon Neil Thomson** interjected.

**Hon STEPHEN DAWSON:** Yes, I am, and the gap. Correct.

The aims of the IGA have been fulfilled and the Council of Australian Governments made the decision to terminate the IGA as a live agreement at that stage.

The review of the national law will have no impact on this bill. No changes have been made as a result of this review. As I said earlier, amendments are made by national agreement. In respect of the impacts on hire and drive vessels, the requirements for existing hire and drive operations will not change. They will continue to be administered by AMSA. An RST is not required on a houseboat because the hirer is required to be given a safety briefing; that is



my advice. With regard to the shipping inquiry, including recommendations regarding vessel definition powers, this bill does not relate to shipping under the commonwealth Navigation Act 2012, which regulates big ships. In terms of the Western Australian Fishing Industry Council's submission to the Australian Maritime Safety Authority's domestic commercial vessels safety review panel that dealt with costings, I am told that under the national law, DCV already need to comply with safety standards under the National Standard for Commercial Vessels. This bill will apply the national law and the NSCV to commercial vessels that are currently in the legislative gap between the two regimes.

The honourable member asked why the bill will allow the use of force when a warrant is executed. Section 16 of the Western Australian Marine Act is equivalent to section 107 of the national law, and permits an inspector to use force against people or things to execute a warrant if that is necessary and reasonable in the circumstances. Such elements are common in other WA legislation, such as section 231 of the Criminal Code or section 187 of the Fish Resources Management Act 1994. The ability for an inspector to use reasonable force against people is needed so that they can adequately deal with situations in which a person tries to interfere with the execution of a warrant. An inspector should be able to restrain them or defend themselves if necessary. The use of force against a thing may include opening a locked door if an occupant refuses entry to premises, opening a locked boat hatch if the owner is being passively defiant by not providing the key, or moving furniture to allow access to evidentiary material. I note that this will apply to all vessels in the management of waterways safety and not just commercial vessels.

Hon Neil Thomson asked whether there will be duplication between WorkSafe, AMSA, the police, the Department of Transport et cetera. I am told that these powers will be consistent with those across state legislation, to provide a consistent enforcement framework. We have sufficient policies and procedures in place to ensure that there will be no confusion between agencies. I am further advised that we have worked closely with the WA Police Force in the development of the amendments to the WA Marine Act.

The member had a question about information-sharing provisions. Information-protection and disclosure provisions are a central feature of road laws, but our marine laws have been silent on this important issue. This bill will introduce information-protection and sharing provisions for the first time. Authorised DoT staff will be able to access some information held by the WA police, if required, when performing a function under the WA Marine Act, and authorised WA police staff will likewise be permitted to access certain Department of Transport information. Compliance officers are responsible for enforcing waterways safety management provisions under the WA Marine Act for both recreational and commercial vessels. Having access to a person's offence history to inform how they should deal with the vessel operator will allow them to proactively identify any potential threat before they engage, and if there is a potential threat, they could use additional caution or contact WA police for assistance. Police may use maritime data, including offence history, to assist in gathering intelligence to investigate organised crime and proceeds of crime. This is in cases in which there is a connection to a vessel and information is held under the WA Marine Act, or to a holder of a certificate under the WA Marine Act. In terms of how the information will be collected and stored and who may access it, as I said, the bill will introduce information-sharing and protection provisions in our marine laws for the first time. These will be based on road traffic laws to strictly manage information access and disclosure. Information will be stored securely in a password-protected database accessible by authorised users only. The department is working towards a road laws-style database in which all relevant marine-related information can be stored and accessed by authorised persons. In the meantime, individual requests for information from the WA police will be actioned by individual departmental officers.

Hopefully, that answered all the member's questions. They certainly were the answers to all the questions that I had written down. I know that the member intends to go into committee, so let us go into committee and if he thinks that anything is outstanding, he can ask me.

**Hon Neil Thomson:** Obviously, I have been taking tabs off my notes as you were answering the questions to avoid any unnecessary delay during the committee stage. I may have missed it, but do you have any notes in relation to the issue around reporting? We could do a short debate on clause 1 if you like; it is up to you. I probably have a couple of other questions.

**Hon STEPHEN DAWSON:** Let us do it in committee. The advisers can then pull out what I have read and say, "Actually, that was the answer to that."

With that, I commend the bill to the house.

Question put and passed.

Bill read a second time.

*Committee*

The Deputy Chair of Committees (Hon Stephen Pratt) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

**Clause 1: Short title —**

**Hon NEIL THOMSON:** I again thank the minister. Just as the minister had taken note of my questions, during that process I was trying to eliminate matters that the minister was able to answer in a relevant way. I will stay in clause 1 if we can. I might refer to other clauses if that makes it easier, because I do not think this will take very long; I am hoping that we can get this done within a few minutes. I will just catch my thoughts, because there were a couple of things that I eliminated from my list.

**Hon Stephen Dawson:** Do you want to gather your thoughts and I will give an answer to one of your questions?

**Hon NEIL THOMSON:** Yes, please.

**Hon STEPHEN DAWSON:** The honourable member asked about incident reporting—how it will occur, how stakeholders will know about it and how we will engage with the recreational sector. I think those were the things that the member said. Proposed section 64B, “Marine incidents: reporting”, states —

- (1) This section applies if a pleasure vessel or a prescribed vessel is involved in a marine incident and 1 or more of the following result —
  - (a) a person is injured or dies;
  - (b) the vessel sustains damage affecting its seaworthiness;
  - (c) another vessel is lost or sustains damage affecting its seaworthiness.
- (2) The master and the owner of the vessel must, as soon as practicable after becoming aware of the incident, give a report ... to the chief executive officer that includes the following —
  - (a) particulars of the incident and its possible cause;
  - (b) the contact details of the master and the owner;
  - (c) the identification details of the vessel;
  - (d) the present position of the vessel (where practicable);
  - (e) details of the marine qualifications of the master.

That will have to be done within 72 hours of becoming aware of an incident. I am told that the reporting provisions are similar to those in the existing act. They are not materially different. There is a standard incident report form. We have standard education provisions, so this information will be available on our website. It will also be available on social media, because we put stuff out on social media periodically. It will be in our Deckee app. There are a range of things, but they should not be a surprise to anybody because they will be similar to what already exists. It is certainly our intention to keep passing on the message to ensure that people know what the expectations will be.

**Hon NEIL THOMSON:** Would that issue of incident reporting apply equally to all recreational and commercial vessels?

**Hon STEPHEN DAWSON:** Domestic commercial vessels are captured by the national law. Pleasure vessels and prescribed vessels are captured by the Western Australian Marine Act. If something goes across both, we will work with the Australian Maritime Safety Authority.

**Hon NEIL THOMSON:** By way of suggestion, noting that our marine rescue groups are often the first point of call for any person who might have a problem with their vessel, I wonder whether there would be scope within the work of the Department of Transport to liaise with those volunteer groups to assist them to advise members of the public who might report a matter to marine rescue, in good faith, just to remind people of their obligations. Could the minister possibly explain the process by which a recreational or pleasure vessel owner, master or skipper, might then proceed to make that report?

**Hon STEPHEN DAWSON:** If it is not on the way already, honourable member, I give an undertaking that the Department of Transport will work with the Department of Fire and Emergency Services, the agency responsible for marine rescue, to make sure that marine rescue is aware of the new changes. We already ask marine rescue to help fill in the standard incident report form, certainly, as the minister with responsibility for marine rescue in WA. Marine rescue does an amazing job. Its volunteers do an exceptional job in keeping boaties safe, and we will work closely with the 22 agencies to ensure there are no surprises and that marine rescue are aware of the new procedures.

**Hon NEIL THOMSON:** I thank the minister for that. I think that is an excellent pathway forward. If someone reports an incident or has damaged their vessel, what is the obligation of that person to report on the repair of that vessel? How will that work? If there is no obligation, is it simply a matter that common sense prevails when it is repaired?

**Hon STEPHEN DAWSON:** The honourable member is correct. There is no obligation to report fixing, but I imagine people do that.

**Hon NEIL THOMSON:** We will stay on clause 1, if that is okay, chair. I will finish my interrogation through clause 1, so we may adapt to different clauses throughout the process.

The minister answered about the question about the impact of the application and gave good advice about the gap that occurred from 2018. It applied only to fees. Could we get a little more detail on that? To give assurance to the community, has there been any potential impact on the marine safety environment or any impact on the ability of the department to deal with matters of compliance as a result of the delay of getting through to the final drafting stages of this bill and the process through promulgation as law?

**Hon STEPHEN DAWSON:** I am told no. We have had things in place to manage it, but as I indicated earlier, the clauses of the IGA that remained relevant after commencement of the national law scheme were primarily concerned with funding service delivery by states and territories and other areas that were no longer relevant by 2018. Certainly, we are not aware of any issues that have arisen as a result of the gap.

**Hon NEIL THOMSON:** This is a bit of an odd question that came to me from a third party. Someone contacted me and asked about the issue of anchors, and I think the minister might have mentioned it in his second reading reply. Was that mentioned at all? Someone asked about the need to have an anchor on a vessel. Is that related? The minister is nodding no. There is no change to a requirement for anchors in vessels?

**Hon STEPHEN DAWSON:** It is not directly related to this bill, although I am advised that under the safety equipment review it was decided that an anchor was not a requirement—although it is recommended—because it is not a piece of safety equipment.

**Hon NEIL THOMSON:** I know it is not in the bill, but I have a further question, if the minister does not mind. It is within separate regulations that have been applied. For any external parties who might be watching this, by means of communication through to the minister, a was question raised about why that was removed. The minister could answer now, if he has the capacity and willingness to.

**Hon STEPHEN DAWSON:** All I can say is that it is not seen as directly being a piece of lifesaving equipment. We focused on emergency position indication radio beacons, life jackets et cetera. However, although it is not a requirement, it is still recommended that people have them.

**Hon NEIL THOMSON:** I thank the minister for that. I understand the logic of that, given that the government is purely focus on safety. It could be argued that it is a safety piece of equipment, but it is a bit like arguing what sort of motor they have.

**Hon Stephen Dawson:** We do not want people relying on such thing as an anchor, when they should be relying on things such as an EPIRB and a lifesaving vessel that are shown to save lives or prevent death.

**Hon NEIL THOMSON:** I have a few more items and this might be an issue. I thought I read it somewhere, but when I searched, I could not find it. There is an issue about compliance plates for older vessels. I think that might also be a matter of regulation. There is a new provision that could have been in the September changes that could be related to the need for a compliance plate on a vessel, with a level of grandfathering so it would impact someone who might sell an older vessel that does not have a compliance plate. Could I get clarification of whether that is within the scope of these national standards?

**Hon STEPHEN DAWSON:** I think what the member is referring to is the Australian builders plate. Currently, the powers are administered by the Department of Mines, Industry Regulation and Safety and there is a new head power in this bill to allow the regulations to be administered by the Department of Transport in place of DMIRS. It is a better place for it to sit.

**Hon NEIL THOMSON:** So I was not dreaming!

**Hon Stephen Dawson:** You were obviously paying attention, honourable member.

**Hon NEIL THOMSON:** I was paying attention. As the minister knows, we have had a few things on our plate over the last few weeks since the reading in of the bill and it was on my mind. It was worth asking about those issues. It is transferring to the Department of Transport. I am just thinking about the cost. I asked a couple of questions of the very commendable Laurie, head of the safety team, and he gave me very good answers on the safety aspects of his job; he was not providing any informal briefing. Just so Laurie does not get into trouble, he was doing his job extraordinarily well and he mentioned that he was not able to answer the question that I had, so I thought I would raise it here. There is a year cut-off period for the Australian Builders Plate. I refer to the cost of getting an Australian Builders Plate for somebody with an older vessel. I put on the record that I have one vessel in the older category, so I am curious about this. The cost and mechanism for someone to get an Australian Builders Plate would be of interest to the community. I note that fees for bespoke assessments by, potentially, a naval architect could be quite expensive for a small commercial vessel.

The point I was going to make by way of suggestion is that if the Department of Transport knew of a specific model of vessel that was of an older category that did not have an Australian Builders Plate but knew that it was a standard vessel, by means of application there might be a low-cost option to provide a builders plate, given that often these are not bespoke vessels. They are factory-built vessels that might be older. When someone applies, I would have thought it is a one-off process. I am just thinking of people ending up having to spend a lot. It is analogous to somebody having an older car that might be required to go over the pits if the law was introduced; if that car was of a specific model and we knew it was of a specific standard, there might be the ability for the department to provide a lower cost option to proceed with an Australian Builders Plate.

**Hon STEPHEN DAWSON:** ABPs are legally required for new recreational powered vessels that are either offered for sale to the public for the first time or being registered in Western Australia for the first time. Vessels built before 2 September 2006 do not need ABPs.

In relation to the application costs, I am told a standard application is a couple of hundred dollars. For boats that are mass built, it is cheaper because we know the standard. If it is a kind of one-off, it would be more expensive. It would need a survey. It would cost more. I do not have that information on what it might cost here. It is intended that it will be an offence for a seller to sell a new vessel without an ABP, but not for an owner.

**Hon NEIL THOMSON:** That is very helpful, minister, not only from a personal view—not that I am planning to sell my vehicle. A mass-produced vessel prior to 2006—I am sure plenty of people out there in the community have the same issue and will not want to undertake a detailed survey of the vessel.

**Hon Stephen Dawson:** If you're hanging on to it, don't worry.

**Hon NEIL THOMSON:** Do not worry. But, obviously, over time people change their plans, I guess, and that happens all time. What we are doing here is making sure that those fees are commensurate to the risk that we are trying to protect. I thank the minister for that answer.

I would like to stay on clause 1. We are going to just keep it brief. We might be able to take us all the way through, if that is also okay with the minister. A bunch of clauses from 8 through to 15 broadly could be termed as relating the impact of the national law as opposed to mirror legislation. I refer to the issue of tabling changes to regulations in Parliament. These clauses relate to different matters such as those instruments that might be scheduled or have different commencement dates et cetera.

I have a general question. One of the challenges that I face as a legislator in this place—we are all trying to do our job—is keeping an eye on all the regulatory changes that occur. I know that we have the Joint Standing Committee on Delegated Legislation and it can do its job there, but I am wondering to what extent the notification arrangements might assist and the role of the minister in keeping an eye on those changes. I am not interested in the opposition here. I am talking about government keeping an eye on those changes. I assume there is a process in the Department of Transport to keep a very close eye on those changes. I wonder how that notification might occur so that we can have some comfort that the sovereignty of Western Australia is maintained given the peculiar circumstances that we sometimes face and how that would work in practice.

**Hon STEPHEN DAWSON:** We are constantly in discussions with Australian Maritime Safety Authority, and every state and territory is consulted if there might be any changes to the national law. Certainly, the bill provides that an amending act must be laid before each house within 18 sitting days after it receives royal assent.

There are a couple things, honourable member. There is the process that the member talked about in terms of us and delegated legislation and it appearing in the *Government Gazette* and being disallowable. But separate from that, as another safeguard, the agency is involved, as are other states and territories, in conversations with AMSA before any changes might be proposed in the first place. It will not be a case of us being surprised. It will be a case of us being talked to, spoken to and consulted. Then obviously later there will be the opportunity to disallow.

**Hon NEIL THOMSON:** I thank the minister. I am almost to the end of this. We have managed to remove quite a few questions due to the minister's very forthcoming responses to questions I raised in the second reading debate.

I want to focus on clause 72 in the general sense as part of the clause 1 debate. That will insert proposed section 110, "Exchange of information between chief executive officer and other authorities". Page 57 of the explanatory memorandum outlines this issue and states —

Section 110 will enable the chief executive officer to share information with other authorities that issue marine qualifications or have functions under law which correspond or substantially correspond to the functions of the chief executive officer under this Act or are prescribed for the purposes of this section.

Again, I mentioned family involvement in the marine sector and there was a time when a family member was trying to qualify. This is often the case; I think we have had some challenges around the training space with training providers in marine sector for master 3, master 4 and master 5 certificates. If we go back a while, I think we were talking about Training Accreditation Council and the sharing of information on those qualifications. From

my recollection—it was a little while ago—there were certainly some challenges because at one stage, those qualifications could only be provided in Tasmania, which created challenges in the delivery of coxswain and master certificates. When I was in Broome, one of the trainers up there mentioned the same issue to me. I hope that the bill will assist in the exchange of information and enable a more seamless approach to those things. I am sure not sure whether the minister is able to provide any comment about that matter.

The Training Accreditation Council monitors registered training organisation compliance because there is a federal element to the training, and that is part of the challenge in the issuance of the WA master certificate. I hope that this is part of an improved function. I do not like using personal experience, but the example I gave involved someone I knew and it was quite a difficult and stressful period in getting a finalised certificate even though they had undertaken all the obligations to meet the training requirements.

**Hon STEPHEN DAWSON:** There are strict protection of information clauses in the bill. Proposed section 108 refers to who can record or disclose information, with breaches of those provisions incurring either a \$12 000 fine or 12 months' imprisonment. Previously, the states looked after training. It is now managed by the Australian Maritime Safety Authority so, hopefully, those concerns do not exist anymore. We will determine who will be a prescribed person under the legislation when we develop the regulations. I draw the member's attention to the Road Traffic (Administration) Regulations 2014. It is fair to say that we are trying to ensure consistency between the various transportation, if I can use that word, regulations. The Road Traffic (Administration) Regulations 2014 prescribes certain persons to whom the CEO may disclose information relating to driver licences and permits, vehicle licences, demerit points and instructors. That includes the chairperson of the Australian Securities and Investments Commission, the Australian Federal Police Commissioner, the Australian Border Force Commissioner, the Comptroller-General of Customs, the Chief of the Defence Force, the Inspector-General as defined in the Bankruptcy Act, the CEO of a department in another jurisdiction, the Electoral Commissioner of the commonwealth or Western Australia, the commissioner as defined in the Corruption, Crime and Misconduct Act, the vice-chancellor of a university, the Fire and Emergency Commissioner, the chief executive of Centrelink, a local government CEO and so on. The people on the list are likely to be similar to those I have read out for various reasons. In addition, nominated officers of departments such as the Department of Primary Industries and Regional Development and the Department of Biodiversity, Conservation and Attractions could be granted access to compliance information because they are involved in assisting the enforcement of the Western Australian Marine Act.

**Hon NEIL THOMSON:** I am not sure that the minister has answered my question, but I am probably not in a position to ask the question in a way that will provide a refined answer. For clarification, I might ask a question on notice, which I think we can do. I will leave it at that, unless someone who is watching and has much more information than I do can provide me with a much sharper analysis of the matter

My final round of questioning on clause 1 relates to disclosure by means of an automated system, which is contained in proposed section 113. The minister mentioned the penalties that will relate to the misuse of information. Let me start again. There is provision in the bill to enable the CEO to disclose information when it is required for a more seamless operation, and to do that by automated means, which, I assume will be through electronic means. There are also provisions for the protection of information and the penalties associated with the misuse of information. Noting the chequered history of the Transport Executive and Licensing Information System and some of the challenges with licensing information, what measures is the department putting in place to protect information that relates to licensing and the management of a range of things in the marine environment and to protect Western Australians from the sorts of misuse of information that have been the subject of many Auditor General reports and other agency considerations?

**Hon STEPHEN DAWSON:** I think I answered that question earlier on. As I indicated, information sharing and protection provisions are being introduced in marine laws for the first time, based on road traffic laws that strictly manage information access and disclosure. Information will be stored securely in a password-protected database that is accessible only to authorised users. The road laws-style database in which all relevant marine-related material can be stored and accessed by authorised persons is now being worked on. We are well aware of the Auditor General reports and the focus of the Auditor General in terms of what needs to take place for the security of data. Certainly, the Department of Transport is signed up to the Cyber Security Operations Centre, which is run by the Office of Digital Government within the Department of the Premier and Cabinet. The world has moved on; we are conscious of things that have been said before. It is certainly a focus to ensure that for the first time, information sharing and protection provisions are included in marine laws and we will manage that data safely and securely.

**Clause put and passed.**

**Clauses 2 to 123 put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by **Hon Stephen Dawson (Minister for Emergency Services)**, and passed.