

WESTERN AUSTRALIAN MARINE AMENDMENT BILL 2023

939. Mrs L.A. MUNDAY to the Minister assisting the Minister for Transport:

I refer to the Cook Labor government's long-awaited reforms of the Western Australian Marine Act. Can the minister please advise the house how these reforms will help to keep people safe on our waterways this summer, and can the minister also advise what message the reforms send to those considering skipping a vessel under the influence of drugs or alcohol?

Mr D.R. MICHAEL replied:

I would like to thank the member for the question. Like the good people of Dawesville, there will be lots of Western Australians who, with the weather we have had, are probably already out on the water and are looking forward to having fun on the water this summer. I also acknowledge my former boss, Hon Bob Kucera, who is up there, who is a former Commodore of the Fremantle Sailing Club and, importantly, a former Assistant Commissioner of Police, who knows the damage that cars and vehicles and bad driving can do on our roads. I also acknowledge the incredible work that the water police and the Department of Transport staff do on our water to keep people safe.

I am pleased to advise members that earlier this week, the Western Australian Marine Amendment Bill 2023 passed the Legislative Council. As we know from when it went through this house, the bill provides for stronger penalties for skippers under the influence of drugs or alcohol, as well as much stronger penalties for dangerous navigation. The Western Australian Marine Act offences were essentially unchanged since they were first introduced in the early 1980s and definitely did not reflect community expectations. The changes brought in by the Western Australian Marine Amendment Bill 2023 will see laws that mirror those in place on our roads and send a clear message that dangerous navigation or skipping under the influence of drugs or alcohol will not be tolerated. The enhanced financial penalties better reflect the seriousness of the offences and for the first time include the possibility of imprisonment for a dangerous navigation offence. For example, the offence of dangerous navigation will now have penalties, including fines of up to \$36 000, three years' imprisonment and two years' minimum disqualification from holding or obtaining a recreational skipper's ticket, compared with a previous fine of only \$1 000. This is a significant milestone in the strengthening of boating safety laws.

I take the opportunity to thank the staff of the Department of Transport and the Western Australia Police Force, including the relevant ministers here, as well, for their efforts in bringing this legislation together. It was a mammoth task and took many hours of work. I thank them. I know that the Department of Transport has been waiting a long time to do it.

I thank this house for passing the legislation, including the opposition. With the Leader of the Opposition, we had our consideration in detail on this legislation. Thanks for allowing us to pass the legislation as quickly as we were able to in both houses, to make sure the new penalties are in place for summer. This is another example of some great legislation this government has done with the support of the opposition, when the former government got this completely wrong. An article from ABC News from back in 2015 says —

WA Water Police say they have no choice but to work within legislation which does not allow officers to breath test skippers of boats, as they gear up for one of the state's biggest annual boating —

Seasons. The then Minister for Police and member for Scarborough said —

... drafting and passing legislation, and then establishing an effective compliance regime was an expensive process.

... in the absence of evidence that alcohol-affected boat skippers were a significant problem, she was not planning to make changes.

“We've had a large high-profile crash, if you recall, a few years ago and I'm a bit reluctant to change the entire laws of the state around one issue,” ...

The then Premier Colin Barnett —

... does not favour breath tests of skippers on the water.

Nor does he want to see authorities waiting at boat ramps to breathalyse boaties ...

“I would much prefer to have faith in people to be responsible on the water, particularly in charge of larger boats, for boating organisations and yacht clubs to take a leadership role in that,” Mr Barnett said.

I am glad the opposition's position has changed and I thank it for helping us to pass that legislation.

I am proud that the Cook government has given water safety the priority it deserves. I acknowledge that most people out there do the right thing on our waterways, but the laws were out of touch with community expectations and these laws also build upon major changes to the safety equipment requirements for recreational vehicles that came into effect in September this year.

Before I sit down, I again thank all those hardworking staff at the Department of Transport and the Western Australia Police Force who will be out on the water and enforcing laws. I thank all those volunteers at sailing and yacht clubs and in marine safety and all those other organisations who will do their job in helping us with enforcing this legislation. I thank the overwhelming majority of Western Australians who are going to do the right thing over summer and I hope they have great fun on the water.