



Speech by

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MEMBER FOR SURFERS PARADISE

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MARITIME AND OTHER LEGISLATION AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (3.15 pm): I rise to speak to the Maritime and Other Legislation Amendment Bill 2006. The Surfers Paradise electorate is very fortunate to have many waterways weaving through it and to have the recreation and leisure lifestyle that those waterways support. The waterways are shared by all types of motorised and non-motorised craft used for water sports, leisure, cruising, fishing and exercise. Rowers, surfers, sailboarders, jet skiers and kitesurfers use the canals and beaches. The coast also hosts many on-water events and has a high concentration of businesses, small and large, operating on its waterways. Clean waterways are indeed part of the coast's tourist lure.

The numerous lakes and more than 200 kilometres of constructed canals on the Gold Coast form a busy transit network of waterways throughout the electorate unlike any other in this country. Those waterways include the stunning Broadwater and marina and The Spit. Rather than fall into the easy trap of forgetting about our marine transit and environmental network when our neglected road and rail infrastructure demands so much attention, the safety of those using our waterways and the regulation of our waterways must not be forgotten.

As I have stated, the safety of our marine network is a very important issue to the Surfers Paradise electorate. Let me make it resoundingly clear that, for me, the safety of the Gold Coast's many and busy waterways is of extreme high priority and consideration. Recently I wrote to the minister about the concerns of a resident who is a sailor and who is worried about the speed and behaviour of jet skiers around his club's sailing boats at Paradise Point.

The bill makes a number of amendments to transport legislation. Much of the bill's practical effect will clarify this legislation. But the bulk of the legislation makes analysis quite complex, and further efforts to streamline marine safety and pollution based legislation should continue. In order for me to compose this speech I asked one of my staffers to obtain some information. His comment to me was that, along with there being so many pieces of legislation relating to waterways, the state government's responsibilities on Queensland's waterways were dispersed throughout its portfolios. For example, the department of transport looks after navigation channels, the department of environment looks after tidal waterways, the department of natural resources looks after freshwater waterways and the department of primary industries looks after fishing and many boating issues. Further streamlining and consolidation of this area may be a worthwhile future endeavour for the various departments. Consistency with other transport legislation would and should be a continuing goal.

This bill amends the Maritime Safety Queensland Act to deal with abandoned and wrecked ships. I do not know whether we have seen many such ships, but if we do not get the Broadwater dredged we may end up with that situation. The amendments allow Maritime Safety Queensland to approve entities to conduct the training and examinations of candidates for commercial or recreational marine licences. Owing to the Gold Coast's leisure lifestyle, tourist numbers and its numerous and varied waterways allowing for a full spectrum of activities to be enjoyed, the number of recreational marine licences on the Gold Coast is quite high. The Gold Coast's tourist industry supports several businesses that operate on the water commercially, including dinner and party cruises, scenic operators and water activity providers to name but

a few. I believe that the amendments relating to further regulating recreational and commercial licences are necessary. However, possible exemptions may need to be developed in the future.

The bill also amends the Transport Operations (Marine Pollution) Act 1995 to narrow the scope of defences for discharges occurring during transfer operations. The amendments also broaden the requirements for compulsory insurance for the cleaning up of pollution, provide whistleblower protection for reporting illegal pollutant discharges and clarify the roles of MSQ and port authorities for pollution response in ports. These are welcome amendments to protect our waters from ship-sourced pollution. I believe that providing the courts with the ability to impose a range of civil penalties and to order compliance with this marine pollution act is a step in the right direction. However, I note that the Scrutiny of Legislation Committee believes that the penalties are quite heavy.

The bill also amends the Transport Operations (Marine Safety) Act 1994 to clarify the application of that act in extraterritorial waters; to require ships to be registered according to their intended usage and type; to extend the powers of harbourmasters and shipping inspectors in giving directions to ships; to provide the power to condemn, dispose of or destroy wrecked or abandoned ships; to provide for courts to suspend marine licences and order compliance with the act; to provide whistleblower protection for persons reporting unseaworthy ships; to amend the appeal process to provide consistency with other transport legislation; to phase out exemptions of the former marine board applying to fishing ships; and to make various updates and additions in response to technological development.

I want to use this opportunity to focus on the whistleblower protection that this bill will provide in regard to persons reporting unseaworthy ships and polluters. Both whistleblower provisions declare that a person is not civilly or criminally liable for disclosing to an official information about conduct that the disclosing person honestly believes on reasonable grounds contravenes the relevant act. Specific protection is provided in relation to defamation proceedings and statutory confidentiality obligations. Reprisal action taken against a disclosing person is declared to be a tort for which the person taking the reprisal is liable for damage. A disclosure by a disclosing person does not absolve him or her in relation to their own illegal conduct, but a court may have regard to the disclosure if the disclosing person is subsequently prosecuted for their conduct. Therefore, it should be noted that the immunity afforded to whistleblowers is limited and, as the Scrutiny of Legislation Committee points out, worthy of being brought to the attention of the House.

The bill also makes changes to the Transport Operations (Passenger Transport) Act 1994 and the Transport Infrastructure Act 1994 to clarify tolling legislation. I note that the proposed changes to the Transport Infrastructure Act that this bill will achieve are in line with what the coalition shadow minister for transport said in his contribution to the debate on the Transport and Other Legislation Amendment Bill in November last year. The entire premise of his speech was that the framework that bill was seeking to establish in regard to tolling was not sufficiently comprehensive to deal with such a complex issue. The changes contained in this bill are based on the fact that the framework provided for tolling projects requires more consideration and re-evaluation, as the member for Chatsworth pointed out six months ago. These proposed changes then act as yet another example of coalition recommendations and policy being picked up by those opposite and being incorporated in legislation without the relevant attribution. I can only hope that the shadow minister has not been upset by this misappropriation of his work without recognition, but I would like to give recognition to his proposals.

The Transport Operations (Marine Pollution) Act does not contain a defence to marine pollution charges if the transfer apparatus was not mechanically sound. This point was also brought to the attention of the minister by the member for Chatsworth last November. Yet only now in this bill is this necessary precaution becoming a statutory requirement.

The bill also amends the Transport Operations (Road Use Management) Act 1995 by introducing disqualification and licence suspensions for high-risk drink drivers to apply from the time they are charged by police until they are dealt with by a court or the charge is withdrawn or otherwise discontinued. These provisions have my support. Furthermore, blood and breath alcohol concentration limits for people who are supervising a learner driver equivalent to the limits that apply to the supervisor if they were driving the vehicle will be introduced. These changes will provide immediate licence suspension for high-level and repeat drink drivers—those with a blood alcohol concentration of .15 and above. From a public safety perspective, in Queensland it is undesirable to allow high-level and repeat drink drivers to continue driving. The risks are well known.

It seems that the failings of the current antihooning legislation have been recognised by this bill. I refer to the current legal loophole that allows suspected hooners to get their vehicles back pending court hearings. This bill attempts to stop similar problems occurring by imposing suspensions and disqualifications from the time the person is charged by police until that person is dealt with by a court or the charge is withdrawn or otherwise discontinued.

Hooners and repeat drink drivers on our roads need to be deterred, as do their omni-water equivalents, and well-drafted legislation is the key to that aim. That is why this part of the bill gains my full

support. Public policy considerations for this are sound. They are aiming to keep our transport networks safe. With that in mind, I look forward to offering my support to the upcoming private member's bill of the coalition shadow minister for transport regarding child restraints. The safety and health of our transport and transit network, be it on the roads, rail or water, are a priority of the state coalition, evidenced by the recommendations—which are often taken by those opposite—in private members' bills with sound policies behind them. More importantly, we are offering support to this bill.