




Speech By
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MEMBER FOR GLADSTONE

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TRANSPORT OPERATIONS (MARINE SAFETY-DOMESTIC COMMERCIAL VESSEL NATIONAL LAW APPLICATION) BILL; TRANSPORT OPERATIONS (MARINE SAFETY) AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BUTCHER** (Gladstone—ALP) (9.28 pm): I rise to speak in support of the Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Bill 2015, commonly known around the office as the TOMS bill, and the Transport Operations (Marine Safety) and Other Legislation Amendment Bill 2015.

These bills seek to achieve the intent of the Marine Safety (Domestic Commercial Vessel) National Law Act 2012, which has been in effect since 2013. Introduced under the Gillard government, the national law transferred the regulation of domestic commercial vessels from the states to the federal government, establishing a national system aimed to deliver consistent safety standards, to reduce complexity, to provide greater certainty for industry and to promote a more efficient national maritime sector. Since commencement, safety matters have been regulated under national law for the vast majority of Queensland's domestic commercial vessel fleet—around 5,000 ships. A DCV is any vessel that is used in connection with a commercial, governmental or research activity and includes vessels used for fishing and trade, passenger-carrying and tourist boats, and a range of other vessels working in ports and around the Australian coastline.

Queensland's recreational vessels and those vessels explicitly excluded under the national law, such as marine studies and school vessels and surf lifesaving vessels, continue to be regulated under Queensland's maritime safety legislation. However, for constitutional reasons a small number of DCVs have not been able to be regulated by the national law. These are vessels owned by non-corporate entities operating solely on inland waters. These 'constitutional gap' vessels include, for example, tourist vessels operating on Lake Barrine. The Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Bill 2015 has the effect of applying the national law to these 'constitutional gap' vessels but allows a transitional period of 12 months to comply with any new requirements. The application bill has no effect on DCVs which are already operating under the national law and has no effect on vessels other than DCVs.

The Transport Operations (Marine Safety) and Other Legislation Amendment Bill 2015 amends existing marine safety legislation to provide necessary streamlining by removing redundant legislation covered by the enactment of the national law, such as licensing and registration of commercial vessels and fishing ships. The marine safety bill establishes a new class of vessel—'Queensland registered ship'—which are recreational ships, as well as ships which have been expressly excluded from the operation of the national law—such as those operated by schools, community groups and surf-lifesaving clubs—which are not commercial in nature. The establishment of this class makes no practical difference to the owners and operators of these ships. It simply allows DCVs to be clearly excluded from the provisions that deal with registration, licensing and general safety obligations. These bills do

not impact matters such as speeding, alcohol and drug restrictions and harbour management, as those matters have always been, and will continue to be, regulated under Queensland legislation and are not subject to the national law.

One in every 19 Queenslanders owns a boat. The Palaszczuk government understands this and is committed to delivering improved infrastructure for our recreational boaties. The Palaszczuk government has extended the Marine Infrastructure Fund by committing an extra \$30 million over two years for delivery of new and upgraded recreational boating facilities.

In the Gladstone region, there are over 47,000 recreational vessels registered. That is one for every 11 people. Although these numbers remain largely steady for the Gladstone region, these numbers continue to grow elsewhere in the state as more Queenslanders are taking advantage of the great marine infrastructure in Queensland, and the Palaszczuk government is responding to this demand with improved facilities up and down the coast. The Palaszczuk government is consulting with boaties. As opposed to the previous LNP government, this government will be opening the 2017-18 program of the Marine Infrastructure Fund to proper community consultation.

I would like to also acknowledge the significant role played by Maritime Safety Queensland. They work closely with the boating community to ensure safety at sea. MSQ also plays an important role in minimising waste in our waters, while encouraging and supporting innovation in the maritime industry.

Queensland is committed to the highest standard of shipping and marine operations in our ports and the sensitive Great Barrier Reef. I am deeply concerned with recent reported issues with crew welfare on foreign ships in Gladstone. On 14 February the *Kanaris* experienced a dispute between the Greek master and Philippine crew over cultural and possibly pay issues. The scheduled sailing of the vessel was cancelled. However, she has now left the port but remains at anchor offshore while all issues are worked through. At the same time the vessel *Kypros Sea* is off the port with Captain Salas in command while at the same time a coroner is hearing evidence in Sydney in relation to two fatalities on a vessel of which he was the previous master.

In addition, there is considerable disquiet at the actions of some Australian resource companies in replacing the Australian crews on some of their vessels with cheap overseas crew whose conditions of service are materially below that currently on offer to the Australian crews. There are a number of ships with Australian crews trading between Weipa and Gladstone with bauxite. There is a concern that these crews will be replaced in a similar fashion to that on the CSL *Melbourne*. The Commonwealth government has legislation in the parliament to dramatically change the economic regulation governing the coastal trading sector. This would allow easier access to foreign ships to the coastal trade and would over time replace even more of our fast-diminishing Australian flag fleet. There is a Senate inquiry underway into aspects of foreign flag shipping being allowed easier access to coastal cargoes.

There is always room for ongoing improvement when it comes to safety. Fundamental to improved maritime safety is the willingness of experienced boaties to practice a culture of safety and to encourage newcomers to follow their example. The Palaszczuk government is, of course, committed to playing its part through compliance activity, including education, and ensuring appropriate maritime infrastructure is in place.

Last year we implemented the Sustainable Ports Development Act 2015, which restricts capital dredging to priority ports and dumping of dredge spoil. It will ban the sea based disposal of port related capital dredged material into the Great Barrier Reef World Heritage area and restrict major capital dredging to four priority ports—Abbot Point, Gladstone, Hay Point/Mackay and Townsville. This means, for example, that developments within Gladstone Harbour, both for coal export facilities and LNG processing and export facilities, are able to proceed.

The Port of Gladstone is Queensland's largest multicommodity port and is a critical driver of the Queensland economy. Vessels traversing into the Western Basin region of the Port of Gladstone utilise the existing Clinton Bypass Channel. Further deepening of this channel is required to ensure the continued safe passage of all vessels including the larger cape-size vessels. Consistent with the government's commitment to protecting the Great Barrier Reef, the project will be required to meet strict environmental approvals. As a capital dredging project, dredge material will be disposed of on land with the most likely option to be the existing Western Basin bund area at Fisherman's Landing. Dredging for the Clinton Bypass could potentially commence in 2016-17 pending the outcome of environmental, dredging and planning approvals. The project will take approximately 18 to 24 months to complete, with the actual dredging component to take from three to four months. The Gladstone Ports Corporation has commenced preliminary work on the environmental approvals, the scoping and the Building Queensland requirements. I commend the bills to the House.