



Full Day Hansard Transcript (Legislative Council, 7 May 2014, Proof)

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Extract from NSW Legislative Council Hansard and Papers Wednesday, 7 May 2014 (Proof).

MARITIME AND TRANSPORT LICENSING LEGISLATION AMENDMENT BILL 2014

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Duncan Gay.

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Freight) [3.37 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Maritime and Transport Licensing Legislation Amendment Bill 2014. By amending road transport and maritime legislation this bill allows for the introduction of an integrated transport licence. In the first instance, this licence will be a New South Wales driver licence combined with a boat driving or personal watercraft licence. In addition, the bill amends the Marine Safety Act 1998 to provide for the transfer of boat driving licensing and vessel registration functions to Roads and Maritime Services. The bill also amends the Ports and Maritime Administration Act 1995 to enable the regulations to make provision for the management of dangerous goods in ports, which are currently saved in work, health and safety legislation.

In 2012 the Maritime Stakeholder Forum called on the Government to reduce red tape, especially in relation to reducing the regulatory burden on industry and the community. In August of that year I launched the Maritime Policy Agenda and announced a number of boating customer reforms. The principal element of these reforms was a combined driver and boat driving licence for eligible Roads and Maritime Services customers. As members will be aware, there is considerable overlap in roads and maritime customers: of the more than half a million boat driving and personal watercraft licence holders, probably 80 per cent have a New South Wales driver licence. Likewise, a large majority of the quarter of a million recreational boats registered in New South Wales are operated by people who own a boat trailer and a registered vehicle to tow the trailer.

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There are a lot of benefits to be gained by allowing greater ease of business for these people at Service New South Wales and Roads and Maritime Services centres and online. At the moment the two legacy business systems of the former Roads and Traffic Authority and New South Wales Maritime treat them as separate customers and operate with different business rules. I know that it can be time consuming and frustrating for customers and staff. While in an ideal world it would be feasible to combine the two systems or develop a new one for Roads and Maritime Services, in the current environment it is not feasible as it would cost millions of dollars which could otherwise be spent on improvements to roads and marine infrastructure.

The solution offered by this bill for an integrated transport licence is sensible and affordable. Where an application is made by the holder of an unrestricted driver licence who also holds a general boat driving or personal watercraft licence to combine the licences, a photo driver licence will be issued with boat licence details on the back of the card with the same expiry date for both. Otherwise, everything will remain the same: the cost of the two licences, and the conditions and the circumstances under which the licences must be carried or produced. In this first stage the bill amends the Road Transport Act 2013 to enable regulations to make provision for the granting of driver licences that include boat driving licences under the Marine Safety Act 1998.

These are to be known as combined licences. The bill amends the Marine Safety Act 1998 to note that boat driving licences may be included on combined licences as an alternative to issuing separate boat driving documentation. Because a driver licence is a photo licence, the bill also facilitates the taking and use of photographs in connection with combined licences. It provides safeguards concerning the purposes for which the photographs on combined licences may be kept and used. The bill also provides for the legal effect of the combined licence in connection with certain requirements under legislation such as carrying, production, delivery or surrender of driver licences and boat driving licences. This means that a combined licence is considered the same as a driver licence with regard to requirements to carry or produce such a licence, for example, under road transport law.

The same is true for a combined licence with regard to compliance with maritime legislation: it must be carried, produced, surrendered and so on as if it were a stand-alone boat driving licence. To provide efficiencies arising from a common expiry date for both licences on a combined licence, the bill amends the Marine Safety Act to

enable Roads and Maritime Services to alter the period during which a boat driving or personal watercraft licence is in force to align it with the period during which a driver licence on a combined licence is in force. Apart from the combined transport licence, the bill provides for the transfer of boat driving licensing and vessel registration functions to Roads and Maritime Services. Currently, under the Marine Safety Act, these functions are exercised by the Minister. This creates a complicated set of delegation procedures for Roads and Maritime Services. The amendment aligns maritime legislation with road transport legislation by making Roads and Maritime Services the responsible licensing official for boat driving licences and vessel registration certificates.

The bill amends the Ports and Maritime Administration Act 1995 to enable the regulations under that Act to make provision for the management of dangerous goods in ports. Currently regulations relating to dangerous goods in ports are found in a schedule to the Work Health and Safety Regulation 2011, which has preserved certain provisions under repealed legislation. WorkCover has pressed for these regulations to be updated and attached to more relevant legislation. Currently there is no regulation-making power for dangerous goods in the Ports Act, which is the most appropriate location for new regulations. Accordingly, the bill creates such a power. It enables dangerous goods regulations to create offences punishable by a penalty not exceeding 300 penalty units, which is closer to those in the work health and safety legislation than the lower limit of 100 penalty units currently provided for in the Ports Act. This emphasises the importance of ensuring accountability for health and safety when dangerous goods such as explosives are handled and transported through our ports.

In summary, the bill provides for the granting of combined licences, which are driver licences that include boat driving licences, as a first step in reducing the amount of documentation certain customers of Roads and Maritime Services must carry around. Aligned expiry dates will create efficiencies in renewal processes and a reduction in transactions with benefits for both Roads and Maritime Services and its customers. The bill transfers boat driving licensing and vessel registration functions to Roads and Maritime Services to mirror similar functions in road transport legislation for drivers and vehicles. Finally, the bill enables the regulations under the Ports and Maritime Administration Act 1995 to make provision for the management of dangerous goods and an increase in maximum penalty amounts to reflect the importance of these regulations in ensuring health and safety in the handling of these goods in New South Wales ports. I trust that members will lend their unequivocal support to the Government's proposals. I commend the bill to the House.