

CORRECTED VERSION

ECONOMIC DEVELOPMENT, INFRASTRUCTURE AND OUTER SUBURBAN/INTERFACE SERVICES COMMITTEE

Inquiry into Marine Rescue Services in Victoria

Geelong — 18 March 2014

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Victorian Jet Sports Boating Association

Mr Tony Scaturchio, President

Mr Shan Newman, Vice-President

The CHAIR — Welcome to the hearing of the all-party Economic Development, Infrastructure and Outer Suburban/Interface Services Committee into marine rescue services in Victoria. All evidence taken today will be protected by parliamentary privilege, but any comments you make outside this meeting will not have the same protection. I ask you to both state your full names, your address and whether you are appearing on behalf of an organisation.

Mr SCATURCHIO — I am Tony Scaturchio, from [REDACTED]. I am here as the President of the Victorian Jet Sports Boating Association.

Mr NEWMAN — I am Shan Newman, [REDACTED]. I am the vice-president of the Victorian Jet Sports Boating Association.

The CHAIR — Is there any reason why you guys came over here to give evidence?

Mr SCATURCHIO — Your good man Nathan coerced us into coming over.

The CHAIR — We are also taking evidence in other places. We took evidence yesterday in Frankston.

Mr NEWMAN — That would have been handy!

The CHAIR — That is what I was thinking.

Mr NEWMAN — That would have been — —.

Mr McGUIRE — Over the hill for you!

The CHAIR — Still it is very good of you to have come across.

Mr NEWMAN — I have not been down this way in a while.

The CHAIR — Okay, then do a bit of sightseeing and spend some money while you are here! Any evidence that you give will become part of a document that will be made public, so please keep that in mind. I invite you to make an oral submission.

Mr SCATURCHIO — I will hand over to Shan. The report has been prepared by Shan, so he is a lot more familiar with it than I am.

Mr NEWMAN — I am not sure if you want me to go over the whole thing. Otherwise we can just touch on a few points.

The CHAIR — Just what you think we should hear. We will read this, Shan, so just give us the highlights.

Mr NEWMAN — We are part of the Victorian Jet Sports Boating Association, a longstanding not-for-profit sporting association. We have long been involved with PWC racing, as well as in recreational riding and touring. We used to organise touring rides on Victorian coastlines, which made it a very user-friendly environment where new and experienced riders could come along and learn from us. We also held beginner classes and various types of training over the years. The club was a good way to get people involved in the sport in the right way and have them in a controlled environment, instead of going out racing around on Victorian waterways. Anyone who is inclined to high-speed pursuits and that sort of thing can come along and can do it in a controlled environment on a buoy course. We used to run time trials, and of course the racing, which was a national and international sport.

The club has always prided itself on having very experienced people involved in the club from various water sports backgrounds, whether it be PWC, boating, surfing or various other forms of water sport. We have always thought we have done a good job. We have had a lot of world champions and Australian champions that have come out of the club. Unfortunately, due to some changes with Marine Safety Victoria and when it amalgamated into TSV, we were shut down, so to speak. Our permissions to use the national water sports centre at Carrum were revoked. There was one incident there that sparked it — there was a slight accident, where someone had a leg broken — and that resulted in TSV basically revoking all permissions for us to operate or hold events.

The CHAIR — Were you given an option to respond to all of that?

Mr NEWMAN — We were, and we were told that our safety management plan needed review. We did that; we completely reviewed our safety management plan and submitted it to TSV and Parks Victoria. Unfortunately we have not had much communication in return. We have often tried to make headway there and find out what exactly we need to do to appease TSV and do the right thing, but we have had basically no feedback over the last three years, which means we have not been operating for three years.

The CHAIR — How many members did you have?

Mr SCATURCHIO — The number of riders was probably in the low 20s, but followers and members probably double that. As years go by the numbers drop off for all sorts of reasons. Because these permits are not in place we have not been able to get new people into the club.

The CHAIR — The opportunity for the hoons to go and blow their smoke off is not there now.

Mr SCATURCHIO — It does not exist.

Mr NEWMAN — Competitive riders would probably only number 20 to 30, but on social days we used to get up to 200 people coming down to do time trials and buoy courses which allow them to blow off that steam and not do it on Victorian waterways. Unfortunately we have had no appropriate feedback on what we need to do to follow the right path and get things back on track. Given that has been the case for three years, our revenue has gone south and we have not been able to operate effectively as a club. It is unfortunate. There is no feedback. I myself have made several submissions to TSV asking for guidance in what they need us to do.

The CHAIR — Did you get feedback off that?

Mr SCATURCHIO — We have submitted the new safety plan, but they have knocked it back without actually coming to us and telling us what is wrong with it.

The CHAIR — Have you met with people?

Mr SCATURCHIO — We have met with Corcoran and a few others. I cannot remember their names off the top of my head. We have actually had meetings at their office. It is a case of them saying, ‘You submit your safety plan, and we will see if it passes our test or not’.

The CHAIR — I might just pass this over because this is probably something that is completely different, I think. If you would like to drop me an email on that, I will see if I can arrange — —

Mr SCATURCHIO — Is there anything further?

The CHAIR — Yes, just keep going with that.

Mr NEWMAN — Back then we did have quite a good relationship with TSV. There were committee members, including myself, who worked on the courtesy rider program with TSV. It was Marine Safety Victoria at the time. At that point in time there was a great deal of effort going into engagement of the watercraft community and increasing safety and awareness, and the courtesy rider program was one of those initiatives. Things were looking like they were heading in the right direction; the government was working with us, and we were working with the government. Things were progressing quite well. Then when we had the amalgamation into TSV things just sort of — —

The CHAIR — When was that?

Mr NEWMAN — It was in 2011 or 2012.

Mr SCATURCHIO — There was also the change of legislation.

Mr NEWMAN — Yes, the change in legislation, that is right. That is probably for another time.

Here I have identified problems that we believe need addressing on the water, including education. Education is probably one of the biggest issues that we have. As I mentioned, it has been a case of no communication with the watercraft community for the last few years, which in turn has led us to close our doors, so to speak, so there is no education or training programs that are happening. There are no club environments into which to bring new riders and inexperienced people to show them the ropes and teach them. It has been pretty much blanket nothingness out there. There has been no training, no education and no club environment.

Licensing is another issue that we have had a lot of grievances with over the years. Working with the courtesy rider program with marine safety, we were often asked to submit our recommendations on how to improve safety on the water, which we did each season. The issue people gave the most feedback on was licensing age. If you are 12 years old, you can get your jet ski licence or boat licence with a watercraft endorsement. This means that, in effect, your 12-year-old can go out and ride a 310-horsepower jet ski, which is a deadly weapon, without any practical, hands-on training. I use one example in here patrolling Lake Nagambie.

The CHAIR — Yes, I just read that.

Mr NEWMAN — I pulled over a big V8 speedboat that was speeding in a 5-knot zone in an area that was very dangerous with a lot of overhanging branches and debris in the water. We gave chase to the boat for 5 minutes. We finally pulled the boat over, and to our surprise there was a 12-year-old at the helm of this boat who could not even see over the dashboard. His family — teenagers — were in the back and were all drunk. It is really astounding that this is still the case in this day and age.

Mr SCATURCHIO — What we have found over the last five or six years is that these jet skis are getting bigger and more powerful, but the issue of licensing has not kept up or changed at all.

Mr NEWMAN — There is really no difference between a 300-horsepower jet ski and a 200-horsepower motorbike. They are both deadly weapons in the wrong hands. The only real difference is that for your motorbike you need to do practical, hands-on training. You need to do quite extensive training to get that licence. There is a reasonable minimum age to get your licence to ride a motorbike. There are a lot of government initiatives and programs for education and all that sort of thing. With a jet ski there is absolutely no practical training. It is like giving your 12-year-old the keys to a Ferrari and saying, ‘Here you go. You can have this Ferrari and go down to the milk bar, and by the way, you just need to stick to 20 kilometres an hour’. There is no young teenager who is going to do that.

Mr SCATURCHIO — You find these 12-year-olds on skis — they need to be a minimum of 200 metres out from shore — and if they get into difficulty, they are going to need rescuing.

The CHAIR — Does that happen regularly?

Mr NEWMAN — Yes. At least 50 per cent of rescues are carried out by the general public, especially experienced riders like ourselves and some of the people we associate with both in recreational boating and in jet skiing. We are often doing rescues. The rescue services here in Victoria do a great job, but I think they are undermanned and under equipped. The public are always carrying out rescues. Over the years I myself have towed that many boats. Again it comes back to training and education. These people are not educated appropriately, and they are out on the water, which is a completely different environment to the road. It is not as simple as, ‘Here’s your licence. Off you go’. The water is a dangerous environment. There are tides to consider. There is weather, there is maintenance — —

Mr SCATURCHIO — Your brakes do not stop you.

Mr NEWMAN — Brakes is a great example. One thing that is not even touched on is stopping distance. There are so many issues involved out on the water, and it is just, ‘Here you go — you’re 12 years old and off you go’. We have carried out many rescues. Very often I get the comment, ‘You can’t tow me. How are you going to tow me?’. It is like, ‘This jet ski is twice as powerful as that motor on the back of your boat, so I am just throwing you a towrope’.

I think licensing is a major issue, and as you can see by some of the comments on the TSV Facebook page, people in the general public are crying out for the same thing. Licensing and training are some of the biggest issues out there, and it is a common bit of feedback that you get from just about everyone when it comes to that.

You will also notice that I have put in there mention of a rescue that occurred in Inverloch. This is just one of many that you do not hear about. Jet skis are often involved in rescues. One of the reasons for this is that they are so capable. The services that use watercraft now include the water police, marine safety, TSV, Coast Guard and SES. They are all utilising jet skis now because they can get places where boats cannot. They are a lot less prone to sinking.

The CHAIR — We have had evidence on that today.

Mr NEWMAN — They are very useful tools. Organisations like K38 rescue, which was started in the United States in California, have done a great job over the years with training and education with watercraft. They even trained the Coast Guard over there in watercraft rescue. Now we have K38 represented in Australia out of Queensland. They do the rescue for all the watercraft events and racing in NSW and Queensland, and before we wound down, we were engaged with K38 to start training here in Victoria, for the watercraft riders, our safety marshals and crews. We were also going to run discounted training programs for recreational riders — people who would come to our training days, slalom days and things like that — in an effort to get them involved and get them trained for the simple reasons that we are in a very dangerous environment and we do often carry out rescues on behalf of the rescue services. That was an issue that we were very much looking forward to, but since our permissions have been revoked we have had to cancel that program, unfortunately.

Mr SCATURCHIO — Only a few weeks ago there was a rescue involving a jet ski out of Port Fairy where a boat had flipped over. The jet ski rider had managed to rescue the three occupants of the boat.

The CHAIR — That makes sense. It is a bit like the paramedics; the first contact ones are often one up on a bike.

Mr NEWMAN — It is exactly the same as a motorbike; you can cover so much more ground and distance on a watercraft. They are a great search tool. They are fantastic.

I have touched on attitude and behaviour. Again, I think this comes down to education, training and awareness. Other than the TSV ride safe program, there are no government initiatives to educate riders or the public. Unfortunately watercraft, jet skis — ‘jet ski’ is pretty much a dirty word in Victoria. These days we cop a lot of bad press, and I think a lot of it is unfounded. A lot of people are under the impression that the average jet ski rider is a young, irresponsible hoon out to do doughnuts and go crazy at a beach, when this is sheerly not the case. A modern jet ski is a very expensive piece of equipment. The average rider is a middle-aged businessman, we find. They spend \$25 000 on a jet ski and probably use it, on average, 30 hours a year. It is not the sort of thing that young folk can afford to do. However, in saying that, it is becoming more affordable now, and the sport is growing exponentially. BRP has just come out with a watercraft that is \$6500 — that is the base model. It is becoming more affordable for these young people to get their hands on a jet ski. Not only that, but the older craft —

The CHAIR — Turning over.

Mr NEWMAN — Yes. They are the most depreciating vehicle on the water, and as time progresses, these powerful craft of 250-plus horsepower are now trickling down to the younger riders, and they can get their hands on them. That is an issue that I think also needs attention.

In closing, just to cut it short, we have recommended some things there on solving these problems in the water, which include training and education. We were quite prepared to work with the government in training and education programs. We have looked at, if the appropriate legislation were to be passed, facilitating training programs for licensing. Our goal is to make the waterways a much safer environment, which will in turn make watercraft more acceptable to the public, and this bad reputation and stigma can be lifted from the sport.

There is a review of current licensing requirements, as I mentioned, with the age limit and certain other issues that need addressing. A revival of the club environment is required. Our club has been left in tatters. We had a great period of time there when we were engaging, as I mentioned, with the government, with the public, with the media and with new riders, and that was working quite well. Given that I and a couple of other members of the committee were part of the courtesy rider program with Marine Safety Victoria, we had a ground-level view of that working. That is one of the reasons why the stakeholder at Marine Safety Victoria employed people from the club to engage with other watercraft users — they could identify with us, and that was working quite well. If

you went over the top with some of these people, they would not listen to you, but if you were to say, 'Come down to the club. If that's how you want to ride, come down to the club. We have got great days on. We have got training programs. We have got race days, and we have got slalom days. It's where you can take out all your frustrations in a safe environment'.

That was working well. I think reviving the club environment and engaging participants is very important. As I mentioned, other than the TSV Ride safe program, there is nothing out there that is aimed at watercraft or the watercraft community. There are no advertising programs, there are no safety and awareness programs and there are no training programs. All we have now is the unit that was an educational unit, which has now been converted into an enforcement unit. There are four riders on that team and a RIB, I believe, and their main task is to go out and find people and videotape hoons. They run the odd training day, but to be honest — —

The CHAIR — How do they organise that, do you know?

Mr NEWMAN — Through Facebook, social networking.

Mr SCATURCHIO — There is a Facebook page — PWC Victoria. The jet ski issue is not something that is going to go away. Shops are experiencing record sales, and every year you go to the Victorian beaches there are increasing numbers of jet skis, with increased numbers of incidents on the water. We believe that we should get them before they go out on the water and provide some sort of training, some practical experience, and hopefully they will not get into the troubles they are getting into at the moment.

Mr NEWMAN — Without attention, the occurrence of incidents is going to increase, and I think it already has. This summer I know of a lot of incidents that were not reported — incidents that could have left people dead. It is not that there have not been deaths over the years. There have been many deaths over the years, but as the sport grows, the entry-level craft get cheaper and there is a trickle-down from the top-of-the-range craft getting to the younger generations, we are going to see a lot more incidents. There is no doubt of that.

Mr SCATURCHIO — A lot of them are not reported, because with every accident or incident there is someone at fault. Before the authorities turn up, they are all off trying to get away and not own up to whatever they have done wrong, and then they are off the water before the police arrive, because they are off the water that quick. They are straight onto the trailer and off they go. We have helped quite a few people with damaged skis, sinking, bringing them back into shore and the culprit has gone. If you do something wrong, you have to own up to your mistakes and help out whoever is hurt or injured and tow in the damaged craft, but they usually leave the scene, not to be seen again.

Mr NEWMAN — The hospitals report that over summer the most injuries they take in emergency come from jet ski accidents.

The CHAIR — Really?

Mr McGUIRE — Which hospitals are they?

Mr NEWMAN — Mostly on the peninsula that I know of.

Mr SCATURCHIO — Rosebud Hospital.

Mr NEWMAN — Unfortunately we did not have enough time to provide you with a lot of statistics, which we can access, if you do need them.

The CHAIR — If you can get those, we would appreciate a supplementary submission from you.

Mr SCATURCHIO — Another statistic that we are not sure of is the number of jet skis compared to boats on the water. I think slowly the number of jet skis will overtake the number of boats, if it has not done so already.

Mr NEWMAN — On the peninsula over summer there are definitely more jet skis on the water than boats, without a doubt.

Mr McGUIRE — You are saying that is happening already now?

Mr NEWMAN — On the peninsula?

Mr McGUIRE — On the Mornington Peninsula.

Mr NEWMAN — Statistically speaking, I will have to get you the data on that, but if you come down to the peninsula on a nice sunny day and go to Rye beach, you will see 300 jet skis on the beach, and you might see, maybe, 10 to 15 boats.

Mr SCATURCHIO — There might be more boats registered, but they are not all in use.

The CHAIR — That is interesting, because we have received evidence already that vehicle registrations have gone up, but the number of incidents has gone up to a greater extent than that. The explanation we have received from a couple of people is that it is the jet skis. So that is very interesting.

Mr EIDEH — Do jet skis have registration?

Mr NEWMAN — Yes, they are registered, but there is no TAC coverage. There is another issue we face in organising events. We organised an event called the jet skifari every year that took about 50 riders from all over the country, and we travelled to different destinations in Australia. We ran that for six years, and we had some great events. With the number of incidents rising and the fact that there is no coverage on the water, it got a bit dicey organising those events. Last year we organised it and did it under the AJSBA sanction, which is the governing body for the jet sports organisation, and we had public liability insurance. All went well, but overall, without further regulation, legislation — things that make it safer and better for everyone — we are very hesitant to touch these events anymore.

Mr SCATURCHIO — Even the AJSBA is having trouble getting insurance coverage, because the insurance companies are stepping back from it.

The CHAIR — I bet they are.

Mr McGUIRE — Just so I understand that: are you saying the first point is you do not want to do it because it is too dangerous, and the second point is you cannot get insurance coverage?

Mr NEWMAN — The main issue is coverage. These big events were annual. We tried to do it by the book, and everything went well.

The CHAIR — Did you have age limits on it?

Mr NEWMAN — We do not take 12-year-olds and things like that. They have got to be a reasonable age. We do not take children. Unless someone is on the back with their dad, or something like that, we do not take children. Victorian waterways include some of the harshest oceans in the world, so we do not like to take kids out there too often. These days you can post a ride on a forum and say, 'We are going for a ride out at Barwon Heads on this date', and 10 or 15 riders might show up. If one of those riders gets lost, gets taken out to sea never to be seen again, the family has the full right to sue the organiser of that ride.

The CHAIR — Absolutely.

Mr NEWMAN — It is a very grey area where a lot of people now are very scared to organise anything. Even for us, as Tony said, the AJSBA is having trouble with its liability insurance; and I think overall a lot of the problems with this are due to the lack of appropriate legislation, appropriate training, appropriate licensing and appropriate insurance that would cover some of these issues.

The CHAIR — All of those first things you have mentioned would contribute to the more appropriate insurance?

Mr NEWMAN — Yes, exactly.

Mr McGUIRE — You are saying it is the lack of appropriate licensing, registration, insurance and education?

Mr NEWMAN — Yes.

Mr McGUIRE — What age minimum do you think there should be on licensing? You have said in your submission that it should be increased. What do you think it should be increased to?

Mr SCATURCHIO — Probably in line with cars and motorcycles.

Mr NEWMAN — It should be in line with cars and motorbikes, where you have power restrictions on L-platers and P-platers. Given the power increases in jet skis, that would be very appropriate. Even if it was raised to 16 or 17, say, I still do not think they should be riding a high-powered watercraft. I think there should be power restrictions on it.

Mr SCATURCHIO — We face a lot of stiff opposition from manufacturers in suggesting something like that.

The CHAIR — I bet you do.

Mr NEWMAN — We could be killed when we walk out of here!

Mr SCATURCHIO — Big-time!

Mr McGUIRE — Thank you very much for the submission. If we go back, you are really saying that there are huge systemic problems here; that we do not have the right level of licensing, registration, education and insurance; that the age limit for licensing should be increased to the same as it is for motor cars or motorbikes; and that there should be restrictions on the power-to-age formula as well. Is that correct?

Mr SCATURCHIO — The more modern skis have two keys — one learner key and one normal key — but who is to say which key they are using? So that does not really work.

Mr McGUIRE — But what you are really describing is totally unregulated and open slather. Is that fair enough? How do you describe it?

Mr SCATURCHIO — It is open. It is not regulated at all.

Mr NEWMAN — I would call it an absolute farce, to be honest.

The CHAIR — There is enforcement, but nothing else.

Mr NEWMAN — I have not seen the enforcement. As you can imagine, we are out on the water quite a bit. I have not once seen the enforcement unit from TSV on the water in the last few years.

Mr SCATURCHIO — You can only enforce the laws, and they are the laws. No-one is doing anything wrong; a 12-year-old is not doing anything wrong if they are riding a jet ski. There is nothing they can enforce unless they are speeding within a 5-knot zone or are too close to another craft.

Mr NEWMAN — It was the same as when we pulled over that speedboat with the 12-year-old driver. Legally, there was nothing we could do. At that time we were only an educational unit. We were not an enforcement unit, so we could not even give him a fine. From a legal standpoint, he is not doing anything wrong.

The CHAIR — It is nuts, isn't it?

Mr NEWMAN — It is completely nuts in our eyes.

Mr McGUIRE — Why has the relationship broken down? You described that early in your submission. What has gone wrong here?

Mr SCATURCHIO — I think jet skis have been put in the too-hard basket for the TSV. There is a lot of bad media, and there are a lot of problems with the hoon issue. Whereas we are trying to provide a controlled environment where everyone can go and race. They should be all for it, but we are just facing door after door.

Mr NEWMAN — It is in the too-hard basket.

Mr SCATURCHIO — We are submitting revised safety management plans, but they come back with no explanation — ‘Submit another one, and we’ll let you know’. There is not much real cooperation there to get up and going again.

Mr McGUIRE — How long has that been going on?

Mr NEWMAN — Three or four years.

Mr McGUIRE — Can you explain that in more detail? You are the peak body representing the jet skiers, and you are saying this is an industry of exponential growth.

Mr SCATURCHIO — Let us not forget that VJSBA is actually a race club, so we do not represent the leisure rider down at the peninsula.

Mr McGUIRE — Is there any representative group for them?

Mr NEWMAN — In saying that, though, we do not represent every rider out on the water, but we have been the voice for the watercraft community for a long time.

The CHAIR — But you are also a representative of that community if nothing else.

Mr McGUIRE — You are saying you are the voice of the industry?

Mr NEWMAN — A few years ago we moved from strictly racing, and we opened ourselves to the recreational and touring community. That was the start, because that is where we were aiming to go. We were aiming to go in that direction to represent the whole watercraft community and to work with government to make it a safer environment. That is the road we were taking, but that got nipped in the bud when the communications stopped from TSV.

Mr McGUIRE — I just need a better explanation for what happened there. Why did they stop communicating with you?

Mr NEWMAN — I was told that when the new transport minister took over at the time, there were great concerns about litigation and about bad press. That is just hearsay and rumour, but that is all I know. Literally we have had no communication, no guidance and no direction given to us in how to make this work. We are at a loss ourselves. We have done everything we can. We have rejigged our safety management plan. We have changed our whole structure to incorporate the social and recreational rider. How many media outlets have contacted us?

Mr SCATURCHIO — Whenever there is a story on the radio, we are always contacted.

Mr McGUIRE — You are the point of call for the media as well? Which transport minister is this?

Mr NEWMAN — I have forgotten his name.

Mr SCATURCHIO — It has all come through TSV. There is no direct communication.

Mr McGUIRE — Is this Terry Mulder, the current transport minister? Is that what you are saying? Who were you talking to?

Mr NEWMAN — Just before the amalgamation into TSV there was a change, and I cannot remember who it was.

Mr EIDEH — How many years ago?

Mr NEWMAN — That was about four or five years ago. We are in 2014.

The CHAIR — Was it 2008 or 2009?

Mr NEWMAN — Yes, probably 2009 or 2010. 2009.

Mr McGUIRE — We just need to get this accurate.

Mr NEWMAN — We would need to look up old documents to have a look at that.

Mr McGUIRE — For how long are you saying there has been no communication?

Mr NEWMAN — Three years. We can say it is a solid three years that we have had no communication, and we have submitted proposals, we have submitted safety management plans, and personally I have submitted emails to the management of TSV to ask for guidance on where we need to go.

The CHAIR — And you have not received any? Who did you meet with?

Mr SCATURCHIO — Cameron was one fellow's surname.

Mr McGUIRE — Bob Cameron, the former minister? In the last three years, coming up to four years, Terry Mulder has been the minister for transport. Have you met with him?

Mr SCATURCHIO — No.

Mr NEWMAN — No.

Mr McGUIRE — Have you tried to meet with him?

Mr NEWMAN — No, it was probably before his time then.

Mr McGUIRE — I am just trying to work it out. We are looking at how we run this issue of safety, how it is done through a government minister and a department, and then with the police to enforce it. You are saying that you have had no direct communication, and you are saying that even your best attempts have been dismissed?

Mr NEWMAN — All our attempts have been directed to — —

Mr McGUIRE — I am sorry, do you agree with that?

Mr NEWMAN — Yes, absolutely. We have not tried to contact the minister. That was going to be our next port of call. We have been dealing with TSV all these years. They have been our main point of call, and we had contacts within TSV that have dealt with our situation.

Mr McGUIRE — Who is your contact at TSV? What is his name? [REDACTED]?

Mr NEWMAN — We will have to go through all the records, sorry.

Mr SCATURCHIO — We will have to go through old documents. There were three representatives from TSV at the time.

Mr NEWMAN — [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Mr McGUIRE — Just so we understand it, are you saying that various government departments are just handballing this across, one to the other, refusing to take responsibility for it? Is that what has been going on?

Mr NEWMAN — Absolutely. When we first had our permissions to use the water sports centre revoked, we redid our safety management plan and we submitted it to TSV.

The CHAIR — Do you remember when that was?

Mr NEWMAN — That was three years ago. Three years ago?

Mr SCATURCHIO — Yes, it would be at least three years.

The CHAIR — At least three?

Mr NEWMAN — At least three years. At that point in time it was [REDACTED] we were dealing with. He directed it to Parks Victoria, Parks Victoria directed it back to him and then he directed it back to Parks Victoria. It just went on until the point in time where I gave up. Parks Victoria was saying, ‘No, it is transport safety that needs to deal with this and give you approvals’, and then TSV would say, ‘Oh, no, it is Parks Victoria that has got the problem and needs to give you approvals’.

The CHAIR — Do you remember who at Parks it was?

Mr SCATURCHIO — [REDACTED].

The CHAIR — [REDACTED]?

Mr SCATURCHIO — Yes. The procedure is that we apply to the National Water Sports Centre for any events on their water, and in turn Parks Victoria needs to make an application to TSV to run the events. Now, TSV would not tell us what was wrong with our safety measurement plan, because that would then more or less seem as if they were doing our safety plan. If they tell us what we need to put in it, then we are going by their safety plan. Mind you, our safety plan — —

Mr McGUIRE — We are looking to try and fix these problems, though. You understand what I am saying?

Mr SCATURCHIO — That is right. Mind you, our safety plan was one of theirs that they had previously done a few years back, so we have actually pretty much presented something very close to what they already had in place. But with the new changes in the legislation, there were a few things that they wanted changed, but they would not actually tell us, because then they would be telling us what to put in there, and that would make them open to litigation if something was to go wrong. That is what our understanding was.

Mr McGUIRE — Do you agree that there has been systemic failure to deal with the issues concerning jet skis for the last three years?

Mr SCATURCHIO — Yes, there has.

Mr NEWMAN — Absolutely.

Mr McGUIRE — Do you understand — just for us hearing this today, and I think we are all hearing it for the first time — that this is incredible? You are saying that you are going in good faith to the department and then you are trying to get a plan signed off by them, and your belief is the reason they are rejecting you is because they do not want to be seen to have any obligation over this?

Mr SCATURCHIO — Yes, exactly.

Mr McGUIRE — Or a fear of litigation in case something goes wrong because of it?

Mr SCATURCHIO — Yes.

Mr McGUIRE — Then you are saying that in the meantime there is inadequate licensing, education and safety mechanisms. So in the middle of all of this, with everybody seemingly playing Pontius Pilate and washing their hands of responsibility and authority, you are saying 12-year-old kids are driving lethal weapons?

Mr SCATURCHIO — Yes.

Mr McGUIRE — Do you agree with those propositions?

Mr NEWMAN — One hundred per cent.

The CHAIR — Is this handled differently in other states?

Mr SCATURCHIO — Look, we are not sure about other states.

Mr NEWMAN — I have got a bit of insight into other states. [REDACTED] out of Canberra — what board does he sit on?

Mr SCATURCHIO — He is the liaison officer between jet skiers and — —

Mr NEWMAN — Yes, he is like a liaison between the transport department and the jet ski community. He works on a lot of initiatives with the government, and he works quite closely with the government and has had a lot of success. Also in Western Australia, the watercraft club in Western Australia has a great relationship with the government. They have got permissions to hold all sorts of events. Their racing is the strongest in the country. They have a safe record, they have a perfect record, and they run a lot of offshore recreational and touring rides. It all runs like clockwork.

The CHAIR — They have a peak body in Western Australia, do they?

Mr NEWMAN — It is pretty much the same as us. It is the same sort of club as us, which runs through the governing body, the AJSBA.

Mr SCATURCHIO — They are an affiliated club, just like we are in Victoria.

Mr NEWMAN — An affiliated club, yes. New South Wales too, come to think of it, also has a great relationship with the government, and it runs events and has no problems. Adelaide is pretty much the same as here. Melbourne is the worst. Queensland is quite bad as well. Queensland is having a lot of problems as well. I would say Adelaide, Queensland and Melbourne are the worst.

Mr McGUIRE — Can you just give us a bit more detail? We have this issue, it is in the media, it needs to be addressed, and that is part of the reason why we are examining it. But it beggars belief to me that you are saying you still cannot get satisfaction from the key officials who are responsible for this area, that they cannot give you a satisfactory answer why they have not regulated, or why they have not introduced a better licensing, education or law enforcement process.

Mr SCATURCHIO — The only dealings we have with TSV are nothing to do with licensing as far as recreational users, only our race scene. We have not spoken to TSV or any government body regarding licensing, which we have just been talking about; only specifically our race events.

Mr McGUIRE — But you are saying that there is no whole-of-government approach?

Mr SCATURCHIO — No.

The CHAIR — But you are not talking to them about licensing?

Mr SCATURCHIO — No.

Mr McGUIRE — There is no-one going to one meeting and resolving all of these matters. You have not been able to get in the door with the minister, with the head of the department, with anybody, to say, 'Here are the issues'?

The CHAIR — Have you tried to go in over licensing, though?

Mr SCATURCHIO — No, we have not. Everyone knows that there is a problem, but there has been no-one out there who is in a position like we are within the club to bring it to the forefront.

The CHAIR — So your approaches have been about racing?

Mr NEWMAN — Well, no. This has been great timing, because it was a case of hear no evil, see no evil. That is how it has been for three years, as we have just discussed. We did discuss training with the government as far as rider education, as far as junior programs and as far as the K38 training went. We did discuss those issues with TSV and we did propose to them that we hold those training schedules. Again, there was just no response, no communication. I think Tony is spot on when he said it comes down to not wanting to get bad publicity over being involved with the jet ski community and the fear of litigation. One of the issues that we had at the water sports centre was the distance-off rules, to break the 5-knot distance-off rule, because when you

race obviously you are right next to each other. It all became a little bit too hard for TSV. They just did not want to know. That is when it got to the stage of, 'It's Parks Victoria's fault'; 'No, it's TSV's fault'; and, 'No, it's Parks Victoria's fault'. Then we just gave up. Now it has come this far that the club is in tatters, we have not been racing and we have no revenue. We want to make a change — not for our club, but for the betterment of our waterways and incidents.

Mr McGuire — In the public interest.

Mr Newman — In the public interest — that is right. As Tony said, we are going to be outcasts if anyone finds out about what we are doing, because the manufacturers are our sponsors, the manufacturers are our lifeline, our bread and butter, and they are totally against any changes, any movement. The status quo is just fine for them.

Mr Scaturchio — Whilst we were racing, our efforts were on racing, but since we have been out of racing, for the past four or five years, we have been out there and we have seen what goes on. We have come to the conclusion that something needs to be done. Every year we go to these waters, especially in the Christmas holidays, and you see these skiers buzzing around like mosquitoes. It is just a matter of time before something bad really happens out there. Small incidents happen all the time. Luckily enough, there have been no serious accidents or injuries, but it is a matter of time. It is not 'if', it is just 'when'.

Mr McGuire — Have there been fatalities already?

Mr Newman — There have. There have been some.

The Chair — How long ago?

Mr Newman — We had the one at Port Melbourne two years ago, where the swimmer was run over. We had that one.

Mr Scaturchio — That was where a rider breached that 5-knot zone, and unfortunately he did not even see him. But in public waters have there been any other deaths?

Mr Newman — There have been. Again, I can get you the data. That is not a problem. There have been deaths. I can state that there have been deaths.

The Chair — I would love to get some information off you on when all of this happened, who you have been in contact with and what the responses have been. You got no response after your meeting with them?

Mr Scaturchio — The only response was, 'You need to rehash your safety management plan again'. When we asked them what we need to do, though, they said they were not at liberty to discuss what we actually needed to do. 'You need to go back, revise it and submit it again and we will take it from there'. So we were really going in blind.

Mr Newman — We are going in circles. I did the safety management plan myself and there was nothing wrong with it. The safety management plan was what it needed to be. We looked at the areas that we could improve and we improved them.

The Chair — Is there a safety management plan in WA, do you know?

Mr Scaturchio — Yes, all states would have a safety management plan.

The Chair — Have you looked at that one?

Mr Scaturchio — We have looked at all the states and taken what we can from the other states, including the one that was developed by TSV as well.

The Chair — Do you know if there is any COAG approach to this, basically all governments together across Australia? It sounds like something where there would be a COAG, the Council of Australian Governments, plan.

Mr NEWMAN — I do not think so.

Mr SCATURCHIO — I am not sure if there is any communication between them regarding this subject.

Mr McGUIRE — Just to satisfy me on this, you are saying that you have looked at the safety plans of every other state and you have incorporated the best parts of them, you have looked at the safety plan put up by Transport Safety Victoria and incorporated that and then you have taken that to Transport Safety Victoria to get their approval and they will not approve it; is that correct?

Mr SCATURCHIO — Yes.

Mr McGUIRE — You are saying to us that you believe the reason for that is that they do not want to be open to potential litigation and bad publicity; is that correct?

Mr NEWMAN — I believe so.

Mr SCATURCHIO — I will just state something. They are not willing to tell us what is wrong with it. If they do, then they are more or less telling us what to put into the safety measurement plan, which leaves them open to whatever.

Mr McGUIRE — So it is their fear of opening themselves to litigation or bad media; is that correct?

Mr SCATURCHIO — Yes.

The CHAIR — Is that what you believe or is that what was said to you?

Mr SCATURCHIO — Not to me personally. That is what has been said to other members of the committee.

The CHAIR — Has anyone said that to you?

Mr SCATURCHIO — No, only to the members of the committee.

The CHAIR — It was said directly to them?

Mr SCATURCHIO — Yes.

The CHAIR — Are we able to get a statement from them on that?

Mr SCATURCHIO — I think we can, yes.

Mr McGUIRE — Was there any other reason offered to you or just that?

Mr SCATURCHIO — No, that is all.

Mr NEWMAN — We kept asking for reasons, we kept asking for guidance, we kept asking for something, anything: 'Look, we're here to help. We want to help. We want to improve the whole watercraft community — the safety aspect, the waterways, everything, with training programs, juniors programs. We're here to help. We're not here to turn this into some kind of race fanatic scene; we want to improve the whole scene'. It just fell on deaf ears.

Mr McGUIRE — How do you sum up your feeling about that response, given the clear and present danger, if I can use that phrase? What do you feel about that?

Mr NEWMAN — Well, as I said before, this is coincidental, because we got to the point where racing in a sense went onto the backburner and we were more concerned with safety and the state of affairs on the water here in Victoria. Tony and I were about to put together a proposal to the government for legislation change and to make our recommendations on what we think needs to happen. It was coincidental that you contacted us for this hearing, because we were at the stage where we were going to put forward advice on what to do, what we can see on the ground and what we think is appropriate moving forward.

The CHAIR — Have you put that forward?

Mr NEWMAN — Not yet, no.

Mr SCATURCHIO — As we said, there was talk, we were about to do it and we got the phone call from Nathan. It just so happened that it was at the right time.

The CHAIR — Do you still intend to do that?

Mr NEWMAN — Yes.

The CHAIR — It is a good idea.

Mr NEWMAN — My children are getting to the age when they are going to be taking to the water. In all honesty, I do not want my child getting a jet ski licence at 12 years old.

The CHAIR — No.

Mr McGUIRE — How dangerous is it?

Mr NEWMAN — Very.

Mr SCATURCHIO — If people abide by the law of the 50-metre-off rule, then you would not have a problem, but people are breaking that 50-metre rule.

The CHAIR — So the rules are there already, but they are breaking them?

Mr SCATURCHIO — The rules are there. There is nothing wrong with the rules; they are just breaching the rules.

Mr NEWMAN — It comes down to education and guidance, because they are not taught the consequences. They are taught the rules on a simple 10 multiple-choice question test.

Mr McGUIRE — Can you get your licence without getting your feet wet?

Mr NEWMAN — Yes, absolutely.

Mr McGUIRE — So you can get your licence without getting your feet wet, without even seeing the water?

Mr NEWMAN — Absolutely. All you need to do is memorise a few multiple-choice questions which are so easy a 12-year-old can do it.

Mr SCATURCHIO — We have heard of some cases where the book is open — just get the answers from the book.

Mr NEWMAN — That is right.

Mr SCATURCHIO — The whole idea of the test is to know the answers so that you can take that knowledge onto the water but, as you said, you can get a licence without getting your feet wet.

The CHAIR — That is the same for boats, isn't it?

Mr SCATURCHIO — Yes, exactly the same. It is just that the PWC endorsement has an extra 10 multiple-choice questions.

Mr McGUIRE — So how dangerous is the current system, in practical terms? How would you sum it up?

Mr NEWMAN — Without practical, hands-on training, you are putting a deadly weapon into the hands of an inexperienced child. That is my view.

Mr SCATURCHIO — Not only a child, but adults as well.

Mr NEWMAN — I meant the adults as well.

Mr McGUIRE — Thanks very much. It is important that we are able to drill down and get to the level of detail of what is actually going on. This is important testimony to get on the record so that we can have an informed view about what needs to change.

Mr NEWMAN — Thank you. I am glad we are here and that you are listening.

The CHAIR — Thank you very much for your evidence. You will get a transcript within the next couple of weeks. If you think any mistakes have been made, please let us know, but do not change anything about the substance of the document.

Witnesses withdrew.