



The Honourable Scott Emerson MP
Minister for Transport and Main Roads

Our ref: PET 11399

Your ref: Petitions

29 AUG 2013

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
Brisbane Qld 4000

Level 15 Capital Hill Building
85 George Street Brisbane 4000
GPO Box 2644 Brisbane
Queensland 4001 Australia
Telephone +61 7 3237 1111
Facsimile +61 7 3224 2493
Email tmr@ministerial.qld.gov.au
Website www.tmr.qld.gov

Dear Mr Laurie

I refer to a petition number 2131-13 lodged with the Legislative Assembly by the Honourable Mark McArdle MP, Member for Caloundra on 6 August 2013 about watercraft traffic, including jet skis, in Pumicestone Passage.

In the past decade the number of registered recreational vessels in Queensland has increased dramatically. There are a number of factors driving this increase in numbers but one major contributor is the creation of more canal estates.

In particular, the increase in vessel ownership brought about by the development of the Pelican Waters canal estate has led to greater maritime traffic in the vicinity of Golden Beach and Bulcock Beach, as vessel owners enjoy the tranquil waters of Pumicestone Passage afforded by the protection of Bribie Island, and the ready access to the open sea provided by the Caloundra Bar.

The waters of Queensland are a public domain where equitable access and enjoyment is available to both vessel operators and waterfront property owners alike. To ensure there is a fair balance between the rights of these persons, the Department of Transport and Main Roads, through Maritime Safety Queensland (MSQ), administers a range of vessel management provisions that ensure the safety of vessel movements and the protection of the marine environment from ship-sourced pollution.

Other departments, such as the Department of Environment and Heritage Protection and the Department of Natural Resources and Mines also administer legislation relating to matters such as noise pollution from watercraft, protection of the foreshore and shore birds, and operations of vessels within the Moreton Bay Marine Park.

While there has been a marked increase in vessel traffic in the waters to the south of Caloundra, there has not been a consequential increase in marine incidents.

Since 1999, there have been only 11 reported marine incidents in the waters off Golden Beach, only 3 involving personal watercraft. Of these 11 incidents, none have been attributable to traffic congestion or the reckless operation of any craft. The primary reasons for these incidents have been inexperienced operators, failure to keep a proper lookout or mechanical failure.

The small number of incidents is, in no small way, due to the legislative requirements for the safe operation of vessels in these waters and the vigilance of government enforcement agencies in ensuring compliance with these rules.

MSQ is the maritime regulator for Queensland and through its enforcement partners, the Queensland Police Service (Water Police) and the Queensland Boating and Fisheries Patrol (QBFP), is responsible for enforcing the provisions of the *Transport Operations (Marine Safety) Act 1994* (TOMSA) and its supporting Regulation (TOMSR) and the *Transport Infrastructure (Waterways Management) Regulation 2012* (TIWMR).

Under division 9 of the TOMSR, strict conditions are placed on the speeds of ships, including personal watercraft (commonly called jet skis), when operating in particular places:

- personal watercraft must not operate at a speed of more than 6 knots within 60 metres of:
 - a person in the water
 - a ship at anchor, moored or made fast to the shore or aground
 - a jetty, wharf, boat ramp or pontoon in or on the waters
 - the boundary of a bathing reserve
 - the shore;
- personal watercraft must not operate at a speed of more than 10 knots if the personal watercraft is within 30 metres of another moving ship.

In addition to these restrictions, the operation of personal watercraft is further controlled by the TOMSR, in that a person must not, while operating a personal watercraft, freestyle, surf or wave jump within 200 metres of the shore if:

- the personal watercraft is being operated in coastal waters
- one or more dwellings are within 100 metres of the shore and are visible from, and in the vicinity of, where the personal watercraft is being operated.

In addition to the requirements of the TOMSR, the State has further protected the interests of coastal property owners, through the provisions of the TIWMR. Schedule 2, part 2, division 4 of the TIWMR identifies the waters of Pumicestone Passage, in the vicinity of Golden Beach, as “regulated waters” for the purposes of this Regulation.

Section 19 of the Regulation prohibits freestyling, surfing and wave jumping in regulated waters that are:

- within 20 metres of another watercraft, or
- within 60 metres of a person in the water.

Complementing these provisions, there is a gazetted 6 knots speed limit for all vessels within 100 metres of the shore.

As can be seen, the government has in place a raft of legislative requirements to manage the operation of vessels in the waters that are the subject of this petition. These requirements are enforced by MSQ through its enforcement partners. MSQ's effectiveness in this regard is evidenced by the small number of marine incidents in these waters.

Notwithstanding, in response to the concerns of the petitioners, the Regional Harbour Master (Brisbane) will consult with the Water Police and QBFP to ensure that enforcement activities in the waters of Pumicestone Passage remain a priority for these agencies.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Scott Emerson', with a long horizontal flourish extending to the right.

Scott Emerson MP
Minister for Transport and Main Roads