



JOINT MEDIA RELEASE

Newcastle speed boat operation fined for unsafe practices

The owner and master of a speed boat ride in Newcastle have pleaded guilty and been fined a total of \$26,000 in a local magistrates court this week for failing to ensure the safe operation of a domestic commercial vessel.

On 28 December 2015 the master of *She's Awesome*, an 8.2 metre twin-engine tour vessel owned by Jamala Charters and known locally as *Thundaraft*, was conducting a speed boat ride in Nelson Bay, New South Wales.

The vessel landed heavily while performing wave jumping manoeuvres in rough conditions, causing a female front seat passenger to sustain fractures to her vertebrae and right ankle.

As the national regulator for domestic commercial vessel safety, the Australian Maritime Safety Authority (AMSA) investigated the incident in partnership with NSW's Roads and Maritime Services.

The investigation found the vessel was operated in a manner which posed serious dangers to passengers considering the prevailing sea conditions on that day. The investigators concluded that both the owner and master should not have allowed the vessel to be operated in the manner it was and charges were laid against both for alleged breaches of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

On Monday, 30 October 2017 the owners of Jamala Charters pleaded guilty in the Newcastle Magistrates Court to failing to ensure the safe operation of a domestic commercial vessel. The owners were fined \$18,000 for the offence.

The master of the vessel also pleaded guilty to operating a domestic commercial vessel and placing the safety of a passenger at risk. The master was fined \$8,000.

AMSA's Manager of Compliance and Enforcement David Marsh said negligence and disregard for the National Law would not be tolerated.

"If you own or operate a domestic commercial vessel in Australia, you are responsible for the safety of everyone on board," Mr Marsh said.

"Safety should underpin every aspect of your operation. If you fail in that responsibility, you will be held accountable."

Roads and Maritime Services Executive Director Maritime Angus Mitchell said this was an excellent result for Roads and Maritime, and marks the agency's first court conviction under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

"People might expect to have thrills on an adventure ride but the operators of these rides have a duty of care to ensure the utmost safety for these passengers," Mr Mitchell said.

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