

Maritime Advisory Council
DRAFT MINUTES

Date	28 April 2016	
Time	1:00 to 4:00pm	
Venue	Rooms 1a and 1b, Roads and Maritime Services, 33 James Craig Road, Rozelle	
Chairperson	Darren Vaux	
Attendees	<p>The Hon. Duncan Gay, Minister for Roads, Maritime and Freight</p> <p>Members</p> <p>Kay Cottee (Deputy Chair)</p> <p>Alan Blake</p> <p>Lawrie McEnally</p> <p>Jan Thurgar</p> <p>David Edwards</p> <p>Ian Ford</p>	<p>Invited Advisors</p> <p>Adrian Toovey Office of the Minister for Roads, Maritime & Freight</p> <p>Angus Mitchell, RMS</p> <p>Michael Drake, TfNSW</p> <p>Greer Banyer, TfNSW, Secretary</p>
Apologies	<p>Brett Moore</p> <p>John Barbouttis</p>	

Agenda Items	
1.	Welcome and Apologies (Minister, Chair)
1.1	<p>The Chair welcomed attendees and gave apologies for Brett Moore and John Barbouttis due to travel commitments.</p> <p>The Minister for Roads, Maritime and Freight welcomed and acknowledged Members. The Minister briefly mentioned key issues focussed on the Maritime Legislation Amendment Bill going to Parliament in the coming week. The Minister explained that the changes to the regulation are modest including removal of the need for registration labels for boats and although there has been press about more cars being unregistered since the removal of the need for car registration labels this can be attributed to better monitoring rather than an increase in unregistered cars.</p>

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MARITIME ADVISORY COUNCIL CONFIDENTIAL PAPER – NOT FOR DISTRIBUTION OUTSIDE THE MAC

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	<p>The Minister briefly spoke about the potential positive impact of the wave attenuator project in Eden at Sung Cove allowing for safer anchorage for vessels and possibly marina opportunity. The Minister talked about the Bays Precinct Transformation Plan which acknowledges maritime interests, rejuvenating the Sydney Fish Markets etc. and that there is continuing work to explore opportunities for further maritime uses. Opportunities for potential partnerships with organisations such as the Maritime Museum and Sydney Heritage Fleet were mentioned as a chance to align common interests and assist organisations which may not necessarily have the correct expertise to get things done.</p>
2.	Confirmation of Agenda and Declaration of Conflicts of Interest (Chair)
2.1	<p>The Chair confirmed the Agenda with members.</p> <p>The Chair declared that he is a member of consortium bidding on D'albora marinas.</p>
3.	Minutes from MAC meeting –11 December 2015 (Chair)
3.1	<p>The Chair presented the Minutes of the 11 December 2015 MAC meeting.</p> <p>The Minutes of the 11 December 2015 MAC meeting were confirmed as a true and correct record.</p>
4.	Actions from MAC meeting – 11 December 2015 (Chair)
4.1	<p><u>Item 6.1</u> - TfNSW Update - MAC appreciated the update and Michael Drake confirmed that maritime issues are still dealt with on the same day to day management with some differences in reporting.</p> <p>Action: The presentation given by Michael Drake to be forwarded to MAC members.</p> <p><u>Item 6.1</u> - TfNSW Update - Hire and drive operators</p> <p>Action: Carry this item to the next MAC meeting from an update by Angus Mitchell.</p> <p><u>Item 6.1</u> - Boat recycling – The Chair gave an oral update. Currently the last owner of the vessel is responsible for it and when vessels are at the end of their lives are either abandoned or sent to landfill. Motor vehicles must have recycling capacity built into their specifications however the same situation with boats is a long way in the future. The most work on vessel recycling has been done in Europe and Japan. In northern Europe there is a movement of boat recyclers and there are a number of operators in France. The reality is the commercial cost of recovering materials exceeds the cost of cutting it up and throwing it away. Around the world disposing a boat it cost around \$4-\$5K whereas the cost of recycling or repurposing is much more.</p> <p>Adrian Toovey suggested investigating Environmental Trust grants to explore ideas for vessel recycling and possibly mooring minders. The website for more information is http://www.environment.nsw.gov.au/grants/grantsprocess.htm</p>

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	<p>Action: The Chair will circulate information about boat recycling to the MAC.</p> <p><u>Item 6.1</u> - Hawkesbury Shelf Marine Bioregion Assessment – see Item 8.1 <u>Item 6.1</u> - Lifejacket Awareness Campaign – see Item 6.2 <u>Item 6.4</u> - TfNSW updates – Maritime Medal Review – see Item 6.5 <u>Item 6.5E</u> - TfNSW updates – Rhodes Wharf proposed construction – no update <u>Item 8.1</u> - PWCs on Sydney Harbour - no changes in current arrangements. MAC noted the changes in legislation that will allow for the seizure and impoundment of vessels following a second offence. This will also apply to PWCs. <u>Item 8.2</u> Marine pilotage exemptions - Angus Mitchell reported that there is no Harbour Master in Yamba and that the area is now covered by Newcastle to provide assistance with Yamba as required.</p> <p>Action: Angus Mitchell Further update will be provided at next MAC meeting</p> <p><u>Item 9.1</u> - Marine Rescue NSW State Funding Expenditure Review – Angus Mitchell reported that the current funding agreement expires Feb 2017 and the review which is underway will result in recommendations to capture any issues. RMS to meet with MRNSW in Oct to transition into the new funding agreement. Next MAC meeting there should be a chance to update. The Chair stresses that the MAC wants to be updated of any issues. <u>Item 9.3</u> - Glebe Island Bridge – see Item 8.2 <u>Item 9.7</u> – Houseboats - see Item 7.2</p>
5.	RMS Items on Notice (Angus Mitchell)
5.1	<p>RMS Update</p> <p>Angus Mitchell gave presentation which will be circulated to MAC members.</p> <p>Kay Cottee raised issues about SNSW which were a main topic of discussion at a recent stakeholder meeting she attended. The number of regional offices being closed down or operating reduced hours is of concern to regional stakeholders. Angus Mitchell responded that SNSW has taken on a lot in terms of service delivery and RMS has sent BSOs and BEOs to educate SNSW officers to be able to deliver maritime information and services better. Angus Mitchell acknowledged there are issues but that the problem lies with SNSW as a maturing organisation and not RMS. The Minister encouraged MAC members to advise of specific areas where service is lacking keeping in mind that it SNSW is supposed to be providing the services not Maritime. Angus Mitchell mentioned there are 22 specialist officers with expertise in maritime products. These officers could be a good resource in SNSW however as they are funded through the Waterways fund and so are kept separate.</p> <p>Jan Thurgar raised the general issue of a lack of amenity at SNSW centres.</p>

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	<p>Alan Blake enquired about the project to link DRIVES and GLS. Angus Mitchell responded that there has been no movement on a practical level.</p> <p>Action: MAC members to provide feedback on specific areas where this is an issue at next meeting. This will be used to approach Minister Perrottet and SNSW for the justification behind the location of SNSW centres and the delivery of maritime products and information.</p> <p>Angus Mitchell discussed the Maritime Legislation Amendment Bill which has been a lot of work to get the desired outcomes.</p> <p>Boating Now update: there have been some delays due to the funding deeds taking longer than anticipated and some delay with Council approvals. It was hoped to have delivered 35 projects by June 2016 but likely to be 20 by Oct 2016. There was expected to be some delay in this five year process.</p> <p>Better boating program – 19 will be hopefully completed in the next financial year with seven carried over.</p> <p>On water racing forum in Melbourne is coming up.</p> <p>Implementation for regional boating advisory group network (outside RVAG, CVAG, MPAG) which will be aligned to the regional boating plans, chaired by RMS staff and that 80% of the issues raised can be solves within the group. If can't be then it will go to RVAG and if they can't solve it will come to MAC. ToR will be presented to the next RVAG for approval. Ian Ford asked for clarification on which group will deal with dredging. Angus Mitchell responded that Crown Lands have the responsibility and should be driving sustainable dredging however these groups should have an input. Angus Mitchell there should be a strong sustainable way to deal with the issue. Ian Ford it is a major topic at user group forums. The Minister said that he has offered to manage it but there has been no proper funding stream.</p> <p><u>Waterways Fund</u></p> <p>Operating expenses are down 14% due to not yet funding the 35 projects. Total revenue is down \$1 million (\$53.3million) but this rises and falls and is a bit unpredictable. Waterways Fund meeting yesterday reported that the fund is healthy. Angus Mitchell raised the direct correlation between spending money where accidents so that the fund is used to work toward the best outcomes for the public.</p> <p>The Minister confirmed that the Treasury has assured maintenance of the Waterways fund.</p> <p>Action: Angus Mitchell's presentation to be circulated with Minutes.</p>

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5.2	<p>Report of MRNSW funding</p> <p>Angus Mitchell reported that the current funding agreement expires Feb 2017 and the review which is underway will result in recommendations to capture any issues. RMS to meet with MRNSW in Oct to transition into the new funding agreement. Next MAC meeting there should be a chance to update. The Chair stresses that the MAC wants to be updated of any issues.</p> <p>Action: Angus Mitchell to provide update at next meeting</p>
5.3	<p>2015 / 2016 Summer PWC Compliance Campaign</p> <p>Kay Cottee enquired as to the fine for riding a PWC unlicensed. Angus Mitchell confirmed that is currently \$500 for unlicensed and if it is suspended it is \$3300.</p> <p>Lawrie McEnally asked about the level of PWC compliance in the rest of the state. Angus Mitchell responded that despite some hotspots around the state compliance generally tracks with other boating in the rest of the state. He said that RMS is focussing BSO resources in hot spot areas and are able to send BSOs to regional areas if required. Refer to item 6.1.</p> <p>Kay Cottee asked if PWCs on Sydney Harbour will be on the MAC agenda for every meeting. The Minister expressed the need for the tougher laws to address issues in southern Sydney and that this is the current issue that will be considered for discussion. The Chair agreed that given this, PWCs on Sydney Harbour does not need to be a standing MAC agenda item.</p>
6.	Transport for NSW Items on Notice (Michael Drake)
6.1	<p>Marine Safety Legislation Update</p> <p>Michael Drake gave a presentation regarding the Marine Legislation amendment Bill which is likely to go through Parliament next week. The main provisions the Bill introduces are</p> <ul style="list-style-type: none"> • targeting poor behaviour on PWCs and not the whole activity • New 'Hoon' powers are designed to antisocial behaviour and harassment • The introduction of a camera recording scheme for enforcement purposes which will be able to be used in proceedings for specific offences • New owner liability and nomination scheme to assist with enforcement and deterrence in a similar way to these kind of provisions in existing Roads legislation • a new offence for operating a vessel while a prescribed illicit drug is present in a person's oral fluid, blood or urine or while any morphine or cocaine is present in blood or urine • New offence has been introduced for the owner of PWC to cause or permit a person under 16 years of age to operate a PWC if the young person does not hold a PWC licence • Holders of interstate licences will be required to produce their licence if required by an authorised officer • a new offence for assaulting , threatening or abusing an authorised officer

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	<ul style="list-style-type: none"> • streamlined unsafe vessel provisions <p>Michael Drake explained the background for the targeting of poor behaviour and ‘hoon’ powers. Compliance action on Botany Bay and Georges River has led to PWCs being grossly overrepresented in compliance activities. The non-compliance issues are serious offences including speeding, breaches of distance off requirements and unlicensed driving. The Chair questioned whether there has been compliance work in other areas. Angus Mitchell responded that there has been but not to the same extent. Michael Drake confirmed that there is a hard core criminal element in the South Sydney area that has been implicated in poor PWC behaviour. The Minister again cautioned that this kind of element would be opened up through the Parramatta River if Sydney Harbour was ever re-opened to PWCs.</p> <p>General details of the ‘Hoon’ sanctions as new powers to enable authorised officers to seize or impound vessels were discussed. On the first offence the vessel operator will be fined and the vessel registration recorded so that if there is a second offence the vessel can be seized. The ‘hoon’ offences will be linked to vessel registration to address the known practice of avoiding fines by having the vessel registered in the name of a family member. Owner liability means that the owner is responsible unless they complete same declaration on the roads nuanced for on water.</p> <p>In response to Kay Cottee’s enquiry about BSO WHS issues Angus Mitchell said there are distinct differences between the roles of a BSO/BEO as opposed to a Police Officer. The education focus of Maritime officers will remain as will their funding stream by the Waterways Fund. Maritime officers have a uniform and are trained to withdraw from conflict situations and not to chase vessels but to call the police. He mentioned that body mounted cameras are being explored as an option and that once potential privacy and legal issues the hope is to introduce them within a year. Adrian Toovey highlighted that camera detected offences will allow for enforcement and to deter non-compliance without confrontation.</p> <p>Ian Ford questioned how menacing behaviour will be determined by BSOs? Michael Drake/Angus Mitchell stated that BSOs will be trained to identify menacing behaviour and once a person is successfully prosecuted this will become case law.</p> <p>Action: Michael Drake’s presentation to be circulated with Minutes</p>
6.2	<p>Lifejacket campaign</p> <p>Michael Drake provided an update on the lifejacket campaign. The latest results of the observational study, run in partnership with Yachting NSW, show that 47% of boaters wearing lifejackets a 6% increase on last year. Final results will be delivered in May 2016. These results are above</p>

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	<p>international studies and reflect the strength of the campaign. MAC members commented that there seems to be a cultural shift to lifejackets being normalised however there is likely to be a plateau effect.</p> <p>The focus of the Old4New will be toward the service and maintenance message was welcomed by MAC members.</p> <p>Alan Blake questioned what has happened to the lifejackets traded in and Michael Drake stated that many options being considered. Michael Drake confirmed that the Old4New van's Iluka location is being addressed.</p>
6.3	<p>NSW Boating Now Program Update</p> <p>Members noted the update on the Boating Now Program. Members can contact Michael Drake if they require more information.</p>
6.4	<p>Boat Trailer Parking Implementation Update</p> <p>Members noted the update on the Boat Trailer Parking Implementation and raised the issue of boat storage with no constructive solutions yet to be found.</p> <p>Action: MAC requests to be informed of progress.</p> <p>Recommendation: MAC mechanism to support and address mechanisms for on street parking to be addressed by Councils</p>
6.5	<p>Maritime Medal</p> <p>Members noted the update on the Maritime Medal.</p> <p>Motion: Kay Cottee proposed and Jan Thurgar seconded a motion that the Maritime Advisory Council endorses option 3 of a biannual event staged at SIBS starting in 2017.</p>
6.6	<p>Reports from Advisory Groups</p> <p>As read</p> <p>Members noted that there has been no CVAG in the interim and acknowledged that as CVAG is reliant on AMSA there is no point in having the meetings if AMSA don't attend. Ian Ford suggested a CVAG meeting to get AMSA to update.</p> <p>Action: A CVAG meeting to be convened as a matter of priority.</p> <p>The Chair requested an update on the policies and procedures (see Item 8.3) and when they will be concluded e.g. improvements rent strategy.</p>

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	<p>Action: TfNSW/Angus Mitchell to chase up an update from MPAG about policies and procedures out of session and inform MAC out of session. Michael Drake and the Chair to meet out of session to get meeting with RMS and then this will be reported back to the next meeting.</p> <p>An issue with Gosford Council/Terrigal raised by Jan Thurgar has been resolved.</p> <p>The history of the SHREP was discussed and Angus Mitchell reported that there currently new planning tools are being developed but nothing new is in place. The complexity of the issues with so many stakeholders is recognised. Angus Mitchell and Peter Duncan consider the redesign of planning tools a priority and at this stage the Department of Planning and Environment is being cooperative.</p> <p>Angus Mitchell is working to review the aquatic licence process so that events and commercial activities are separated and priced appropriately. This will include e- processing should only allow application to go through when all approvals are in.</p> <p>Jan Thurgar urges the need for consultation and a clear process with no changes at the last minute and her frustration was acknowledged by Angus Mitchell.</p>
7.	Technical and Standing Items
7.1	<p>Boating Incident Statistics (Michael Drake)</p> <p>Members noted the update on the Maritime Incident report noting the correction that fatalities are half and not double what they were last financial year. It was observed that boaters older than 70 years are overrepresented in fatality figures with those over 70 being 7% of boaters but are represented in 13% of fatalities. Weather has also been a factor this financial year and TfNSW is exploring how to address this. Members also noted that at least two of the fatalities in 2015/2016 have been due to poor decisions leading to a tragic outcome, making this kind of incident very hard to combat.</p>
7.2	<p>Application of 'Live aboard' regulations (Michael Drake)</p> <p>Members noted the information in the paper but questioned what the legislation is aimed to achieve and what the actual issue is around people living on boats. There was recognition that the 1935 legislation is dated and the two negative things that are trying to be avoided, noise and pollution are covered by other legislation. It is also very difficult to prove that a person has lived on the boat for 21 days continuously as resources to investigate are limited.</p> <p>Michael Drake said TfNSW is happy to have discussion around sensible policy changes.</p> <p>Action: MAC to suggest policy changes and bring to the next MAC meeting.</p>

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7.3	Waterways Fund Update (Angus Mitchell) See 5.1
8.	MAC Members' Items on notice (Members)
8.1	Hawkesbury Shelf Marine Bioregion Assessment Submission Motion: The MAC endorsed and approved for signature the submission letter drafted by the Chair. Action: TfNSW to send MAC members details of the extended submission date and web address for online submissions.
8.2	Glebe Island Bridge The Chair read from BM's email suggestion to remove the bridge and put it somewhere else to represent its heritage but increase safety. Angus Mitchell anything restricting the waterway further would be potentially catastrophic to maritime initiatives in the area. the Chair the principles of heritage - the abutments could remain with the bridge taken elsewhere in the precinct and the heritage value and the context would not be lost. This would be supported by heritage experts and the only sensible option. Angus Mitchell there will be a push for an active transport link however there can still be a link like this with different design solutions however there are not any ideas yet. Ian Ford raised that a stakeholder meeting he went to about the Bays precinct the vast majority view was to keep the bridge. The cost of keeping it and making it useable as a bridge is huge. It was noted that if the heritage value lead to the bridge staying in place or being closed access will continue to be restricted or become even more restricted. Recommendation Motion: Alan Blake raised the idea and it was seconded by Lawrie McEnally to keep the interests of ongoing maritime use of the precinct remove the bridge to place it within the area to guarantee the heritage. Unanimously moved
8.3	Status of RMS property policies Item 6.6
8.4	Boating Now – Priority infrastructure projects Addressed by Item 6.3.
9.	Other Business
9.1	<u>On water speed racing forum</u> Jan Thurgar is looking forward to the forum and anticipates attendance from RMS staff who have learned from overseas forums will be positive.

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9.2	<u>Regional boating advisory group network</u> Kay Cottee gave her approval for the new network announced by Angus Mitchell at Item 5.1.
9.3	<u>Harbourmaster arrangements</u> Ian Ford raised that the harbourmaster arrangements in other states are much easier to operate in NSW. Needs to be pilotage only over 35m not 30m. The Chair emphasised the need for national consistency.
9.4	<u>Commercial fishing boat issues</u> Lawrie McEnally thanked Angus Mitchell and his team for their support and assistance to resolve commercial vessel issues especially commercial fishing boat issues.
END - Meeting closed 16:10.	

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