

Maritime Advisory Council**DRAFT MINUTES**

Date	06 December 2016	
Time	0900 to 1200	
Venue	Roads and Maritime Services, 33 James Craig Road, Rozelle	
Chairperson	Darren Vaux (Chair)	
Attendees	<p>The Hon. Duncan Gay, Minister for Roads, Maritime and Freight (Minister)</p> <p>Members</p> <p>Alan Blake (AB)</p> <p>Lawrie McEnally (LE)</p> <p>Jan Thurgar (JT)</p> <p>David Edwards (DE)</p> <p>Ian Ford (IF)</p> <p>John Barbouttis (JB)</p>	<p>Invited Advisors</p> <p>Michael Drake Office of the Minister for Roads, Maritime & Freight (MD)</p> <p>Angus Mitchell, RMS (AM)</p> <p>Neil Patchett, CMS (NP)</p> <p>Lucas Taylor, CMS, Secretary (LT)</p>
Apologies	<p>Kay Cottee (Deputy Chair)</p> <p>Brett Moore</p>	

Agenda Items	
1.	Welcome and Apologies (Minister, Chair)
1.1	<p>The Chair welcomed attendees. Extended the apologies of Kay Cottee and Brett Moore.</p> <p>The Minister for Roads, Maritime and Freight welcomed and acknowledged Members.</p> <p>The Minister added that much has been achieved during the year and he was pleased with the hard work that has been done to make the waterways a safe and enjoyable place. The Minister reiterated that safety is the priority area and remain so going forward.</p> <p>The Minister stated that the proactivity in regards to PWC issues has been successful and the recent legislation changes proving to be correct and necessary.</p> <p>The Minister mentioned the trial which will see rock fishers required to wear a lifejacket and hoped</p>

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	<p>that this would save lives.</p> <p>The Minister discussed the changes to domestic commercial vessel administration under the National law and described the meeting he had with state and the federal Ministers and discussed how they had agreed to postpone implementation by 12 months to provide AMSA with the opportunity to be completely ready.</p>
2.	Confirmation of Agenda and Declaration of Conflicts of Interest (Chair)
2.1	<p>The Chair confirmed the Agenda with members.</p> <p>No current conflicts.</p>
3.	Minutes from MAC meeting –12 August 2016 (Chair)
3.1	<p>The Chair presented the Minutes of the 12 April 2016 MAC meeting.</p> <p>The Minutes of the 12 August 2016 MAC meeting were confirmed as a true and correct record. The Chair moved that the minutes were an accurate record, this was second by AB and JT.</p>
4.	Actions from MAC meeting – 12 August 2016 (Chair)
4.1	<p>Actions from previous meeting were discussed.</p> <p>The majority of items which required an update have been included in the agenda for this meeting.</p> <p>Service NSW was raised and the digital licence program for boat registration and licences was discussed. AM detailed expected benefits for boat licences and customers.</p>
5.	RMS Items on Notice (Angus Mitchell)
5.1	<p>RMS update</p> <p>AM tabled a presentation.</p> <p>AM introduced the quality regulatory framework. AM discussed how DPC are driving an initiative to encourage smart regulation, which Maritime Div., RMS has fully embraced and is focusing on administering regulation to achieve alignment with the quality system. Maritime Div., RMS identifies the greatest risks and use resources to address those risks in order to achieve the best results for the customer, who ultimately are funding the products and services.</p>

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	<p>AM discussed the Marine Compliance Cameras which are being installed on the Georges river to influence behaviour. A complete ban on the Georges river will simply force PWC riders to move elsewhere and this would include both the good and the non-compliant riders. Effectively a ban would shift the problem elsewhere. The PWC sector is the fastest growing industry and sector on the water. A ban would harm many in the industry and many good people who enjoy this activity.</p> <p>Work is underway to ensure that the process for detecting and issuing penalty notices is workable, robust and would not be open to challenges in court.</p> <p>AM discussed the boating safety compliance campaign model. The model has changed since last year with a greater focus on integrated education, through the Boating Education Officers (BEO) and an intense saturation of Boating Safety Officers (BSO) in an identified area.</p> <p>Minister was pleased to hear that the real risk issues are being targeted and that the community is getting value for the money that they invest through fees.</p> <p>AM provided an update on the Bays Precinct Strategy. This included proposed the new fish market complex.</p> <p>Minister gave further details on the redevelopment of the precinct including recreational boating facilities and stressed his desire to retain the areas maritime precinct traditions.</p> <p>AB expressed concerns that developers will introduce residential buildings and it will lose its maritime interests.</p> <p>The Minister added that Urban Growth understands that there are no other areas around Sydney Harbour to continue supporting a working harbour. So much work happening in Sydney, with the Governments unprecedented infrastructure program that the Harbour will need to a working harbour for at least the next two decades. A balanced format needs to be achieved between retaining a working harbour and the expansion of residential.</p> <p>The Chair commented that boat storage and boat facilities are completely complimentary to residential growth. Heavy industry is more difficult. Waterfront is the rarest resources and pressure is on for residential development to gain the water front. Industry needs to be ready to support the government to retain and maintain a viable Maritime industry.</p>

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	<p>AM agrees and White Bay is a great example of how industry and government has combined.</p> <p>AM provided an update on the Elizabeth Bay Marina works which are ongoing and will significantly improve the facilities.</p> <p>AM discussed the position of the Waterways Fund.</p> <p>AB asked what the governance arrangements for the fund are and are any other agencies attempting to access the fund?</p> <p>AM replied that the Waterways fund is controlled by RMS fund and noted the fund provides benefits for the boating public who contribute to the fund through licence and registration fees in addition to the significant income from property.</p> <p>AM said a external consultancy has conducted an audit into the governance on the fund. The audit report was in drafting stage but outlined the healthy position of the fund. The audit is to be conducted every two years.</p> <p>AM reported that a number of functions lost on integration with the then Roads and Traffic Authority are returning to Maritime Div., this includes the wharf maintenance area. RMS is undertaking a restructuring with the Maritime Div., staying as a standalone unit.</p> <p>LE asked how many will be lost in the commercial vessel area.</p> <p>AM reported that there are currently 28 full time employees, of which five are in customer services. Ideally, Maritime Div., would retain the customer service and admin staff and look to redeploy the skills of staff. This includes 18 surveyors. While Maritime Div., will have no survey functions it will look at how those surveying skills can be used to achieve a safety outcome. The most likely role would be as Maritime Safety Inspectors.</p> <p>LE commended the commercial vessel team and commented on how they are very active and professional and provide great services.</p> <p>AM acknowledged the comment and added that they are providing great service despite facing a time of uncertainty.</p> <p>LE added that the commercial team are doing a great job.</p>

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5.2	<p data-bbox="276 275 667 304">Status of RMS Property policies</p> <p data-bbox="276 353 1449 427">The Chair opened by commenting that Gary Inberg and he have met twice since the last MAC and had a very constructive dialogue.</p> <p data-bbox="276 477 1477 712">The Chair added that private investment in infrastructure requires certainty. The complexity is that there is pressure to go back out to the market to achieve a commercial outcome. The unintended consequences are that this could lead to infrastructure deterioration over the course of the lease as there is insufficient incentive to maintain good facilities for the boating public. There is a need to incentivise people to continue to invest, change, adapt and provide the best possible outcome for the boating public.</p> <p data-bbox="276 761 1481 835">The Chair and AM agreed that more work was necessary and a report would be provided at the next meeting.</p> <p data-bbox="276 884 1278 913">Action: Angus Mitchell to provide update at next meeting on RMS property policies</p>
5.3	<p data-bbox="276 934 576 963">Live Aboard Regulations</p> <p data-bbox="276 1012 1481 1162">AM stated that work has been ongoing to address live boards. This included possibly recommending future legislation mandating of holding tanks. AM acknowledged there were increasing calls on Sydney Harbour for more house boats to address housing pressures. Air BNB is also known to have vessels on offer.</p> <p data-bbox="276 1211 1477 1532">The Chair commented that this issue can be broken down into three distinct elements: i) vessels at anchor; ii) vessels at private moorings; and iii) vessels within a marina. Marina managers are responsible for the vessels using the marina and are able to directly address the issue. In regards to private mooring, RMS has the details of the owners of the vessel on the mooring so can address any live aboard issues. The more complex issue relates to vessels at anchor. It is important not to completely disregard live aboards in certain circumstances. A number of customers at marinas live in regional NSW and use their vessels for weekend accommodation when they come to the coast. Vessels in a marina can offer a positive experience and be good for tourism.</p> <p data-bbox="276 1581 1485 1655">AM stated that RMS was to investigate a compliance strategy on this subject and would present that at the next meeting.</p> <p data-bbox="276 1704 1437 1778">JT added that the general public doesn't understand what survey means for vessels or the safety concerns that come with Air BNB hired vessels.</p>

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	<p>AB added that it would be interesting to see what insurance implications would be for any incident on a hired vessel.</p> <p>MD stated that AMSA has been very clear that a moving Air BNB is a commercial vessel. Owners are running a big risk by not meeting all of the legal requirements of being a commercial vessel.</p> <p>NP said that following the development by RMS of a compliance strategy, CMS could consider the overall policy and strategic position regarding live aboards.</p> <p>Action: Angus to provide details of a compliance strategy relating to live aboards.</p>
6.	Transport for NSW Items on Notice (Neil Patchett)
6.1	<p>Transport for NSW Update</p> <p>NP tabled a document which provided an update.</p> <p>Marine Rescue funding</p> <p>NP outlined that CMS had first met with the Office of Emergency Management (OEM) in November. The commissioner of Marine Rescue NSW (MRNSW) joined the most recent meeting on 2 December. CMS said it had made it clear to OEM/ MRNSW that its remit was to deliver on three key elements: i) the Minister’s request for new funding arrangements; ii) realise the original intent of the MOU which described a ‘joint’ agreement with the regulator (TfNSW); and iii) respond to the most recent audit by Delloite that identified the lack of an agreement with the regulator with MRNSW as a risk – including insufficient accountability - for the fund.</p> <p>At the meeting CMS tabled indicative KPI. The MRNSW commissioner agreed to come back with a response to the indicative KPI prior to the next meeting.</p> <p>The Chair enquired if the agreement is going to tie the funding to the provision of information?</p> <p>MD and NP commented that the current agreement contains the reporting requirements; they just are not being enforced in the way that they were intended.</p> <p>The Chair commented that MAC originally understood the funds where intended for infrastructure and services development. However, the funding appears to have resulted in a decreasing of local</p>

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	<p>fund raising and an increase of centrally located staff overheads. There are safety implications to certain services not being delivered.</p> <p>AB asked if the negotiations are at the stage where the funding should be suspended.</p> <p>The Minister stated that suspending the funding was a decision that he would have to make as only as a last resort.</p> <p>NP added that OEM was negotiating in a constructive and positive manner, and that OEM did not oppose the principle put forward by CMS that a joint agreement should be explored. .</p> <p>The Minister said the primary aim is to improve accountability for the boating public.</p> <p>Domestic Commercial Vessels (DCV).</p> <p>NP provided a summary of the move to the National Law for DCV. He detailed how there was considerable negativity from DCV stakeholders directed to AMSA regarding the proposed fee increases. NP said AMSA's functional readiness was in reasonable shape but noted a readiness review process had begun, with a full report due in the first quarter of 2017. He said however that the single greatest issue is the cost burden AMSA is proposing to shift to the DCV operators..</p> <p>LE added that the fee increase represented about a 260% increase for fishing vessels.</p> <p>MEMA</p> <p>NP provided a brief description of the current position of the Marine Estate Management Authority. NP outlined how CMS had successfully lobbied for greater recognition by MEMA of the social and economic benefits delivered by the boating public in this matter. He said there had also been success in having MEMA consider greater flexibility to its approach to spatial management options.</p> <p>Maritime Safety Strategy</p> <p>NP outlined how CMS had developed the Marine Policy Agenda (2012) which had provided the strategic direction in maritime safety, access and reform for the TfNSW cluster over the past four years. This policy document will be replaced by a Maritime Safety Strategy for the next 3-5 years. NP discussed taking the strategy to public consultation. Members expressed concerns that the public had been consulted significantly and may be suffering fatigue, rather use previous consultations as</p>

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	<p>guidance and seek information from the experts if required. This was particularly true of both commercial and recreational fishers.</p> <p>NP advised that the strategy will be provided to MAC for consideration before possible launch by the Minister at an event such as Marine 17 or the 2017 Sydney International Boat show.</p> <p>Strategic review.</p> <p>NP said CMS had begun a strategic review process of ‘tier one’ and ‘tier two’ safety issues. This review will be done in collaboration with the Maritime Div., and will inform a strategic safety behavioural campaigns review in the new year, which will in turn inform the new Maritime Safety Strategy and future public awareness campaigns that require the same robust, evidence-based process that involve DPC peer review and Cabinet approval. This work will help address the broader preventative issues that contribute to boating fatalities and serious injuries across NSW.</p> <p>Digital Boat Licence</p> <p>NP gave an update on the digital licence program, delivery date shifted to soft launch May 2017. Hard launch is possible at the Sydney International Boat Show.</p> <p>Moorings Review.</p> <p>NP delivered an update on the Mooring Review.</p> <p>DE commented that sub-leasing of moorings was discussed and hasn’t made it into the review.</p> <p>NP noted that it was not an issue identified for the review as it contradicts current legislation.</p> <p>AM added an ICAC review identified the risk of a sub market being supported through moorings sub-leasing.</p> <p>AB said that the moorings review this would help deal with mooring minders.</p>
6.2	<p>Safer PWC Program</p> <p>NP gave an update of the Safer PWC program. In response to community concerns, reinforced by</p>

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	<p>the Minister, a wider program is underway to respond to anti-social and irresponsible behaviour by riders of personal watercraft in southern Sydney.</p> <p>Currently two cameras are in place at Revesby and operational, the third camera is being delayed due to an issue with Canterbury council over access to the footage.</p> <p>A new awareness campaign called “You’re in our sights” has been launched. This is a Transport for NSW campaign that builds upon a successful campaign delivered on the roads to respond to hoons in cars. The theme is ‘you are being watched’ and heavy penalties apply.</p> <p>NP mentioned that additional funding was being made available to Marine Area Command to provide additional resources in known areas of PWC non-compliance. This model is similar to the well-established and successful Centre for Road Safety highway patrol model.</p> <p>The Minister stated that he is pleased with the work being undertaken and something had to be done proactively before the start of the season. This has been justified with the incidents and behaviour recently seen.</p> <p>AB suggested that it is good to see the efforts that are being made and it’s great to see you are a head of the game in terms of trying to address the behaviour before it get truly out of control.</p>
6.3	<p>Lifejacket program update</p> <p>NP presented a paper and gave an update on the lifejacket program. The lifejacket wear rate is going up to record levels while fatalities are going down. This is a great result for the wider program that is built upon a range of activities including on-water compliance efforts. This season, there is a stronger emphasis on care and maintenance of inflatable lifejackets. Old for New program is in market and going from strength to strength and is also assisting with the rock fishing lifejacket wear in collaboration with the department of Justice.</p> <p>NP described how Coastguard NZ have been trialling the Old4New program and have now extended the program this season in a new partnership with Maritime NZ to reach across both islands in New Zealand. WA has their own program underway for a second season, while SA is looking to start a program of their own. So far 16,000 lifejackets have been retired in NSW. Work has been initiated to try and find a solution for retired lifejackets. CMS has worked with AMSA in a project to send serviceable lifejackets to PNG. A recent assessment has resulted in 4500 being determined by an independent expert as still fit for purpose. CMS in collaboration with AMSA</p>

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	<p>is working to get these lifejackets to PNG for use by remote island communities.</p> <p>IF asked what are Randwick Council doing for the trial of rock fishing life jackets and how will they enforce wear.</p> <p>NP explained that they are using rangers to assist in compliance in collaboration with police. The first 12 months is an education phase, with fines being issued after that period.</p>
6.4	<p>Moorings Review</p> <p>Details of the mooring review were provided under the CMS update.</p>
6.5	<p>Technical and Standing Items</p> <p>Update from RVAG – Motion.</p> <p>LT provided a summary of the RVAG meeting and raise the motion that RVAG had endorsed for MAC attention. AB submitted a paper which related to the same subject. LT invited AB to present his paper in support of the motion.</p> <p>AB presented paper on maintaining the infrastructure through use of the boating now program.</p> <p>The council considered RVAG’s motion in conjunction with the tabled paper.</p> <p>The Chair agreed that there is a need for ongoing maintenance. Councils often don’t have the skill base to maintain marine infrastructure. A maintenance budget within Boating Now and a process to grant necessary funding allocation to maintenance projects should be considered.</p> <p>RVAG’s motion is endorsed by AB and seconded by LE and JT.</p> <p>JT suggested that in the future any infrastructure investment may need to include an enforceable service level agreement.</p> <p>MPAG minutes are noted and taken as read.</p> <p>CVAG was discussed and the MAC requested that CVAG provide their plans and objectives over the next 12 months particularly now that there has been a delay in the National system.</p>

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	Action: CVAG is to provide it terms of reference to MAC and outline its objectives and plans over the next 12 months.
7.	Transport for NSW Items on Notice (Neil Patchett)
7.1	<p>Maritime Incident Report (Neil Patchett)</p> <p>NP detailed how CMS was in the final stages of the annual statistical incident report. This will be different to previous annual reports as it will be done in the context of 10 years in order to better demonstrate where the trend is going over the longer term. Early indication is that headway is being made in the number of fatalities resulting from drowning without a lifejacket, however, preventable fatalities due to other causes such as speed, lack of judgement have not shifted and indicates more needs to be done in “preventative” efforts.</p> <p>NP there had been two fatalities - both involving PWC – since 1 July. .</p> <p>Action: Circulate Statistics report to MAC.</p>
7.2	<p>Waterways Fund Update (Angus Mitchell)</p> <p>AM provided an update in his presentation under RMS update</p>
8.	MAC Members’ Items on Notice (Members)
8.1	<p>Maintenance of Infrastructure paid for under the Boating Now Program</p> <p>AB provided an update earlier when the RVAG motion was discussed.</p>
8.2	<p>Property Polices – Improvement Rent Update</p> <p>This item was dealt with earlier in the agenda under RMS Maritime Property Policies.</p>
9.	Other Business
9.1	<p>AB tabled a letter from the BIA to TfNSW seeking support for a BIA proposal for Alan Barret to be seconded to TfNSW for 12 months to provide assistance on the moorings review.</p> <p>JT gave an account of the recent Bridge to Bridge race and how the organisers have received fantastic support by Maritime Div., RMS. All the maritime staff worked with during the Bridge to Bridge was “fantastic”. As an organiser it is great that Maritime Div., are involved. JT asked that her</p>

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	support be expressed to everyone that supported the event including those who issue the GRNs for use.
END - Meeting closed 11.44	