

Terms of Reference

May 2023

Acknowledgement of Country

Transport for NSW acknowledges the traditional custodians of the land on which we work and live.

We pay our respects to Elders past and present and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the lands and waters of NSW.

Many of the transport routes we use today – from rail lines, to roads, to water crossings – follow the traditional Songlines, trade routes and ceremonial paths in Country that our nation's First Peoples followed for tens of thousands of years.

Transport for NSW is committed to honouring Aboriginal peoples' cultural and spiritual connections to the lands, waters and seas and their rich contribution to society.

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Versions

Version	Amendment notes
0.1	Creation of draft Terms of Reference

1. Definitions

Term	Definition
CVAG	Commercial Vessel Advisory Group
MAC	Maritime Advisory Council

2. Related policy and supporting information

- Code of Conduct – Appendix A
- Flowchart – Appendix B
- Membership Form – Appendix C
- Proposed Membership List – Appendix D

3. Strategic Purpose

The purpose of the Commercial Vessel Advisory Group (CVAG) is to deliver strategic two-way engagement between NSW Maritime and key state-wide commercial vessel member associations to enable domestic commercial vessel (DCV) industries to deliver safe trips, comply with best-practice waterway regulation, legislation, policy and initiatives to make NSW waterways better places to live, work and play.

4. Functional Purpose

The purpose of the CVAG:

- Leaders from domestic commercial vessel member-based peak bodies and Transport for NSW leaders collectively share information, ideas, insights, trends, issues and opportunities that can contribute to making NSW waterways better places to live work and play;
- Strategic two-way forum for Transport for NSW to openly discuss with member-based peak body leaders current and upcoming legislation, regulation, policies, reforms and initiatives that aim to address current and emerging issues and opportunities on NSW waterways.
- The focus areas for the forum are:
 - Safe DCV operations
 - Environmental stewardship;
 - DCV infrastructure, value chains and amenity;
 - Economic development;
 - Waterway and foreshore public considerations
 - Understand evolving customer segments and their needs
 - Supporting diversity

5. Membership

5.1 Role of the Chair

The Chair will be appointed through the NSW Maritime leadership team. NSW Maritime currently provides the Chair and the Secretariat function.

The Chair leads all CVAG meetings.

5.2 Governance

CVAG will be overseen by the NSW Maritime Governance Team.

This team presides at all meetings of CVAG and acts as the focal point for all members of CVAG.

The Governance Team is responsible for the call out of agenda items, collation of papers, preparation of the agenda and its circulation to CVAG members. The team tracks trends and is responsible for assigning actions for matters raised in this or other state-wide maritime advisory groups that have an impact on multiple regions across NSW. The team will escalate strategic matters for consideration of Maritime leadership and or Transport NSW leadership, and report back to advisory groups any actions that follow.

5.3 Eligibility and responsibility

Membership is open to leaders who represent **state-wide** domestic commercial vessel peak body non-profit associations across NSW. Companies, private groups or individual representatives will not generally be considered. Where a group represents a region, they may apply to be part of a regional advisory group.

Note, by exception the Executive Director of NSW Maritime may appoint a member for a period of time.

The advisory group will have state-wide members representing these commercial industries and sectors:

- ❖ Charter vessel industry
- ❖ Fishing and aquaculture industry
- ❖ Maritime public transport industry
- ❖ Marine Tourism Industry
- ❖ Maritime construction and salvage industry
- ❖ Boat Share sector
- ❖ Maritime Fuel sector
- ❖ Superyacht sector
- ❖ Commercial Vessel Marina sector
- ❖ Hire & Drive industry

The advisory group will aim to have each vessel type represented.

Member associations must demonstrate publicly available:

1. Membership elected leadership group,
2. Clear purpose and strategic intent
3. Constitution,
4. Annual reports,
5. Financials,
6. Code of conduct
7. Current number of members

The Advisory Group membership selection will include:

- ❖ State-wide peak bodies representing the diverse DCV industries and their value chains.
- ❖ Leadership diversity, background and ability to contribute with a focus on customers and the community
- ❖ Interviews of shortlisted candidates
- ❖ Demonstration of inclusive behaviours, teamwork approach and strategic knowledge
- ❖ Effective representation of Maritime customer and community segments.

Note: To ensure productive and insightful outcomes, guests with specific subject matter expertise will be invited to attend CVAG for specific agenda items to ensure targeted and strategic discussion.

State Government agencies including the NSW Police Force, Department of Primary Industries (Fisheries), Office of Transport Safety Investigators, Australian Maritime Safety Authority, and Transport for NSW will have permanent membership.

Organisations can apply to become a member of the advisory group by completing the membership application (Appendix C). NSW Maritime will notify the applicant of the results of the application in writing.

Each selected member organisation will be invited to nominate one representative and a delegate representative. Organisations should select representatives that are elected leaders and demonstrate the values, ethics and intent of their organisation with relevant expertise to contribute to strategic discussion. Note only one representative per organisation will attend each meeting.

6. Procedures

6.1 Meeting agenda

CVAG will discuss issues relevant to its purpose in accordance with an agenda forwarded to members prior to each meeting. Member organisations will be required to provide written updates and proposed meeting agenda items to the governance team two weeks prior to CVAG meetings. Written updates will be taken as read at meetings. Therefore verbal general organisational updates during the meeting are not required.

The agenda format is :

Item	Owner	Timing
Welcome, Apologies, Acknowledgment of Country	Chair	5 min
Boating safety learning linked to a recent event	Members on rotation	1 mins
Conflict of Interest Declarations	Chair	1 min
Review of actions from previous meeting	Chair	10 min
Items for discussion and endorsement		
Item 1: Safety campaigns: trends and outcomes	Regional Directors, State Coordinator	10 min
Item 2: Policies, legislation and regulation update	Dir Maritime & Transport Safety, Strategy & Policy, Director Maritime Insights & Operations	10 min
Item 3: Industry and its value chains	Dir Environment, Industry and Assets	10 min
Item 4: Environment	Dir Environment, Industry and Assets	10 min
Item 5: Infrastructure	Dir Maritime Infrastructure Delivery Office & Director-Environment, Industry & Assets	10 min
Items for information/noting		
Item 1: Title of item (<i>Reference no for paper</i>)	Attendee responsible for item	TBA
Item 3: Member updates (<i>circulated</i>)	All – taken as read	5 min p/member
Any other business	Chair	TBA

Agenda is subject to change.

6.2 Agenda items for inclusion

All members are welcome to submit items to be added to the agenda within the scope of the advisory group. The following process for determining agenda items applies:

- Approximately four weeks before the CVAG meeting, members will be notified in writing by the Governance team to submit agenda items.
- Members must submit their agenda item two weeks prior to the CVAG meeting.
- The final agenda will be forwarded to members approximately one week prior to the CVAG meeting.

The Chair and Governance team has final determination on all agenda items for inclusion.

Minutes of Meetings will no longer be recorded at CVAG meetings. All meetings shall note as actions only. Actions will be circulated approximately 10 days after the meeting. Actions will be addressed by the responsible member and closed, where applicable, at the next CVAG meeting.

6.3 Meeting frequency and duration

The CVAG will meet three (3) times per calendar year, on the second Tuesday of the allocated month (March, July, November).

Each meeting will be 1.5 hours in duration from 3.00pm to 4.30pm.

Two meetings will be held online and one meeting in person.

6.4 Member participation

It is the responsibility of members to:

- Attend all meetings. Where a member is unable to attend, the assigned delegate representative may be nominated to attend or an apology lodged in writing prior to the meeting.
- Agenda items and member organisation updates are to be sent to the governance team two weeks prior to the meeting. Information received after this period will not be circulated. It will be held over until the next meeting.
- Prior to the meeting, read all information circulated by the governance team. Pre-read information will not be discussed in detail in the meeting, it is taken as read

Provide expert advice and make recommendations in relation to the topic being discussed.

Members of CVAG and invited guests will not be remunerated for participation. Participation is voluntary.

6.5 Guests

CVAG members may request to invite subject matter experts to provide targeted advice on specific issues on the agenda. Guests may include members of the member's same organisation, Government representatives, interstate visitors or other persons who will be suitably able to contribute to CVAG.

All requests for guests are to be submitted (in writing) to the governance team two weeks prior to the meeting.

6.6 Quorum

A quorum for a CVAG meeting is eight (8) members present at the meeting, including the Chair. The governance team does not form part of the quorum.

6.7 Member Term

Members will be recruited for 2 year terms. Current members have the opportunity to renew every 2 years via the external application process up to a maximum of 6 years total tenure. There are significant benefits in an entity's membership being refreshed, from time to time. "Group think" is a real risk where an advisory group sees little change in its membership over a number of years. To avoid this risk, members' tenure should not exceed 6 years in total, unless otherwise provided in legislation, or where such limitation would be contrary to the public interest.

Note: Member terms for recruitment commencing in 2023 will be split evenly between 1 and 2 year terms to treat the risk of all members terms expiring on the same date. Following inception recruitment in 2023, annual recruitment will deliver 2 year terms for members.

6.8 Member Recruitment

External recruitment will be conducted every 12 months to ensure membership expertise, judgement, and representation continues to evolve in-line with NSW recreational boaters best interest and segmentation.

6.9 Escalation of matters

The Chair has the authority to escalate matters for resolution to other groups within NSW Maritime. The Regional Boating Advisory Groups (RBAG) review issues in their geographic areas and may escalate issues through to the CVAG, the Recreational Vessel Advisory Group (RVAG) or Maritime Property Advisory Group (MPAG) to examine issues at the wider state-wide level. These groups collectively support the Maritime Advisory Council (MAC) to provide advice to the Minister. The Minister may consider this advice to provide direction to Transport for NSW.

6.10 Intellectual property

Transport for NSW retains copyright of any written work produced in the course of working with CVAG.

6.11 Insurance cover

CVAG members are covered by Public Liability Insurance if injured on Transport for NSW premises whilst undertaking their duties as members of CVAG.

7. Evaluation and review

These Terms of Reference for CVAG will be reviewed every three years or sooner as determined by the Chair. Changes to these Terms of Reference will be passed to the Maritime Advisory Council (MAC) for information.

Appendix A - Intent of Code of Conduct

Members must agree to abide by the Code of Conduct.

Member responsibilities

All members and guests will:

- behave in a lawful, professional and reasonable manner and always act in the best interest of the group;
- understand the duties, responsibilities and accountabilities of their role, and perform these safely, honestly, courteously and fairly;
- make impartial decisions that demonstrate their clubs, associations or agencies values and promotes confidence in the integrity of public administration;
- maintain the integrity, confidentiality and security of information;
- report unethical, dishonest and/or corrupt conduct;
- not discriminate, harass, bully or engage in inappropriate conduct; and
- communicate openly and constructively and reflect the collective views of their members.

Member Behaviour

Appropriate behaviour includes

- Allowing a member to finish speaking
- Listening without judgement
- Moving on to next point as directed by Chair
- No swearing is permitted, or any type of slur
- No insults to other people

Inappropriate behaviour includes:

- Interrupting when someone is speaking
- Using a tone that interpreted by other members as disrespectful

Conflict of Interest declaration

An actual, potential or perceived conflict of interest exists when you could be influenced by a personal interest in the course of your official duties. Conflicts of interest that affect impartial decision making may constitute corrupt conduct. Where a conflict of interest may compromise a member's ability to perform their role in an impartial manner, the matter must be declared.

Members will consciously avoid any conflict of interest and will not allow personal interest or the interests of any particular person, group or association to conflict with their role as a member of CVAG.

Where a conflict of interest arises at a meeting, a member must declare such conflict before or at the start of the meeting for a determination by the Chair. The Chair will decide whether the member should withdraw from the meeting while the matter is discussed.

Ethical decision making

Members must ensure that decisions are made lawfully, ethically and impartially, align with CVAG objectives and are in the public interest. Members must consider the implications of their conduct, decisions and actions for themselves, customers, colleagues and Transport for NSW. Any information or advice given or any decisions made must not lead to personal gain ahead of public interest.

Public comment

Members will not make public comment on behalf of Transport for NSW or CVAG and discussions within CVAG are to be considered confidential. It is understood that as a citizen and in performing other professional roles, members have the right to make comments and enter into public debate on political and social issues, providing it is not perceived to be an official comment on behalf of CVAG or the NSW Government.

Confidentiality

Members may handle or use confidential information in the course of their duties. Confidential information, in any form, must not be disclosed to any party without official approval. Unauthorised disclosure may cause harm to individuals or give an individual or organisation an improper advantage.

Members agree to be bound by this protocol both during the term of their membership and following the completion of their term of office. Should a member breach confidentiality Transport for NSW reserve the right to take legal action to restrain the member from compromising the integrity of Transport for NSW and its member organisations.

Breaches

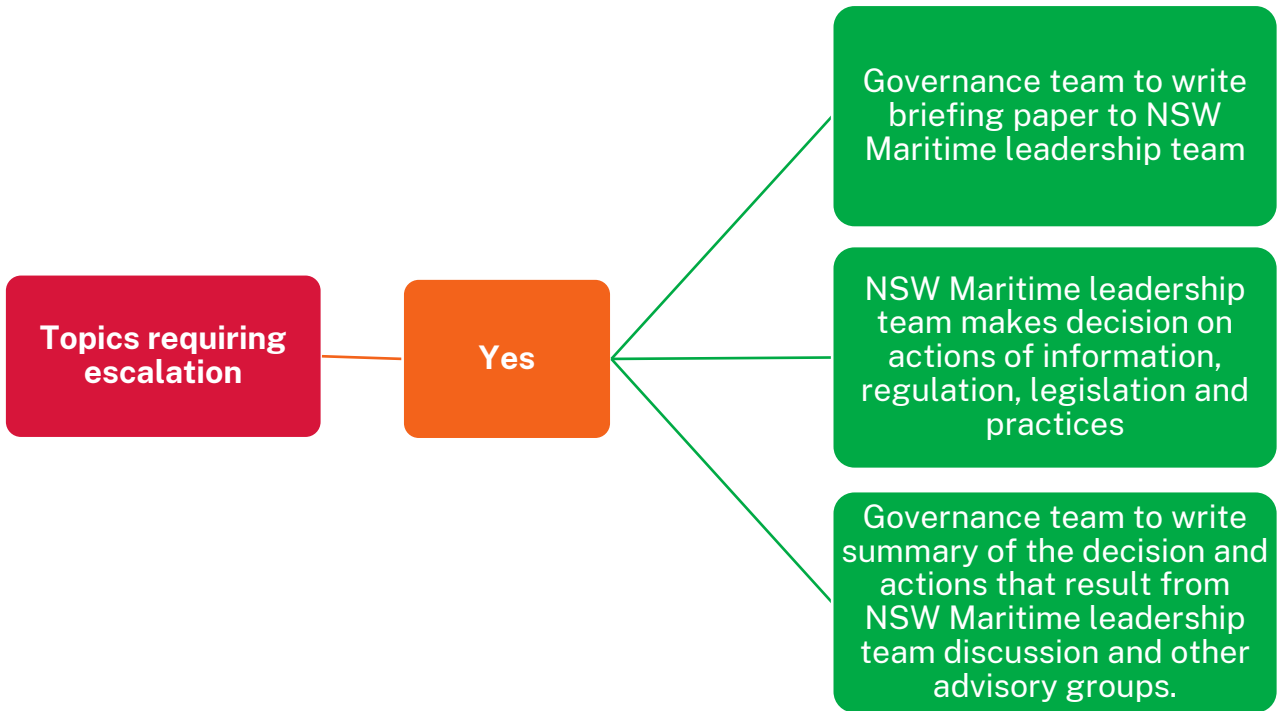
When inappropriate behaviour occurs prior, during or after a meeting, the Chair or governance team will note this and intervene. If the inappropriate behaviour continues the Chair at their discretion will again ask for the member to stop. Failing to do so, they will be asked to leave the meeting.

When a suspected breach of the Code of Conduct has occurred, the member concerned may be notified in writing and granted four (4) weeks to respond. After the four (4) weeks has expired, an independent panel of NSW Maritime leaders will consider any submissions and will make a determination. If a member is found to be in breach of this Code of Conduct, they may be subject to disciplinary action, up to and including termination of membership.

If a member's membership is terminated for a breach of the Code of Conduct, the member's organisation may appeal as to why it should remain a member representative of advisory group. The NSW Maritime leaders may choose to allow the member organisation to remain on the advisory group with a different member representative.

The decision of the NSW Maritime leaders is final.

Appendix B - Flowchart – Escalation of Information



Appendix C - Membership Form

Transport for NSW
transport.nsw.gov.au

Commercial Vessel Advisory Group
Membership Registration

Complete the form below to sign up for membership to the Commercial Vessel Advisory Group

About the applicant

Name	Position / Title	
<input type="text"/>	<input type="text"/>	
Name of organisation		
<input type="text"/>		
Address		
<input type="text"/>		
Website		
<input type="text"/>		
Email	Phone	
<input type="text"/>	<input type="text"/>	
Length of service/membership	Is this a voluntary or paid position	Number of current members
<input type="text"/>	<input type="text"/>	<input type="text"/>

About the organisation

	Yes	No
Is the organisation a registered not-for-profit group in NSW?	<input type="checkbox"/>	<input type="checkbox"/>
Does the organisation have a publicly available Strategic Plan?	<input type="checkbox"/>	<input type="checkbox"/>
Does the organisation have an Annual Report including financial report?	<input type="checkbox"/>	<input type="checkbox"/>
Is the executive of the organisation elected by members?	<input type="checkbox"/>	<input type="checkbox"/>

If you answered **YES**, please provide links to the associated documentation
If you answered **NO**, please provide supporting information for your application.

Please specify the group your organisation represents:

- Charter vessels
- Research vessels
- Hire and drive vessels
- Commercial fishing
- Government vessels
- Other (provide category)

Additional information

Please list all other government and non-government advisory groups the **applicant** is a part of

1.
2.
3.
4.
5.

Please list all other government and non-government advisory groups the **organisation** is a part of

1.
2.
3.
4.
5.

Comments

Signature

By signing this form, I acknowledge that the information that I have given is complete and correct.

Signature: _____ Date signed: _____

Appendix D - Proposed Member List

CVAG
BIA
Professional Fishers Association
Commercial Boating Education
DPI
Water Police
Freight/Trade/Barge
Port Authority
Ferries
AMSA
OTSI
Maritime DCV
Commercial divers
Department of Primary Industry
Environmental Protection Authority (EPA)
Marine Rescue NSW
Charter vessel association
Marina Industries Association
Commercial Vessel Association
Houseboat Association
Superyacht industry
Maritime fuel
Boat share
Hire & Drive sector
Marine Tourism Industry