

<b>Meeting title</b>	Commercial Vessels Advisory Group (CVAG)		
<b>Date and time</b>	Tuesday 27 August 2019 2:00pm – 5:00pm		
<b>Venue</b>	Rozelle Ground Floor training room 1A and 1B		
<b>Chairperson</b>	Hendrik Clasie – GM Industry and Environment Branch – Maritime Division		
<b>Attendees</b>	<i>Lauren Booke, Michael Manders, Tatiana Nasoufi, John Paton, David Hunter, Nick Lester, Andrew Stirzaker, Bahram Abedi, Simon Robards, Kelvin Parkin, Ian Stockton, Daniel Altiok-Brown, Damian Logue, Peter Harvey, Alex Barrell, Hendrik Clasie, Shane Wilson, Michael Jarvin</i>	<i>Initials</i>	<i>LB, MM, TN, JP, DH, NL, AS, BA, SR, KP, IS, DAB, DL, PH, AB, HC, SW, MJ</i>
<b>Apologies</b>	<i>Phillip Pitt, David Garrett, Matt Van Kretschmar, Steve Nichols, Sarah Joyce, Alan Steber, Anthony Howarth, Belinda Atkins, Harley Ogden</i>	<i>Initials</i>	<i>PP, DG, MVK, SN, SJ, AS, AH, BA, HO</i>

<b>Item no.</b>	<b>Topic</b>	<b>Lead</b>
1.	Welcome – Apologies Hendrik Clasie GM for Industry and Environment taking over from Alex Barrell	Hendrik Clasie (RMS)
2.	<p>Previous Minutes and Actions</p> <p>Minutes accepted and seconded.</p> <p><b>Action item 1:</b> Link to incident notification included. AMSA are sending incident notification to RMS to meet requirements. Incidents triaged by RCC in Canberra running 24/7 and sent to RMS through AMSA. RMS comfortable that the system is robust. Action noted as completed.</p> <p><b>Action item 2:</b> Noted as completed</p> <p><b>Action item 3:</b> Complete.</p> <p><b>Action item 4:</b> Pending, for Simon Robards.</p> <p><b>Action item 5:</b> Body of work underway through MES. Contractors engaged, likely to be brought back into service. Waiting on final plumbing report. Resolution shortly. Alex to update out of session. If recommissioned, suggestion for protocols around utilising under supervision.</p> <p><b>Action item 6:</b> 6.1, 6.4 completed. 6.2, 6.3 pending, remain open. Carry over for more information and share status with group. 6.3 – David Hunter, working with TfNSW on the Marine Pollution Act review with discussion paper to be distributed to all key stakeholders including CVAG. No detail provided for now, close to finalisation. CVAG will receive notification directly from</p>	Hendrik Clasie (RMS)

	<p>TfNSW who are leading the review. RMS will pass this on to ensure everyone receives a copy and notification on how to provide comment. Expected comments within 2-3 months of distribution.</p> <p><b>Action item 7:</b> Completed. How do we measure our success and our failure, this action item flows from the measurement of resources and time ie. how we measure over a number of years.</p>	
3.	<p><b>Barangaroo planning Update</b></p> <p><u>Wharf works</u> Licence agreement underway to construct promenade and board walk. Due for completion by 2022. A 20 year lease agreement with Infrastructure for NSW will commence once the works have been completed in 2022.</p> <p>Michael Jarvin raises concern: commercial vessels currently have no access to Woolloomooloo Bay. Walsh bay has limited usage. There is tremendous potential for commercial vessels to access Barangaroo and the casino area. Concerned there will be no or very little commercial vessel access here too.</p> <p>Response from Michael Manders: we haven't finalised how it will operate and we are open to advice regarding the process of how it will work.</p> <p>Comment from Michael Jarvin: I'm raising concerns advice from industry, particularly commercial vessels, won't be captured in the process. It is important for CV to have access to these areas. This concern has been raised at the Maritime Property Advisory Group meeting.</p> <p>Response from Michael Manders: notes concerns raised by Michael Jarvin. There is scope at this stage. Infrastructure for NSW has not yet finalised how it will operate from 2022 and there is the opportunity to discuss this.</p> <p>Michael Jarvin proposing to the group: does everyone here want this access? Question from Andrew Stirzaker: will it be a new structure? Response from Alex Barrell: yes it will be a new structure. General consensus from the group: yes CVAG want access to Barangaroo. Question from Andrew Stirzaker: who is the wharf being built for? Response from Michael Manders: the wharf is an Infrastructure for NSW asset Question from Andrew Stirzaker: is it deemed to be private use of the Casino? Response from Michael Manders: the Casino will not have exclusive use. Question from Nick Lester: there's a need for wharves all over the place, so is this just for the casino? Response from Alex Barrell: this is a landing space Question from Andrew Stirzaker: I wasn't aware another significant wharf structure was going to be built in Barangaroo.</p>	Michael Manders (RMS)

	<p>There must be a predetermined intent for the use of the wharf?  Response from Michael Manders: one customer will be the Casino  Question from Michael Jarvin: why will Infrastructure for NSW go to RMS? Will it go into a booking system to show availability on certain days? This never happened at Woolloomooloo or Walsh Bay. Infrastructure for NSW often say they are not an expert on wharves when Michael meets with them  Statement from Michael Jarvin: We want a commitment, business case and wharf booking system</p> <p>Currently Michael Manders doesn't have anything to do with the booking system. A proposal was raised by Michael Jarvin for Hendrik, Alex and David to create this booking system at Barangaroo. John Paton motioned to move this statement.</p> <p>Action item: Alex, Hendrik to find out whether there is any leasing arrangements and if there is scope for multi user/arrangement access.</p> <p>Comment from Michael Jarvin: Woolloomooloo Bay's lease is silent on what it is to be used for. Commercial vessels go in to use it and aren't paying a fee but should be. The fee should increase infrastructure. There are 5 Stratas in the bay getting new leases with commercial vessels going in and out daily. Residential Stratas have to maintain this and there is no vision for what is happening with this.</p> <p>Motion from Hendrik: I will take this on notice for Michael Manders to find out what should and shouldn't be happening there.</p>	
4.	<p><b>Sydney Harbour Update</b></p> <p>The overturned barge incident in Pittwater was noted. The response required heavy use of Maritime resources. The barge has been contained safely and is awaiting salvage</p> <p>A successful year at Vivid this year with no major incidents to report. Really good season. Congratulations to industry for the great result</p> <p>Operations: we are in the early stages of major event planning for Boxing Day, Australia Day and the Sail GP</p> <p>Construction upgrade: the metro barge is being pushed upriver from Barangaroo to the drilling location for the metro area. There are a few coming up shortly including Blackwattle Bay.</p>	Damian Logue (RMS)
5.	<p><b>DCV Safety Update</b></p> <p>Refer to DCV presentation slides</p> <p><u>DCV strategy</u>  Working on SLA targets</p>	Tatiana Nasoufi on behalf of Steve Nichols (RMS)

Review of the Marine Pollution Act and existing requirements for certificates

#### Australian Builders Plate

The ABP standard is under review. Tatiana Nasoufi is part of the working group. The review will be out for consultation within the next two months. Members of CVAG will be notified.

#### Black charters

Recreational vessels operating as commercial charters are trying to be reduced.

Request from John Paton: please expand on the black charters. I am receiving reports on these all the time.

Comment from Alex Barrell: feed anything through to us at RMS. We take a proactive approach and scan open source platforms online and engage with the illegal operator to provide notice. A compliance approach is taken based on risk. We had a significant one on Sydney Harbour that AMSA prosecuted with RMS and the Police being heavily engaged. It has been a collaborative effort. The case is still ongoing and not yet resolved. No further comment at this time.

The DCV safety unit can be contacted when any issues arise and we will investigate.

Question from Hendrik Clasié: does AMSA have a reporting mechanism?

Response from Simon Robards: email [reports@amsa.gov.au](mailto:reports@amsa.gov.au) or call AMSA Connect

Comment from John Paton: there doesn't seem to be a direct conduit to send information to

Comment from Alex Barrell: most people don't know they are doing something illegal

Response from Hendrik Clasié: MSECT have been focused on vessels advertising on AirBnB and AMSA are reviewing exemption 27. The MSECT team have been contacting advertisers who didn't know what they were doing was illegal and removed sources once notified.

#### Pollution Scheme

Hendrik: the review of the Marine Pollution Act will be forthcoming. When the National Law was established, the pollution side remained with the State. Appendix D - pollution requirements are in review. The Marine Pollution Regulation does not address this. We need to issue something to acknowledge vessels complying with sewage requirements. We are looking at how we carry out activities and issuing certificates. We are keen to hear from Industry on this as we develop a process and start to put it together, and may need to step up sooner than waiting for the Marine Pollution Act. We are not expecting it to be significantly different to State based survey Law.

In regards to the timeframe, we need to find out what the impact is. Hope to see something this season.

The process is for one of our TCO's to check the vessel, check it meets requirements and then the certificate is sent to the vessel. As soon as we have information it will be shared inter-sessionally.

	<p>Comment from Peter Harvey regarding the Australian Builders Plate: the National review is being led by the Australian Recreational Boating Safety Council. The approach is to improve clarity and usability of the standard. Consultation on the draft standard is expected in 2019 supported by a national approach. Once released, it will be discussed at CVAG.</p> <p>Comment from Hendrik Clasié: customers can't sell a vessel in NSW unless an Australian Builders Plate is attached (with exemptions). The International boat show this year identified cheap inflatable boats being sold without the ABP. RMS will assist in making sure information that goes to our customers is clearer.</p> <p>Comment from Alex Barrell: this is being supported by the BIA.</p> <p>Comment from Michael Jarvin: the BIA has been running ABP seminars around Australia.</p>	
6.	<p><b>AMSA Update</b></p> <p>There are a number of consultations running at the moment which are live on the AMSA website (news/community/consultations)</p> <p><u>MO505</u>  Consultation 505 on the proposed changes to near coastal seafarer certificates is open for 8 weeks, closing on the 29th September. A number of information sessions are being held around the country including one at the National Maritime Museum this Thursday at 10:00am and Coffs Harbour Surf Club this Friday at 10:00am. Part D of the NSCV has been rolled into MO505.</p> <p>Proposed changes outlined in MO505 documentation, page 3.</p> <p>Feedback channels provided in MO505 documentation, page 6.</p> <p>Question from Alex Barrell: what's the thinking behind these changes?  Response from Simon Robards: there are many grandfathered vessels with grandfathered crewing only requiring a recreational license, so people aren't replacing boats. This is creating a safety issue.</p> <p>Simon Robards: Regarding the Cox 3 eligibility requirement, if requirements are met, there is no need to apply if you already have a recreational boating license</p> <p>Comment from Michael Jarvin: to take a person to show them a boat on a mooring for sale you need to have a Cox 2 or Exemption 38. This has as always become an issue. Those that hold Ex38 will meet eligibility for Cox 3. Addresses the issue around fishermen not being able to use at night. We asked for 6 people going up to 8 people for yacht clubs. This has not been addressed and remains at 6</p>	Simon Robards (AMSA)

Response from Simon Robards: this is the purpose of the consultation period. Include this feedback

Have your say through the usual channels

#### Second consultation - improving passenger safety

AMSA in light of recent fatal and serious non-fatal incidents, are consulting on opportunities to improve passenger safety on DCVs. Consultation is open until October 20<sup>th</sup>, available online.

Passenger safety is the responsibility of the operator. However, some stakeholders suggested more specific requirements are required. AMSA acknowledges the breadth of unique passenger arrangements around Australia and experiences held within industry

AMSA encourages industry input on 3 key areas:

1. Monitoring and controlling passengers
2. Preventing passengers falling overboard
3. Retrieving passengers fallen overboard safely

What's the extent of the problem?

There have been a few fatalities going back 5 years

Comment from Michael Jarvin: I raised at the previous CVAG meeting, the removal of the requirement to have a First Aid certificate. First Aid is required at the time of revalidation but the certificate may be 3-4 years out of date

Question from Michael Jarvin: does AMSA have a vision to overcome task books and paper books and replace with an electronic version?

Response from Simon Robards: the task book is in partnership with the TAFE system. An app could be problematic. There have been discussions as to whether the First Aid should be divorced from the CoC altogether, and should it be on the operator to ensure someone has First Aid qualifications on board. The bigger focus on the renewal of CoC is medical.

Comment from Michael Jarvin: think long and hard about it. First Aid is a skill set that needs to be continued to practice.

Requesting members to consider this in their daily operations

Comment from John Paton: there is a point on smaller vessels where it's just a Coxswains vessel; a one person operation. This is common in DCV. If it is left to the operator to work out whether someone is competent in First Aid and if that means them, then they won't do it

#### New offices

AMSA have opened a new office in Airlie Beach and Coffs Harbour. The office in Coffs Harbour is not so much a regional operations office, but a satellite headquarters set up to decentralise out of Canberra. The office has a mix of staff from

standards, search and rescue, nav aids, operations, corporate. Within a month there will be 30 staff operating out of the Coffs Harbour office, including 2 Marine Inspectors. This will give our Brisbane Marine Inspector capacity to work North from Brisbane and our Newcastle Marine Inspectors more capacity to work south into the Hawkesbury

AMSA is recruiting additional resources to be based in Coffs Harbour to take some of the workload in approving certificates in the MARS database. Most approvals are falling to the regional surveyors and inspectors. Dedicated staff in Coffs Harbour will process renewals of CoO, certificates for non-survey vessels, variations to CoO, simple changes to CoS (e.g. name change etc) and revocations. Renewal of survey and short term exemptions will remain with Simon's staff. AMSAs Port Marine Surveyors and Marine Inspectors have got things across the line but it was never envisaged to utilise our technical staff to do so much administration long term. This will free them up to get more inspections done in the field.

#### Clarify requirements for exemption 7

Exemption 7: An accredited surveyor can give 90 days (*NOTE: corrected by Simon to be 120 days*) under AMSA 586 form, Part D if minor non-conformance. If the survey is not complete, you need to apply to AMSA for exemption 7 under Division 7. If the vessel has been expired for more than 90 days, then Division 7 of exemption 7 won't help. –The only option is to apply to AMSA under exemption 7 division 2 – operation without certificate. AMSA will still require at least that the afloat survey would have been completed to issue an extension under Division 2.

Question from Andrew Stirzaker: if you have a survey completed and lodged the renewal application, the website says 90 days while you wait for paperwork, and that you need no further documentation?

This is referring to CoO not CoS - Division 6a – Extension of time to renew certificate of operation. You do not need to apply as long as have made an application to renew CoO. The CoO Division 6a covers you as long as paperwork is in.

However, for the CoS, if the current certificate has expired, either have an accredited surveyor complete under division 6 or AMSA under division 7. Or division 2 if expired more than 90 days.

Comment from Hendrik Clasié: there are 2 pathways to get a temporary operations exemption, ie accredited surveyor can complete in certain circumstances. The other path is operator can make application to AMSA directly

Comment from Andrew Stirzaker: I've checked through and convinced this is not a requirement as per the website. (*NOTE: AMSA website has been checked and previous statements to which Andrew refers have been removed as they were creating ambiguity*). Nick Lester also believes this is the case, commenting he is being told everything has been lodged and

don't stress, it's fine. John Paton is in the same boat with his vessels. Everything has been done and 2-3 months has passed yet the CoS has not yet come back. Simon Robards will send feedback to surveyors to ensure they are aware of what is happening

Simon Robards: You need a current CoS or an exemption. If you're in a scenario where the CoS is about to expire and everything else is done then a private surveyor can help out up to 90 days (*NOTE: correction – 120 days*) beyond expiry

Andrew Stirzaker: (notes the back of the form) – so the missing piece is filling in the back

Yes – If vessel has nil deficiencies then best to still get accredited surveyor to fill in Part D of AMSA586 form to give you 120 days.

Comment from Simon Robards: I will pass on feedback to the private surveyors. AMSA will put information out to accredited surveyors, and we should all help to inform or remind surveyors to complete the form and return to us

Comment from Andrew Stirzaker: can you produce a summary guidance to follow this. This is critical. Motioned by Nick Lester: We need an official AMSA guidance note to be put out.  
Action item: Simon to request AMSA guidance note regarding the process

Question from Nick Lester: how do we request to know that the surveyor has lodged this? Can AMSA issue a receipt to the surveyors that they can pass on to us?

Response from Simon Robards: an online user portal is a big point of discussion within AMSA and is high on the priority list. AMSA really want to put this in place, but there are higher IT priorities for AMSA at the moment. The surveyor can see when it has been lodged in the system. Ask the surveyor to take a screen shot once lodged, they can send this to you. Request proof they have uploaded

Question from John Paton: once everything is done and the vessel is cleared, what is the timeframe from that point to the CoS being issued?

Response from Simon Robards: I don't have that information. If everything is there it is a relatively quick process. The trick for us is that this is the first certificate AMSA is issuing so it takes time to sort through and transcribe old conditions. Many old conditions no longer belong on a National certificate.

#### Exemption 7 light ship requirement

The lightship requirement in the 5<sup>th</sup> year hasn't changed. For the majority of vessels, there can be a declaration that nothing has changed and the Marine Surveyor can check and sign off. For class 1 vessels over 12m, it is a requirement to complete a lightship test to compare the current to old



	<p>A change in lightship displacement of more than 4% triggers the vessel being considered a transitional vessel under Marine Order 503. People are getting stuck when doing the lightship last only to find that the vessel triggers transitional and that time is running out before expiry and need to apply for Exemption 7.</p> <p>It is highly recommended to do a lightship assessment 6 months before expiry. Give yourself time to work with the surveyor to prove you meet transitional standards if required.</p>	
7.	<p><b>King Street Wharf foot traffic measures Update</b></p> <p>A meeting was held in late July regarding the King Street Wharf foot traffic and it was concluded that we will proceed with signage at the King street wharf to deal with the foot traffic</p> <p>The location of the signage has already been identified. The signage will be TVs set up back to back (to keep with similar arrangements located in the Darling Harbour precinct)</p> <p>Messages will be displayed showing how long before the next vessel arrives and/or how long to finalise boarding on the vessel, always in consultation with the industry. We are hopeful to have some designs of signage before the next meeting</p> <p>Michael Jarvin: proposes to use some funds from the wharf bookings to have the area policed for 10 days during Christmas. Response from Alex Barrell: we can have discussions with police and Liquor Accord but it is up to the police to declare the area a matter of public order that would require additional policing Comment from Hendrik Clasié: wharf booking fees are for maintenance of the asset (wharf), which only covers part of that maintenance cost.</p>	Alex Barrell (RMS)
8.	<p><u>General Business</u></p> <ul style="list-style-type: none"> <li>Wharf restrictions – length &amp; displacement This tabled item will be carried over to the next meeting (since all Capt.Cook Cruises representative are apologies today)</li> <li>Pump out facilities on Sydney Harbour Blackwattle bay will be available until July 2020. Maritime has it high on the agenda that we need to find another location to replace the Blackwattle bay facilities.</li> </ul>	A Haworth (Cpt Cook Cruises)

**Next Meetings: Tuesday 26 November 2019**

**Tuesday 25 February 2020**

**Tuesday 26 May 2020**

## Actions

Item number	Action	Status	Responsible / Revised due date
1	Update on what is the process for selecting membership for consultation groups?	Pending	Simon Walter
2	For the oily water discharge facility AB will report on status of the Bailey's facility	Pending	Alex Barrell
3	<ul style="list-style-type: none"> <li>i. Send out Consolidated SEP if it has been finalised</li> <li>ii. Send out discussion paper on the Marine Pollution Act review when published.</li> </ul>	Pending Pending	Tatiana Nasoufi
4	Hendrik to find out whether there is any leasing arrangements and if there is scope for multi user/arrangement access	New	Hendrik Clasié
5	Motion from Hendrik: I will take this on notice for Michael Manders to find out what should and shouldn't be around Woolloomooloo Bay	New	Hendrik Clasié/ Michael Manders
6	Action item: Simon to request AMSA guidance note regarding Exemption 7 application process.	New	Simon Robards