



AGENDA

Commercial Vessel Advisory Group (CVAG)

Date	25/02/2020		
Time	2:00 - 5:00 pm		
Venue	Maritime Building, 33 James Craig Rd, Rozelle Training room 1A and 1B		
Chairperson	Hendrik Clasié – GM Industry and Environment Section – Maritime		
Attendees	Andrew Stirzaker Anthony Haworth Shane Wilson Ian Stockton John Paton Lorraine Yates Adam Anderson Nick Lester Michael Jarvin Richard Cordwell Richard Ford Sean Jewiss Simon Robards, Simon Walter Harley Ogden Tasha Prabhakar, Marie Lodge. Chris Comer Hendrik Clasié, Alex Barrell, David Hunter, Lauren Booke, Stephen Nichols, Hayley Ablott, Emma Chisari, Bahram Abedi, Tatiana Nasoufi	AS AH SW DG IS JP LY AA NL MJ RC RF SJ1 SR, SW HO TP, ML, CC HC, AB, DH, SN, HA, EC, BA, TN	Commercial Vessels Association Captain Cook Cruises BIA DPIE - Fisheries Charter Fishing NSW White Bay 6 TfNSW – CMS Australian Cruise Group Advanced MM Sydney Harbour Attractions NRMA & Manly Fast Ferries Marine Rescue NSW AMSA Aqua Entertainment and SH LA TfNSW NSW Maritime
Apologies:	Alan Steber Daniel Altiok-Brown Peter Harvey Phillip Pitt Sarah Joyce David Garrett	AS DAB PH PP SJ DG	Stebercraft Sydney Glass Island Pty Ltd. TfNSW - CMS Pacific Boating Pty Ltd. Sydney Coastal Councils Group Captain Cook Cruises

Agenda Items		Responsibility
1.	Welcome – Apologies	Hendrik Clasié

Agenda Items	Responsibility
<p>2. Review of minutes and actions from previous meeting</p> <p>Move to adopt minutes - Accepted</p> <p>Actions from previous meeting:</p> <ol style="list-style-type: none"> 1. Responsibility moved to Hendrik Clasie for action. Pending – noting that sewage pumpout services have taken a priority 2. Pending – SEP not yet finalised 3. Pending – will request an email update to be sent to CVAG 4. No feedback received by Maritime or AMSA. Simon W will send to Tatiana amended copy of Ex07 guidance note for recirculation. Need new CoS or AMS signed paperwork to say you can operate beyond your date 5. Correction to action item noted. Referring to Wharf 3. Alex Barrell updated members. One side out for bookings in December, the other side for short term EOI. Both sides are now on wharf booking system. Wharf will be closed for maintenance until 28 Feb. CVAG members haven't been advised of updates. Alex B to follow up on access to King St Wharf and asset maintenance schedule for other wharves. 6. Completed and removed from list – New Action item 6 added 	Hendrik Clasie
<p>3. Sydney Harbour Update</p> <p>Recruiting for Manager Sydney Harbour Operations in the next couple of months. Decision should be made by end of March.</p> <p>Drew Jones acting Manager Operations Sydney Harbour.</p> <p>Sail GP race this Friday and Saturday. Exclusion zones in place. This is a dynamic exclusion zone and will be changing according to the weather. Any issues please send through to SHOC at Maritime.</p> <p>Western Harbour tunnel work currently focused on stakeholder engagement. Any information to be sent through Tatiana. Work starting 2022. Impacts to Birchgrove.</p> <p>King St Wharf on track for 1 March 2020.</p> <p>Sydney Harbour Bridge major works undertaken from underwater. Large barges will be under bridge. Not expected to be any impacts to commercial vessels (CV). Will communicate any updates.</p> <p>BSOs focusing on amplified noise from CV. Feedback received is that most operators are compliant.</p> <p>Major weather event has seen impacts around Lane Cove with navigation markers out of place, contractors currently putting back in place.</p> <p>Question from CVAG member: Is there any news on Circular Quay? Response from Alex Barrell: Progressing the consultation phase</p>	Alex Barrell

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<p>4. DCV Safety Update</p> <p>Powerpoint presentation</p> <p>Since July 2019 BSOs have completed a total of 467 inspections and 5 follow up inspections. Equates to 7.1% of the State's fleet.</p> <p>Vessels inspected by DCV Safety is 485 with 21 follow up inspections. Total inspections equate to 14.8% of the State's fleet in survey and 9.5% of all DCVs</p> <p>Current work:</p> <ul style="list-style-type: none"> • Technical Advisory Panel for the drafting of NSCV Part C Section C2 – Watertight and Weathertight Integrity • NSW Regional Safety Committee • ABP working group rewriting standard - Tatiana part of this group • Recognised Mooring Contractors Scheme • Stability and plan approval audits <p>Question from CVAG member: As you conduct inspections and audit, will this influence how things are moving forward under the SLA and its impact on DCVs?</p> <p>Response from HC: The SLA with AMSA has different classes of vessels to look at and inspections are developed from a risk perspective. These inspections are always be informed by levels of compliance. This will evolve and we will respond to issues that are emerging and from analysis of trends.</p> <p>Comment from Simon Robards: The SLA is the initial platform for guidance on which areas to focus on.</p>	Steve Nichols
<p>5. Marine Pollution Act (MPA) review update</p> <p>The MPA covers marine pollution from vessels in State waters.</p> <p>Haven't received much feedback on the Act review from the commercial vessel industry.</p> <p>The MPA covers offences relating to 5 key marine pollutants posing considered significant risk to environment including oil, sewage, garbage, pollutants covered under MARPOL – looking for alignment that NSW laws harmonise with international standards and commonwealth legislation.</p> <p>MPA review is not posing considerable changes for DCV. Key proposed changes include broadening the definition of State waters to cover all navigable waters in the State, including all recreational vessels in this Act.</p> <p>Proposal for the introduction of new offence for altering modifying sewage prevention equipment – designed to target deliberate acts of discharge.</p>	Tasha Prabhakar Marie Lodge Chris Comer

Agenda Items	Responsibility
<p>Simplify, modernise, streamline, electronic keeping of record books.</p> <p>Not progressing with changes that were proposed for oil insurance.</p> <p>Next step to report findings to the Government for consideration to amend the Act. Regulations under the Act are due to be reviewed under a separate process.</p> <p>Question from CVAG member: Is there a strategy including increase in services available in NSW more broadly for rec vessels?</p> <p>Response from Hendrik Clasié: Sewage disposal facilities around the State need to be mapped to see what is available. Reliance on DCV operators to have facilities in place. Don't have data around how utilised facilities not managed by Maritime are. It is noted that government is not introducing something that will impact people that will see an increased demand on what is already there.</p> <p>Question from CVAG member: Certification of systems hasn't been covered off. What might be necessary to introduce a sewage system on a vessel?</p> <p>Response from Hendrik Clasié: Certification is covered in the regulation. There are existing requirements in the Regulation (Marine Pollution Regulation - Reg). The Act makes provision for that to happen in the Reg. Changes will be considered during the Reg review.</p> <p>Question from Andrew Stirzaker: Is there an intent to move forward in the Reg re certification?</p> <p>Response from Hendrik Clasié: Prior to National Law, this was always looked at by State surveyors as periodic and initial survey programs. With the commencement of National Law for DCV, the pollution side remains for the State to deal with. Leverages off MARPOL certificate for ships. There is a parallel scheme to grant a local certificate.</p> <p>Comment from Tasha Prabhakar: If supported, review of Act goes to Parliament then the Reg will be looked at. A discussion paper would be circulated to seek feedback. There is a process of producing a regulatory impact statement, review what the impact is to industry for anything planned to be changed or proposed. Plenty of opportunity to consider this.</p> <p>Question from CVAG Member: When is the next paper due out?</p> <p>Response: This is quite a while away.</p> <p>Comment: AMSA stickers referenced as an example wouldn't be suitable for rec vessel owners. Will look at more targeted set of stickers for rec vessel owner. May be State based options that are more applicable. Requirements for DCV will be made clearer.</p> <p>Question from CVAG Member: Is there a timeline moving forward?</p> <p>Response from Tasha Prabhakar: Report is in hands of Government. Expect sometime within 2020 as ideal timeline.</p>	
<p>6. TfNSW CMS Update</p> <p>Maritime Safety Plan – information will be sent out second half of this year as to the status of the plan.</p>	Adam Anderson

Agenda Items	Responsibility
<p>Fatalities and injuries update – this financial year 18 fatalities -10 more than same period last financial year. Currently tracking above yearly State target. 9.3% above 30% reduction by 2021. 14% less in serious injuries in last financial year. Tracking below target. On track for 30% reduction in this area.</p> <p>Question from Harley Ogden: Are fatalities mostly on rec vessels? Response from Hendrik Clasio: Yes they are. Trend at the moment is older males, experienced boaters and weather are contributing factors. We are seeing a number of incidents with larger boats. Spike over Christmas and the new year period.</p> <p>Question from Lorraine Yates: Has there been any assessment of the accuracy of the weather forecast? Has the Bureau been getting it wrong?</p> <p>Comment from John Paton: Haven't seen any trend. Forecasts being regional aren't specific to particular headlands and bar.</p> <p>Seas weren't always serious conditions, potentially not familiar with the boat, compounded factors.</p>	
<p>7. AMSA Update</p> <p>New AMSA Deputy CEO – Sachi Wimmer</p> <p><i>AMSA regional safety committees</i> DVIAC - Domestic Vessel Industry Advisory Council and FIAC - Fisheries Industry Advisory Council exist. Moving to regional safety committees to be formed. First meetings to be rolled out in March. Identified cross section in industry (oyster farmers, rescue police, wharf maintenance, safety agencies etc). Meetings will facilitate over video and in person. Similar to CVAG, feeding into Ministerial advisory council. Feed issues up to safety committees groups. Potentially bi-annual meetings. DVIAC will stay in place</p> <p><i>Marine Order 504 passenger safety</i> Changes being made regarding head counts, passengers, SMS. Concept paper sent to Industry in August, feedback received and made draft proposed changes to Marine Order. Second consultation closed mid-February. Looking to make changes with proposed implementation by 1 July 2020. Senator Sterle (sp?) private bill passed from Senate to House of Representatives, proposal is mandated 2 headcount on every passenger carrying vessel.</p> <p>Query from CVAG member on new technology and what it might be referencing Response from Simon Robards: Ensuring that if there is technology that assists in the future, include in the Marine Order.</p> <p><i>DCV incident triage process</i> Operators can report to TfNSW or AMSA. Reports sent to AMSA are triaged 24 hours a day by AMSA's Rescue Coordination Centre (RCC) and classified as red, orange, yellow, green. Red fatality, orange serious, yellow minor, green other. All reports for the east coast go to</p>	Simon Robards

Agenda Items	Responsibility
<p>Simon Robards and NSW matters are passed on to Maritime.</p> <p><i>Statistical analysis around DCV inspections nationally</i></p> <p>Presentation on Stats Underreporting in fishing and hire and drive</p> <p>Highest numbers for classes of vessels inspected 4E – 332 2C – 224 3B – 215</p> <p>Deficiencies by type (all vessels) LSA – 855 SMS - 536 FFA – 519</p> <p>Deficiencies by type (class 1 vessels) LSA – 234 FFA – 153 SMS - 130</p> <p>Increase in structural and watertight deficiencies found during compliance inspections</p> <p>Class 1 Passenger vessels highest reported incidents</p> <p>More collisions and close quarters reported in Sydney Harbour than Nationally</p> <p>Ship handling and loss of control highest operational component of incidents regionally and nationally.</p> <p>Technical related incidents similar both regionally and nationally</p> <p>Question from Andrew Stirzaker: Does this feed in to messaging for the industry? Response from Simon Robards: Informs where vessel operations team identifies trends and focuses on education in these areas. Question from CVAG Member: There's no area to highlight specifics in this space? Response from Simon Robards: Potentially - nationally and localised areas. Comment from Hendrik Clasie: High level analysis demonstrates key areas of deficiencies. Industry can use this information to inform own systems. You shouldn't wait for an education campaign to drive looking at your own operations. Comment from Simon Robards: 'FFA' results could be a result of recent fire fighting focused campaign – inspections of fire systems on berthed passenger vessels based on California vessel fire deaths. Question from CVAG Member: Will data be shared with the industry? Response from Simon Robards: Yes, a lot of this was prepared for AMSA's annual report. Can find it there.</p>	

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<p>Question from CVAG Member: Is MARPOL reflected here? Response from Simon Robards: No, this is National Law, not State law. Additional question: Will it be broken down exactly what the problem is? If this is highlighted, could put the word out to show what the exact deficiency is. Response from Simon Robards: Can look at this level of data to see if this is captured at a granular level</p>	
<p>8. General Business</p>	
<p>8.1 Safe Access to vessels (builder's or owner's responsibility)</p> <p>Charter and fishing vessels have good access. No need to have gang ways. Gangways never been supplied for vessels 6-20m length. If a DCV visits unusually high wharf, up to wharf provider to provide safe access not vessel.</p> <p>Comment from Simon Robards: It appears Alan is seeking clarity on whether the safety alert mandates the gangway. Safe access has to be considered by the operator. Procedures need to be documented in SMS about safely boarding and disembarking.</p> <p>Comment from CVAG Member: Important point to make is the term "might" is a good call to include in the safe access document.</p>	Alan Steber
<p>8.2 Foiling Vessels (and interactions with other DCVs)</p> <p>Seeing a marked increase in speed in sailing vessels and also the use of foils (these can be retrofitted to vessels) is causing concern for DCV masters due to reduced reaction times and being required to give way. Is there a solution in terms of an education campaign?</p> <p>Comment from John Paton: We saw the same issue with PWC. Look at solution for PWC. Possibly route to go down is to exclude from Sydney Harbour like PWC.</p> <p>Foiling boards fall under the definition of PWC in Maritime Regs.</p> <p>Comment from David Hunter: An example is the Fliteboard. This has been assessed and inspected with the Emerging Technology Working Group (ETWG) and has been determined a PWC and is not permitted for use in Sydney Harbour as per PWC exclusion zones. Until the definition changes in the Reg, we will not change the categorisation. The ETWG provides operators with exemptions if required.</p> <p>David Hunter in regards to foiling sailing vessels manoeuvring quickly: Rule 17 of ColRegs A and B1 states when any vessel does not appear to be complying with the rules, the give way vessel may take action as is necessary to avoid collision. Where it becomes apparent that the give way vessel cannot take sufficient action on her own, the vessel must take whatever action required to avoid collision.</p>	Andrew Stirzaker

Agenda Items	Responsibility
<p>If the vessel is the slower moving vessel, the obligation is on the master of the sailing vessel that it shall keep out of the way to avoid collision.</p> <p>Question from CVAG member: Does the master know that this is their responsibility?</p> <p>Response: There needs to be more education around this.</p> <p>Question from CVAG member: In regards to sailing boats under the Harbour Bridge – is there any reason why they aren't banned?</p> <p>Response from David Hunter: Have there been any incidents?</p> <p>Response: Have had to stop a number of times. Why are sailing boats allowed under the harbour bridge?</p> <p>Response from Hendrik Clasié: People use waterways for commercial and recreational purposes. We don't want to introduce onerous rules unnecessarily . Maritime isn't receiving information and data to support close quarters and evasive action communication.</p> <p>Question from CVAG member: Has a basic risk assessment been conducted under the Harbour Bridge?</p> <p>Response from Alex Barrell: Risk has been mitigated with 15 knots restriction on speed, no one can stop in transit zone area. Need to see data for these changes to take place.</p> <p>Comment from Andrew Stirzaker: "Power gives way to sail"</p> <p>Response from David Hunter: The overtaking rule overrules the above and is an example of where this doesn't apply.</p> <p>Comment from Hendrik Clasié: If location specific, staff can talk to clubs to raise this issue.</p> <p>Comment from Alex Barrell: There have been discussions on how to engage demographics in statistics. Focus on small rec vessels over the last 20 years. Want to shift to DCV focus. Include topic in AMSA communication.</p> <p>Question from CVAG member: What about coordinating events?</p> <p>Response from Hendrik Clasié: These events are managed through aquatic licenses (AQL). Seeing trends in types of craft operating being larger and reaching higher speeds than we have seen before. Consider also educating DCV specific high speed craft as well as rec craft.</p> <p>Question from Harley Ogden: Are there any plans that the Fliteboard will not be a PWC?</p> <p>Response from David Hunter: The Fliteboard is categorised under the Reg as a PWC. The final step would be to ban something. Will do everything we can before we get to that stage. Emerging technology will continue to come up.</p> <p>Comment from Harley Ogden: Engine powered hydrofoil boards are operating in Rose Bay and up around Manly. If these are classified as PWC, do they need a PWC licence?</p> <p>Response: Exemption to have GBL to operate.</p>	
<p>8.3 Aquatic Licences (AQL)</p> <p>Acknowledgement of impact to DCV when securing an AQL. Concern raised over DCV being overlooked in the AQL process. Example used of Super Yachts creating DCV displacement on NYE by positioning themselves at forefront of exclusion zones or dedicated DCV zones. Wish to be recognised as existing users of the waterways.</p>	Andrew Stirzaker

Agenda Items	Responsibility
<p>Comment from Anthony Haworth: Super yachts can trade as DCV as long as they are not trading with more than 12 people on board and are deemed a DCV under the Navigation Act (comment supported by Simon Robards).</p> <p>Comment further supported by Hendrik Clasie: Super Yachts can trade as a DCV and are not governed by National Law. Drew Jones is the contact for major events and is the best person to speak to in the planning of the events. Alex Barrell and his team grant the AQL.</p> <p>Comment from David Hunter: Will look into policy options that Hendrik Clasie and Drew Jones can work on to find a satisfactory outcome for all parties.</p> <p>Comment from Hendrik Clasie: Not every event is licensed. Sailing exemption notification scheme (SENS) requires clubs to notify Maritime of any planned event rather than seek approval or a licence SENS is considered successful in the reduction of red tape, looking to expand to cater for other events.</p>	
<p>8.4 Kamay Ferry Wharves Project (La Perouse and Kurnell)</p> <p>Project in its early stages. Investigation site studies to be conducted. ARUP engaged to oversee investigations. Sharing information with stakeholders. Have engaged councils and port authority, CMS and others.</p> <p>The studies to be conducted will be looking at land impact, video cameras used and includes geophysics surveys and bathometric surveys.</p> <p>Frog and Microbat surveys to take place at night, towards the end of February 2020.</p> <p>March/April 2020 looking at utilities survey and topographic survey</p> <p>Question from Harley Ogden: in regards to the ferry wharves upgrade - is Double Bay included on the list? Can we look at timeframe of when wharves are going to be upgraded?</p> <p>Response from Hendrik Clasie: Will contact asset maintenance to share schedule.</p>	Hendrik Clasie
<p>8.5 Purpose of CVAG</p> <p>Focus has been on Sydney Harbour. Multiple advisory groups in existence.</p> <p>Reviewing advisory groups – partly driven by AMSA commencement of Regional Safety Committee and role of DVIAC.</p> <p>Should we continue the name CVAG?</p> <p>Will be reviewing the purpose of CVAG meeting in general. Need to be aware of AMSA stakeholder engagement groups to ensure no duplication. If it becomes evident the AMSA model duplicates the purpose of this group we need to look at whether we revise or move into a combined group with AMSA.</p>	Hendrik Clasie

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<p>Not making any calls at this stage, something to consider. Look at leveraging off regional advisory groups. If regional DCV operators are wanting to have input, will request for them to attend local advisory groups.</p> <p>Comment from Richard Cordwell: Most of the CVAG agenda items focus on water land interface – local to Sydney Harbour regions. Not many issues discussed today are about on-water issues. Important for operators to maintain this CVAG meeting.</p> <p>Response from Hendrik Clasie: Example to change group name to Sydney Harbour Land Water interface stakeholder engagement meeting. This is not an opportunity to close the group but to review model.</p> <p>Other business</p> <p>Update from Lorraine Yates White Bay 6</p> <p>White Bay 6 is increasing in berth and capacity to add 30 pens at 40m targeted at DCV only. Port Authority have given permission to approach TfNSW to discuss permission to lodge application. Will be seeking advice on requirements of environmental assessment. Looking at lodging development application towards end of 2020.</p> <p>Simon Walter on Coxswain III (Marine Order 505) Consultation was due out at the end of February. There's been a few changes. Inclusion of PWC under Cox III.</p> <p>Request from Andrew Stirzaker to keep sewage pump outs on agenda</p> <p>Comment from Hendrik Clasie: Previously advised Blackwattle Bay facility main wharf deemed structurally unsafe. Installed temporary pontoon with 100 tonne vessel limit, sitting just off the wharf. Vessels can access keypad and hose from pontoon off main wharf. Facility coming online towards end of this week or next week. Email will go out through wharf bookings email list when accessible. Temporary tenure until June 2020. Told that Infrastructure NSW will be taking site back in June. Maritime have been looking at alternative sites.</p> <p>Hendrik Clasie spoke to CVA regarding White Bay 6 pump out facilities. Broken pipe planned to be fixed. Expect facility to continue.</p> <p>King St 3 static line (no pump) to be installed, uncertain if permanent or temporary berthing arrangements will be assigned. Facility available for vessels with onboard pumps.</p> <p>King St 9 will have pump installed in next couple of months. Limitations with where facilities can be established. Conscious of Giddens Marina and Bank Street marina expected to take some of load out of public pump out facilities for tenants. Reportedly Cockatoo Island doing this too.</p>	

Agenda Items		Responsibility
	<p>Also looking at other options, potentially around ANZAC bridge. Walsh Bay 2. Lavender Bay was suggested for smaller vessels. Bank St marina will have pump out and Giddens will also have facilities for tenants.</p> <p>Comment from Andrew Storzaker: Agenda item for consideration - look at wharf access policy and what might transpire for future use of these wharves.</p>	
9.	<p>Next meeting Tuesday 26 May 2020</p>	

Actions

Item number	Action	Status	Responsible / Revised due date
1	For the oily water discharge facility AB will report on status of the Bailey's facility	Pending	Hendrik Clasié
2	Send out Consolidated SEP when finalised	Pending	Tatiana Nasoufi
3	Taken on notice for Maritime property to find out around public access for DCVs at Woolloomooloo Bay	Pending. HC to seek information	Hendrik Clasié
4	Feedback on draft AMSA Guidance note regarding Exemption 07. Amended copy will be recirculated, please provide feedback to Tatiana.nasoufi@transport.nsw.gov.au	New	Simon Walter
5	Alex B to follow up on access to King St Wharf 3 and asset maintenance schedule for other wharves.	New	Alex Barrell
6	Hendrik to contact asset maintenance to seek advice on ability to share schedule of ferry wharves upgrade and confirm whether Double Bay is on the list	New	Hendrik Clasié