

Terms of Reference

December 2024

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
1.0	First version of RVAG Terms of Reference
1.1	Amendments to incorporate changes to governance functions and review by Maritime Legal

1. Related policy and supporting information

Code of Conduct (as outlined in Section 6 of this document).

2. Strategic Purpose

The purpose of the Recreational Vessel Advisory Group (RVAG) is to enable strategic two-way engagement between NSW Maritime and key state-wide recreational vessel member associations. This will inform the creation and delivery of best-practice NSW waterway regulation, legislation, policies, and initiatives to make NSW waterways safer and better places to live, work and play.

3. Functional Purpose

The purpose of the RVAG:

- Leaders from recreational 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 a better place 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 on-water trips;
 - Safe skippers and education;
 - Environmental stewardship;
 - Recreational boating infrastructure and amenity;
 - Economic development; and
 - Evolving customer segments and supporting diversity.

The purpose of the RVAG is not to address site specific or local issues, however these may be discussed at the discretion of the chair if they are indicative of a broader issue that has statewide implications.

4. Membership

4.1. Role of the Chair

The Chair will be appointed by the Executive Director, NSW Maritime. The NSW Maritime Insights and Operations unit currently provides the Chair and the Secretariat function.

The Chair acts as the focal point for all members of RVAG and provides governance over the group's activities. The Chair presides at and leads all RVAG meetings and is supported administratively by the Secretariat.

The Chair is responsible for the call out of agenda items, collation of papers, preparation of the agenda and its circulation to RVAG members. The Chair 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 Chair will escalate strategic matters for consideration of Maritime leadership and or Transport NSW leadership, and report back to advisory groups any actions that follow.

4.2. Membership review panel

A NSW Maritime Membership Review Panel will oversee the consideration of applications for membership, determine whether prospective members meet the criteria and are appropriate to RVAG. The panel will provide a recommendation on outcomes of suitability of candidates for approval of the Chair.

The NSW Maritime Membership Review Panel will convene periodically according to the scheduling of application periods and deadlines. The panel consists of members of the Maritime leadership deemed appropriate by the Chair.

4.3. Eligibility and Responsibility

Membership is open to leaders who represent **state-wide** recreation vessel peak body non-profit associations across NSW (referred to as Member Associations). Companies, private groups, or individual representatives will not generally be considered.

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 recreational vessel types:

- ❖ motorised vessels;
- ❖ sailing vessels;
- ❖ paddle craft;
- ❖ sporting craft; and
- ❖ new development vessels.

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

To ensure a consistent and transparent process to determine the suitability for potential representation on the advisory group, 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; and
7. Current number of members.

Selection of advisory group membership will consider the following:

- ❖ State-wide peak bodies that represent the diverse current and emerging recreational vessel craft;
- ❖ Suitable leadership diversity, background, and ability to contribute with a focus on customers and the community;
- ❖ Shortlisted candidate interviews;
- ❖ Demonstration of inclusive behaviours, teamwork approach and strategic knowledge; and
- ❖ Effective representation of Maritime customer and community segments.

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

The NSW Police Force has permanent membership and other State Government agencies such as Department of Primary Industries and Regional Development (Fisheries) and Department of Customer Service will be invited as guest members according to Agenda items.

Organisations can apply to become a member of the advisory group by completing the membership application. Following consideration, NSW Maritime will notify the applicant of the decision 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.

5. Procedures

5.1. Meeting agenda

RVAG 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 Secretariat two weeks prior to RVAG meetings. Written updates will be taken as read at meetings. Therefore, verbal general organisational updates during the meeting are not required.

5.2. 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 RVAG meeting, members will be notified in writing by the Secretariat to submit agenda items.
- Members must submit their agenda item(s) at least two weeks prior to the RVAG meeting.
- The final agenda will be forwarded to members approximately one week prior to the RVAG meeting.

The Chair has final determination on all agenda items for inclusion and may decide not to accept proposed agenda items that are out of RVAG scope.

5.3. Minutes of Meetings

Minutes of meetings are of a summary nature, will contain limited details, and should note only items for action. Actions will be addressed by the responsible member and closed, where applicable, at the next RVAG meeting. Minutes of the previous twelve month's meetings will be published on the TfNSW website and will be archived internally every 12 months. Minutes will be circulated approximately 10 working days after the meeting.

5.4. Meeting frequency and duration

The RVAG will meet three (3) times per calendar year, on the second Tuesday of the allocated month (March, July, November), unless an alternative date is tabled.

Each meeting will be 1.5 hours in duration.

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

5.5. 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.
- Ensure that Agenda items and member organisation updates are sent to the Secretariat at least two weeks prior to the meeting. Information received after this period will not be circulated and the item will be held over until the next meeting.
- Ensure that prior to the meeting, all information circulated by the Secretariat is read. Circulated information will not be discussed in detail in the meeting and will be taken as read.
- Provide expert advice and make recommendations in relation to the topic being discussed.

5.6. Guests

RVAG 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 RVAG.

All requests for guest participation are to be submitted in writing to the Secretariat two weeks prior to the meeting for review and approval by the Chair.

Guests are to attend only for the duration of their agenda item being discussed and shall not attend any other parts of the meeting, unless invited by the Chair.

5.7. Quorum

A quorum for a RVAG meeting is seven (7) members present (in person or remote) at the meeting, including the Chair.

5.8. Member Term

Member's terms are two years, up to a maximum of six years total tenure. Members will have the opportunity to renew their membership every two years via the external application process.

Membership will be staggered annually, to ensure the continuity and effective functionality of the advisory group.

5.9. Member Application Process

Applications from new applicants and members interested in renewing their membership at the completion of their term, will be accepted every 12 months to ensure membership expertise and representation continues to evolve to support NSW recreational vessel operators' and the recreational boating sector generally.

Membership applications will open on 1 July each year and close 31 August, or at the discretion of the Chair. Further information about the advisory group and online application process is available on the [Recreational Vessels Advisory Group](#) webpage.

5.10. Referral of matters

The Chair has the authority to refer matters for resolution or advice to other groups within NSW Maritime or Transport for NSW.

5.11. Intellectual property

Transport for NSW retains copyright of any work produced by members in the course of working with RVAG.

5.12. Resources and Support

Administrative support is provided by the Secretariat.

5.13. Evaluation and review

These Terms of Reference will be reviewed every three years or as determined by the Chair.

6. Code of Conduct

By participating in RVAG, members agree to abide by the Code of Conduct.

6.1. NSW Maritime staff responsibilities

NSW Maritime staff will abide by the "[Transport Code of Conduct](#)", "[The Code of Ethics and Conduct for NSW Government Sector Employees](#)" and any other conduct expectations they are subject to as NSW Maritime and TfNSW employees.

6.2. Member responsibilities

All members and guests will:

- act honestly and exercise a reasonable degree of care and diligence in carrying out their functions;
- not use their membership for personal advantage;
- not participate in or facilitate any breaches of the abovementioned TfNSW "*Our Code of Conduct*" and *The Code of Ethics and Conduct for NSW Government Sector Employees*;
- promote confidence in the integrity of public administration. They should always act honestly and in the public interest, rather than in their private interest;
- 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;
- provide impartial advice that demonstrates 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.

Note: Members of RVAG and invited guests will not be remunerated for participation. Participation is voluntary.

6.3. Member Behaviour

All members will perform their duties in a professional and responsible manner, treating other members with fairness, dignity and respect, and will contribute to a positive and productive working environment.

Appropriate behaviour includes:

- Allowing a member to finish speaking;
- Listening without judgement;
- Moving on to the next point if directed by the Chair;
- No swearing is permitted;
- No use of discriminatory language or any type of slur; and
- No insults to other people.

Inappropriate behaviour includes:

- Interrupting when someone is speaking;
- Using a tone that might be interpreted by other members as disrespectful; and
- Attending any meeting under the influence of alcohol or drugs.

6.4. 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 RVAG.

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.

6.5. Ethical decision making

Members must ensure that decisions are made lawfully, ethically and impartially, align with RVAG 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.

6.6. Public comment

Members will not make public comment on behalf of Transport for NSW or RVAG and discussions within RVAG 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 RVAG or the NSW Government, and is not inconsistent with the member's ability (or could reasonably be perceived to be inconsistent with the member's ability) to fulfil their duties as a member of the RVAG.

6.7. 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. Such information may only be used for the purposes of the work of the group. Unauthorised disclosure may cause harm to individuals or give an individual or organisation an improper advantage.

Members must not disclose official information or documents acquired as a consequence of membership of the group unless the member has been given proper authority to do so.

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.

6.8. Recording or transcribing of meetings prohibited

Apart from general written notes, recording of a RVAG meeting by members in any other form is prohibited, including by means of audio/visual recording, or automated transcription of any kind. Recording of meetings will be considered a breach of the [Code of Conduct](#).

Consistent with section 7.7 of the NSW Department of Premier and Cabinet's [NSW Government Boards and Committees Guidelines](#), advisory group members must not disclose official information or documents acquired as a consequence of their membership, other than as required by law, or when the member has been given proper authority to do so.

6.9. Breaches

When inappropriate behaviour occurs prior, during or after a meeting, the Chair 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, the offending member or guest will be asked to leave the meeting.

When a suspected breach of the Code of Conduct has occurred, the member or guest 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. 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.