



# **Statutory Review of the Marine Pollution Act 2012**

## **Final Report**

**December 2019**

# Contents

1	Executive summary.....	3
1.1	Recommendations.....	3
2	Introduction .....	5
2.1	The NSW marine environment.....	5
2.2	Overview of the Marine Pollution Act .....	6
2.3	Conduct of the review .....	7
2.4	Objectives of the Act.....	8
2.5	Better Regulation Principles .....	8
3	Changes to the Act .....	11
3.1	Harmonisation .....	11
3.2	Streamlining regulatory requirements .....	12
3.3	Definition of 'State waters' .....	13
3.4	Definition of 'ship' .....	14
3.5	Maintenance of sewage pollution prevention equipment.....	16
3.6	Powers to take preventative action .....	16
3.7	Obtaining security.....	17
4	Other Issues .....	18
4.1	Penalties .....	18
4.2	Proceeding directly against the insurer to recover costs .....	18
4.3	Future MARPOL amendments.....	19
	Appendix 1 – Proposed Act amendments .....	21
	Appendix 2 – Stakeholder consultation .....	25

# 1 Executive summary

The *Marine Pollution Act 2012* (the Act) is NSW's key legislative instrument regulating marine pollution discharges from vessels in NSW State waters. The objectives of the Act are to give effect to Australia's ratification of Annexes I to V (oil, noxious liquid substances, harmful substances in packaged form, sewage and garbage) of the International Convention for the Prevention of Pollution from Ships (known as MARPOL) and to enhance the protection of NSW State waters from marine pollution from vessels.

Transport for NSW (TfNSW) conducted this review on behalf of the Minister in accordance with section 251 of the Act. The review considered whether the policy objectives of the Act remain valid, and whether the terms of the Act remain appropriate for securing those objectives.

The review considered amendments to MARPOL adopted by the International Maritime Organization (IMO) since the commencement of the Act. A working group was established to inform this work, consisting of experts across the TfNSW cluster, including NSW Maritime<sup>1</sup>, the Centre for Maritime Safety and the Port Authority of New South Wales, as well as the Environment Protection Authority.

Submissions on the Act and the proposed changes detailed in the public consultation discussion paper were requested, and the stakeholder feedback received has been considered and has informed the review.

The review has found the policy objectives of the Act remains valid and that the terms of the Act remain largely appropriate for achieving these objectives. A number of recommendations have been made to ensure the currency of the Act is maintained, to improve the Act's operation and to better secure its objective.

These proposed changes are intended to enhance harmonisation with the MARPOL Convention and the marine pollution legislation of other jurisdictions, streamline regulatory requirements, change the definitions of 'State waters' and 'ship', improve compliance with sewage management and insurance requirements and enhance powers to respond to, and recover costs arising from, a pollution incident. A summary of proposed amendments to the Act is provided in Appendix 1.

## 1.1 Recommendations

The review makes the following recommendations:

### Recommendation 1

Amend the Marine Pollution Act 2012 to harmonise its provisions with the MARPOL convention, Commonwealth legislation and the marine pollution legislation of other States and the Northern Territory.

### Recommendation 2

Amend the Marine Pollution Act 2012 to streamline and simplify the Act, including the removal of unnecessary regulatory requirements, where appropriate.

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<sup>1</sup> Formerly Roads and Maritime Services

### **Recommendation 3**

Amend the Marine Pollution Act 2012 to extend the definition of 'NSW State waters' to cover all waters in NSW where a vessel could be used.

### **Recommendation 4**

Amend the Marine Pollution Act 2012 to remove the exemption for 'pleasure vessels' in the definition of 'ship'.

### **Recommendation 5**

Amend the Marine Pollution Act 2012 to introduce an offence for a vessel to have defective sewage pollution prevention equipment that could allow unlawful discharges of sewage, or to alter or modify any equipment in a way that enables illegal discharges of sewage.

### **Recommendation 6**

Amend the Marine Pollution Act 2012 to allow the State to issue a notice to the owner of a derelict or out-of-commission vessel requiring the removal of marine pollutants (e.g. oil) from the vessel.

### **Recommendation 7**

Amend the Marine Pollution Act 2012 to remove the prerequisite to have reasonable cause to believe a vessel will depart from State waters for the purpose of detaining a vessel and obtaining payment to reimburse the State for clean-up costs.

## 2 Introduction

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The *Marine Pollution Act 2012* (the Act) is NSW's key legislation regulating marine pollution discharges from vessels in NSW State waters. The objectives of the Act<sup>2</sup> are to give effect to Australia's ratification of Annexes I to V<sup>3</sup> (oil, noxious liquid substances, harmful substances in packaged form, sewage and garbage) of the International Convention for the Prevention of Pollution from Ships, known as MARPOL, and, in doing so protect NSW State waters from marine pollution. The MARPOL Convention is administered, and modified, by the International Maritime Organization (IMO), a specialist agency of the United Nations.

MARPOL is currently in force in 158 countries, applying to 99 per cent of the world's merchant tonnage. MARPOL was amended by a Protocol in 1978 and is regularly amended to reflect technical developments in ship construction and on-board equipment, and progressive implementation of stricter pollution discharge standards.

The MARPOL Convention is given effect in Australia by Commonwealth legislation with complementary State and Northern Territory legislation<sup>4</sup>. Annex VI of MARPOL, which covers air pollution from ships, is implemented by Commonwealth legislation alone.

The Commonwealth *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (the POTS Act) and the *Navigation Act 2012* give effect to MARPOL, as well as subordinate legislation in the form of Marine Orders. Marine Orders adopt international changes to technical and operational standards for maritime safety and environmental protection to ensure Commonwealth legislation is kept up to date<sup>5</sup>.

### 2.1 The NSW marine environment

The coastline of NSW extends for more than 2,000 kilometres and the State's marine jurisdiction extends three nautical miles out to sea. As well as the mouths and lower reaches of coastal rivers, intermittently closed and open lakes and lagoons are a relatively common estuary type in NSW. The coastal, estuarine and marine waters of NSW contain high levels of biodiversity because of their wide range of oceanic, shoreline and estuarine habitats, combined with the strong influence of both subtropical and temperate currents.

These varied environments provide many important ecosystem services, such as preventing coastal and seabed erosion, maintaining coastal water quality, acting as critical habitats for fish and other marine life and supporting recreational and commercial activities. The tourism industry in NSW (a significant contributor to the Australian and state economies) is largely dependent on good water quality to support marine based activities such as fishing, swimming, surfing, scuba diving, boating and sailing. Coastal waters are also an important resource for commercial and recreational fishing.

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<sup>2</sup> As outlined in the second reading speech of the Marine Pollution Bill 2011 - <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=83>

<sup>3</sup> Annex I: prevention of pollution by oil; Annex II: control of pollution by noxious liquid substances in bulk; Annex III: prevention of pollution by harmful substances carried by sea in packaged form; Annex IV: prevention of pollution by sewage from ships; Annex V: prevention of pollution by garbage from ships

<sup>4</sup> <https://www.amsa.gov.au/marine-environment/marine-pollution/marpol-and-its-implementation-australia>

<sup>5</sup> <https://www.amsa.gov.au/about/regulations-and-standards-vessels/how-marine-orders-are-created>

The NSW Government has developed a set of Marine Water Quality Objectives<sup>6</sup> for NSW ocean waters. These objectives aim to:

- simplify and streamline the consideration of water quality in coastal planning and management, and
- ensure that environmental values and water quality needed for the community's uses and values for ocean waters are recognised and protected.

Overall, the water quality of the NSW marine environment and ecosystem health is considered to be good, though a wide range of threats and risks are recognised. The Office of Environment and Heritage<sup>7</sup> report *State of the beaches 2017-2018* notes that "In general, open ocean beaches in NSW have excellent water quality."<sup>8</sup>

## 2.2 Overview of the Marine Pollution Act

The Act regulates a range of marine pollution functions such as discharges of marine pollutants, compliance and record keeping requirements, implementation powers, enforcement and penalties. The Act applies to five marine pollutants:

- oil and oily residues;
- noxious liquid substances;
- harmful substances in packaged form;
- sewage; and
- garbage.

While the discharge of certain pollutants is not permitted, legal defences are available for some actions in certain situations. Defences include if a discharge occurred due to damage to the ship, or for the purposes of securing safety, saving a life or combating pollution. There are additional defences available for the discharge of some marine pollutants in certain situations and in relation to the reporting of pollution incidents.

The Act also includes requirements for certain vessels to carry emergency plans and other documents; keep records; and certification requirements covering construction certificates, chemical tanker certificates and sewage pollution prevention certificates.

In addition to the above functions relating to the MARPOL Convention, the Act includes a number of related functions to clarify the intent of the Act as well as to improve the capacity of the NSW government to protect State waters from marine pollution:

- requirements for certain ships to be insured against oil pollution and to carry evidence of insurance, and provisions relating to the detention of ships;
- powers related to the provision of reception facilities for prescribed waste, which includes oil, noxious liquid substances, sewage, garbage and residues of those substances;

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<sup>6</sup> <https://www.environment.nsw.gov.au/research-and-publications/publications-search/marine-quality-objectives-for-nsw-ocean-waters>

<sup>7</sup> The Environment, Energy and Science division of the Department of Planning, Industry and Environment

<sup>8</sup> Office of Environment and Heritage, *State of the Beaches 2017-2018* Report, 2018, pg.4.

- powers available to take action to prevent or clean up marine pollution incidents in NSW waters, such as the recovery of costs and expenses and detaining ships until recovery costs and expenses are paid, or security is given in the event of a marine pollution incident;
- provisions for the recovery of damages, costs or expenses relating to discharges which are prohibited by the Act.

## 2.3 Conduct of the review

Section 251 of the Act requires the Minister to undertake a review to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. TfNSW completed the review in consultation with relevant branches of TfNSW and other Government agencies, in particular operational branches and agencies including;

- NSW Maritime (TfNSW)
- Centre for Maritime Safety (TfNSW)
- Port Authority of New South Wales
- NSW Environment Protection Authority
- Fire and Rescue NSW
- NSW Department of Primary Industries, Fisheries
- Australian Maritime Safety Authority (AMSA)
- Commonwealth Department of Infrastructure, Transport, Cities and Regional Development.

Public consultation was undertaken via the release of a discussion paper and a request for submissions from 18 September to 16 October 2019. TfNSW advertised the review in the *Sydney Morning Herald* and *Daily Telegraph*, on the NSW Government 'Have your say' website and the TfNSW website. Notification of the public consultation was emailed to over 90 targeted stakeholders, inviting written submissions and meetings in response to the published discussion paper (see Appendix 2 for a list of stakeholders contacted).

Eight submissions were received and there were no concerns raised about the objectives of the Act. A list of stakeholders that made a submission is at Appendix 3.

The TfNSW Recreational Vessel Advisory Group and TfNSW Commercial Vessel Advisory Group were consulted on the Act review and will be further consulted during implementation. The Insurance Council of Australia, Boating Industry Association and Commercial Vessel Association were also engaged directly and any concerns raised have been addressed in the review, or are relevant for the subsequent regulation review process.

The review considered the NSW Government better regulation principles<sup>9</sup> and found that government action in this area is necessary, proportional and that the Act provides an effective mechanism for defining pollution prevention requirements and a penalty structure for addressing incidents. Australia's commitment to the international

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<sup>9</sup> NSW Guide to Better Regulation [http://productivity.nsw.gov.au/sites/default/files/2018-05/Guide\\_to\\_Better\\_Regulation-October\\_2016.pdf](http://productivity.nsw.gov.au/sites/default/files/2018-05/Guide_to_Better_Regulation-October_2016.pdf)

MARPOL convention, and agreement between the Commonwealth and all states and the Northern Territory to implement MARPOL means that both Commonwealth and equivalent NSW legislation is required and a non-regulatory option is not available. The review proposes to streamline and simplify this Act where possible.

## 2.4 Objectives of the Act

The objectives of the Act are to give effect to MARPOL and to enhance the protection of NSW State waters from marine pollution from vessels. In the second reading speech for the Marine Pollution Bill 2011, the then Minister for Roads and Ports stated that the Bill would ensure that NSW legislation is consistent with internationally and nationally agreed best practice standards for managing various types of pollution from vessels and would also modernise and improve the administrative efficiency of the legislation<sup>10</sup>.

### Do the objectives remain valid?

The review found that the objectives of the Act remain valid and that the terms of the Act remain largely appropriate for securing those objectives.

The application of MARPOL worldwide has greatly contributed to a significant decrease in pollution from international shipping, particularly from oil spills. Inputs of oil into the marine environment are estimated to have decreased from 1.47 million tonnes in 1981 to 0.45 million tonnes by 2007<sup>11</sup>. The number of large oil spills (greater than 700 tonnes) has reduced from 24.5 per year on average from 1970 to 1979 to 1.9 per year on average from 2010 to 2018. There have been similar reductions in the number of small to medium oil spills which has occurred despite significant increases in global shipping activity and oil movements<sup>12</sup>.

The Department of Primary Industries (Fisheries Branch) (DPI Fisheries) also noted in its submission that various provisions in the Act align with management initiative one from the NSW Marine Estate Management Strategy 2018-2028, which relates to improving water quality and reducing litter.<sup>13</sup> The submission notes that water pollution was identified as the greatest threat to both the environmental assets and the social, cultural and economic benefits derived from the marine estate in the state-wide threat and risk assessment.

The review has identified a number of areas where improvements to the Act can be made. These areas are examined in further detail in Part 3, and seven recommendations are made to improve the operation of the Act.

## 2.5 Better Regulation Principles

TfNSW has applied the NSW Government's better regulation principles to the review of the Act. This consideration is covered throughout in the report and is specifically included here against the seven better regulation principles.

### 1. The need for government action should be established

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<sup>10</sup> Hansard Legislative Council 14 February 2012 page 8076

<sup>11</sup> Group of Experts on the Scientific Aspects of Marine Pollution, *Estimates of Oil Entering the Marine Environment from Sea-based Activities*, GESAMP Reports and Studies No.75, 2007, p.60

<sup>12</sup> International Tanker Owners Pollution Federation, *Oil Tanker Spill Statistics 2018*, 6 May 2019

<sup>13</sup> <https://www.marine.nsw.gov.au/marine-estate-programs/marine-estate-management-strategy>



Agreement between the Commonwealth and all States and the Northern Territory to implement the MARPOL Convention means that both Commonwealth and equivalent NSW legislation is required.

The Act is NSW's key legislative instrument regulating marine pollution from ships in NSW waters. As well as applying MARPOL requirements it also applies important State measures to enable NSW to effectively deal with marine pollution incidents.

## **2. The objective of government action should be clear**

The objectives of the Act are to give effect to Australia's ratification of Annexes I to V of the MARPOL Convention, and enhance the protection of NSW State waters from marine pollution from vessels.

## **3. The impact of government action should be properly understood by considering the costs and benefits of a range of options, including non-regulatory options**

The Act provides an offence and penalty framework to address marine pollution from vessels. A regulatory option is required for government to effectively deal with marine pollution incidents from vessels, and a non-regulatory option is not available. The review has proposed changes to streamline and simplify the Act where possible.

## **4. Government action should be effective and proportional**

The review has found that government action in this area is necessary, proportional and that the Act provides an effective mechanism for setting pollution prevention requirements and a suitable enforcement structure for addressing incidents. The Act provides the ability to enforce a wide range of offences from minor administrative requirements to large scale pollution incidents.

## **5. Consultation with business and the community should inform regulatory development**

Public consultation was undertaken via the release of a discussion paper and a request for submissions. TfNSW advertised the review in The Sydney Morning Herald and The Daily Telegraph, on the NSW Government 'Have your say' website and the TfNSW website. Notification of the public consultation was also emailed to over 90 targeted stakeholders (see Appendix 2 for a list of stakeholders contacted).

Eight submissions were received (see the list in Appendix 3) and these have been considered in the review.

## **6. The simplification, repeal, reform or consolidation of existing regulation should be considered**

The Act is required to implement Australia's ratification of MARPOL in NSW waters and the relationship with the Commonwealth legislation guides the form of the Act. Working within the parameters of this legal framework, the policy proposals put forward in this report are aiming to do the following:

- harmonise NSW legislation with international and national requirements
- strengthen the protection of the marine environment by including effective enforcement and clean-up measures
- simplify and modernise the Act.

## **7. Regulation should be periodically reviewed, and if necessary reformed to ensure its continued efficiency and effectiveness.**

The Act was previously reviewed and amended in 2012. MARPOL is regularly amended to reflect technical developments and has progressively improved the

protections of the marine environment from vessel pollution. Minor, technical amendments to MARPOL can be incorporated through the ongoing statute law revision process, while more significant changes may require the development of an Act amendment bill. See section 4.3 Future MARPOL amendments which outlines expected future work.

Consequential amendments to the Marine Pollution Regulation 2014 may be required as a result of the proposed Act amendments. The Marine Pollution Regulation 2014 is subject to the staged repeal process under the Subordinate Legislation Act 1989 and is currently due to be remade in 2021.

## 3 Changes to the Act

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This section details the areas identified in the review where improvements can be made to the Act. These proposed changes are intended to address issues that have been informed by consultation with government and public stakeholders.

### 3.1 Harmonisation

The Act requires updating to ensure harmonisation with the MARPOL convention, Commonwealth legislation and the marine pollution legislation of other States and the Northern Territory. Harmonisation is essential for the practical application and enforcement of MARPOL in NSW waters to protect the marine environment.

The MARPOL Convention is regularly amended and updated. The IMO has adopted 24 amendments to MARPOL since the Marine Pollution Bill 2011 was introduced. For example, changes to Annex V of MARPOL (garbage) introduced additional defences for discharges relating to food waste, cargo residues, cleaning agents and additives, and animal carcasses. The Act requires revisions to incorporate these and other amendments to MARPOL, including a significant number of minor changes as a consequence of the renaming and restructuring of provisions in both MARPOL and Commonwealth legislation.

Stakeholder submissions emphasised the importance of consistency with the international regulatory framework for international shipping.

Port of Newcastle supported ensuring consistency with the regulatory framework for international shipping as this will facilitate better protection of NSW State waters through alleviating pressures on the marine environment.

One of the changes to MARPOL is a broadened definition of 'garbage' to include 'fishing gear', among other things. Whereas MARPOL previously referred only to 'synthetic fishing nets', it now refers to 'fishing gear', which includes any device used for capturing or harvesting marine or fresh water organisms, including nets, traps, hooks and lines. A definition for 'fishing gear' will be included in the Act to reflect the broader definition in MARPOL. The DPI Fisheries submission supported this inclusion of the new definition.

The EcoNetwork Port Stephens Inc. submission stated that the application of the precautionary principle should be optimised in the legislation and its implementation. The review notes that the precautionary principle, as set out in principle 15 of the Rio Declaration<sup>14</sup>, is applied to the decision-making and management processes of the IMO<sup>15</sup>. An example of its application is the more stringent discharge requirements included in amendments to Annex V of MARPOL (garbage).

The EcoNetwork Port Stephens Inc. submission also raised technical concerns about the impact on the sea surface microlayer and aerosols released into the air by toxic substances that might be discharged. The review notes this concern and that MARPOL deals with pollutants that can evaporate, float, sink, or become suspended in the water column, and that its primary aim is to prevent such discharges before they occur. The review also notes that Annex II of MARPOL (noxious liquid substances) takes into account the physical effects on wildlife when categorising noxious liquid substances and that Annex VI of MARPOL (air pollution) contains

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<sup>14</sup> [http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

<sup>15</sup> IMO resolution MEPC.67(37).

specific provisions with regards to volatile organic compounds.<sup>16</sup> Accordingly, no change to the Act is recommended on these points.

#### Recommendation 1

Amend the Marine Pollution Act 2012 to harmonise its provisions with the MARPOL convention, Commonwealth legislation and the marine pollution legislation of other States and the Northern Territory.

### 3.2 Streamlining regulatory requirements

The review recognises the need to take into account national and international trends in shipping and port operations as well as lessons learned from the practical application of the Act. The NSW Government Better Regulation Principles require that the simplification, repeal, reform, modernisation or consolidation of existing regulation be considered.

The review has found that the objectives of the Act remain valid and that the terms of the Act remain largely appropriate for securing those objectives. However, there is the potential to streamline and simplify the Act to improve its clarity. This includes by removing unnecessary or outdated regulatory requirements, where appropriate.

The review has identified the following regulatory requirements of the Act as suitable for streamlining and simplification. The relevant changes include:

- Removing the need to obtain written permission to conduct transfer operations at night as this is outdated with ports now operating 24/7 (Part 8).
- Removing requirements for NSW oil and chemical ship construction certificates. Ship survey and certification requirements will continue to apply under the Commonwealth legislation, with national requirements for vessel certification introduced as part of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*. Ministerial powers to issue NSW certification of sewage management equipment will remain, with the details to be developed in consultation with users for later inclusion in the Regulations.
- Removing references to 'special areas' as there are no such areas in NSW State waters. The IMO designates certain sea areas as 'special areas' based on their oceanographic and ecological condition and 'special areas' include the Baltic Sea, Antarctic Area and the Black Sea. No Australian seas are identified as 'special areas' (Part 3). Commonwealth legislation applies to Australian-flagged ships when operating in these areas overseas.
- Including builders plates as a source for determining carrying capacity in addition to other methods of classifying carrying capacity. Other methods include those set out by AMSA, an interstate maritime authority or a relevant national maritime authority for overseas vessels (Part 1).

In their submission, the Boating Industry Association (BIA) raised concerns about reference to the certification of sewage management equipment for Domestic Commercial Vessels. They noted that the discussion paper states that the details of this are to be developed with industry through later revisions to the Regulations, and suggested that this work should appropriately involve stakeholders, be supported by

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<sup>16</sup> See Appendix II of MARPOL Annex II - Guidelines for the categorization of noxious liquid substances - and Regulation 15 of MARPOL Annex VI.

suitable data and consider a range of options including non-regulatory and education programs. This approach is supported by the NSW Government Better Regulation Principles for regulatory changes.

### Recommendation 2

Amend the Marine Pollution Act 2012 to streamline and simplify the Act, including the removal of unnecessary regulatory requirements, where appropriate.

## 3.3 Definition of 'State waters'

The Act defines 'State waters' as, firstly, the coastal waters of the State. These waters include waters from the low water mark on the coast to three nautical miles out to sea<sup>17</sup>. 'State waters' also includes other waters as specified in the Regulations (Schedule 1). These are Botany Bay, the Clarence River (Yamba), Coffs Harbour, Eden, the Hastings River (Port Macquarie), the part of Jervis Bay within the State, Newcastle Harbour, Port Kembla, Port Stephens and Sydney Harbour. Waters beyond the three nautical mile limit off the coast are under Commonwealth jurisdiction.

The existing definition does not extend the Act to all waters in NSW, meaning that different legislation applies across all NSW waters where a vessel could be used. In effect, this means the same type of pollution event is covered by different legislation with potentially differing standards and requirements, depending on its location. This could make it difficult for users to determine which legislation applies in what location. The review has found that the definition of 'State waters' requires amendment to cover all waters in the State, including sea water and fresh water, where pollution from a vessel could possibly travel.

Commonwealth legislation describes waters in the jurisdiction of the States and the Northern Territory<sup>18</sup> as the 'sea near a State'. To align with the Commonwealth legislation, the review considered using this definition. This would extend NSW State waters beyond the coastal and port areas that are currently prescribed into all sea waters (or tidal waters) in NSW.

However, using the Commonwealth definition of 'sea near a State' would require determining where sea water ends and fresh water starts in each of NSW's tributaries. This is considered to be potentially confusing for vessel users and administrators to determine whether they are on waters in which the Act does or does not apply. Therefore the review recommends that to simplify the application of the Act the definition of State waters be amended to cover all waters in NSW where a vessel could be used. This means the Act would cover rivers such as the Murray, Murrumbidgee and Darling Rivers and smaller inland bodies of water, as well as the ports and coastal areas that are currently covered.

The review received submissions supporting amending the definition of 'State waters'. DPI Fisheries noted that this would provide more consistent arrangements that will contribute to the protection of the State's aquatic environments.

The Sydney Coastal Councils Group also expressed support for this proposal, stating it would provide greater coverage for the State authority and therefore strengthen the protection of the marine environment.

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<sup>17</sup> Part 10 of the *Interpretation Act 1987* <https://www.legislation.nsw.gov.au/#/view/act/1987/15/full>

<sup>18</sup> Section 3 (1A) of the Commonwealth *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*

AMSA agrees that consistency in definitions between legislation is important and expressed support for changing the definition of 'State waters' to align with Commonwealth legislation. As outlined above, extending the definition beyond the 'tidal waters' of NSW is preferable as it is simpler for users.

The BIA supports red tape reduction but would be concerned about any adverse or unintended impacts on the recreational boating public and Class 4 Domestic Commercial Vessels (DCVs) (Class 4 DCVs are hire and drive vessels). The proposed amendment to broaden the definition of State waters is not intended to have adverse impacts on vessels, and any administrative impacts of this change will be mitigated where possible. The review has given significant consideration to the impact of the proposed Act changes on vessels and considers that this proposed change is effective and proportional.

Shipping Australia Limited's (SAL) submission indicated that using a tidal waters definition could create ambiguity in determining the boundary between fresh water and sea water, and that this might be addressed by applying the definition of "navigable waters" as described in the *Marine Safety Act 1998*. The review notes this recommendation and that the intent of the amendment is to cover all relevant waters in NSW.

### Recommendation 3

Amend the Marine Pollution Act 2012 to extend the definition of 'State waters' to cover all waters in NSW where a vessel could be used.

## 3.4 Definition of 'ship'

Currently, the Act applies to ships; a 'ship' is defined as 'a vessel of any type capable of being used on or in water' and includes a range of specified vessels and platforms, but excludes a 'pleasure vessel', meaning a vessel used for recreational or sporting purposes and not for hire or reward (commonly referred to as a recreational vessel).

The MARPOL Convention and Commonwealth legislation do not exclude recreational vessels from the meaning of 'ship'. Similarly, no other State or the Northern Territory exclude recreational vessels. To ensure consistent coverage of all vessels in NSW, the review recommends removing the exclusion of recreational vessels from the definition of 'ship' in the Act.

Pollution incidents from recreational vessels are currently covered by the *Protection of the Environment Operations Act 1997* (POEO Act) which requires that waterways are not polluted, regardless of the source of the pollution. The Marine Pollution Act however is specifically designed to address pollution from ships. Therefore, including recreational vessels under the Act provides a consistent and equitable approach to addressing pollution incidents from all vessels. Recreational vessels of the same size as commercial vessels could have the same potential to cause harm to the marine environment.

Removing the exclusion of recreational vessels from the definition of 'ship' would also support Australia's international obligations as a signatory to MARPOL by strengthening protection for the marine environment. It would align NSW with neighbouring jurisdictions.

This change would mean that recreational vessels would be subject to the administrative requirements of the Act. In practice, these and other administrative requirements apply only to larger vessels – that is, vessels with a gross tonnage of 400 or more or vessels certified to carry more than 15 people, which are already



subject to those requirements under the MARPOL convention and Commonwealth legislation.

In its submission, AMSA advised that it supported amending the definition of 'ships' to include all vessels, and noted that MARPOL Annexes I, II, III, V and VI already apply domestically to all operating vessels, with exceptions in certain provisions, e.g. for vessels under a specific gross tonnage.

Any administrative impacts of this change would be mitigated by the provision of easy to access templates and materials. The main administrative requirements that would apply to recreational vessels following proposed amendments to the Act are:

- Garbage disposal placards - A vessel 12 metres or more in length requires at least one garbage disposal placard (or 'sticker') to inform the crew and passengers on how to dispose of garbage while on the vessel. AMSA provides four different types of garbage placards for vessels free of charge through its website<sup>19</sup> and NSW will develop stickers as required.
- Garbage management plans - A vessel with a gross tonnage of 100 or more is required to have a garbage management plan that outlines procedures for minimising, collecting, storing, processing and disposing of garbage on the vessel. An example of a garbage management plan for smaller vessels can be accessed through the AMSA website<sup>20</sup> and NSW templates and information will be developed.

A vessel with a gross tonnage of 400 or more<sup>21</sup> is required to have a garbage record book to record details of garbage discharges, and an oil pollution emergency management plan setting out the processes to be followed during an incident. AMSA provides garbage record books for a nominal \$4 fee through their website<sup>22</sup> and NSW specific materials will be developed where required. These requirements will not be applied to most recreational vessels.

The Port of Newcastle supports the proposal to broaden the definition of 'ship' by removing the exclusion for recreational vessels as it promotes equitable standards for all vessels that have the potential to cause harm to the marine environment.

The BIA's submission raised its commitment to the care and sustainability of the aquatic environment but noted it would be of concern if there were adverse or unintended impacts, or new levels of red tape for the recreational boating public (and Class 4 DCVs) from the proposed Act changes. SAL raised concerns that the proposal has the potential to place an unreasonable cost and compliance burden on recreational vessels with minimal realistic pollution potential, noting that its members would not be impacted by this change. The review has given significant consideration to the impact of the proposed Act changes on recreational vessels and considers that with the current obligation to not pollute waters unchanged and the impact of the new administrative requirements being minor, the practical changes for these vessels are suitable and proportional.

Sydney Coastal Councils Group supported the definition changes and recommended that the administrative requirements of garbage disposal placards and garbage management plans be required for *all* vessels. The review has taken a risk-based

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<sup>19</sup> <https://www.amsa.gov.au/marine-environment/marine-pollution/garbage-management>

<sup>20</sup> <https://www.amsa.gov.au/marine-environment/marine-pollution/garbage-management-plan-example>

<sup>21</sup> Note recreational vessels certified to carry more than 15 people that are on international voyages are also required to have garbage record books under Commonwealth legislation.

<sup>22</sup> <https://www.amsa.gov.au/forms/purchase-task-books-record-books-and-log-books>

approach to this issue and considers that applying these requirements to smaller vessels is not necessary at this time.

#### **Recommendation 4**

Amend the Marine Pollution Act 2012 to remove the exclusion of a 'pleasure vessels' in the definition of 'ship'.

### **3.5 Maintenance of sewage pollution prevention equipment**

The Act prohibits the discharge of untreated sewage in NSW waters. This means in order to meet the legislative requirement, vessels with a fixed toilet would need to:

- be equipped with a holding tank to store sewage for discharge into a reception facility; or
- be equipped with an approved sewage treatment system; or
- use devices with portable tanks, such as a toilet cassette for discharge into a reception facility; or
- not use the toilets in NSW State waters.

The review recognises that the improper installation of sewage equipment could cause illegal discharges of sewage to occur. Sewage equipment could also be altered or modified intentionally in ways that enable illegal discharges or disguise illegal discharges. Untreated sewage poses serious risks to human life and the marine environment.

Effective preventative measures are required under the Act to address this risk. Therefore the review recommends that the Act be amended to introduce an offence for a vessel to have defective sewage pollution prevention equipment that could allow unlawful discharges of sewage, or to alter or modify any equipment in a way that enables illegal discharges of sewage. This offence is intended to support the enforcement of the Act's requirements.

Note this would not change any sewage pollution prevention equipment requirements or standards that currently apply under the Act.

Sydney Coastal Councils Group expressed support in its submission for the introduction of an offence for defective sewage pollution prevention equipment. No other submissions raised concerns with introducing such an offence.

#### **Recommendation 5**

Amend the Marine Pollution Act 2012 to introduce an offence for a vessel to have defective sewage pollution prevention equipment that could allow unlawful discharges of sewage, or to alter or modify any equipment in a way that enables illegal discharges of sewage.

### **3.6 Powers to take preventative action**

The Act authorises the Minister to take any preventative or clean-up action believed necessary to combat a pollution incident. However, action can only take place in circumstances where it is believed that;

- a relevant discharge of a marine pollutant has occurred or is occurring, or
- there is a probability of a relevant discharge of a marine pollutant occurring.



The review considered that the powers to take preventative action in Part 15 of the Act do not adequately cover instances where derelict or out-of-commission vessels are not attended to, or are abandoned by the owner.

To prevent pollution from these vessels, the review recommends that the Act be amended to allow the State to issue a notice to the owner of a derelict or out-of-commission vessel requiring the removal of marine pollutants (e.g. oil) from the vessel. This would improve the State's ability to take proactive measures to remove marine pollutants from certain vessels within NSW waters on behalf of the community.

In its submission, the Sydney Coastal Councils Group expressed support for the proposed amendment. No other submissions raised objections to this proposal.

#### **Recommendation 6**

Amend the Marine Pollution Act 2012 to allow the State to issue a notice to the owner of a derelict or out-of-commission vessel requiring the removal of marine pollutants (e.g. oil) from the vessel.

### **3.7 Obtaining security**

In response to ship based marine pollution incidents in NSW waters, the Act allows for vessels to be detained until the costs incurred by the State for clean up or preventative action is reimbursed, or security is given (under Part 15).

However, it is a prerequisite for the detention of a vessel believed to have discharged marine pollutants that the State must have reasonable cause to believe that the vessel will depart from State waters before the completion of the investigation into the source of the pollution (under Part 18). To give the State the ability to obtain security from vessels unlikely to depart NSW waters, such as those in distress, the review recommends removing this prerequisite from the Act.

In its submission, the Sydney Coastal Councils Group expressed support for the proposed amendment. No other submission raised objections to this proposal.

#### **Recommendation 7**

Amend the Marine Pollution Act 2012 to remove the prerequisite to have reasonable cause to believe a vessel will depart from State waters for the purpose of detaining a vessel and obtaining payment to reimburse the State for clean-up costs.

## 4 Other Issues

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### 4.1 Penalties

No changes to the penalty framework in the Act are proposed. The Act includes maximum penalty amounts attached to each offence and penalty notice offence amounts (these are specified in schedule 10 of the *Marine Safety Regulation 2016*). The penalty amounts were considered and compared with offences in similar NSW environmental legislation and equivalent interstate and Commonwealth legislation to determine if the amounts remain suitable and proportionate.

The review concluded that the penalty framework is consistent with the objects and intentions of the Act, and is suitably flexible in its application. The broad range of penalties is appropriate as marine pollution incidents vary greatly in complexity, geographical scope and potential damage to the marine environment. For example for the offences of garbage and sewage discharge the master or owner may attract a maximum penalty of \$55,000 for an individual or a maximum \$275,000 for a corporation. For the offence of oil discharge the master or owner may attract a maximum penalty of \$500,000 for an individual or \$10 million for a corporation.

No stakeholders requested a review of the penalties, or proposed any changes. However, BIA raised concerns about the possibility of penalties being issued to recreational vessels and Class 4 DCV's which could be disproportionate, if the Act applied the same approach taken to large international trading vessels.

This issue raised by BIA is acknowledged and the review has considered the impacts of including recreational vessels under the Act. There is considered to be sufficient flexibility in the penalty framework for the application of appropriate penalties to these vessels. Recreational vessels are currently subject to penalties under the POEO Act. The penalty amounts that a recreational vessel may be liable for if there is an illegal discharge under the POEO Act are broadly similar to those under the Marine Pollution Act. There are higher maximum penalty amounts under the Act for oil pollution offences, which is considered necessary and appropriate to cover major illegal discharges of oil into NSW waters.

The review has determined that the penalty framework is suitably flexible and proportionate.

### 4.2 Proceeding directly against the insurer to recover costs

The consultation discussion paper presented potential amendments to the Act, including introducing the ability for the State to proceed directly against the insurer to recover costs and expenses for oil pollution incidents. Further consideration during the review has concluded that this amendment to the Act will not be sought.

Under the Act, certain vessels are required to hold insurance against oil pollution. The requirements in the Act cover the relevant vessels that are not already covered by Commonwealth legislation. These are vessels with a gross tonnage of less than 400 and that are 30 metres or more in length, that are not used wholly for recreational or sporting activities.

A power is contained in Commonwealth law through the *Protection of the Sea (Civil Liability) Act 1981* and the *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008* that allows the Commonwealth to proceed directly against the insurer to recover costs and expenses. It was proposed that a similar power be included in the Act to cover circumstances where the Commonwealth law does not apply.

This was intended to allow the State to seek compensation directly from the insurer for these vessels, in the instance of an oil pollution incident, if required. It was expected to enhance the ability of the State to recover the cost of any clean-up operation if the vessel is damaged, of little value or abandoned by the owner.

However, further review of this proposal and consultation with stakeholders has revealed issues with achieving the desired outcome and potential undesirable flow on impacts. There are differences in the types of insurance cover provided for these vessels by Australian and international insurers (relevant to the Commonwealth power), and complexities in how these products operate. As a result this amendment is not proposed for inclusion in the Act. Further work on the oil pollution insurance requirements for these vessels will be undertaken outside of the review, and the ongoing suitability of requirements will be monitored and reviewed.

Consultation with the Insurance Council of Australia and member representatives provided further information on how Australian vessel insurance is provided. These representatives sought assurance that the proposed power would not allow the State to seek compensation beyond the liability of the insurer to the policy holder.

Consultation was also undertaken with a representative of an international vessel Protection and Indemnity insurance provider (P&I club insurance) on how this product operates.

SAL's submission expressed concern that this requirement is already contained in the Commonwealth legislation and noted that the Act should avoid duplication. The link with the Commonwealth legislation is acknowledged and it is noted that the proposed change was to apply to vessels not covered under Commonwealth legislation.

The Sydney Coastal Councils Group submitted that such powers would be welcomed and that the limitations of proceeding actions against the private owner of a vessel found to have committed an offence under the pollution provisions were recognised. This support for the proposal is noted, however for the reasons outlined, the proposed Act amendment is not being progressed.

### **4.3 Future MARPOL amendments**

MARPOL is regularly amended to reflect technical developments and has progressively improved the protections of the marine environment from vessel pollution. Minor, technical amendments to MARPOL can be incorporated through the ongoing statute law revision process, while more significant changes may require the development of an Act amendment bill.

For example the Marine Environment Protection Committee of the IMO intends to undertake a review of MARPOL Annex IV (sewage) and associated guidelines to introduce provisions for record keeping and measures to confirm the lifetime performance of sewage treatment plants<sup>23</sup>. This is expected to commence in 2020.

In light of this, and to ensure that requirements for the protection of the NSW marine environment are appropriate and up to date, a review of the NSW sewage pollution prevention provisions (also covered in the Marine Pollution Regulations) may be required. This review would consider international standards and requirements, national harmonisation, appropriate and proportional standards and requirements for vessels of different sizes and uses, impacts on all impacted stakeholders including operational agencies and any related requirements such as infrastructure.

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<sup>23</sup> Report of the Marine Environment Protection Committee on its 74th session - MEPC 74/18

The BIA submission noted their support for not discharging untreated sewage into State waters. They requested that users be engaged early in any review of the Marine Pollution Regulations, or any consideration of the regulatory approach in general to sewage management across NSW and its waterways. The BIA recommends that an evidence-based, coordinated and funded education and compliance program regarding the prevention of pollution of waterways be implemented. This approach to developing and implementing regulatory requirements is already applied and is in line with the NSW Government Better Regulation Principles.

It may be appropriate to undertake broader work on sewage standards when any changes to MARPOL Annex IV are confirmed to ensure ongoing harmonisation with international standards. Any work on sewage standards and requirements would be undertaken in consultation with all impacted stakeholders.

## Appendix 1 – Proposed Act amendments

**Table 1 – Updates required due to changes to the MARPOL Convention, related IMO instruments and/or implementing Commonwealth legislation.**

Section	Proposed amendment
Various	Cross references to provisions of the MARPOL Convention require updating to reflect renumbering of the equivalent provision in the MARPOL Convention.
s.3 Definitions	Definitions of terms such as “Australian fishing vessel”, “inter-State voyage”, “overseas voyage” and “trading ship” require updating to reflect changes in the Commonwealth <i>Navigation Act 2012</i> .
s.3 Definitions	Definitions of terms such as “oil record book”, “cargo record book” and “garbage record book” require updating to reflect changes to the MARPOL Convention.
s.14 Discharges to which Act does not apply	The definition of “Discharges to which this Act does not apply” requires updating to reflect changes to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972
s.63 defence if discharge was caused by damage to ships or equipment	To add an extra element to the defence for a discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or crew.
s.65 defence if accidental loss of nets and other materials	To adopt the broader definition of fishing gear in Annex V of the MARPOL Convention which includes nets and any part of a net.
New provisions	A number of new provisions are required to give effect to tighter controls for the disposal of garbage at sea introduced as amendments to Annex V of the MARPOL Convention in 2013. The new requirements prohibit the disposal of all types of garbage, the only exceptions being the discharge under certain strict conditions of food waste, cargo residues that are not harmful to the marine environment, animal carcasses and cleaning agents or additives.
s.107 shipboard garbage management plan	To adopt the change to the requirement to carry a shipboard garbage management plan, which now applies to ships of 100 gross tons and above (previously 400 gross tons and above).

s.108 contents of shipboard garbage management plan	To adopt requirement for ship operators to take into account appropriate provisioning practices to minimise garbage generated on board.
s.114, s.125 and s.138 form of record books	To allow required record books relating to the carriage of oil, chemicals and garbage may to be carried in electronic forms. Such record books remain subject to inspection by enforcement agencies.
s.178 Minister may arrange for provision of reception facilities	A new provision to be added to section 178 to refer to the provision of reception facilities for exhaust gas cleaning residues from an exhaust gas cleaning system in accordance with Regulation 17 of Annex VI of MARPOL.

**Table 2 – Minor updates to the Act**

Section	Proposed amendment
Various	Minor drafting amendments.
s.3 definitions	Amendment to definitions of “shipboard garbage management plan”, “uncategorised noxious liquid substances” and Tonnage Measurement Convention” have been identified to align the Act more closely to the relevant Convention.
s. 96 Approval of shipboard oil pollution emergency plan	It will no longer be a requirement for the Minister to approve a shipboard oil pollution emergency plan. In practice, shipboard oil pollution emergency plans are initially approved by the ships Classification Society, and having an approved plan is a requirement before a ship can be certified as complying with MARPOL Annex I. This mirrors the approach now taken by the Commonwealth.
s.101 Approval of shipboard marine pollution emergency plan	It will no longer be a requirement for the Minister to approve a shipboard marine pollution emergency plan. In practice, shipboard marine pollution emergency plans are initially approved by the ships Classification Society, and having an approved plan is a requirement before a ship can be certified as complying with MARPOL Annex II. This mirrors the approach now taken by the Commonwealth.
s.247 Delegation	Minor updates to reflect changes to government agencies.

**Table 3 – Proposed policy changes identified through the Review**

Section	Proposed amendment
s.3 Definitions	The definition of “certified” be amendment to enable an Australian Builders Plate to be able to be used in order to determine the carrying capacity of a vessel.
s.3 Definitions	To align more closely with other legislation including Commonwealth and the NSW <i>Maritime Safety Act</i> , it is proposed to replace the term “pleasure vessel” with “recreational vessel”.
s.3 Definitions	The definition of “ship” be amended to remove the exclusion of pleasure vessels.
s.3 Definitions	The definition of “State waters” be amended to cover all waters in NSW relevant to vessel pollution.
s.23 Defence for ships in “Special Areas”	This section be removed as there are no MARPOL-defined “special areas” within Australian waters.
New provision	A new provision be included in Part 6 Division 1 to create an offence for a vessel to have defective sewage pollution prevention equipment that could make unlawful discharges of sewage, or to alter or modify any equipment in a way that enables illegal discharges of sewage.
Part 10	The requirements for chemical tankers to carry a ‘procedures and arrangements manual’ be removed, as the requirement applies only to chemical tankers certified under MARPOL and other international instruments to carry noxious liquid substances in bulk. As there are no such vessels solely under NSW jurisdiction, the Commonwealth <i>Navigation Act 2012</i> fully applies the requirement in NSW waters.

Part 12	<p>The certification requirement for NSW ship construction certificates (oil) be removed, as the requirement is now adequately covered by the Commonwealth <i>Navigation Act 2012</i>, <i>Marine Safety (Domestic Commercial Vessel) National Law Act 2012</i> and Marine Orders.</p> <p>The certification requirement for NSW chemical tanker construction certificates be removed, as the requirement applies only to chemical tankers certified under MARPOL and other international instruments to carry noxious liquid substances in bulk. As there are no such vessels solely under NSW jurisdiction, the Commonwealth <i>Navigation Act 2012</i> fully applies the requirement in NSW waters.</p> <p>Ministerial powers to issue NSW certification of sewage management equipment will remain, with the details to be developed in consultation with users for later inclusion in the Regulations.</p>
New provision	A new provision be added to authorise the Minister or a delegate to issue a notice to the owner of a derelict or out-of-commission vessel requiring the removal of marine pollutants.
s.221 Ships that are believed to have discharged marine pollutants may be detained.	Paragraph 221(2)(c) be omitted in order to remove the prerequisite to have reasonable cause to believe a vessel will depart from State waters for the purpose of detaining a vessel and obtaining payment to reimburse the State for clean-up costs.



## Appendix 2 – Stakeholder consultation

TfNSW completed the review in consultation with relevant branches of TfNSW and other Government agencies, in particular the operational branches and agencies including;

- NSW Maritime (TfNSW)
- Centre for Maritime Safety (TfNSW)
- Port Authority of New South Wales
- NSW Environment Protection Authority
- Fire and Rescue NSW
- Australian Maritime Safety Authority (AMSA)

A discussion paper on the statutory review of the *Marine Pollution Act 2012* was released on 18 September 2019 for public consultation (submissions were due 16 October 2019). The review consultation was advertised on the NSW Government noticeboard in *The Sydney Morning Herald* and *The Daily Telegraph*, and via the Transport for NSW (TfNSW) and NSW Government 'have your say' websites.

Targeted stakeholders were emailed directly and requested to provide feedback on the potential amendments described in the discussion paper, and any other part of the Act.

Stakeholders were encouraged to provide feedback via email. Targeted stakeholders were invited to phone or request a meeting with TNSW if required.

Submissions were received from:

- Australian Maritime Safety Authority (AMSA)
- Boating Industry Association Ltd
- EcoNetwork Port Stephens Inc.
- Kirk Bendall (individual)
- NSW Department of Primary Industries (DPI), Fisheries Branch
- Port of Newcastle
- Shipping Australia Limited
- Sydney Coastal Councils Group.

Consultation was undertaken with the Insurance Council of Australia and member representatives, and a representative of an international vessel insurer. The TfNSW Recreational Vessel Advisory Group and TfNSW Commercial Vessel Advisory Group were consulted on the Act review and will be further consulted during implementation. The Boating Industry Association and Commercial Vessel Association were also engaged directly.

### Stakeholders emailed and invited to provide feedback on discussion paper

Aboriginal Fishing Advisory Council (DPI Fisheries)	Mediterranean Shipping Company
Advanced Marine Management Pty Ltd (CVAG member)	Minerals Council of Australia

All Occasion Cruises (CVAG member)	Ministerial Fisheries Advisory Council (DPI Fisheries)
Amateur Fisherman's Association NSW	Mobil
Australian Boating College Sydney (RVAG member)	My Fast Ferry (NRMA) (CVAG member)
Australian Coastal Shipping Pty Ltd	Nature Conservation Council of NSW
Australian Cruise Group (CVAG member)	NSW Department of Justice
Australian Institute of Petroleum	NSW Department of Primary Industries
Australian Logistics Council	NSW Department of Primary Industries, Fisheries
Australian Marine Conservation Society	NSW Farmers Association Oyster Section
Australian Maritime Safety Authority (AMSA)	NSW Oysters
Australian Peak Shippers Association	NSW Police (Marine Area Command)
Australian Power Boat Association (RVAG member)	NSW Ports
Australian Sailing (RVAG member)	NSW Rowing Association (RVAG member)
Australian Shipowners Association	NSW Treasury
Balmain Precinct	Noakes Group (CVAG member)
Bass and Flinders Cruises (CVAG member)	Oceanwatch
Boat Owners Association of NSW (RVAG member)	Office of Environment and Heritage
Boating Industry Association of NSW (CVAG and RVAG member)	Pacific Boating Pty Ltd (CVAG member)
Bulk Liquids Industry Association of NSW	Paddle NSW (RVAG member)
Caltex Australia	Patricks
Captain Cook Cruises (CVAG member)	Personal Watercraft – PWC Sector (RVAG member)
Coast Charter Boat Company Pty Ltd (CVAG member)	Port Authority of New South Wales
Coastwatchers	Port Botany Community Consultative Committee
Commercial Fishing NSW Advisory Council (DPI Fisheries)	Port Kembla Pollution Meeting
Commercial Vessel Advisory Group (TfNSW) (CVAG)	Port of Newcastle
Commercial Vessels Association of NSW (CVAG member)	Ports Australia
Department of Infrastructure, Transport, Cities and Regional Development (Cwth)	Professional Fishermen's Association (CVAG member)
Customs Brokers & Forwarders Council of Australia	Recreational Fishing Alliance of NSW (RVAG member)
DP World	Recreational Fishing NSW Advisory Council (DPI Fisheries)

EastSail (CVAG member)	Recreational Vessel Advisory Group (TfNSW) (RVAG)
EcoNetwork Port Stephens	Save our Marine Life
NSW Environment Protection Authority	Scuba Clubs Association of NSW (RVAG member)
Environmental Defenders Office	Seaplane Pilots Association (RVAG member)
Environmental Justice Australia	Shipping Australia Limited
Fire and Rescue NSW	Surf Life Saving NSW (RVAG member)
Freight and Trade Alliance	Stebecraft Pty Ltd (CVAG member)
Friends of Gore Bay & Greenwich Community Association	Sydney Coastal Councils Group (CVAG member)
Gulf Agency Company Australia	Sydney Harbour Attractions (CVAG member)
Harbour City Ferries (CVAG member)	Sydney Institute of Marine Science
Hawksbury Environment Network	Sydney Marine Park Alliance
Hunter Community Environment Centre	Terrigal Dive Centre (CVAG member)
Hutchison Ports Australia	The Island (CVAG member)
Inchcape Shipping Services	Total Environment Centre
Insurance Council of Australia	Viva Energy Australia
Local Government NSW	White Bay Community Representative
Marine Estate Management Authority	White Bay Rozelle Precinct
Marine Parks Association	Wilhelmsen Ship Services
Marine Rescue NSW (CVAG and RVAG member)	Workforce Marine (CVAG member)
Maritime Industry Australia Limited	Yamba Welding (CVAG member)
Maritime Safety Training (CVAG member)	

