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MARINE RESCUE LEVY

- Discussion Paper or a fait accompli?



The establishment of a single marine rescue organisation for NSW has been widely recognised as a very important achievement. The NSW Government's role in sponsoring and underwriting the very difficult process that had to be undertaken to achieve this should not be underestimated. But to the extent that the new organisation, Marine Rescue NSW, will require new equipment, new vessels and a considerably more sophisticated operating platform to enable it to perform, it was also seen as essential that it adopt a more efficient and sustainable funding model. In this regard, BOA was of the view that it was not an unreasonable proposition that a significant portion of that funding should be provided by those the service benefits – the boating public. NSW Maritime and relevant NSW Government ministers were, moreover, aware of

BOA's supportive position on this. The problem is that this in principle support was taken as a licence to proceed to policy formulation without any further consultation.

On May 7, the NSW Government issued a media release that outlined a funding proposal formulated to assist the newly incorporated Marine Rescue NSW in meeting its funding requirements. The centerpiece of the proposal is a new levy to be charged to NSW boaters. Details as to how it is proposed this initiative should operate has been set out in an accompanying "Discussion Paper" which, notwithstanding a covering letter that invites submissions from the general public by June 18, would appear to be pretty much a fait accompli. The only purpose of inviting submissions, it would seem, will most likely be to provide substance for a NSW Government response to any potential criticism – "that the basis on which the new funding arrangement (levy on boaters)

operates was only determined after wide public consultation”.

Given that there is wide community support for the proposition that those that Marine Rescue NSW serves should share in the cost of its existence and operation, BOA is finding it somewhat difficult to reconcile the process by which the NSW Government has crafted its levy proposal. Good policy is the result of good process. As it concerns the development of a policy involving a levy on boaters, that process should have included consultation with the boaters of NSW through its peak representative body the BOA. More than that, it should have actually invited BOA, along with other stakeholders, to assist in the policy formulation – how best to make it work and how best to make it palatable to those that will be asked to pay the levy. Had the NSW Government done so, the levy proposal, as presented by way of the Discussion Paper, would have been better crafted, more equitable, more transparent and, very importantly, attracted the broad support of the various stakeholders.

But not inviting the BOA to assist seems to account for only one irreconcilable feature of the process. Two others include:

- (a) the apparent failure of those crafting the proposal to take into consideration a Marine Rescue NSW budget paper and a strategic plan
- (b) the public release of the NSW Government’s Marine Rescue NSW funding proposal prior to it having been sighted by the very organisation for which the initiative is being implemented – specifically, Marine Rescue NSW.

Bad process has a habit of producing poor outcomes. As it concerns the development of the NSW Government’s funding proposal for Marine Rescue, the process adopted will most likely prejudice community support – particularly the support of NSW boaters. Problems that BOA has identified as being of concern include the following:

- **Unintended Consequences:** For the reason that the new \$7.50 levy will be applicable to the holders of boat driver licences and the owners of registered vessels, there is a strong possibility that some families may be required to pay the new levy two or three times over (for each licence holder) even though the family may only own one small tinnie. With 450,000 licence holders but only 220,000 registered vessels, this is more than just a possibility – exacerbated even further by the likelihood that many owners of yachts, which are required to be registered, are not holders of driver licences. A fairer arrangement might involve a \$15.00 levy upon the owners of registered vessels that would raise \$3.3 million, a

\$1.4 million contribution from all NSW boaters by way of a direct contribution from NSW Maritime (payable out of the \$45 million (plus) it collects in licence fees, boat registrations, mooring fees and other general boating fees from recreational boaters) and a genuine NSW Government contribution for any shortfall which, on this basis, would be about \$1.7 million. Not only would this be fairer but it would also take into account a funding model that was initially proposed – one that would have been similar to that applying to the SES where Government provides a considerable component of the funding.

- **No Meaningful Coverage in the Bush:** Marine Rescue NSW is a coastal rescue organisation and its coverage of inland waterways is fairly much non-existent. To the extent that such coverage is not in place, country licence holders, who account for something in the order of 10% of the total, will simply be contributing to a service that is not available in their area of boating activity.
- **An Other Arm of Government:** Notwithstanding the NSW Government’s very laudable involvement in facilitating the creation of a single marine rescue unit, the Discussion Paper, which has been prepared by NSW Maritime, conveys a signal which is clearly at odds with one of its stated objectives – “it is important that Marine Rescue NSW should not become or be seen as another arm of government”. Issues which give rise for concern include:
 - (a) The composition of the Board of Directors that has as its chairman Diane Beamer, a member of parliament of the current NSW Government.
 - (b) NSW Government appointees are directing policy formulation.
 - (c) Financial planning, including the preparation of budgets, is being prepared under the oversight of IAB Services, a NSW Government agency.
 - (d) Contrary to the stated claim that “all funds raised would go directly to Marine Rescue NSW” what will actually occur is that all funds raised by the levy will be paid directly to Emergency Management NSW – NSW Treasury.
 - (e) Marine Rescue’s access to the funds raised by way of the levy will only be available to Marine Rescue subject to the approval of the Minister for Emergency Services.
- **Potential Leakage:** Allocation of the funds raised by way of the levy will be allocated to covering 100% of the costs of the Commissioner’s office and 50% of the front line services – capital expenses and operational expenses. Given the significant involvement of NSW Government personnel and

NSW Government agencies in the management of Marine Rescue, there is a real concern that a significant amount of the Commissioner's office costs will be referable to NSW Government management charges.

- **BOA Representation:** References to a governance model in the Discussion Paper talks about the Commissioner's access to an "Advisory Committee" representing community, stakeholder and Government agency representation. From the perspective of NSW boaters, it is essential that such a committee include a representative from the BOA.
- **Lack of Specific Performance Targets:** The sustainability of Marine Rescue will largely depend on its ability to recruit new members into the organisation – new younger members to provide the necessary capability to man the rescue fleet and the communication bases into the future. BOA is concerned that unless there are specific performance targets in place to achieve this, the operational capability of this very important organisation could be compromised.

The NSW Governments initiative in regard to the creation of a single marine rescue organisation has been fully encouraged and fully supported by the BOA. It represented sound policy the benefits from which all boaters will be able to enjoy. But having played the role of midwife, what the NSW Government should now be doing is to encourage Marine Rescue to stand on its own two feet. And albeit that this is what the Discussion Paper suggests is the NSW Government's prime objective, both the operational structure and the overall fiscal management of the new organisation suggests something entirely different.

Michael Chapman

Letters to the Editor

The Global Warming Theory

With reference to Frank Talbot's response to two short letters critical of man made climate change in the March Newsletter.

1. Frank states that the "...world's Science Academies, (including the USA, UK, Australia and even China).....are noted for caution, rather than rashness in their conclusions."

Perhaps he has not heard Penny Wong & her Department predicting 20m increases Tides in just a decade or two.

2. Then "It is certain global greenhouse gasses.....are the dominant cause of the global warming that has been taking place over the last 50 years"

During the 1970's the globe went into a cooling cycle. This is well documented.

3. Mentions of rising temperatures, shrinking glaciers, and thinning Arctic ice are made.

Recent mapping has shown increasing ice at the North Pole and that polar bear populations are increasing. Increases in air temperature readings are also biased because many thermometers used are located too close to heat holding/reflecting structures or are of insufficient height to escape the heat off the ground below.

4. "Individual errors...by the IPCC, (based at East Anglia University in the UK), were insufficient to void it's conclusions".

The truth is, the IPCC has been completely discredited. They falsified data, withheld data, and destroyed all base data for their Climate Change Predictor Model. The boss, Prof Phil Jones, has admitted that there has been no Global Warming since 1995 and has been stood down in disgrace. The IPCC was, by the way, the foundation stone of the whole Global Warming Theory.

On top of this, leaked e-mails have completely discredited the Hadley Institute's conclusions. (Google "Climategate" to confirm these facts).

- Ice Core sampling has shown that there was more CO₂ in the atmosphere during the Ice Age than there is currently.
- In the Horticultural Industry, we add CO₂ to our Shade Houses to encourage rapid healthy growth of all plants. It should be noted that the rain forests world-wide are re-growing at an increased rate, due to the extra CO₂ in the atmosphere - fantastic news for all of us!

Warwick Bowes

Why is Carbon Dioxide a Problem?

Unfortunately my contribution to the March Newsletter regarding the causes of climate change was misquoted. The web address I supplied to provide more information was changed so that it does not work. The address of the relevant site should read as follows:

http://z4.invisionfree.com/Popular_Technology/index.php?showtopic=2050

Peter Stitz

Financing Marine Rescue

In the March Newsletter, Michael raises the possibility that to fund Marine Rescue the NSW Government (NSW Maritime) will place a surcharge on all boat driver licences and registration fees. Certainly as Michael points out, this is of great concern UNLESS all fees so collected are indeed made ONLY available to Marine Rescue and not siphoned off into general government revenue. Also what will be the amount of the surcharge?

At the moment, each of the volunteer organisations charges a very low annual membership fee either to volunteer or to become an Associate Member. In the Australian Volunteer Coastguard (AVCG) if one acts as a volunteer, the services offered to Associate Members are included as part of the annual membership fee. And importantly, this is voluntary.

Any vessel can do radio checks, even if not a member of either organization and MAYDAYs will be responded to. Given that it is no longer compulsory for vessels to monitor the “emergency channels” (VHF 16, 27 MHz 88 or MF 2182 KHz), it is important to know that someone is monitoring these channels for radio checks and the possible event of a MAYDAY and it is worth paying the membership fee/working as a volunteer, for this reassurance. If (as mine is) use of one’s own boat is restricted to weekdays, it is sensible to also belong to SEATOW as the volunteer organisations do not offer services on the water except at weekends and public holidays.

If we are all going to be paying a compulsory surcharge, what are we going to get for it?

Surely any fee payable to NSW Maritime should not exceed the volunteer organisation membership fee amounts. Will there be 24/7 radio coverage? Yes – from Terrey Hills.

However, will there be 24/7 towing/general assistance (batteries etc) on the water?

If I am to pay a compulsory fee, I think I will feel entitled to this service. Will NSW Maritime itself provide it? Or will I have to pay a compulsory fee for a service that is not going to be provided AND still pay to belong to SEATOW? And, if neither Marine Rescue nor NSW Maritime will be providing weekday boat services, will SEATOW be allowed to apply for a government subsidy to provide weekday services?

On the basis of what goes around comes around – I have worked as a volunteer Radio Operator, as something I can do, in exchange for all the help I have received over the years from various people on the water when I chose to single hand and couldn’t always fix things. I know I am not alone in this, and many of my friends/colleagues think, and act, the same way. If we continue to work as volunteer radio operators/boat handlers

will we be granted concession rates on the fees to be charged by the government?

I somehow doubt it! So will we continue to want to help? I hope so!

Kate Holland

Boat Wash

the unsuspecting danger

With the recent discussion paper on the lifejacket rules and guidelines, considerable thought and past experience has surfaced in the never ending attempt to improve safety for all forms of boating, fishing and aquatic recreation. One matter of concern that would appear to be beyond regulation and more applicable to “Learning versus Legislation”, is the threat of capsizing of small craft, particularly tinnies, by wash produced by high power motor vessels - particularly of the “V Hull” variety.



Standing up in a tinnie, a common practice of rod fishermen, requires a fair degree of skill and balance. Unfortunately however, if the person standing up in the boat is the only occupant, that person exposes themselves to the possibility they do not notice, soon enough anyway, the fast approach of a power vessel or the wash that it produces. Unless the occupant is equipped with eyes in the back of their head, this is a very real unavoidable risk. Moreover, should that occupant get knocked into the water, the absence of a fellow crew member makes a safe outcome that much more problematic. Examples of why boat wash is an unsuspecting danger is regularly demonstrated in the quiet protected and placid waters of Lake Macquarie, an area where most people would consider standing in their boat, facing

the shoreline and quietly fishing with a rod and line a reasonably safe pastime.

The proposed rules concerning the wearing of lifejacket in small boats when 400m from the shore is understandable but does not cover fishing people casting towards and within 400m of the shoreline. The danger here of course is that the fishing person(s) is/are facing away from the potentially dangerous wash.

Rules and regulations are necessary but not all encompassing, which raises the need for "learning". Numerous authorities, organisations and associations go to a lot of trouble to promote safety with publications and even CDs in five different languages. Hopefully these endeavours are having some affect including improvement of awareness and safety.

It is therefore strongly recommended that –

NSW Maritime, in conjunction with Fisheries (DPI) and in consultation with such bodies as the Recreational Fishing Alliance of NSW, Boat Owners Association of NSW and any other applicable body, prepare a pamphlet specifically stressing the dangers of standing (fishing) in a small vessel in any area subject to wash and that the pamphlets be distributed with all new boating and fishing licences and renewals. Such information should also be promoted in boating and fishing publications throughout the State.

David Lyall

Cabbage Tree Bay Aquatic Reserve

a good of example of what can be achieved!

Cabbage Tree Bay, at Fairy Bower Beach Manly, was declared an aquatic reserve in 2002 under the NSW Fisheries Management Act. It is 20 hectares in size and was declared a reserve for the purpose of conserving biodiversity, particularly with regard to the rocky intertidal platform. The bay is of very high recreational significance to the local community. Its protected clean waters, foreshore access, public facilities, surrounding parkland, bush land and diverse marine habitat makes for a marine precinct that is enjoyed by a range of users. The foreshore is lined by a wide walkway serving walkers, joggers and bike riders.

On a recent summers day, a study found 130 people swimming and 30 scuba divers in the bay at one time. The bay is also popular with paddle boarders, wave ski riders and kayakers.

Why is Cabbage Tree Bay important for swimmers?

The location is one of the few ocean beaches, which faces northwest and is protected from south and southeast winds and wave action. The swim towards Manly Beach across Cabbage Tree Bay from Shelly Beach in the south corner of the bay is a delight and is uninterrupted by surf. Eight years of protection from fishing has encouraged fish to swarm into the shore and to swim alongside humans apparently without fear. The bay is the most popular site on the coast for scuba schools and snorkelers.

Why is it important for boaters?

During winter, the outer waters of the bay are an excellent haven, protected from winds from the southeast through to the



southwest. It is also open to the northern sun. Winter westerlies flatten the water making it an ideal lunch spot away from harbour traffic and it is ideal for those brave enough for a quick winter dip.

For coastal voyagers, Cabbage Tree Bay offers a welcome stopover providing an alternative to entering busy Sydney Harbour. In summer, the bay is alive with fish and swimmers.

What was proposed?

A total ban on motor boats from entering the bay and landing on the beach in the new Management Plan. However a series of consultative meetings at Manly Council comprising all stakeholders including surfers, swimmers, surf lifesavers, divers, dive schools, Council, Fisheries, Maritime, local resident precinct committees, BOA, commercial boating and environmentalists, achieved an excellent and balanced outcome.

What is planned?

Department of Environment Climate Change and Water NSW (Fisheries) will provide moorings in four locations for public use

by boaters. This will enable boaters to enjoy the reserve without causing damage to the seabed and ecology from anchors and chain. Planned mooring locations will comprise one site 90m off Shelly Beach, two sites north of Fairy Bower headland and one site south of Manly Point. Vessels will be permitted to use the moorings for a maximum of 24 hours. Vessels using the mooring closest to Shelly Beach will be permitted to tie up for a maximum of 2 hours to allow people to go ashore by dinghy or swim.

Under the proposed regulation, it will be an offence to remove, damage or interfere with moorings and signage. NSW Maritime will establish a 4 knot limit for motorised boats inside a line connecting the two headlands. NSW Maritime will also implement a seasonal restriction on motorised vessels - not to proceed under motor within 90m of Shelly Beach in the boating season (between the October long weekend and the following Easter). This is the period of highest use by swimmers and passive boaters within the reserve. The seasonal restriction was a compromise proposed by BOA. It was an alternative to a total ban on motorised boats landing on or approaching the beach. The permanency of the arrangement will be determined by boater behavior as monitored by Council rangers and NSW Maritime.

This is a good outcome and is a model for future marine reserves where there is intensive use in summer, particularly where there is competition for access between swimmers and boaters. At all times boaters should adhere to the fundamental rules - keep a proper lookout for swimmers and passive boaters and keep at least 60m clear of swimmers and divers. Public comment on the draft closed on 30 April 2010 and it is anticipated that it will be approved in a form that will be broadly consistent with the above guidelines. Regulations should be in place by August 2010 - in time for next summer.

This has been a good outcome for boaters, achieved by patient work by BOA at the consultative meetings and supported by NSW Maritime. Manly Council, Fisheries and Maritime are to be congratulated for being open and inclusive.

Michael Chapman

And now for something really special

An enjoyable winters days sailing, a snug overnight stop in a secluded cove with the cold rising from the surrounding waters and then –

A Hot Buttered Rum

For each of the skipper and crew a good solid mug and into each add the following:

One and half tablespoons of sugar

One tablespoon of butter

Three or four whole cloves

A generous nip of rum

Top up with boiling water and stir

Inhale, sip and “Enjoy”.

David Lyall

News from the Hunter Region

Swansea Channel

Work on dredging the Channel, which involved the removal of about 65,000 cubic meters of sand, was completed in early June. The total cost of the work has amounted to approximately



\$600,000, which was considerably more than \$300,000 initially granted by the NSW Government. Making up for the difference was accounted for by BOA's successful efforts in arranging for NSW Maritime and the Lake Macquarie City Council to contribute \$160,000 (\$80,000 each) and monies received from the sale of the sand dredged out of the Channel to the builders of Newcastle's new coal export terminal at Kooragang Island in the Hunter River. Shortly after completion of the work, NSW Maritime surveyed the Channel and the results of this will be posted to NSW Maritime's website. How successful the work has been however will be able to be determined when another survey is conducted in four months time.

Although BOA is pleased that the Channel is now once more navigable, two issues that should be of concern to boaters include (a) that the project has not been completed to the original design criteria – that the Channel be dredged to a minimum 3.5 meters deep and 60 meters wide and (b) that the NSW Government continues to categorise dredging of the Channel as a “project” rather than ongoing maintenance. For the reason that the work is not to specification, water flowing through it will not be optimal – not sufficient to avoid sand being deposited in those areas where shoaling will occur much more quickly than otherwise would be the case. Moreover, because the NSW Government chooses not to recognise that the Channel requires maintenance on an ongoing basis, it will mean that when safe navigation through it is compromised once more because of shoaling, the NSW boating community will probably have to go over this same torturous process again. Is it possible that this suits the NSW Government because it avoids it having to reach the logical conclusion that the most efficient long term solution would involve the purchase of a dredge?

Marks Point Marina

A development application for stage 1 and 2 of the proposed refurbishment of the Marks Point Marina is currently being processed. The third stage of the proposed project is not being requested at this time. Machinery required to service larger catamarans and power cruisers has already been ordered. The various stages of the project comprise:

- Stage 1 The development of many of the land based structures including the removal of all four slipways and the installation of a travel lift capable of lifting 35 tonnes and a boat lift mechanism to lift up to 80 tonnes.
- Stage 2 Refurbishment of the existing marina with a floating pontoon system to provide the same number of berths as at present on a similar footprint and the removal of the fuel berth to a more suitable position.
- Stage 3 No DA request for this at present but, if feasible, would involve the extension of the marina to accommodate another 79 berths and additional car parking.

Marmong Point Marina

The refurbishment of this marina is now underway. Removal of 22 moorings to the North West bank has been completed. The marina expansion will be completed and operational by the end of July.

Swansea Channel Speed Zone

A “No Wash” zone, from the Drop Over to the Swansea Bridge, will be now be added to the speed restriction of 4 knots.

Charlie Dunkley Resignation

Charlie Dunkley, the current NSW Maritime Hunter Regional Manager, has resigned. His initiative to establish a Regional Users Consultative Group representing marine recreation stakeholders has resulted in many collaborative outcomes benefiting regional boating. His initiative in this regard is seen as a benchmark for creating two-way communication with Government authorities. On behalf of the BOA, we wish him well in his new endeavours.

News from the Waterfront Action Group (WAG)

New NSW Maritime Leases.

The WAG Committee has obtained additional legal advice from two Senior Counsel on how to best deal with the unconscionable leases, which NSW Maritime is currently forcing its lessees to sign under threat of demolition of their structures.

We are advised that there is legal remedy available under the Contracts Review Act 1980 (providing members carefully follow certain legal procedures) within 2 years after lessees have signed the “unjust...unconscionable, harsh or oppressive” lease.

A seminar for WAG members involving an address by Warwick La Hood of Hones La Hood (Property Lawyers) is currently being organised so that members will be fully apprised of the correct procedures required.

The Committee will consider the merits of either mounting or supporting a test case in this matter and at the appropriate time.

NSW Maritime Land Reclamation Sales

The “Disposal of Reclamations Procedure” document issued by NSW Maritime is totally unacceptable and is another example of NSW Maritime abusing its monopoly situation to exploit waterfront property owners. This matter will also be covered in the forthcoming seminar for WAG members and will be addressed by BOA President Michael Chapman.

Rate of Return Review

Both NSW Maritime and the Land and Property Management Authority (LPMA) have failed to respond to our requests that they reveal the outcome of the Rate of Return Review held in late 2009. Our attempts to obtain copies of documents under

Freedom of Information legislation have been met with claims that the documents are "Cabinet in confidence". Rent invoices continue to be issued based on a highly inflated rate of return of 3.05%.

Local Land Board Appeal

Members of the Committee spent a huge amount of time and energy (on a test case basis) representing a Pittwater member who was appealing against his 2009 rent redetermination by LPMA. We spent 3 days vehemently arguing that the rate of return used by LPMA to calculate the rent was dramatically incorrect and the advice of two property valuation experts (including a Brisbane University Professor) was used to demonstrate that the 3.05% rate of return was seriously out of date and irrelevant to Pittwater in 2009.

The main thrust of our argument was that LPMA had failed to review the Rate of Return as required by the IPART recommendation. Curiously, the Board INCORRECTLY found that we had conceded that the Rate of Return was not reviewable and on that basis found against the member.

Because we have another appeal under way in the Land & Environment Court (LEC), we have decided not to spend more money and energy appealing this massively flawed decision to the LEC. A decision of the LEC sets a precedent which the Local Land Board is obliged to follow in future appeals before it, so we are hopeful of some sound decisions in future, following our test case in the LEC.

Land and Environment Court of Appeal

Three Pittwater members and one Brisbane Water member have lodged appeals against their 2009 rent redeterminations in the Land & Environment Court (LEC). The LEC has agreed to hear one of those fully argued on a test case basis, with the result to flow on to the others. WAG is using donations from members to fund one third of the cost, with the other two thirds being funded by the individual members. LPMA is attempting to blow the costs out, at taxpayers' expense, by requesting an extra sitting day for a site visit by the Court, continually delaying provision of documents, causing our lawyers to go to Court to complain and most recently a claim of \$7,509 for the costs of providing documents. The hearing is scheduled to commence on August 10.

Claims Against NSW Maritime Under Old Leases

Some members have had success with their claims against NSW Maritime, based on the fact that their old (but still current) leases did not allow for rent to be charged on a completely different basis since 2005. There are various versions of the old leases, so that there is no universal basis for making such claims. However,

it is worth checking old leases for the agreed terms in regards to rent, to see whether NSW Maritime has breached its own lease terms. When making claims, members are advised to also claim interest at 10% per annum, as interest claims have been met.

WAG & NSW Opposition Party

As it seems likely that NSW will have a change of government next March, WAG is currently involved in discussions with the NSW Opposition with regard to formulating a fair and equitable policy for waterfront rents. Since 2005 waterfront rents have increased dramatically and it is the focus of these discussions to bring them back to a fair market level.

**George Citer
Secretary, WAG**

**RETIRED, BORED AND IN NEED OF AN INTEREST
OR ARE YOU STILL WORKING WITH A BIT OF
SPARE TIME TO TAKE ON A REWARDING
CHALLENGE HELPING THE BOATING PUBLIC OF
NSW?**

BOA still has two vacancies on the Management Committee:

- **Honorary Secretary**
- **Honorary Editor**

The role of Honorary Secretary is generally limited to the preparation and dispatch of notices of meetings, preparation of meeting papers and the taking of the minutes of the monthly Management Committee meetings.

The role of the Newsletter Editor is to gather and prepare all matters of interest for the regular issue of the BOA Newsletter, correlate the articles and prepare all ready for the printer. The last chore is to envelope and post issues to members.

The need for a replacement for this essential service to our members will be needed after the next issue as our current Editor is retiring.

Neither role is time demanding and only requires access to a computer, enthusiasm and attending a three hour meeting once a month

Any boater, either male or female, can easily master the needs and would be pleasantly surprised with the interest and networking enjoyed.

If you are even vaguely interested please contact David Lyall on 9918 2335 or davidlyall@optusnet.com.au

A New BOA Treasurer

Following on from an appeal to members of the BOA to fill the vacancy, Edward van Oort-Pieck, a CPA and the principal of a large medical accounting practice, has agreed to take on the responsibility of Honorary Treasurer. On behalf of all BOA members, we warmly welcome Edward to the Committee.

Michael Chapman & David Lyall

Have Your Say

Feed back to and responses from the Committee on problems and current projects.

Fish traps and netting marker buoys

Following numerous complaints from members regarding incidents involving entanglement in lines attached to fish trap and lobster trap (pot) marker buoys and fish netting, the Committee has requested the NSW Department of Primary Industries (DPI) (into which the old NSW Fisheries has now been absorbed) to respond. The response the Committee has received in this regard is quite helpful and includes (a) advice on where to locate the appropriate legislation dealing with the subject matter and (b) an invitation to discuss it with them directly should we wish to do so.

As it concerns marker buoys and how these devices must be attached to the underwater equipment they are designed to locate, this is governed by the (NSW) Fisheries Management Act and, more particularly, the Fisheries Management (General) Regulations 2002 (the Regulations). Members can access these Regulations directly by Googling "Fisheries Management (General) Regulation 2002".

As it concerns problems members have encountered with fish trap and lobster trap markers, what is relevant are the conditions that must be complied with in regard to the setting of such traps. For example, the conditions that apply to the setting of a recreational lobster trap is covered in the Regulations under Part 3 Division 6 (2) which says

The following must be complied with:

- (a) The lobster trap is not set or used unless its position is indicated by a buoy which:
 - (i) is moored so as to be positioned above the trap,
 - (ii) has a diameter above the water of not less than 100 mm,

- (iii) has a weight of not less than 50 gm suspended not less than 1.5 meters under the float (presume buoy) so that no rope is floating on the surface of the water and
- (iv) displays "L" (for lobster trap) followed by the name of the person who set the trap in clearly visible letters which are not less than 50 mm in height and are of a colour which contrasts with that of the buoy
- (b) a person does not set or use more than one (1) lobster trap at any one time.

And albeit that the above refers specifically to lobster traps, a cursory reading of the conditions applying to the setting of other traps include the same requirements applying to the marker buoys; the only substantive difference being what is actually displayed on the buoy itself. What must actually be displayed varies according to what the trap is for (lobster, crab or fish for example) and whether it concerns recreational or commercial activity.

As it concerns problems members have encountered with set fishing gear, what is relevant here concerns not buoys as such but a tag. Details of what is required is covered in the Regulations under Part 3 Division 7 (2) which says

The net or gear must be identified by having securely attached to a part of the net gear which is at or above the water level a tag with dimensions of at least 80 mm by 25 mm on which are legible and durably displayed in capital letters the persons name and:

- (a) if the person is the holder of a commercial fishing licence or a boat licence under Division 2 of Part 4 of the Act (Fisheries Management):
 - (i) the registration number of the commercial fishing licence of the fisher or
 - (ii) the letter "LFB" followed by the number indicated on the boat licence as the number of the licence.
- (b) in any other case – the person's residential address or boat registration number.

In a covering note from DPI, it is acknowledged that rope floating on the surface is the biggest concern of boaters. It is in that regard that there is requirement under the Regulations that marker buoy lines are equipped with a weight. But notwithstanding the Regulations, there will always be an element of non compliance. Boaters are actively encouraged to provide DPI with information concerning apparent breaches.

Committee contact - David Lyall davidlyall@optusnet.com.au

Discounts for Members

As at June 2010, the following are on the accredited list:

Lake Macquarie	
Mr Moorings (02) 4975 1779	10% discount off all mooring servicing and mooring parts.
Alkira Mooring Services 0415 318 747	10% discount off all parts but only as required during a mooring service undertaken by Alkira.
Lifestyle Marine (Toronto) (02) 4959 1444	10% discount off slipping fees and chandlery items except those items already on special
Coulin Marine Trim (Marks Point) (02) 4945 3322	10% discount off repairs to dodgers and covers.
Pittwater	
Careel Bay Boat Services (02) 9918 2331	Discounts off boat services and maintenance.
Sydney Harbour	
Base Point Maritime Training (02) 9931 7711	10% discount off all courses.
All Major Areas	
Sea Tow 1800 732 869	10% discount off annual membership fee plus discounts and other special offers available from other marine suppliers through the "Advantage Network"
Dockside Buyers Group (02) 9970 8459	50% discount off initial membership fee.
Marine LED Solutions Australia 0404 856 824	10% discount off all LED replacement bulbs www.marineled.com.au

Hot meal for a cold winter day at sea – or on a mooring

Sausage Casserole

Thick meaty pork sausages from a good butcher are best for this dish. At other times try using spicy flavoured sausages for variety.

Ingredients

- 1 kg of pork sausages
- 1 medium onion – chopped
- 2 cloves of garlic* – chopped
- 410 gm tin of tomatoes – roughly chopped
- 1 tablespoon of tomato puree
- 1 teaspoon of mixed herbs
- 1 teaspoon of sugar
- salt and pepper
- 1 dessert spoon of cornflour
- 75 ml of vegetable stock
- 2 cups of frozen peas
- Oil for frying.

Cut the sausages in half. Heat 1 tablespoon of oil in a large saucepan and fry the sausages slowly until browned. Remove and set aside. Add another tablespoon of oil and fry the onion and garlic until soft but not brown. Replace the sausages and add the chopped tomatoes, tomato puree, herbs and sugar and stir. Mix the cornflour with a tablespoon of stock in a bowl then stir in the remainder of the stock and mix well. Add to the casserole, stir and season well. Bring to the boil, cover and simmer for 35 to 40 minutes, adding more boiling water if required during cooking. Add the peas 5 minutes before the end of the cooking time. Serves 4 to 6

*If you are not keen on the after effects of garlic cut the clove in half lengthwise and flick out the green heart.

David Lyall

Important Letter Concerning Jervis Bay

I am writing to inform you of the release of the draft zoning plan for the Jervis Bay Marine Park, which has been prepared as a result of the review of the current zoning plan which commenced in 2008. Thank you to those of you who previously made a submission. Information provided in those submissions has been used alongside improved scientific information and advice from the JBMP Advisory Committee to provide information on the proposed changes to the zoning plan.

The aim of the review was to determine whether the zoning plan for the marine park remained appropriate for meeting the objectives of the Marine Parks Act 1997. While the review found that in general the zoning plan was appropriate for meeting the objectives of the Act, it identified opportunities to improve the effectiveness of the zoning plan.

A map of the proposed draft zoning plan for Jervis Bay Marine Park and supporting documents are available from www.mpa.nsw.gov.au after following the links to Jervis Bay Marine Park. The draft zoning plan will be on public exhibition during which time all interested stakeholders are encouraged to make a submission on the proposed changes. All submissions received before the closing date of 5.00 pm 17 September 2010 will be considered in finalising amendments to the zoning plan for Jervis Bay Marine Park.

Copies of the draft zoning plan and submission forms can also be obtained:

- By contacting the Environment Line on 1300 361 967
- From the Jervis Bay Marine Park office at 4 Woollamia Road, Huskisson NSW 2540
- From the National Parks regional office at 55 Graham Street, Nowra, NSW 2541

The Marine Parks Authority is keen to obtain feedback from all stakeholders within the community on the draft zoning plan and you are strongly encouraged to complete a submission to provide us with your thoughts.

If you require any further information please do not hesitate the Jervis Bay Marine Park office on (02) 4428 3000 or email jervis.bay@mpa.nsw.gov.au.

Regards,

Robyn Hopson
Clerical Officer
Jervis Bay Marine Park

Jervis Bay

a very short update!

The NSW Marine Parks Authority has released a draft plan for a Jervis Bay marine park and a management plan for the entire bay. A letter from the Authority, which has been reprinted in this Newsletter, draws attention to the release of this draft plan and provides details of a website that can be accessed that will facilitate a more detailed understanding of what is proposed.

Interested stakeholders are requested to make submissions, in regard to the proposed draft plan, and have those in by the 17th of September.



The Shoalhaven Council has approved an allocation to build a boat ramp at Currarong. Unfortunately, NSW Maritime has refused to provide grant funding for the project. Also rejected was a request to provide funding for navigation aids but it was indicated that they were willing to install warning signs.

Stuart Burley / Greg Troy

Currarong Boat Ramp

looking for some common sense!

The Shoalhaven Council Director of Assets is most concerned that NSW Maritime continues to reject the Council's grant funding application for a boat ramp at Currarong. As long as NSW Maritime rejects the application, the Department of Lands will not support the project. The matter seems to be a personal one concerning certain executives at NSW Maritime and follows on from a number of other funding applications made by the Shoalhaven Council that were rejected. The objection to this particular application makes reference to the risk of ocean swells. But this argument doesn't make much sense particularly on the grounds that the Currarong site is less exposed than ramps at Tathra, Crowdy Head, Terrigal and Long Reef all of which have received funding from NSW Maritime for some time. From BOA's perspective, it smacks of hypocrisy. To that end, it really would be useful if those concerned could exercise a bit of common sense.

Michael Chapman

BOA of NSW Committee Deliberations

A summary of items dealt with at the monthly meetings of your Committee.

March 2010.

From the Chairman's (President's) Report

- Boat and Fish Party and Upper House Elections – Due to a lack of support from industry and marinas re funding a campaign, a decision was made not to proceed.
- Marine Rescue NSW – A levy should only be supported if the funding is accounted for and if NSW Maritime accounts for all income and expenditure for regulatory and safety matters.
- Currarong Boat Ramp- On going discussions with Shoalhaven Council who are in favour of the project and NSW Maritime who are not.
- Garbage Barge at Refuge Bay – This matter is still being pursued in the press.
- BOA Slipway at Woodford Bay – Discussions with NSW Maritime has resulted in a community lease.

Matters Arising From the Previous Meeting

- Volunteer Marine Rescue – BOA standing by to assist when required
- Local Government – Pittwater Council and Woorak Reserve. Size of boats and PWCs to be advised by BIA and BOA to act.
- Rowland Reserve fees – Discussion still being conducted with Pittwater Council.
- Jervis Bay – The President and a Committee member reported on a recent all day visit to the area to view and discuss matters concerning local infrastructure.
- NSW Maritime User Groups – Discussion regarding the Refuge Bay garbage barge.

Treasurer's Report.

- An advertisement for the position of Treasurer has been placed in the latest BOA Newsletter.

Hunter Region Report.

- A survey of the Swansea Channel is being carried out after Easter. The agreed depth will be a minimum 2.5 meters. Dredging has been going on for 24 weeks and funding of \$460,000 has been approved.

Correspondence.

- As tabled

Projects.

- PWCs – Pittwater Council to be requested to withdraw the ban on PWCs from Pittwater DCP.

April 2010.

From the Chairman's (President's) Report

- Proposed Marine Rescue levy – I responded to press and radio interviews to protect boater's interests
- WAG & Guberina Case – The judgement was handed down on May 6. It rejected the appeal but no costs were awarded.
- Maritime Advisory Council – Meeting on May 5 considered the Marine Rescue levy and input was provided.
- Publicity – Interviews have been conducted with the Manly Daily on mooring prices.
- Club/Association Membership – I addressed the Coastal Cruising Club in regard to a number of items which was well received.
- WAG – A meeting has been called by NSW Maritime with the President of BOA and WAG representatives to discuss the Government's decision on the review of the "rate of return".

Matters Arising From the Previous Meeting

- Michael Chapman's decision not to proceed with a campaign to represent the Boat and Fish Party at the forthcoming NSW state election - Disappointment was expressed by all Committee members.
- Resolved to request Michael Chapman to reconsider his position in regard to the forthcoming state election.

Hunter Region Report

- The Swansea Channel has now taken 24 weeks using the wrong equipment – a back hoe operated from a barge instead of a suction system. The Channel is now between 2.5 and 3.0 meters deep but not meeting original specifications.

Correspondence

- As tabled

Newsletter and Afloat Magazine

- Newsletter at the printers. It will contain some refresh information on bio fuels particularly for those that are concerned about its use for outboards.

BOA Website

- Mel Steiner has this well in hand but needs ongoing input to keep the site alive!

Woodford Bay Slipway

- Don advised that necessary maintenance work is waiting for the right opportunity and offers of assistance will be appreciated.

Volunteer Marine Rescue Organisations

- BOA assisting with leases and infrastructure assessments.
- Outstanding invitation for the Committee to hold a Committee meeting at Terry Hills Radio Headquarters.

Local Government

- Update given on Woorak Ave Palm Beach and Sandpoint Lane Palm Beach and availability and restrictions on launching ramps.
- Refuge Bay garbage barge was discussed. Replacement of it is unlikely.

Membership and Application for Membership

- Latest list of new, resigned and deceased members presented and new member list perused and accepted
- Discussion on merits of offering Gold membership automatically.

Marketing

- Discussion on the purchase of BOA caps and stubbie coolers for give aways at the next Sydney boat show.

National Parks

- Stuart Burley reported concerns in regard to the proposed amalgamation, downsizing and “core grouping” of the NP&WL service with many good officers being offered redundancies.

Boat Ramps

- Problems concerning facilities at Rose Bay were raised including complaints from a member, Peter Hardi. It was agreed that BOA should discuss with Woollahra Council its interest in the matter.
- A list of better boating grants was tabled and a suggestion was made that BOA should flag its interest in consulting to some of the associated projects.

Shoal Bay

- Launching ramp is getting worse and contact has been made with NSW Maritime representatives Charlie Dunkley and Matt Davis recommending the transfer of some better boating funds.

Topic of the Day

Discussions on the forthcoming Sydney Boat Show and BOA's involvement. David Miles provided a list of issues that required consideration. Following discussion it was resolved that

- BOA should have a stand at no cost to BOA or, as a last resort, inclusion in the “One Bay”
- WAG to share the stand if they wish.
- Estimated number of attendance hours was discussed and those present offered two half days each.
- Funding not available from BOA.
- Committee authorised the purchase of 50 BOA caps and 100 stubbie coolers for sale or give away to those that sign on for membership at the show.

May 2010.

From the President's (Chairman's) Report

- Cabbage Tree Bay aquatic reserve – I have attended several meetings and offered BOA's thoughts on control and enjoyment of all. My suggestions were accepted and is a big win for BOA.
- Ministerial Council – I have been re-appointed to the Council by the new Minister.
- Publicity – The drive for the return of the Refuge Bay garbage barge is ongoing.

Matters Arising From the Previous Meeting

- Suggestion made for an article on Cabbage Tree Bay for the Manly Daily

- The apparent resentment of PWCs was raised with suggestion that over powered tinnies can be just as annoying.
- The matter of ICAC investigations into the activities of certain NSW Maritime staff was discussed.

Hunter Region Report

- Swansea Channel – sand from the dredging is now being sold.
- Marmong Point – private moorings have been relocated and a new travel lift is under construction. The marina is offering discounts to BOA members.
- Myall River dredging will be completed in June.
- Shoal Bay boat ramp – no action to date.
- Little Beach – funds are available but technology unavailable. Work to protect the ramp is ineffective.
- Projects in Newcastle area - \$2.1 million being spent on boating projects of which \$800,000 is coming from NSW Maritime and the balance from Council.

Membership

- Myall Lakes Aquatic Club welcomed as the first “Club Membership” and 21 new members accepted.

Boat Ramps

- Contact made with Woollahra Council regarding the Rose Bay boat ramp who appreciate the offer of assistance from BOA.

Spit Bridge Opening

- 4 knot zone to be imposed. Full affect of 6 hour gap in opening will not be felt until May 2011. BOA to request NSW Maritime for wait buoys on the west side of the bridge similar to the two on the east side.

Half Tide Rocks – Wagstaff Gosford

- Difficulties with safe navigation because of shoaling – dredging required. NSW Maritime to be approached by BOA.

Marine Rescue NSW

- BOA has prepared a generic lease for use in respect to all of Marine Rescue’s sites in NSW.

General Business

- General discussion on the use of E10 fuel for outboard motors.
- The President requested input from Committee members on the proposed Marine Rescue levy for his meeting with the Maritime Ministerial Advisory Council on May 5.

More detail and information is available from the minutes of the meetings and members are reminded that they are welcome to attend any Committee meeting, as an observer if they should wish to do so.

BOA New Members December to May

Adam Buchert	Edwin Bogatez
Alan & Dorothy Hare	Elizabeth Swaby
Alasdair Macdonald	Eric Coulpasis
Albert Needham	Ernest Somerville
Alessandro Pavoni	Errol Tompkins
Allan Vidor	G Bradley
Andre-Jean Pravaz	Garry Tsun
Andrew Clifford	Gary Coates
Andrew Moore	Gary Vickers
Andrew Wiesener	Geoff Hooler
Anna Mulkearns	George Fairburn
Anthony Shaddock	George Jabbour
Barrie Frost	Georgina Carnegie
Barry Hayes	Gloria Whittaker
Barry Jago	Gordon & Fay Keech
Bill Walter	Graeme Walters
Brad Piltz	Graham Buckeridge
Brian Hart	Graham Kinchin
Brian Kench	Greg Sawyer
Bruce Connolly	Gregory King
Bruce McWilliam	Harry Moll
Bruce Sharpe	Heinz Zerbes
Bryan & Katherine Aitchison	Hin-Wing Fung
Carol Durkin	Hugh Weir
Caroline Howard	Ian & Geneve Farey
Charles Alma	Jeremy Davis
Chris Fehon	Jeremy Laws
Chris Swain	Jim Cooney
Christopher Nasser	Jock Jude
Christopher Oxley	John Beville
Christopher Thill-Turke	John Binet
Cliff Priest	John McGrath
Colin Franklin	John Ralph
Colin Smith	John Reynolds
Dane Latham	John Rofe
David Clark-Duff	John Roth
David Friend	John Seale
David Michaelis	John Smit
David Stevenson	John Thirlwall
Dean Mitchelmore	Joseph Screnci
Den McGovern	Keith Burrow
Dorothy Ryan	Kenneth Dunnett
Douglas Bembrick	Kevin Lucas
Edith Swieca	Kevin McBride
Edward & Barbara O'Brien	Kostas Augerinow

Lindsay Fox	Peter Williams
Lynette Wherry	Phil Brown
Margaret Ann Coventry	Ralph Meisenhelter
Marie Luchetti	Rami Sorial
Mark Chilcote	Rex Gilmour
Mark Sloss	Richard Corbett
Mark Williams	Richard Frawley
Matt Gilmour	Rifai Rachmat
Max Elsley	Robert Chen Chow
Maxine Jurin	Robert McGrath
Michael Diamond	Robert Moir
Michael Field	Ron Cant
Michael Mant	Russell Foxe
Michael O'Sullivan	Russell Phillips
Milan Holecek	Scott Bickford
Murray & Douglas McGain	Sir Ron Brierley
Myall Lakes Aquatic Club	Stephen Grundy
Noel Doyle	Stephen Padgett
Oscar Stanley	Susan Cadby
Pamela Ryan	Sydney Fischer
Patrick Delany	Ted Lilley
Peter & Mary Ann Vorlicek	Terry Fern
Peter Blackwell	Thomas Ford
Peter Campbell	Toby Browne
Peter Goode	Tony Muston
Peter Marr	Tracy Fraser
Peter Stabback	Warwick Bowes
Peter Warden	William Millard

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