Economic Development, Infrastructure and Outer Suburban/Interface Services Committee

Inquiry into Marine Rescue Services in Victoria

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Inquiry into Marine Rescue Services in Victoria

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COMMITTEE MEMBERSHIP

Position	Member
Chair	Mr Neale Burgess, MLA
Deputy Chair	Mr Khalil Eideh, MLC (effective 20 May 2014)
Member	Mr Frank McGuire, MLA (resigned as Deputy Chair, effective 20 May 2014)
Member	Mrs Amanda Millar, MLC (effective 25 March 2014)
Member	Mr Andrew Ronalds, MLC (effective 6 February 2014)
Member	Mrs Inga Peulich, MLC (resigned, effective 25 March 2014)
Member	Mr Geoff Shaw, MLA (resigned, effective 20 March 2014)

For this inquiry, the Committee was supported by a secretariat comprising:

Position	Name
Executive Officer	Mr Nathan Bunt
Research Officer	Mr Matt Newington
Committee Administrative Officer	Ms Natalie-Mai Holmes
Committee Administrative Officer	Ms Michelle Summerhill

FUNCTIONS OF THE COMMITTEE

The Committee consists of five Members of Parliament, three drawn from the Legislative Council and two from the Legislative Assembly. It is chaired by Mr Neale Burgess, MLA.

(1) The functions of the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee are, if so required or permitted under this Act, to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with—

   (a) economic development, industrial affairs or infrastructure;

   (b) the provision of services to new urban regions;

   (c) the development or expansion of new urban regions.

(2) In subsection (1), **urban regions** means any part of Victoria developed for urban purposes that is not within regional Victoria as defined in section 16(2).

TERMS OF REFERENCE

Received from the Governor in Council on 28 January 2014.

The Economic Development, Infrastructure and Outer Suburban/Interface Services Committee is requested to inquire into, consider and report to the Parliament on Marine Rescue Services in Victoria. The Committee is asked to:

(a) identify the range of marine rescue services currently provided in Victoria and consider whether the range and manner of services is fit for purpose;

(b) outline the current structure of marine rescue service provision in Victoria and consider possible improvements to that service provision;

(c) outline the areas of responsibility for marine rescue service providers and regulators and identify any areas of overlapping responsibility;

(d) investigate the legislation that enables and governs search and rescue activities in Victoria and provide recommendations on improvements;

(e) review existing marine monitoring and communications processes underpinning rescue services and provide advice on improvements which could be considered; and

(f) review the training and development needs for marine rescue service providers and provide recommendations on improvements.

The Committee was requested to report to the Parliament no later than 1 August 2014.

On 4 March 2014, the reporting date was extended by the Governor in Council to no later than 4 September 2014.

EXECUTIVE SUMMARY

Chapter One

Chapter One sets out the purpose and context of the Inquiry.

The chapter also sets out the stages in the Committee's investigations, which included: inviting and receiving submissions; holding public hearings and site visits in Melbourne and at a number of locations along the Victorian coast; and traveling to Sydney to be briefed by key marine search and rescue (MSAR) stakeholders in New South Wales.

Chapter Two

Chapter Two provides definitions of the key concepts and terms in Victoria's MSAR sector. It includes definitions of: 'blue water' which refers to offshore, inshore and enclosed waters, as well as larger areas of inland waters; and 'white water' which is defined as the surf, i.e. the area within which lifesaving vessels typically operate. The report defines 'marine rescue services' as those activities that are aimed at the rescue of persons in blue water.

The chapter outlines the roles of Victoria's volunteer blue water MSAR organisations and the key agencies, including the Victorian Water Police, Transport Safety Victoria (TSV) and the Australian Maritime Safety Authority (AMSA), that also operate within the MSAR sector.

The chapter then outlines the main governing and enabling provisions at both state and federal level. Although the *Emergency Management Manual Victoria* states that volunteer MSAR agencies should be included in 'specific purpose response plans or arrangements', there are currently no such plans or arrangements which govern the activities of Victoria's volunteer MSAR organisations.

The State Marine Search and Rescue Committee (SMSARC) comprises representatives from Victoria Police, TSV, the Australian Volunteer Coast Guard (AVCGA) (which is the largest of the state's volunteer MSAR organisations), Life Saving Victoria (LSV), Victoria State Emergency Service (VICSES), the Country Fire Authority (CFA) and the Metropolitan Fire Brigade (MFB).

Notably, SMSARC does not include any representatives from the state's unaffiliated volunteer MSAR organisations (i.e. those which are not affiliated with AVCGA, VICSES or LSV) but does include representatives from a number of volunteer organisations for which blue water marine rescue is not a primary purpose (i.e. LSV, VICSES and CFA).

SMSARC — in collaboration with the former Office of the Emergency Services Commissioner (OESC), which has since been superseded by Emergency Management Victoria — produced draft MSAR Arrangements in 2012 but these have not been ratified or implemented.

The chapter also outlines the reforms to the state's emergency management framework as a result of the commencement of the *Emergency Management Act 2013* from 1 July 2014. Marine rescue does not fit neatly within the 'all-hazards, all-agencies' approach, which assumes that all emergencies create similar problems and usually require similar responses. Nevertheless, the state's MSAR sector has much to gain — particularly in terms of improved coordination and strategic planning, as well as better risk and capability assessment — through a closer alignment

with the new emergency management arrangements. Such an alignment would also reduce the possibility of the ad hoc nature of the volunteer MSAR sector (in terms of oversight and the assessment of risk and capability) resulting in, or contributing to, a major crisis or loss of life in the future.

The chapter concludes with an overview of Victoria's existing MSAR resources, including an inventory of the rescue vessels currently operated by the state's volunteer MSAR organisations and the Victorian Water Police.

Chapter Three

Chapter three provides an overview of current trends within the recreational marine sector and of the challenges currently facing Victoria's MSAR sector.

Victoria's MSAR volunteers are primarily involved in assisting recreational vessel operators because the vast majority of marine incidents in Victoria involve recreational vessels as opposed to commercial vessels.

The number of registered recreational vessels in Victoria has grown by approximately 3 per cent during recent years and had reached nearly 173,000 as at June 2013.

There has been little change in the annual average of fatalities and serious injuries on Victorian waters in recent years (approximately five fatalities and 24 serious injuries during each of the five years to 2012–13). However, Victoria experienced an increase of approximately 24 per cent in the number of recreational marine incidents during the same period.

Marine incidents for both recreational and commercial vessels are predominantly disablements, which accounted for approximately 80 per cent of incidents from 2009–14. A disablement typically involves a vessel that is experiencing engine problems or which has run out of fuel. The majority of marine incidents (69 per cent during 2013–14) occur on Port Phillip Bay and Western Port. However, there are also a number of other areas along Victoria's coast, which represent marine incident 'clusters', including the Gippsland Lakes and off the coast of Portland.

There has been an increase in the number of responses to marine incidents by Victoria's MSAR organisations in recent years, which reflects the increase in the number of registered recreational vessels and the growing number of marine incidents. In addition to the increasing demand that is being placed upon Victoria's volunteer MSAR organisations, the sector is facing a number of other challenges, including:

- duplication and gaps in MSAR coverage due to the absence of a state-wide strategic approach to MSAR service provision;

- funding challenges, primarily due to the absence of funding for operational needs;

- the absence of an effective governing body or of an accreditation system to certify that a particular MSAR unit is able to provide services that are fit for purpose;

- new federal certifications for vessels and crew; and

- varying communication protocols between organisations and incomplete monitoring of very high frequency (VHF) distress channels 16 and 67 along the Victorian coastline, both in terms of geographic coverage and hours of operation.

The chapter concludes with an outline of MSAR service provision in those Australian states that have managed to address or mitigate many of the above challenges, either through the establishment of a single volunteer MSAR organisation and / or the introduction of accreditation regimes.

Chapter Four

The legislation and supporting regulatory framework that enables MSAR activities is largely ad hoc, which in turn detracts from the efficiency and effectiveness of the sector. With the exception of the role exercised by Victoria Police as the 'control agency' during an MSAR incident, Victoria's volunteer MSAR sector is essentially ungoverned. This in no way reflects upon the dedication and commitment of the state's MSAR volunteers, who are doing an exceptional job despite this lack of state-wide governance and support and despite the limited funding that is provided to the sector. However, this situation stands in marked contrast to that of Victoria's other volunteer emergency and rescue sectors, such as the sectors in which VICSES and the CFA operate. It also stands in contrast to a number of other Australian states, most notably New South Wales, Queensland and Western Australia.

This approach to the provision of volunteer MSAR services is not sustainable and there is a pressing need to create a governance structure aimed at better supporting the state's MSAR volunteers and providing them with an enhanced operating environment in order to ensure the safety, efficiency and effectiveness of the sector into the future.

It is now 12 years since Ernst & Young conducted the last state-wide review of the volunteer MSAR sector and delivered its *Volunteer Marine Search and Rescue Organisations in Victoria* report (the Ernst & Young report). The report included the following three key recommendations:

- the introduction of an 'overseeing stakeholder body' to manage MSAR resources;

- the accreditation of volunteer MSAR organisations (or affiliation with an accredited organisation) as a basis for volunteer involvement and funding; and

- annual audits of volunteer capabilities.

Surprisingly, none of the above reforms have been implemented. This situation is particularly concerning in view of the fact that the model proposed in the Ernst and Young report was aimed at minimising the possibility of an injury or a death occurring during an MSAR incident.

While every effort should be made to avoid subjecting Victoria's MSAR volunteers to unnecessary regulation, the sector would benefit from a governance framework (which would include accreditation and capability assessment standards) and a new representative governing body. A Board of Directors and an Operational Executive team represents the recommended model for such a governing body since it would ensure that the immediate governing body for

Victoria's MSAR sector would also be best placed to understand and represent the interests of the state's MSAR organisations and volunteers.

The volunteer MSAR sector would also benefit from a closer alignment with the state's new emergency management framework. This should include providing accredited volunteer MSAR organisations with the same status, and with the same level of oversight and support, that is currently provided to the state's other 'responder agencies' under the *Emergency Services Act 2013*. The Commissioner of the new governing body should also represent the body on the newly formed State Crisis and Resilience Council (SCRC).

Chapter Five

During the Inquiry, the option of establishing a single state-wide volunteer MSAR organisation in Victoria was supported in principle — and in some cases recommended — by a number of stakeholders, and none directly opposed it.

This chapter investigates Marine Rescue NSW, which is the single state-wide volunteer MSAR organisation that operates in New South Wales. Marine Rescue NSW was established in 2009 as a result of the voluntary merger of the three former organisations that operated in that state.

The volunteer MSAR sector in New South Wales has experienced a range of benefits as a result of the establishment of Marine Rescue NSW and very few, if any, disadvantages. These benefits include: improved service coordination and reduced duplication in service provision; a coordinated and state-wide vessel replacement program, which has enhanced both the capability of MSAR volunteers and the transportability of their skills; a significant increase in the number of volunteers, including growth in the number of younger volunteers; standardised training; and greater interoperability with other emergency services.

The Committee found that, should Victoria's volunteer MSAR sector also choose to establish a single provider model, it is likely that it would realise a similar range of benefits and improvements. In addition, the establishment of a single MSAR organisation would provide a platform for more consolidated and streamlined funding arrangements.

The establishment of a single MSAR organisation is an option that should be subject to a formal process of consideration by the sector, especially since it could potentially resolve many of the current challenges. **Nevertheless, the decision to establish, or not to establish, such an organisation is one that must ultimately be left in the hands of the state's MSAR volunteers.**

Chapter Six

Perhaps the most significant challenge identified by the volunteer MSAR organisations and individual volunteers who provided evidence to the Committee was that of the financial pressures that are currently facing the sector. In the absence of a significant increase in financial support, coupled with reform of the way in which funding is provided, some of the state's volunteer MSAR organisations may be forced to cease their operations over the medium to longer term. The state's MSAR volunteers are also facing increasing claims on their time to raise the funds required by their organisations.

More regular and ongoing financial support would help to ensure that Victoria's MSAR sector remains viable over the long term. A key finding of this chapter is the need to establish a more reliable operational funding stream for the MSAR sector; including fully funding basic capital costs, such as the primary vessel for use by each unit.

Chapter Seven

The certification framework for MSAR vessels and operators is in a period of transition. Due to reforms introduced as of 1 July 2013, certifications for MSAR vessels and their operators are regulated at a national level by AMSA, rather than by the states and territories.

Victoria's MSAR operations are now subject to commercial vessel and operator compliance requirements under national regulation, which has placed additional compliance pressure on those volunteer MSAR organisations that were previously operating under recreational vessel regulations.

In response to concerns raised by MSAR stakeholders regarding the transition to commercial compliance requirements, AMSA is developing a specific regulatory scheme for MSAR organisations. However, as this regulatory scheme is still under development, MSAR organisations remain uncertain as to which certifications will apply to their organisations and volunteers into the future.

The chapter also addresses the current absence of consistent standards for volunteer training across Victoria's MSAR sector. Although a number of volunteer MSAR organisations have developed their own internal training standards in the absence of state-wide benchmarks, there is a need for a coordinated approach to MSAR training.

Chapter Eight

MSAR monitoring and communications processes are crucial to the efficiency and effectiveness of the state's MSAR services. In the event of a marine incident involving a recreational or commercial vessel in Victorian waters, the safety of the crew and passengers often depends on the monitoring and communications processes used by Victoria Police, AMSA and the state's volunteer MSAR agencies.

A key finding in this chapter is that MSAR communication protocols currently differ between organisations, and there is no standardised and coordinated approach across the State. There is a clear need to consolidate the various arrangements and to adopt a single, integrated approach across the MSAR sector.

Another key issue addressed in this chapter is the incomplete monitoring of VHF distress channels 16 and 67 along the Victorian coastline, both in terms of geographic coverage and hours of operation. This situation is of particular concern in view of the fact that the existing 'alternative' of a VHF repeater network, which is operated by AVCGA, is not monitored on a 24 hour / 7 day basis. The Committee also received evidence that a significant proportion of the recreational boating community is unaware of the existence of the repeater network. While the Committee received evidence that the Government plans to address this situation through the introduction of a new Marine Distress Emergency Monitoring Service (the MDEMS), which will

cover the entire coastline and which will operate on a 24 hour / 7 day per week basis, it is concerned by the fact that the service has been subject to ongoing delay.

Vessel tracking has an important role to play in MSAR service provision. However, many of Victoria's volunteer MSAR vessels are currently not equipped with this important technology. Accordingly, the Committee has recommended that the Government considers requiring all accredited marine search and rescue vessels to be equipped with AIS Category A tracking technology and providing the necessary funding for this implementation.

Chapter Nine

Although marine safety and the prevention of marine incidents were not specifically mentioned in the Terms of Reference for the Inquiry, both are issues on which a number of stakeholders provided evidence. Moreover, the adage that an ounce of prevention is worth a pound of cure is particularly relevant in the context of marine incidents, especially given the state's rapidly growing recreational boating sector. It is clear that strategies aimed at the prevention of marine incidents are of vital importance, not only in terms of public safety but also as a means of mitigating the growing pressures on the state's MSAR volunteers. By promoting a safe boating culture and ensuring that vessel operators attain an appropriate level of competency, Victoria can work towards reducing marine incidents and the associated pressures on the state's MSAR volunteers.

The issues addressed in this chapter include: the role of TSV and the state's MSAR organisations in the prevention of marine incidents; the need for improved public awareness with respect to appropriate marine radio operations; and the desirability of changes to current recreational vessel licensing requirements, including the introduction of a practical component for licence testing and the abolition of the current provisions under which minors are permitted to operate PWCs without adult supervision.

Chair's foreword

I am pleased to present the Final Report of the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee on the Inquiry into Marine Rescue Services in Victoria.

Victoria has approximately 1,200 kilometres of coastline and over 3,000 square kilometres of inland and enclosed waters and recent years have seen significant growth in both the popularity of recreational vessels and the number of incidents in which they are involved. Fortunately, the majority of these marine incidents involve a vessel that has run out of fuel or is experiencing mechanical problems. However, every year, Victoria also experiences a significant number of marine incidents which result in injury and/or death. Even a vessel disablement which is not responded to in a timely and effective manner has the potential to become a life or death situation.

For many years, these challenges have been met, with great self-sacrifice and professionalism, by the hundreds of volunteers who serve as members of local marine search and rescue (MSAR) organisations across the state.

Unfortunately, Victoria's MSAR volunteers operate under a regulatory framework that can only be described as ad hoc and which detracts from the efficiency and effectiveness of the sector as a whole. In addition, although the Victorian Water Police operates as the 'control agency' during MSAR incidents, the state's volunteer MSAR sector otherwise lacks a central governing body. The absence of an accreditation system for local MSAR units, complemented by regular audits, also means that the state's MSAR volunteers do not operate under a system of rigorous risk and capability management of the kind that covers the state's other volunteer emergency services, such as the Victorian State Emergency Service and the Country Fire Authority.

Victoria's MSAR volunteers do an exceptional job despite the lack of state-wide governance and support and despite the limited funding available to the sector to cover operational expenses. They face a growing range of pressures, including financial demands that increase the need for local fund-raising and the responsibilities associated with new federal vessel and crew certification laws.

It is critical that any reforms to the sector address existing deficiencies and create a governance structure that maximises safety outcomes and do not simply add unnecessary regulation or bureaucracy.

The Committee has recommended the introduction of an accreditation system for all volunteer MSAR units, which would focus on the suitability of MSAR vessels and equipment and on volunteer training. This system would be supplemented by an annual self-audit and by random external audits. The Committee has also recommended changes to the existing governance arrangements for the sector, which are aimed at providing the state's MSAR volunteers with a stronger voice.

While these reforms alone would do much to improve the efficiency and effectiveness of the sector, the Committee also found that formation of a single state-wide volunteer MSAR organisation, such as that which has operated in New South Wales since 2009, would be a

further step toward Victoria achieving the 'gold standard' in the provision of volunteer MSAR services.

The Committee found that the establishment of Marine Rescue NSW has been an overwhelmingly positive reform, which has resulted in a range of benefits for the MSAR and recreational boating sectors in New South Wales. The NSW reforms included: the establishment of a funding agreement between the new organisation and the New South Wales Government, which is available for both capital and operational costs; better service coordination which resulted in removal of duplication; a state-wide vessel replacement program which has produced a 'standardised' fleet and enhanced the transportability of volunteers' skills; a significant increase in the number of MSAR volunteers and a reduction in their average age; improved training and related support for volunteers; and interoperability with other emergency services agencies.

The establishment of Marine Rescue NSW also created a single point of contact for the coordination of marine rescue. This situation is in contrast to New South Wale's previously fragmented volunteer MSAR sector, which like Victoria, involved a significant replication of policies and training programs and which exacerbated the risk of oversights and omissions in service provision. The creation of a single organisation in New South Wales has virtually eliminated service duplication and its associated risks.

Another major benefit of the New South Wales approach has been the implementation of a state wide vessel replacement and refurbishment program, as a result of which Marine Rescue NSW now has a modern and purpose-built fleet, which is far superior in terms of capacity and OH&S to the fleet that it inherited from the state's three former volunteer MSAR organisations.

The establishment of a single volunteer MSAR organisation in Victoria is a proposition that was either recommended, or at least supported in principle, by many stakeholders during the Inquiry. The Committee also found that the state's MSAR organisations would have extremely valuable contributions to make in many areas of the process of establishing such an organisation. For example; the Australian Volunteer Coast Guard, which is the state's largest volunteer MSAR organisation and Volunteer Marine Rescue Mornington & Hastings (VMR Mornington & Hastings), together have the reputation of 'best practice' in a number of critical service delivery areas.

Such a restructuring of volunteer MSAR service provision in Victoria would also provide the basis for 'root and branch' reform of the sector's current funding arrangements; for example in the form of a comprehensive funding agreement with the Victorian Government. Nevertheless, the decision to establish, or not to establish, a single state-wide volunteer MSAR organisation is one that must ultimately be left in the hands of the state's MSAR volunteers. Accordingly, the Committee has recommended a process for consideration of this reform option by those individuals who are best placed to consider such a change — Victoria's MSAR volunteers.

This is a comprehensive report examining many aspects of MSAR services in Victoria. The Committee received a total of 39 submissions and met with and took evidence from 64 witnesses, representing 34 organisations, and with two witnesses who appeared as private individuals. The Committee conducted public hearings in Melbourne, Frankston, Geelong, Lakes

Entrance, Inverloch, Port Fairy and Apollo Bay and attended a number of site visits at additional locations along Victoria's coast. The Committee also travelled to New South Wales to meet with key stakeholders in that state.

The Committee's report makes 43 recommendations addressing issues of importance to the MSAR sector in Victoria. These recommendations affect the sector's legislative and regulatory framework, funding, marine monitoring and communications processes and broader marine safety issues which have a bearing on the provision of MSAR services. It is the Committee's view that these recommendations are both practical and achievable and will be of benefit to the sector and the community.

The Committee would like to thank the many people involved in this Inquiry: including those who provided verbal and written submissions or attended as witnesses at public hearings and site visits. I would like to thank the Committee members: Mr Khalil Eideh MLC (Deputy Chair), Mr Frank McGuire MLA, Mrs Amanda Millar MLC and Mr Andrew Ronalds MLC, for their time and effort on this Inquiry and for making this report one of substance. I would also like to thank former Committee members: Mrs Inga Peulich MLC; and Mr Geoff Shaw MLA, for their contributions to the Inquiry.

The Committee is also appreciative of the work of the secretariat staff: Mr Nathan Bunt, Executive Officer, Mr Matthew Newington, Research Officer, Ms Natalie-Mai Holmes, Administrative Officer and Ms Michelle Summerhill, Administrative Officer, for their dedication and hard work in completing this report.

I commend this report to the Parliament.

Neale Burgess MLA

Chair

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ACRONYMS & GLOSSARY

Acronym	Definition
ACMA	Australian Communications and Media Authority
AIS	Automatic Identification System
AMSA	Australian Maritime Safety Authority
AV	Ambulance Victoria
AVCGA	Australian Volunteer Coast Guard Association
AWQ	Australian Waters Qualification
BIA	Boating Industry Association
BIA Victoria	Boating Industry Association of Victoria
Blue water	The area of operation for marine search and rescue vessels. Includes offshore, inshore and enclosed waters.
BOA	Boat Owners Association of NSW
BSFP	Boating Safety and Facilities Program
CFA	Country Fire Authority
COAG	Council of Australian Governments
Coastal waters	All waters defined as 'inshore' or 'offshore'.
CRM	Coast Radio Melbourne
CSP	Cospas-Sarsat Programme
DOJ	Department of Justice
DTPLI	Department of Transport, Planning and Local Infrastructure
EMC	Emergency Management Commissioner
EMV	Emergency Management Victoria
EMMV	Emergency Management Manual Victoria
Enclosed waters	Any navigable tidal water such as a harbour, coastal bay, estuary, tidal creek or tidal river. This does not include tidal waters identified in each as 'partially smooth' waters.
EPIRB	Emergency Position-Indicating Radio Beacon

ESM	Emergency Services Medal
ESTA	Emergency Services Telecommunications Authority
Flotilla	A small fleet of boats. In this Inquiry's context, flotilla often refers to a single marine search and rescue unit.
GPS	Global Positioning System
HF	High frequency
IGEM	Inspector-General for Emergency Management
Inland waters	Any navigable water that is not tidal, for example a river, dam, lake or creek. Where a river becomes tidal, only the non-tidal section will be classed as inland waters, while the tidal section of that river will be classed as enclosed waters.
Inshore waters	Any open stretch of water extending laterally along the coast up to and including 2 nautical miles offshore. It also includes bar entrances and tidal waters identified as 'partially smooth'.
IRB	Inflatable rescue boat
kHz	Kilohertz
LSV	Life Saving Victoria
LUT	Local User Terminal
MDEMS	Marine Distress Emergency Monitoring Service
MFB	Metropolitan Fire Brigade
MHz	Megahertz
MoU	Memorandum of Understanding
MROVCP	Marine Radio Operators VHF Certificate of Proficiency
MSAR	Marine search and rescue
MSAR Unit	Marine search and rescue unit Some MSAR organisations are single unit operations, i.e. they are based at a single location. Other MSAR organisations, such as AVCGA, are comprised of multiple units at multiple locations.
MSV	Marine Safety Victoria
NC	Near Coastal

NSCV	National Standard for Commercial Vessels
NSW	New South Wales
NSW MAC	New South Wales Police Force Marine Area Command
OESC	Office of the Emergency Services Commissioner
Offshore waters	All open water more than 2 nautical miles seaward from the coastline
OH&S	Occupational health and safety
OTS	Offshore Tracking Sheets
Partially smooth waters	Areas of water where the wave height under normal conditions does not exceed 1.5 metres from trough to crest, as nominated by each state. In Victoria this includes certain waters in Warrnambool; Melbourne and Port Phillip; Geelong; Western Port; and Corner Inlet and Port Albert).
PFDs	Personal Floatation Devices
Plying limit	The distance that a vessel or a vessel operator is permitted to travel from the coastline.
PWC	Personal watercraft
QC	Queen's Counsel
RCC	Rescue Coordination Centre
RIB	Rigid-hulled Inflatable Boat / Rigid Inflatable Boat
RMSARC	Regional Marine Search and Rescue Committee
RTO	Registered Training Organisation
SCRC	State Crisis and Resilience Council
SERO	State Emergency Response Officer
SERPC	State Emergency Response Planning Committee
SES	State Emergency Service
SLSC	Surf Life Saving Club
SMS	Safety Management System
SMSARC	State Marine Search And Rescue Committee

SPLO	State Police Liaison Officer
TLISC	Transport Logistics Industry Skills Council
TSV	Transport Safety Victoria
UHF	Ultra high frequency
VAGO	Victorian Auditor-General's Office
VHF	Very high frequency
VICSES	Victoria State Emergency Service
VJSBA	Victorian Jet Sports Boating Association
VMR	Volunteer Marine Rescue
VMRC	Volunteer Marine Rescue Council. This was the former volunteer marine search and rescue governing body prior to the establishment of Marine Rescue NSW in 2009. It was similar in function and composition to Victoria's State Marine Search and Rescue Committee.
VMR Mornington & Hastings	Volunteer Marine Rescue Mornington & Hastings
WA	Western Australia
White water	Inshore and surf waters where lifesaving vessels typically operate

TABLE OF FINDINGS

Finding 3.1:

There has been an increase in the number of responses to marine incidents by marine search and rescue organisations in recent years, which reflects a steady annual increase in the number of registered recreational vessels and in the number of marine incidents.

Finding 3.2:

The absence of a state-wide strategic approach to marine search and rescue service provision has resulted in areas of both oversupply and undersupply in the provision of marine search and rescue services.

Finding 4.1:

Victoria needs to introduce a state-wide system of accreditation, combined with regular capability assessments, for all volunteer marine search and rescue units and organisations.

Finding 6.1:

Combined government funding to the volunteer marine search and rescue sector for the purchase of vessels, equipment and training has been insufficient for many years. This has the potential to reduce the attractiveness and safety of the sector for volunteers, as well as its operational effectiveness.

Finding 6.2:

There has been little increase in the annual funding allocation under the marine search and rescue grant component of the Boating Safety and Facilities Program or in the total annual allocation under the combined grant-based components of the program. This has occurred at a time of rising costs to the sector and despite increases in revenue from vessel registrations and licensing.

Finding 6.3:

The current grants-based approach to marine search and rescue vessel acquisition is not an efficient or effective procurement methodology.

Finding 6.4:

Lack of operational funding from government creates significant time and financial burdens for some marine search and rescue units and threatens the financial sustainability of the sector.

Finding 6.5:

An increase in funding and support to the Victorian marine search and rescue sector would reduce operational pressure on the Victorian Water Police.

Finding 8.1:

The monitoring of very high frequency distress channels 16 and 67 along the Victorian coastline is incomplete, both in terms of geographic coverage and hours of operation. This may potentially limit the effectiveness of communications in an emergency event.

Finding 9.1:

Victoria is the only Australian state that has not introduced a practical assessment as part of its recreational vessel licensing process.

TABLE OF RECOMMENDATIONS

Recommendation 2.1:

That the Victorian Government appoints the Commissioner of the new representative governing body for Victoria's volunteer MSAR sector to the Capability and Response Sub-Committee for the purposes of representing the new governing body and the state's MSAR volunteers.

Recommendation 4.1:

That Emergency Management Victoria works with the new representative governing body to finalise and implement a system of accreditation and ongoing capability assessment for each of Victoria's volunteer MSAR units as a matter of urgency.

Recommendation 4.2:

That the draft MSAR Arrangements be amended to make it clear that each MSAR unit must be subject to an annual audit of its capability as an MSAR unit. The annual audit should be conducted by way of a self-assessment process against standards defined by the new representative governing body. The process of annual audits should be complemented by audits conducted in the form of 'random spot checks' by one or more representatives of the organisations comprising the new representative governing body.

Recommendation 4.3:

That the representative governing body, in collaboration and consultation with EMV, conducts a state-wide audit of Victoria's MSAR organisations and units. The results of the audit should be used to determine existing state-wide assets, as well as gaps in equipment and personnel, in order to establish a 'fit for purpose' accreditation and ongoing compliance regime for the sustainability of the volunteer MSAR sector. The audit should also be used as the basis for developing an updated register of volunteer MSAR resources, which should be updated annually by reference to the accreditation and audit system recommended in Recommendations 4.1 and 4.2.

Recommendation 4.4:

That the new representative governing body works with Emergency Management Victoria to ensure that the accreditation and ongoing capability assessment scheme for Victoria's volunteer MSAR sector applies to 'blue water' vessels only. However, this should include provision for the accreditation of individual MSAR units by reference to their capacity to operate within a specific marine environment.

Recommendation 4.5:

That the Victorian Government ensures that the accreditation and ongoing capability assessment scheme for Victoria's volunteer MSAR units and organisations includes a requirement that the Victorian Water Police must be notified immediately whenever an accredited marine rescue unit no longer meets its accreditation requirements.

Recommendation 4.6:

That the Victorian Government provides the necessary funding to support the establishment and ongoing operations of a representative governing body for the volunteer MSAR sector in the form of an appropriate entity, such as a public company, comprising each of the state's accredited volunteer MSAR organisations. The new body should include:

- a Board of Directors, comprising a Director from each of the state's accredited volunteer MSAR organisations and a Chair, elected by and from the Board of Directors;

- an Operational Executive team, including a Commissioner, Deputy Commissioner and Regional Controllers; and

- the word 'Volunteer' in its title to ensure that there is appropriate and ongoing level of public recognition of the commitment and status of the state's MSAR volunteers.

Recommendation 4.7:

That the Victorian Government provides for the transfer of the State Marine Search and Rescue Committee's current and proposed responsibilities to the new representative governing body. Those responsibilities would include the administration of an accreditation and ongoing capability assessment scheme by the Operational Executive Team.

Recommendation 4.8:

That the Victorian Government provides the state's new volunteer MSAR governing body with the authority to respond immediately to all marine incidents, subject to a requirement to notify the Water Police where the response involves a 'notifiable incident' and to 'stand down' if directed to do so by the Water Police.

Recommendation 4.9:

That, in the event that Recommendations 4.7 and 4.8 are not supported, the Victorian Government reforms the internal governance arrangements of the State Marine Search and Rescue Committee by creating a Reference Group and a Steering Group.

The Reference Group should operate in an advisory capacity and as a central source of volunteer MSAR knowledge and experience. It should include the current membership of SMSARC and, following the establishment of an accreditation scheme, should be expanded to include a single representative from each accredited volunteer MSAR organisation. The Chair of the Reference Group meetings should alternate between Victoria Police and TSV.

The Steering Group should be responsible for all decision making and should be required to consider the advice of the Reference Group. The Steering Group should comprise an equal number of representatives from each of TSV and Victoria Police, as well as a representative from Emergency Management Victoria, who should act as the Chair of Steering Group meetings.

Recommendation 4.10:

That, in the event that Recommendation 4.9 is supported, the Victorian Government provides Transport Safety Victoria with the necessary increase in its annual budget to enable the creation of a team within the Marine Branch for the purposes of administering a volunteer MSAR accreditation and capability assessment scheme and for supporting the work of the Steering Group of SMSARC and:

- considers hypothecating a sufficient portion of the annual revenue from vessel registration and licensing to Transport Safety Victoria for these purposes; or

- considers the alternative of establishing a levy on vessel registration and / or licensing to provide the additional funding.

Recommendation 4.11:

That, in the event that Recommendation 4.9 is supported, the Steering Group of SMSARC considers the establishment of separate working groups within the Reference Group to reflect the different operating environments of the Reference Group members. This could involve the creation of: a blue water volunteer MSAR working group comprising a representative from AVCGA and from each of the independent blue water volunteer MSAR organisations; a white water rescue working group comprising LSV; and a swift water / small inland water rescue working group comprising VICSES.

Recommendation 4.12:

That, in the event that Recommendation 4.9 is supported, the Victorian Government ensures that the Steering Group of SMSARC is represented on the Capability and Response Sub-Committee.

Recommendation 4.13:

That in the event that a new governing body is established to represent the state's accredited volunteer MSAR organisations (Recommendation 4.6), it is, together with its accredited MSAR organisations, defined as a 'responder agency' under section 3 of the *Emergency Management Act 2013*.

That, in the event that a single state-wide MSAR organisation is established, it is included in the definition of a 'responder agency' under section 3 of the *Emergency Management Act 2013*.

That, irrespective of the establishment of a single state-wide volunteer MSAR organisation (but subject to the establishment of a formal accreditation and ongoing capability assessment scheme), the Victorian Government introduces legislation and / or policy to ensure that:

- volunteer MSAR organisations are subject to the same requirements to consult and collaborate with Emergency Management Victoria and to report to the Emergency Management Commissioner as other responder agencies (for example, the requirements contained in sections 4B, 4C, 4D, 4E and 4F of the *Victoria State Emergency Services Act 2005*); and

- MSAR volunteers are covered by the same suite of legislative obligations and protections that currently exist for volunteer members of the state's other responder agencies.

Recommendation 5.1:

That in the event that the volunteer MSAR sector chooses to establish a single state-wide volunteer MSAR organisation, the Victorian Government requires accredited vessels to display a common and standardised title or caption, as well as a common and standardised logo or identifying sign. All other vessels should be prohibited from displaying the common title, caption, logo or sign.

Recommendation 5.2:

That the Victorian Government develops a discussion paper to seek public feedback on the option of inviting Victoria's volunteer marine search and rescue organisations to join a single state-wide organisation. The discussion paper should include an invitation for individual submissions or comments from current and former MSAR volunteers.

Recommendation 5.3:

That the Victorian Government sponsors the establishment of a Facilitation Group, which should include a single representative from each volunteer MSAR organisation, to consider the submissions received in response to the discussion paper and to assess the level of support for the establishment of a single state-wide marine search and rescue organisation.

Recommendation 5.4:

That in the event that the consultation process outlined above reveals clear support for the establishment of a single state-wide marine search and rescue organisation, the Victorian Government assists the Facilitation Group to oversee the transition process for existing marine search and rescue organisations.

Recommendation 5.5:

That, in the event that a single, state-wide volunteer MSAR organisation is established, the Victorian Government considers providing seed funding to the new organisation to cover start-up costs.

Recommendation 5.6:

That, in the event that a single, state-wide volunteer MSAR organisation is established, the Facilitation Group consults with Victoria's marine search and rescue volunteers to agree on and implement a name, livery and uniforms as a first priority.

Recommendation 5.7:

That, in the event that a single, state-wide volunteer MSAR organisation is established, the Victorian Government provides sufficient funding to the new organisation to enable each MSAR unit to conduct a public raffle of a new vessel.

Recommendation 6.1:

That the Victorian Government overnment considers ways in which the amount of vessel registration and licensing revenue that is allocated to the volunteer MSAR sector under the search and rescue component of the Boating Safety and Facilities Program can be increased.

Recommendation 6.2:

That the responsibility for assessing vessel and other grant applications is transferred to the new representative governing body for the volunteer MSAR sector (or to a single state-wide volunteer MSAR organisation in the event that such a body is established). The new governing body (or the single state-wide volunteer MSAR organisation) should conduct a regular needs assessment of Victoria's marine search and rescue requirements, including rescue vessels, facilities, equipment and certifications.

Recommendation 6.3:

In the event that the Boating Safety and Facilities Program grant program continues, the Victorian Government considers amending the program to include funding for buildings and infrastructure.

Alternatively, funding for these purposes should also be included in any future funding model for the volunteer MSAR sector.

Recommendation 6.4:

That the Victorian Government considers providing an annual funding allocation to meet the operational costs of each of the accredited marine search and rescue organisations. This funding should be administered by the new representative governing body for the volunteer MSAR sector.

Recommendation 6.5:

That the Victorian Government consults with the recreational boating sector in relation to the potential introduction of a marine search and rescue levy on vessel registrations, as a component of ongoing operational funding to the marine search and rescue sector.

Recommendation 6.6:

In the event that a new representative governing body (or a single volunteer MSAR organisation) is established the Victorian Government considers entering into a funding agreement with the new body or organisation to cover both capital and operational expenditure.

Recommendation 7.1:

In the event that a single, state-wide marine search and rescue organisation is formed, that it implements an internal, competency-based training and development framework, which aligns with existing Victorian and National certifications.

Recommendation 7.2:

That Emergency Management Victoria, in consultation with the new governing body for the state's volunteer marine search and rescue sector, implements a framework for regular joint training exercises involving multiple flotillas and other emergency services organisations that are involved in aspects of marine search and rescue incident responses.

Recommendation 8.1:

That the Victorian Government expedites the implementation of the Marine Distress Emergency Monitoring Service and considers transferring the responsibility for the implementation of the service to the Department of Justice. Consideration should also be given to ensuring that the Marine Distress Emergency Monitoring Service:

- operates as a single centralised system that provides coverage for the entire coastline of the state

- provides VHF distress channel monitoring on a 24 hours a day / 7 days per week basis

- utilises the local knowledge of volunteers during those hours when volunteer radio monitoring is available.

Recommendation 8.2:

That Transport Safety Victoria conducts a public education program on the VHF repeater network, which includes the provision of a map showing the coverage provided by each of the repeater channels and information on the times of day during which the network is monitored.

Recommendation 8.3:

That the Victorian Government ensures that all Emergency Services Telecommunications Authority operators are appropriately trained to manage triple zero ('000') telephone calls for assistance during a marine incident. This should include training to ensure that all operators are aware of the requirement to refer all such calls to the Water Police at the Victorian Rescue Coordination Centre.

Recommendation 8.4:

That the Victorian Government considers developing a standardised radio communications framework for accredited marine search and rescue organisations as part of the Victorian marine search and rescue arrangements.

Recommendation 8.5:

That the Victorian Government considers providing all accredited volunteer marine search and rescue organisations with access to the state's P25 emergency services networks.

In the event that a single state-wide volunteer marine search and rescue organisation is established, it should also be provided with access to the state's P25 emergency services networks.

Recommendation 8.6:

That the new governing body for the State's volunteer marine search and rescue sector implements a centralised system for the tracking of accredited marine search and rescue vessel locations from the Victorian Rescue Coordination Centre.

Recommendation 8.7:

That the Victorian Government considers requiring all accredited marine search and rescue vessels to be equipped with AIS Category A tracking technology, and providing funding for this implementation.

Recommendation 9.1:

That Transport Safety Victoria considers increasing the provision of signage in dangerous marine environments as part of the state-wide initiatives component of the Boating Safety and Facilities Program.

Recommendation 9.2:

That the Victorian Government mandates the provision of specified safety information by retailers with the sale of all paddle craft.

Recommendation 9.3:

In the event that the volunteer MSAR sector chooses to establish a single state-wide marine search and rescue organisation, the organisation is endorsed as the primary accredited marine training provider in the state.

Recommendation 9.4:

That the Victorian Government investigates the reasons for delay in the implementation of the Australian Waters Qualification and, subject to the results of the investigation, advocates through the National Marine Safety Committee for its ratification to be expedited.

Recommendation 9.5:

That Transport Safety Victoria implements a public education campaign on the importance of VHF marine radio as a safety tool, which targets applicants for general marine licences and owners of registered vessels when their licences or registrations are renewed. This campaign should be implemented as soon as possible, and include relevant information on the Australian Waters Qualification as soon as it is ratified by the Australian Communications and Media Authority.

Recommendation 9.6:

That the Victorian Government introduces a relevant practical component as part of the assessment process for general and restricted marine licences, and for personal watercraft endorsements.

Recommendation 9.7:

That the Victorian Government considers the appropriateness of allowing persons aged 12 to 16 years to operate personal water craft.

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CHAPTER 1:
INTRODUCTION

1.1   Purpose and context of the Inquiry

This report presents the findings of the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee ('the Committee') on its *Inquiry into Marine Rescue Services in Victoria*.

Victoria's marine industry contributes an estimated $4.5 billion per annum to the state's economy and provides more than 7,000 jobs in manufacturing, wholesaling and retailing. Recreational boating is also an increasingly popular pastime for many Victorians, as evidenced by the nearly 173,000 registered powered vessels across the state and the estimated 40,000 unregistered recreational vessels (such as kayaks, canoes and paddleboats).

Recreational boating also provides a range of social and personal benefits, which although more difficult to quantify, are arguably no less important. Such benefits include family and community cohesion and a sense of personal freedom that few other recreational activities can match.

Despite the many benefits associated with recreational boating, the sector is not without risk and the increasing number of people on the state's waterways means that, in overall terms, the risk is growing. This trend is illustrated by the fact that the number of recreational marine incidents increased by approximately 24 per cent during the five years to 2012-13. It should also be noted that the vast majority of marine incidents — and therefore of marine search and rescue (MSAR) services — involve recreational vessels.

Fortunately, Victoria has been well served for many years by a number of volunteer marine search and rescue (MSAR) organisations, whose members generously donate their time and expertise to assist recreational boaters in times of need. The nature of this assistance can range from the provision of a 'tow' for a vessel that has run out of fuel or is experiencing engine problems on one of the state's bays or lakes to a coordinated search and rescue operation at sea in sometimes perilous conditions.

Despite the dedication and professionalism of the state's MSAR volunteers, the sector is facing growing pressures, including increasing capital and operational costs and new federal requirements relating to the certification of vessels and crew. Unfortunately, these pressures have led to increased competition between the state's volunteer MSAR organisations at the very time when there is a need for a more collaborative approach to the provision of MSAR services. Indeed, the Victorian Water Police compared the unregulated nature of Victoria's volunteer MSAR services to the state's tow truck industry prior to the introduction of a centralised allocation scheme:

> Some believe the volunteer marine rescue landscape resembles the period in Victoria's history before the tow truck allocation scheme was implemented enabling better regulation and controlling competing commercial interests with an allocation system.[1]

The Committee cannot emphasise strongly enough that the current lack of coordination of the MSAR sector in no way reflects upon the capacity and commitment of the state's MSAR volunteers. However, the conclusion that the current structure and governance of the state's MSAR services can only be described as 'ad hoc' is inescapable. Moreover, it is a view that was expressed by many, if not the majority, of the volunteers who provided evidence to the Committee during the Inquiry.

The Committee found that the absence of both an effective governing body and a regulatory regime for the sector are the primary reasons for the current situation. The Committee is particularly disappointed by the fact that the need for an effective governing body and regulatory regime were both identified as necessary reforms more than 12 years ago. In 2002, Ernst & Young delivered the report of its *Volunteer Marine Search and Rescue Organisations in Victoria* review (the Ernst & Young report). The report, which was jointly commissioned by Marine Safety Victoria (the predecessor of Transport Safety Victoria — TSV) and the Victorian Water Police also made a number of other recommendations which were aimed at minimising the possibility of a 'worst case scenario (i.e. an injury or a death) occurring during a marine SAR incident'.[2] A key feature of the regulatory regime recommended in the Ernst & Young report was the introduction of an accreditation regime for individual MSAR units as a means of certifying the capacity of a particular unit to provide MSAR services that were fit for purpose, both in terms of the suitability and equipment of its vessels and the availability and training of its crew. The report also recommended that units should be required to have their accreditation reassessed and renewed at least annually.

The Committee found that no such accreditation and on ongoing capability assessment scheme has been introduced, despite it being a standard feature of volunteer MSAR service provision in a number of other states. The Committee also found that the absence of such a system in Victoria is primarily due to the absence of an effective representative governing body for the sector. As TSV stated in its supplementary submission to this Inquiry:

> The responsibility for implementation of the [Ernst & Young] recommendations is unclear and is perhaps a demonstration of the disjointed governance arrangements that prevail within the sector.[3]

In addition to recommending the creation of a representative governing body for the state's volunteer MSAR sector, the Committee has developed a number of recommendations aimed at integrating the volunteer MSAR sector into the same framework that now covers the state's other volunteer emergency service providers, such as the Country Fire Authority and the Victorian State Emergency Service. The Committee believes this would be a particularly timely

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[1] Victoria Police, *Submission*, no. 5, 13 March 2014, pp. 3–4.

[2] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 6.

[3] Transport Safety Victoria, *Supplementary evidence*, no. 24A, 17 April 2014, p. 9.

reform in view of the new emergency management framework that came into operation from 1 July this year.

The recommendations contained in this report are primarily aimed at ensuring that Victoria's volunteer MSAR sector is provided with the necessary support and coordination to ensure the viability of the sector into the future. Disappointingly, the sector does not enjoy the same level of support as in a number of other states, such as New South Wales, Western Australia and Queensland, each of which introduced accreditation regimes some years ago. Moreover, the provision of MSAR services in each of these states has evolved over recent decades towards a reduction in the number of MSAR organisations and, in the case of New South Wales and Western Australia, has resulted in the establishment of a single-provider model. In contrast, Victoria's volunteer MSAR landscape comprises no less than seven separate 'blue water' MSAR organisations. Many of the MSAR volunteers who provided evidence to the Committee expressed support for the establishment of a single MSAR organisation. Accordingly the Committee considers that this is an option that should now be subject to a formal process of consideration by the sector, especially since it could potentially resolve many of the current challenges. The Committee wishes to emphasise, however, that the decision to establish, or not to establish, such an organisation is one that must ultimately be left in the hands of the state's MSAR volunteers.

1.2   Terms of Reference

The Terms of Reference for the Inquiry are listed on page ix.

1.3   Conduct of the Inquiry

On 28 January 2014, the Committee received the Terms of Reference for the Inquiry from the Governor in Council. The Committee was requested to report to the Parliament no later than 1 August 2014.

On 5 February 2014, the Committee met and resolved to commence the Inquiry.

On 4 March 2014 the Governor in Council extended the reporting date to 4 September 2014.

1.3.1 Call for Submissions

On 15 February, the Committee advertised the Terms of Reference for the Inquiry, and called for submissions, in *The Age* and the *Herald Sun*. An advertisement also appeared in the *Weekly Times* on 19 February 2014. The Inquiry Terms of Reference and the call for submissions was also publicised on the Committee's website and via the Victorian Parliamentary Committees' Twitter account.

The Committee wrote to and invited submissions from 156 individuals and organisations with a known or possible interest in the Inquiry. The Committee received a total of 39 submissions in response, from a wide variety of stakeholders, including MSAR organisations, volunteers, emergency services organisations and Government agencies. A full list of the submissions received by the Committee is included as a table in Appendix A.

1.3.2   Public hearings and briefings

PUBLIC HEARINGS

During March and April 2014, the Committee held a total of seven public hearings at which it received evidence from 67 witnesses, representing 34 organisations (including a number of local and regional branches of state-wide organisations), and with two witnesses who appeared as private individuals. A full list of witnesses is provided as a table in Appendix B. The dates and locations of the public hearings are listed in Table 1.1 below.

Table 1.1: Public hearings during March and April

Hearing location	Date
Frankston City Council Chambers, Frankston	17 March 2014
Geelong Town Hall, Geelong West	18 March 2014
Committee Offices, East Melbourne	24 March 2014
Bellevue on the Lakes, Lakes Entrance	8 April 2014
Inverloch Community Hall, Inverloch	9 April 2014
Port Fairy Community Services Centre, Port Fairy	15 April 2014
Apollo Bay Senior Citizens Centre, Apollo Bay	16 April 2014

BRIEFINGS IN NEW SOUTH WALES

During the course of the Inquiry, the Committee learnt that New South Wales had sought to address many of the same challenges currently facing Victoria's volunteer MSAR sector by establishing a single state-wide MSAR organisation in 2009. Accordingly, the Committee travelled to Sydney on 20 May 2014 to meet with the following key stakeholders in the New South Wales MSAR sector:

- Marine Rescue NSW;

- the Boat Owners Association of NSW;

- the State Rescue Board of NSW; and

- the Kingscliff flotilla of the Australian Volunteer Coast Guard Association.

BACKGROUND RESEARCH

The Committee supplemented the evidence and information that it obtained from submissions, public hearings and briefings with additional background research, including into the volunteer MSAR sectors in Queensland and Western Australia and on the introduction of new federal requirements into vessel certification for volunteer MSAR organisations.

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CHAPTER 2:
CONTEXT AND CONCEPTS

2.1   Defining Victoria's marine search and rescue waters

The *National Marine Safety Data Collection Reference Manual* uses the following definitions to describe the locations of marine incidents:

- **Inland waters:** Any navigable water that is not tidal, for example a river, dam, lake or creek. Where a river becomes tidal, only the non-tidal section will be classed as inland waters, while the tidal section of that river will be classed as enclosed waters.

- **Enclosed waters:** Any navigable tidal water such as a harbour, coastal bay, estuary, tidal creek or tidal river. This does not include tidal waters identified in each State as 'partially smooth'. (The Reference Manual defines the 'partially smooth' waters in Victoria as certain waters in Warrnambool; Melbourne and Port Phillip; Geelong; Western Port; and Corner Inlet and Port Albert).

- **Inshore waters:** Any open stretch of water extending laterally along the coast up to and including 2 nautical miles offshore. It also includes bar entrances and tidal waters identified in each State as 'partially smooth'.

- **Offshore waters:** All open water more than 2 nautical miles seaward from the coastline.[4]

Transport Safety Victoria (TSV) uses the same definitions for the purpose of collating marine incident data for Victoria. A simplified form of the above definitions (which effectively merges 'inshore' and 'offshore' waters into the single definition of 'coastal' waters) applies for the purposes of defining waterway types in Victoria's *Marine Safety Regulations 2012* and *Vessel Operating and Zoning Rules*.[5]

For the purposes of this report, the Committee has decided to adopt the same definitions used in the *National Marine Safety Data Collection Reference Manual* and by TSV for its incident data, i.e. inland, enclosed, inshore and offshore waters.

This report also uses the definitions of 'blue water' and 'white water'. The distinction between blue and white water is one that is commonly used within the national and state marine search and rescue (MSAR) sectors. In this report, 'blue water' is defined as including offshore, inshore

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[4] National Marine Safety Committee, *National Marine Safety Data Collection Reference Manual*, 2007, p. 22. See Transport Safety Victoria, *Supplementary evidence*, no. 24A, 17 April 2014, Attachment A.
[5] *Marine Safety Regulations 2012* (Vic), 45/2012, section 4; Transport Safety Victoria, *Guide to Vessel Operating and Zoning Rules for Victorian Waters*, Victorian Government, Melbourne, 2013.`State Rules p. 2

and enclosed waters, as well as larger areas of inland waters. 'White water' is defined as the surf, that is, the area within which lifesaving vessels typically operate, although lifesaving vessels can operate out to a distance of 2 nautical miles without having to comply with the new national regulations for vessel and crew certifications, which commenced on 1 July 2013 (the new national requirements are discussed in Chapter Seven).

Other water definitions used in the emergency management sector include 'flood water' and 'swift water', a term which is currently undefined in the Emergency Management Manual Victoria (EMMV), but which refers to water that is flowing at some speed down a gradient.[6]

This report defines 'marine rescue services' as those activities that are aimed at the rescue of persons in blue water. The rescue of persons from white water, swift water and flood water is beyond the scope of this Inquiry. The rescue of persons from smaller areas of inland waterways (for example by Victoria State Emergency Service [VICSES] volunteers using inflatable rescue boats [IRBs]) is also beyond the scope of the current Inquiry.

2.2 Victoria's marine search and rescue organisations and key agencies

2.2.1 The Water Police

Victoria's MSAR organisations operate under the coordination of the Victorian Water Police, which is the control agency for MSAR responses as per the Inter-governmental Agreement (discussed below at 2.3.1).[7] MSAR units must be authorised by the Water Police before they can respond to a marine incident.

The Water Police has bases at Williamstown, Paynesville and Benalla. The majority of its resources are based at Williamstown, which is also the location of the Victorian Rescue Coordination Centre (RCC). The Paynesville base services the eastern coast of Victoria, including Lakes Entrance, whilst the Benalla base services Victoria's northern lakes and parts of the Murray River. The Benalla base is currently under review.

The Water Police Squad is overseen by Victoria Police's Specialist Response Division, which also oversees two additional squads that have a role in MSAR operations, the:

- **Search and Rescue Squad:** Although primarily concerned with search and rescue on land, this squad can provide assistance during MSAR incident responses. In addition, its search operations include underwater diving.[8]

- **Air Wing:** The Air Wing squad provides aerial support for police, search and rescue and ambulance operations. This includes aerial searching for persons or vessels at sea.[9]

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[6] Neil Comrie AO, APM, *Review of the 2010–11 Flood Warnings & Response*, Victorian Government, Melbourne, 2011, p. 141.
[7] Australian Maritime Safety Authority, *Inter-governmental Agreement on National Search and Rescue Response Arrangements*, Australian Government, 2012.
[8] Victoria Police, 'About Victoria Police — Search and Rescue Squad', viewed 25 June 2014, <http://www.police.vic.gov.au/>.

2.2.2 Victoria's volunteer marine search and rescue organisations

Volunteer MSAR services in Victoria are provided by a number of different organisations at several locations across the State. These include:

- The Australian Volunteer Coast Guard Association (AVCGA) (at 19 flotillas across Victoria);

- Volunteer Marine Rescue (VMR) Mornington & Hastings (at two locations);

- Apollo Bay Ocean Rescue;

- Coast Watch Radio & Marine Rescue, Ocean Grove;

- Port Fairy Marine Rescue (affiliated with Life Saving Victoria [LSV]);

- Southern Peninsula Rescue Squad; and

- Torquay Marine Rescue Service.

While Victoria's volunteer MSAR organisations operate vessels with a range of sizes and capacities, their main areas of operation include offshore, inshore and enclosed waters. There are also a number of volunteer MSAR organisations that operate on larger areas of inland waters. Like the Water Police, AVCGA and the independent MSAR organisations are the only groups that are capable of responding to marine incidents in offshore waters more than 2 to 5 nautical miles from the coast (although it is unclear whether this is the case for all of AVCGA's flotillas or all of the independent MSAR organisations).

The offshore capacity of AVCGA and the independent MSAR organisations (in contrast to the vessels typically operated by LSV and VICSES, which are discussed below), is attributable to their typically larger vessels. These are designed for the purposes of rescue at sea, as well as in enclosed waters and on larger inland waters.

For example, VMR Mornington & Hastings operates a 9.5 metre Noosa Cat 3100 Patrol, the *Alwyn Tamo*, and a 7.1 metre Noosa Cat 2600 Series, the *AK 1*. The *Alwyn Tamo* has a range of 270 nautical miles at 27 Knots; 180 nautical miles at 44 Knots; or over 24 hours in search mode, and which can carry up to 10 passengers.[10]

While the vast majority of Victoria's volunteer MSAR organisations are based along the coast, a number of them also provide MSAR services on some of the state's larger inland waters. The AVCGA currently operates two vessels on Lake Eppalock (which also services Lake Eildon) and three vessels on Lake Hume.[11] The Country Fire Authority (CFA) also operates an MSAR vessel at Lake Eildon.

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[9] Victoria Police, 'About Victoria Police — Air Wing', viewed 25 June 2015, <http://www.police.vic.gov.au/>.
[10] VMR Mornington & Hastings, '"Alwyn Tamo" - Call sign TX1', viewed 24 July 2014, <http://www.vmrmornington.com.au/>.
[11] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 6.

Many of Victoria's MSAR organisations and local units have long histories of which their members are justifiably proud. For example, the former Melbourne Flotilla of AVCGA was established in 1961. Many MSAR units were established in response to a perceived gap in efficient MSAR responses in the area. Several were formed as a response to a marine incident or death that occurred in the local area.[12]

MSAR units respond to a wide variety of marine incident types. These are primarily vessel disablements, but also include groundings, capsizing, collisions and persons overboard, among others. Marine incidents are discussed further section 2.4.

Victoria's MSAR organisations operate largely independently from each other and accordingly have their own operating processes. Organisations typically also differ according to their resources and capacity, including: vessel numbers and sizes; the number of volunteer members; and hours of operation. Significant variation also exists between units within the same organisation, such as AVCGA. Appendix D provides a list of Victoria's MSAR resources as provided by Victoria Police.

Victoria's volunteer MSAR organisations are largely self-funded for the purposes of their operational costs, for which they rely heavily on public donations. Organisations are also eligible for single-purpose grants from the Victorian Government for capital and equipment purchases. However, Government funding is generally not available for operational costs, training or maintenance. Funding issues are discussed in detail in Chapter Six.

2.2.3 Life Saving Victoria and the Victoria State Emergency Service

LSV and VICSES currently also have a role within Victoria's MSAR sector.

LSV's MSAR capability is generally restricted to inshore rescues of swimmers in distress and small vessels such as kite surfers, kayakers and paddleboarders. LSV also has six rigid-hulled inflatable boats (RIBs) located at the following locations:

- Mallacoota;

- Port Campbell;

- Portland;

- Waratah Bay / Tidal River; and

- Woodside.[13]

LSV's RIBs provide the organisation with MSAR capacity in inshore and enclosed waters in and around the above locations. However, the capacity of such vessels to operate in offshore waters

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[12] For example, see Eileen Murray, President, Southern Peninsula Rescue Squad, *Transcript of evidence*, 17 March 2014, p. 28; Col Strawbridge, Immediate Past President and Training Officer, Volunteer Marine Rescue Mornington & Hastings, *Transcript of evidence*, 9 April 2014, p. 226.

[13] Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 3. See Appendix D: Victorian Water Police, *Marine Search and Rescue Resources*, May 2014.

is limited by the fact that they are typically restricted to within 2 to 5 nautical miles from shore.[14] LSV's other MSAR resources include 257 IRBs — which are typically used for the rescue of swimmers in the surf — and 17 rescue personal watercraft (PWCs). LSV also operates two rescue helicopters.[15]

The role of VICSES with respect to water rescue primarily involves flood water operations and responding to incidents that occur in typically smaller areas of inland water. This includes areas of water that may be inaccessible to larger vessels such as those typically operated by Victoria's volunteer MSAR organisations.

VICSES also operates an ocean rescue service at Inverloch. The Committee understands that this arrangement is similar to the arrangements that currently exist between LSV and its six affiliated MSAR organisations listed above. Like a number of the LSV affiliated MSAR organisations, Inverloch SES was established as an independent MSAR organisation but chose to affiliate with VICSES due to financial pressures, particularly the struggle to meet operating costs such as vessel insurance.[16]

2.2.4 Transport Safety Victoria

TSV is Victoria's marine safety regulator. It is a statutory agency formed under the *Transport Integration Act 2010* and has an objective 'to independently seek the highest reasonably practicable transport safety standards that are consistent with the transport system's vision and objectives'. TSV is also the waterway manager for many Victorian waters, including much of the Victorian coastline.[17]

TSV has a responsibility to administer safety regulation through the *Marine Safety Act 2010* and the *Marine Safety Regulations 2012*. In addition, it is responsible for administering the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth) and its relevant regulations and legislative instruments on behalf of the Australian Maritime Safety Authority (AMSA) (discussed below). TSV's responsibilities under this suite of regulation include regulating vessel safety, ensuring vessel operator competency and administering a waterway management framework.[18]

Currently, there is no Government agency responsible for the management or policy oversight of Victoria's MSAR sector. The Department of Justice (DOJ) and the Department of Transport, Planning and Local Infrastructure (DTPLI) have an important role within the sector through their administration of grants to MSAR organisations (Chapter Six). The former Office of the Emergency Services Commissioner (OESC) was also responsible for liaising with MSAR stakeholders to produce the 2012 document, *Marine Search and Rescue Arrangements Victoria*. However, as discussed in Chapter Four, this document remains in draft form and has yet to be ratified.

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[14] Greg Scott, Manager, Lifesaving Operations, Life Saving Victoria, *Transcript of evidence*, 24 March 2014, p. 164.

[15] Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 13.

[16] Inverloch SES, 'Home', viewed 15 August 2014, <http://www.inverlochses.com/>; Transport Safety Victoria, *Briefing*, Melbourne, 11 July 2014.

[17] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 4.

[18] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 4.

2.2.5   The Australian Maritime Safety Authority

AMSA is the national coordinating body for MSAR in Australia. It is a statutory body established under the *Australian Maritime Safety Authority Act 1990* (Cth). AMSA is the national marine safety regulator tasked with monitoring compliance with the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

The Rescue Coordination Centre (RCC) — Australia is the search and rescue operational arm of AMSA. RCC Australia monitors the 52.8 million square kilometres of Australia's search and rescue region and coordinates national-level MSAR operations. Through RCC Australia, AMSA liaises with the state and territory police forces to coordinate MSAR responses when necessary.[19]

2.3   Marine search and rescue governing and enabling provisions

2.3.1   Federal provisions

MSAR service provision in Australia is the responsibility of State and Territory Governments. These arrangements are formalised in the *Inter-governmental Agreement on National Search and Rescue Response Arrangements* (2012), which designates responsibility of coordinating MSAR incident responses to the police of each state. Each state's police force is supported by volunteer MSAR organisations that are the primary responders for minor incidents and provide assistance during larger MSAR incidents.

At a national level, MSAR arrangements are detailed in the *National Search & Rescue Manual*.[20] This is prepared by AMSA and endorsed by the National Search and Rescue Council. The National Search and Rescue Manual is intended to guide MSAR operations at a State or Territory level.

2.3.2   The Emergency Management Manual Victoria

Victoria's MSAR response arrangements are detailed in the EMMV under provisions of the *Emergency Management Act 1986* and the *Emergency Management Act 2013*. The EMMV contains the principal policy and planning documents for emergency management in Victoria.

Part 7 of the EMMV defines the roles of emergency management agencies during incident responses. Each type of incident is allocated a 'control agency', which is assigned to coordinate incident responses. The Manual also defines the role of 'support agencies', which assist the control agency during incident responses. Table 2.1 below lists the control and support agencies for marine incidents that are listed in the Manual.

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[19] Australian Maritime Safety Authority, 'Rescue Coordination Centre', viewed 11 July 2014, <http://www.amsa.gov.au/>.
[20] Australian Maritime Safety Authority, *National Search & Rescue Manual*, National Search and Rescue Council, Australian Government, 2013.

Table 2.1: Control and key support agencies for MSAR incidents under the EMMV

Incident	Control agency	Key support agencies
Marine accident/incident	Victoria Police	TSV, AMSA
Water rescue	Victoria Police	VICSES, LSV
Land and water search	Victoria Police	VICSES, others as per Victoria Police register

Source: Department of Justice, Emergency Management Manual Victoria — Part 7: Emergency Management Agency Roles, Victorian Government, Melbourne, 2013, pp. 7-2–7-3.

Consistent with the national arrangements, Victoria Police is the control agency and is responsible for coordinating MSAR incident responses. This is generally through the Water Police Squad, however the local police unit may coordinate an MSAR incident response if there are no Water Police units nearby.

Support agencies provide 'essential services, personnel, or material' to support the Water Police during MSAR incident responses.[21] In practice, the Water Police will usually task an MSAR unit or series of units to respond to incidents.

Notably, the Manual does not include any of Victoria's volunteer MSAR organisations as key support agencies for any of the incident types listed in Table 2.1 above. This is despite the fact that AVCGA is listed as a key support agency for 'fire' incidents.[22] However the Manual notes that the arrangements 'do not identify every agency that may be involved in an emergency'. Further, the Manual states that support agencies not named in the arrangements 'should be included in specific purpose response plans or arrangements'. Victoria's draft Marine Search and Rescue Arrangements are discussed in section 2.3.4 below.[23]

2.3.3 The State Marine Search and Rescue Committee

The State Marine Search and Rescue Committee (SMSARC) is comprised of representatives from the following organisations:

- a Chair appointed by the Chief Commissioner of Victoria Police — this role is shared between the:

  o Divisional Commander, Specialist Response Division, Victoria Police

  o State Emergency Response Officer (i.e. a Superintendent from the State Emergencies and Security Command of Victoria Police);

- Inspector in Charge, Water Police Squad, Victoria Police;

- Inspector in Charge, Search & Rescue Squad, Victoria Police;

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[21] Department of Justice, *Emergency Management Manual Victoria — Part 7: Emergency Management Agency Roles*, Victorian Government, Melbourne, 2013, p. 7-1.
[22] Department of Justice, *Emergency Management Manual Victoria — Part 7: Emergency Management Agency Roles*, Victorian Government, Melbourne, 2013, p. 7-3.
[23] Department of Justice, *Emergency Management Manual Victoria — Part 7: Emergency Management Agency Roles*, Victorian Government, Melbourne, 2013, p. 7-1.

- Transport Safety Victoria;

- Melbourne, Gippsland and Benalla Water Police (a representative from each);

- Australian Volunteer Coast Guard Association;

- Life Saving Victoria;

- Victoria State Emergency Service;

- Country Fire Authority; and

- Metropolitan Fire Brigade.[24]

TSV stated in its submission that SMSARC was formed with the aim of creating a framework within which MSAR activities could be overseen by Victoria Police, TSV and key volunteer organisations based on their specialist knowledge.[25]

The Committee was informed by Victoria Police that SMSARC was formed in response to the recommendations contained in the Ernst & Young report (as discussed in Chapter One).[26] The Committee was unable to determine precisely in what form or for how long SMSARC has been operating — there do not appear to be any references to SMSARC prior to 2009 and the Committee understands that it may not have met for the first time until August 2011.[27]

Notably, SMSARC does not include any representatives from the independent volunteer MSAR organisations (listed at 2.2.2) but does include representatives from a number of volunteer organisations for which blue water marine rescue is not a primary purpose (i.e. LSV, VICSES and CFA). This issue is discussed further in Chapter Four (at section 4.3).

Since the establishment of SMSARC, the role of Chair has been shared between the Divisional Commander of the Specialist Response Division of Victoria Police[28] and the State Emergency Response Officer (SERO), whose role was to act as the delegate of the Chief Commissioner of Victoria Police and to report to the former State Emergency Response Planning Committee (SERPC) on behalf of SMSARC.[29] Under the recent changes to Victoria's emergency management arrangements (discussed further below), the role of the SERO has been replaced with that of the Senior Police Liaison Officer (SPLO). The SPLO is appointed by the Chief Commissioner of Police

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[24] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, p. 5; Specialist Response Division, Victoria Police, Email correspondence with Executive Officer, 4 July 2014.

[25] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, pp. 6–7.

[26] Victoria Water Police, *Briefing*, Williamstown, 3 March 2014.

[27] Department of Transport, *Discussion Paper: Improving Marine Safety in Victoria — Review of the Marine Act 1988*, Victorian Government, Melbourne, 2009, p. 150; Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

[28] As noted in section 2.2.1, the Specialist Response Division within Victoria Police oversees the Water Police Squad, the Search and Rescue Squad and the Air Wing.

[29] Specialist Response Division, Victoria Police, Email correspondence with Executive Officer, 4 July 2014.

and the role includes the provision of advice to the Emergency Management Commissioner (EMC).[30]

2.3.4 Victoria's draft Marine Search and Rescue Arrangements

Despite the statement in the EMMV that volunteer MSAR agencies should be included in 'specific purpose response plans or arrangements', there are currently no such plans or arrangements which govern the activities of Victoria's volunteer MSAR organisations.

Members of SMSARC, in consultation with the former OESC, have collaborated to produce a 2012 draft document, *Marine Search and Rescue Arrangements Victoria* (the draft MSAR Arrangements), which is aimed at establishing state-wide standards for the provision of MSAR services in Victoria. However, the draft MSAR Arrangements remains a consultation draft and has yet to be ratified or implemented.[31] The Committee was informed that the draft MSAR Arrangements had not been finalised (despite being drafted more than two years ago) due to two reform processes which were occurring at the same time as this inquiry:

- the reform of Victoria's emergency management framework, which was implemented on 1 July 2014 (discussed in section 2.3.5); and

- the application of Commonwealth provisions for the certification of MSAR vessels and operators (discussed in Chapter Seven).[32]

However, the Committee was unable to determine with any certainty the reason, or reasons, for the hiatus of nearly 10 years between the completion of the Ernst & Young review in 2002 and the preparation of the draft MSAR Arrangements in 2012. The draft arrangements, which were provided as an attachment to the submission from VICSES, and which are discussed in detail in Chapter Four, include:

- a draft accreditation and periodic capability assessment scheme, as recommended in the Ernst & Young report[33] (discussed in Chapter Four at section 4.2);

- a proposed management structure for Victoria's MSAR sector under which:

    o responsibility for the 'overall policy direction and oversight of all MSAR services in Victoria' would be vested in SMSARC; and

    o regional Marine Search and Rescue Committees (RMSARCs) would be responsible for conducting accreditation and periodic capability assessment inspections and for making the related recommendations to SMSARC;[34]

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[30] Specialist Response Division, Victoria Police, Email correspondence with Executive Officer, 4 July 2014; *Emergency Management Act 2013* (Vic), 73 of 2013, section 57.
[31] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.
[32] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.
[33] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, pp. 14–18, 20, 26–39.
[34] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, p. 4.

- draft vessel and crew certification standards, for which AMSA has since assumed responsibility for drafting national standards (discussed in Chapter Seven);

- draft MSAR principles (pp. 7–8);

- draft standards and system protocols for the control and coordination of the response to MSAR incidents (pp. 8–11); and

- a proposed disputes and grievance procedure (pp. 21; 25).

Under the draft Victorian MSAR arrangements, the responsibilities of the SMASRC would include:

- establishing policy, standards and strategic direction for the Victorian MSAR sector;

- ensuring the maintenance of efficient and effective MSAR services;

- monitoring and reviewing the Victorian MSAR Arrangements, including service delivery gaps;

- determining the priority areas in which to establish new MSAR units;

- ensuring that MSAR providers operate in accordance with policy objectives;

- conducting annual reviews of the sector; and

- providing advice on funding requests from regional MSAR committees.[35]

In addition to the establishment of a system for the accreditation of Victoria's MSAR organisations, the draft MSAR Arrangements are aimed at detailing:

- the roles and responsibilities of each MSAR organisation;

- the functions of SMSARC;

- general MSAR principles;

- operating procedures; and

- standards for vessels, crew and equipment.

The draft MSAR Arrangements were developed partly in response to recommendations contained in a review of the State's MSAR sector that was conducted by Ernst & Young in 2002 (discussed in detail in Chapter Four).[36]

As a result of the above reform processes, a number of the elements contained in the draft MSAR Arrangements have been superseded, such as the roles and responsibilities of oversight

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[35] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, p. 6.
[36] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, pp. 22–24.

committees within the former Victorian emergency management framework and standards for vessels and crews. In addition, and as discussed in Chapter Four, there are a number of deficiencies in the draft MSAR Arrangements which should be addressed before the document is ratified and implemented. These include elements of the proposed accreditation scheme, as well as the proposed role of SMSARC with respect to accreditation and the development of policy and strategic direction.

The Committee also notes that changes to priorities and personnel within the bureaucracy, combined with a degree of conflict within and between some volunteer MSAR organisations, provides part of the explanation for the failure to implement the recommendations contained in the Ernst & Young report.

2.3.5 Victoria's new Emergency Management Act and Arrangements

Prior to the implementation of Victoria's emergency management reforms as a result of the commencement of the *Emergency Management Act 2013* on 1 July 2014, SMSARC was designated as a sub-committee of the SERPC. The SERPC coordinated Victoria's emergency response arrangements, including development of the State Emergency Response Plan as required previously under the *Emergency Management Act 1986*. It also was responsible for approving plans and arrangements of its sub-committees, including SMSARC.[37]

The SERPC, which reported directly to the Minister for Police and Emergency Services, comprised representatives from the following agencies:

- Chair: State Emergency Response Co-ordinator (at the time, this was the Chief Commissioner of Police);

- Australian Red Cross Victoria;

- Bureau of Meteorology;

- Coroners Court of Victoria;

- Country Fire Authority;

- Department of Human Services;

- Department of Justice;

- the former Department of Sustainability and Environment;

- the Metropolitan Fire and Emergency Services Board;

- St John Ambulance;

- Victoria State Emergency Service; and

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[37] Department of Justice, *Emergency Management Manual Victoria — Part 5: State and Regional Emergency Management Planning*, Victorian Government, Melbourne, 2009, p. 5-12.

- the chairs of its functional sub-committees (such as SMSARC).[38]

The position of SMSARC within Victoria's emergency management planning framework prior to 1 July 2014 is illustrated in Figure 2.1 below.

Figure 2.1: Victoria's emergency management and marine search and rescue planning framework prior to 1 July 2014
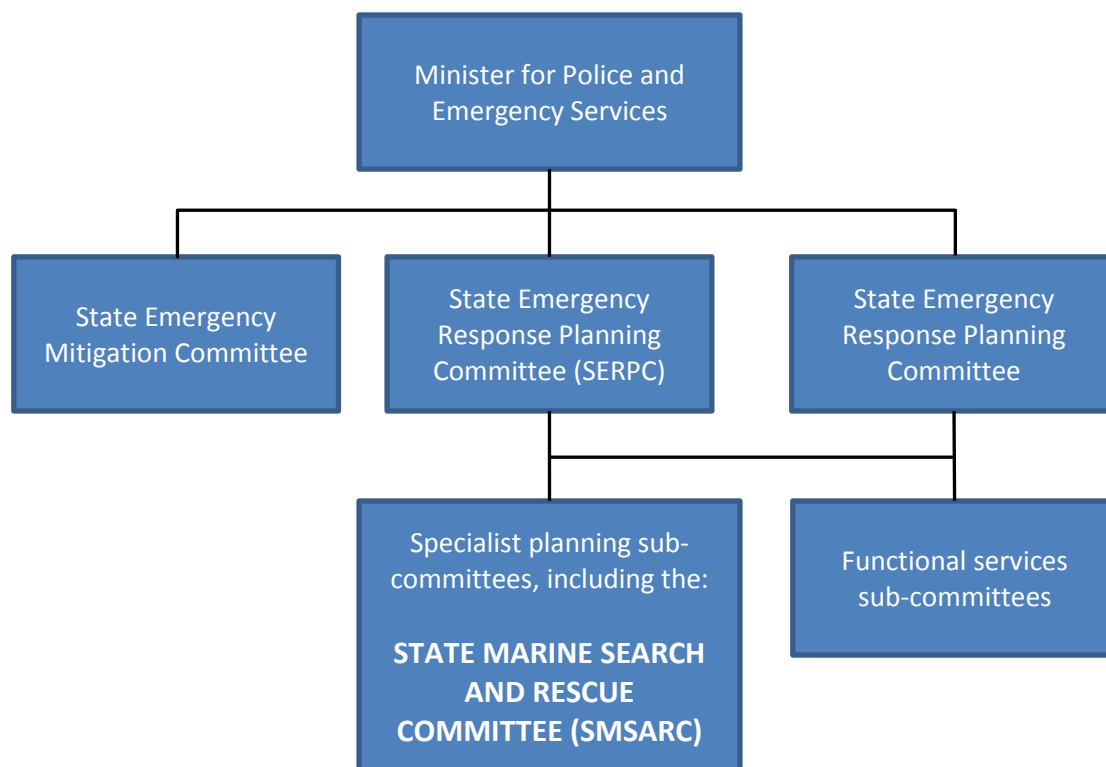
Source: Department of Justice, Emergency Management Manual Victoria — Part 5: State and Regional Emergency Management Planning, Victorian Government, Melbourne, 2009, p. 5-2.

Notes: 1. Figure 2.1 does not show regional and municipal level planning committees as none of these committees were relevant to the work of the MSAR sector.

2. Figure 2.1 does not include the Victoria Emergency Management Council or its committees as this part of the framework was not relevant to MSAR planning.

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[38] Department of Justice, *Emergency Management Manual Victoria — Part 5: State and Regional Emergency Management Planning*, Victorian Government, Melbourne, 2009, p. 5-12.

On 1 July 2014 a number of reforms to Victoria's emergency management arrangements were implemented as a result of the findings of the 2009 Victoria Bushfires Royal Commission and the Review of the 2010–11 Flood Warnings and Response.[39] The reforms were the subject of the *Victorian Emergency Management Reform White Paper* (2012) and were introduced via the *Emergency Management Act 2013*.

A key aspect of the reforms was to strengthen Victoria's emergency management sector by moving to a genuine 'all-hazards all-agencies' approach built on 'networked arrangements, greater interoperability and a stronger emphasis on risk mitigation'.[40] This approach assumes all emergencies create similar problems and usually require similar response measures (such as early warning, evacuation, provision of medical services and community recovery). It also acknowledges that many emergencies need specific preparation, response, relief and recovery measures, and that all agencies have emergency management roles.[41]

The Committee notes that MSAR does not fit neatly within the 'all-hazards all-agencies' approach to emergency management, primarily because it involves emergencies that are typically on a much smaller scale than emergencies such as bushfires and floods. Such emergencies typically pose a greater threat in terms of the loss of, or threat to, human life, property or wellbeing. There are, however, clear parallels between a number of the challenges currently facing the volunteer MSAR sector and those which were identified during the 2009 Victorian Bushfires Royal Commission and the 2011 Victorian Floods Review. The Committee is of the view that the state's MSAR sector has much to gain — particularly in terms of improved coordination and strategic planning, as well as better risk and capability assessment — through a closer alignment with the new emergency management arrangements. Such an alignment would also reduce the possibility of the ad hoc nature of the volunteer MSAR sector (in terms of oversight and the assessment of risk and capability) resulting in, or contributing to, a major crisis or loss of life in the future.

The Committee is also mindful that the provision of MSAR services clearly meets the definitions of an 'emergency' and of a 'response' as defined at section 3 of the *Emergency Management Act 2013*.

The reforms included the establishment of the EMC and the Inspector-General for Emergency Management (IGEM). The Police and Emergency Services Ministerial Portfolio was also renamed as the Police and Emergency Management Portfolio to reflect its new 'broad, whole of government coordinating function'.[42]

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[39] Department of Premier and Cabinet, *Victorian Emergency Management Reform — White Paper*, Victorian Government, Melbourne, 2012, p. 1.

[40] Department of Premier and Cabinet, *Victorian Emergency Management Reform — White Paper*, Victorian Government, Melbourne, 2012, pp. 2–3.

[41] Department of Premier and Cabinet, *Victorian Emergency Management Reform — White Paper*, Victorian Government, Melbourne, 2012, p. 1.

[42] Department of Premier and Cabinet, *Victorian Emergency Management Reform — White Paper*, Victorian Government, Melbourne, 2012, p. 17.

The EMC is responsible for coordinating responses to major emergencies. This is a statutory role, which replaces the former Fire Services Commissioner.[43]

In a complementary role, the IGEM is in charge of monitoring and reviewing the performance of Victoria's emergency management agencies and arrangements. The IGEM also develops and maintains a monitoring and assurance framework for the emergency management sector.[44]

The reforms also created Emergency Management Victoria as the new overarching body for the emergency management sector. The Chief Executive of Emergency Management Victoria is responsible to the Secretary of DOJ on the 'general management and conduct' and 'performance and exercise' of the agency's functions and powers.[45] Emergency Management Victoria develops whole-of-government policy for emergency management in Victoria and provides advice to the Minister for Police and Emergency Management.[46]

In terms of the emergency management sector governance framework, the reforms involved streamlining the pre-existing structure to eliminate overlapping responsibilities. This included:

- establishing the State Crisis and Resilience Council (SCRC) as the peak body for developing and coordinating policy and strategy across Victoria's emergency management agencies;[47] and

- streamlining the former emergency management committee structure into three standing sub-committees of the SCRC.[48]

EMV will provide the secretariat for the three new emergency management standing sub-committees.[49]

Under the new arrangements, SMSARC will continue as a sub-committee reporting to the Capability and Response Sub-Committee. The position of SMSARC within Victoria's new emergency management framework is illustrated in Figure 2.2 below. It is important to note that Figure 2.2 illustrates the planning and policy framework with respect to MSAR since 1 July 2014. It does not represent the chain of command with respect to operational activities, which continue to be overseen by Victoria Police in its role as the MSAR control agency. It is also important to note that SMSARC is one of a number of specialised committees and working groups that report to the three sub-committees of the SCRC. The Committee was informed at the time of writing that there were 11 such committees and working groups (including SMSARC) reporting to the Capability and Response Sub-Committee. The Committee was unable to determine the number of committees and working groups reporting to all three sub-committees

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[43] Emergency Management Victoria, 'The Commissioner', viewed 9 July 2014, <http://www.emv.vic.gov.au/>.

[44] *Emergency Management Act 2013* (Vic), 73 of 2013, sections 61–62, 64.

[45] *Emergency Management Act 2013* (Vic), 73 of 2013, section 20(3).

[46] *Emergency Management Act 2013* (Vic), 73 of 2013, section 14; 17.

[47] *Emergency Management Act 2013* (Vic), 73 of 2013, section 6.

[48] *Emergency Management Act 2013* (Vic), 73 of 2013, section 10.

[49] Department of Premier and Cabinet, *Victorian Emergency Management Reform — White Paper*, Victorian Government, Melbourne, 2012, pp. 19–20.

at the time of writing but was informed that they will be listed in the updated EMMV (at Part 5).[50]

Figure 2.2: Victoria's emergency management and marine search and rescue Framework since 1 July 2014
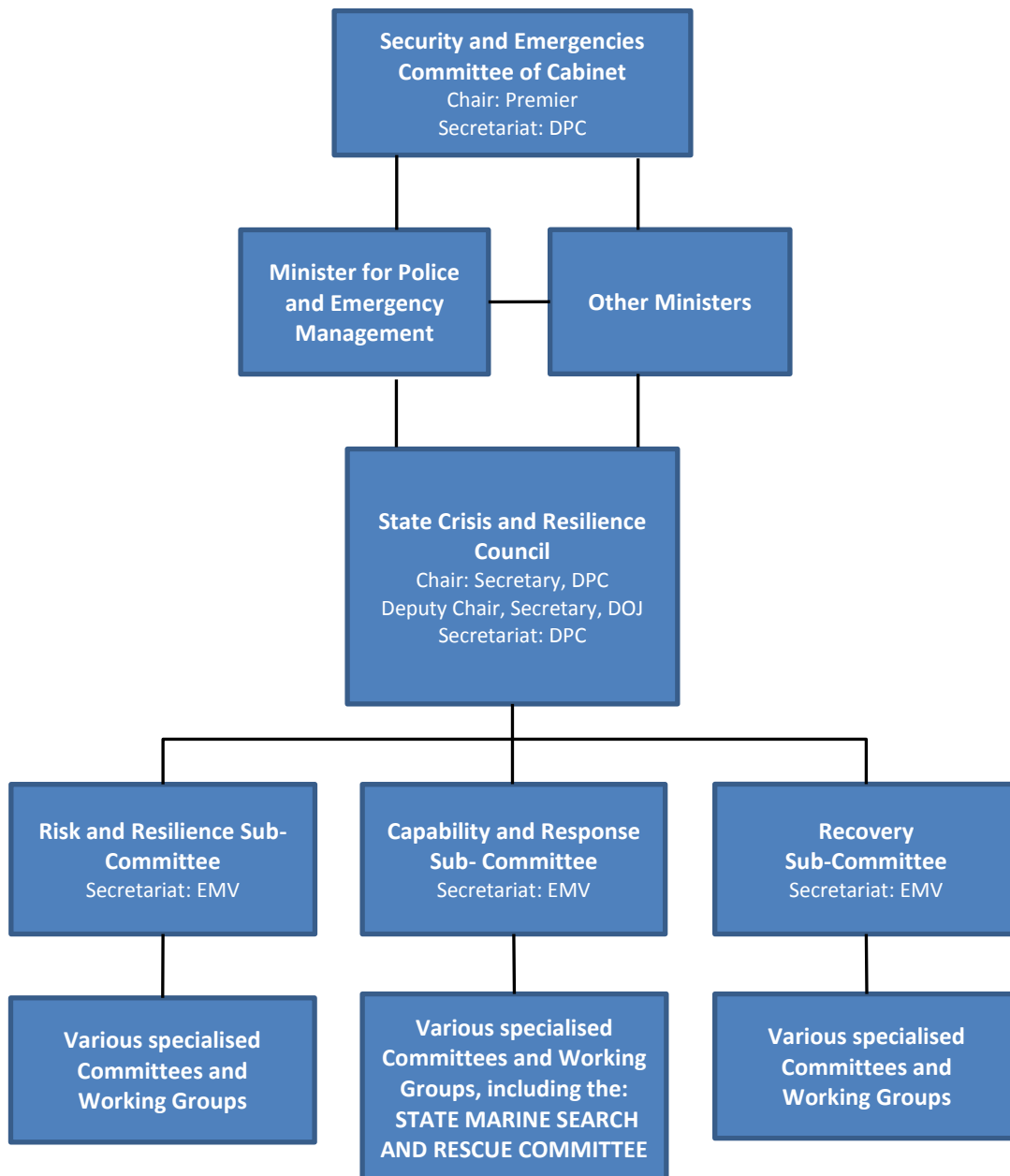
Source: Department of Premier and Cabinet, Victorian Emergency Management Reform – White Paper, Victorian Government, Melbourne, 2012, p.20; Correspondence, Committee Secretariat and Victoria Police, 7 July 2014; Correspondence, Committee Secretariat and TSV, 11 July 2014.

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[50] Emergency Management Victoria, Email correspondence with Research Officer, 12 August 2014.

The White Paper proposed that the membership and tasks of the Capability and Response Sub-Committee would be 'similar' to that of the former SERPC, while reflecting the reform agenda and priorities of the new emergency management arrangements.[51]

The Committee notes that at the time of writing (August 2014), DOJ was reviewing the EMMV. The Committee notes that the Department may wish to consider the findings and recommendations in this report when amending the relevant sections of the EMMV.

The Committee was informed by Victoria Police that SMSARC determined at its July 2014 meeting to review the current arrangements in the EMMV in light of the changes to the emergency management arrangements to ensure that both SMSARC and the EMMV reflect the new arrangements and remain contemporary with the state's requirements. Victoria Police also informed the Committee that it expected restructuring of SMSARC to occur as a part of that process and that it would welcome any recommendations that this Committee may have in this regard.[52]

As discussed in Chapter Four, the Committee is of the view that SMSARC's role with respect to accreditation and policy development for volunteer MSAR services should be transferred to a new representative governing body based on the governance model that has been adopted by Marine Rescue NSW (Recommendation 4.7). The Committee considers that in the event that Recommendation 4.7 is adopted, or in the event that the sector decides to establish a single state-wide organisation, the new Commissioner should represent the Victoria's new volunteer MSAR governing body on the Capability and Response Sub-Committee.

The Committee notes that Marine Rescue NSW is represented on the State Rescue Board of NSW, which is the equivalent emergency management oversight body in that state. Moreover, the Committee considers that such a reform would significantly strengthen the voice of Victoria's volunteer MSAR organisations within government and better align the sector with the state's new emergency management arrangements.

Recommendation 2.1:

That the Victorian Government appoints the Commissioner of the new representative governing body for Victoria's volunteer MSAR sector to the Capability and Response Sub-Committee for the purposes of representing the new governing body and the state's MSAR volunteers.

2.4   Defining marine incidents in Victoria

In Victoria, the term 'marine incident' is defined in the *Marine Safety Act 2010* as follows:

(a) a death of, or injury to, a person onboard a vessel caused by the operation or navigation of a vessel or

(b) the loss or presumed loss of a vessel or

(c) a collision of vessels or

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[51] Department of Premier and Cabinet, *Victorian Emergency Management Reform — White Paper*, Victorian Government, Melbourne, 2012, p. 19.
[52] Specialist Response Division, Victoria Police, Email correspondence with Executive Officer, 4 July 2014.

(d) a collision by a vessel with an object or

(e) the grounding, sinking, flooding or capsizing of a vessel or

(f) a fire onboard a vessel or

(g) a loss of stability of a vessel that affects the safety of the vessel or

(h) the structural failure of a vessel or

(i) a close quarters situation or

(j) an event that results in—

   (i) the death of, or injury to, a person onboard a vessel or

   (ii) the loss of a person from a vessel or

   (iii) a vessel becoming disabled and requiring assistance or

(k) the fouling or damaging by a vessel of—

   (i) any pipeline or submarine cable or

   (ii) any aid to navigation within the meaning of the Commonwealth Navigation Act.[53]

The *Marine Safety Act 2010* defines the term 'vessel' as 'any kind of vessel that is used, or capable of being used, in navigation by water, however propelled or moved' and goes on to list a number of vessel types that are included in the definition.[54]

At a national level, a 'marine incident' is defined more narrowly. The *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth) defines a 'marine incident' by reference to incidents involving 'domestic commercial vessels' but is otherwise almost identical to the Victorian definition.[55] A 'domestic commercial vessel' is in turn defined as 'a vessel that is for use in connection with a commercial, governmental or research activity'.[56]

The difference between the Victorian and Commonwealth definitions of a 'marine incident' reflects the fact that the *Marine Safety Act 2010* regulates (among other matters) the registration, licensing and safety duties that apply in relation to recreational vessels, whereas the Commonwealth legislation is aimed at the regulation of domestic commercial vessels.

However, as a result of Commonwealth regulations made in 2013 under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth),[57] it is expected that the vast majority of MSAR vessels in each of the states and territories (i.e. those MSAR vessels that operate on 'blue' water and on larger inland waters) will be subject to the Commonwealth requirements in relation to registration and operator certification. It is not yet clear when these changes will

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[53] *Marine Safety Act 2010* (Vic), 65 of 2010, section 4.

[54] *Marine Safety Act 2010* (Vic), 65 of 2010, section 3(1).

[55] *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth), 121, 2012, section 6.

[56] *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth), 121, 2012, section 6.

[57] *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013* (Cth), No. 97, 2013, section 7(a).

commence. Historically, MSAR vessels were subject to the licencing and registration requirements that apply to recreational vessels under state law, although some organisations have chosen to operate according to the higher 'commercial' standards established in the Commonwealth legislation.

TSV collects marine safety incident and demographic statistics as one of its functions under the *Transport Integration Act 2010*.[58] Statistics are categorised as to whether the incident occurred on a recreational or commercial vessel. In this context, vessels are defined as follows:

- **recreational vessel:** a vessel held solely for the purposes of recreational or sporting activities and not for hire or reward; and

- **commercial vessel:** any vessel that is operated in connection with a commercial transaction of any kind; includes both domestic and foreign vessels.[59]

Mr Peter Corcoran, Director, Maritime Safety at TSV, discussed recreational vessel registration statistics at a public hearing. He stated that there were approximately 172,000 registered recreational vessels in Victoria, of which 68 per cent were 'small open vessels'. In addition, he noted that 96 per cent of all Victorian vessels were less than 8 metres in length.[60]

2.5   Overview of Victoria's MSAR Resources

There are approximately 830 volunteers throughout Victoria's MSAR organisations. Of these, approximately 700 are members of AVCGA flotillas, and the remaining 130 volunteers are members of independent MSAR organisations. In addition, there are seven volunteers at SES Inverloch who are engaged in MSAR operations.[61]

There are 27 MSAR units in operation throughout Victoria, including SES Inverloch and the CFA's Lake Eildon unit. Of these, 19 units are AVCGA flotillas, 2 of which are dedicated communications bases and do not provide MSAR incident responses. Victoria's remaining MSAR units are operated by independent MSAR organisations and primarily involved in responses to marine incidents.

Victoria's volunteer MSAR fleet comprises 38 rescue vessels and 4 PWCs. This includes the vessels used by SES Inverloch and the CFA's Lake Eildon unit. The vessels used by each MSAR organisation vary considerably by size, hull type (monohull, RIB etc.) and brand, even between units of AVCGA.

Table 2.2 below provides a summary of the different types of vessels used by Victoria's volunteer MSAR organisations.

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[58] Section 173(1)(i) of the *Transport Integration Act 2010* (Vic) requires the 'Director, Transport Safety' to 'collect information and data about, and commission and sponsor research into, transport safety matters.
[59] Transport Safety Victoria, *Maritime Safety Incident and Demographic Statistics: July 2013 – April 2014*, Victorian Government, Melbourne, 2014, p. 8.
[60] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 86.
[61] Angelo Chiodo, Controller, Inverloch Unit, Victoria State Emergency Service, *Transcript of evidence*, 9 April 2014, p. 253.

Table 2.2: Summary of volunteer marine search and rescue vessels by type

Vessel type	Length (m)	Quantity
Trihull	9.50	1
Twin hull	7.30	1
	7.80	1
	9.30	1
	9.50	1
	9.99	1
Monohull	3.80	2
	4.00	1
	4.50	1
	5.30	1
	5.50	1
	6.00	2
	6.30	1
	6.50	2
	7.40	1
	7.50	3
	8.30	3
	8.50	2
	8.59	3
	9.00	1
	11.90	2
RIB	4.50	1
	5.80	1
	6.00	3
	7.30	1
Total		**38**

Source: Victoria Police, Marine Search and Rescue Resources Database, 2014. See Appendix D.

The ad-hoc nature of Victoria's MSAR fleet can be attributed to a lack of state-wide coordination over the sector and the grants-based process for vessel funding offered by the Victorian Government. These issues are discussed further in Chapters 4 and 6 respectively.

The Water Police has a fleet of 19 MSAR vessels and 10 PWCs at its bases in Williamstown, Paynesville and Benalla. Like Victoria's MSAR fleet, the Water Police's MSAR vessels vary considerably in size, hull type and brand. These are summarised in Table 2.3 below.

Table 2.3: Summary of Water Police marine search and rescue vessels by type

Vessel type	Length (m)	Quantity
Twin	14.80	1
Monohull	3.50	1
	4.50	1
	4.89	1
	6.00	2
	7.40	4
	10.30	1
	10.40	1
	11.99	1
	17.00	1
RIB	5.30	1
	5.90	1
	6.00	2
	10.50	1
Total		**19**

Source: Specialist Response Division, Victoria Police, Email correspondence with Research Officer, 28 July 2014.

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CHAPTER 3:
THE CHALLENGES FACING THE VOLUNTEER MARINE SEARCH AND RESCUE SECTOR

3.1 Introduction

The Committee received evidence from a number of stakeholders that the state's volunteer marine search and rescue (MSAR) sector is facing a range of challenges, particularly financial and compliance pressures, which have created a significant and growing burden for volunteers. These challenges make the work of the state's MSAR volunteers unnecessarily more difficult and in a number of instances have had a negative impact on volunteer morale.

The Committee also received evidence that the sustainability of some of the state's volunteer MSAR organisations is in doubt and that the pressures currently facing MSAR volunteers have the potential to erode the attractiveness of the entire sector to both new and existing volunteers.

The current challenges, which are at least in part a consequence of the structure of MSAR service provision and the way in which the sector is funded, have been compounded in recent years by significant growth in the number of registered recreational vessels in Victoria and by a substantial increase in the number of marine incidents in which they are involved. These issues are the subject of the first part of this chapter, which provides an overview of recent trends in the state's recreational boating sector.

The Committee is of the view that many of these challenges would be addressed through the introduction of an accreditation system and sector-wide governance arrangements (as recommended in Chapter Four) and through the reform of the current funding arrangements (as recommended in Chapter Six). The establishment of a single state-wide volunteer MSAR organisation, which is discussed in Chapter Five, would represent a further and arguably natural progression on such reforms. Indeed, if the state's MSAR volunteers do choose to establish a single Victorian MSAR organisation, it would provide an opportunity for the introduction of accreditation, effective governance, a risk and capability based funding agreement and the elimination of duplication and gaps in service provision, all as part of a single reform package. It would also bring Victoria into line with national best practice in the provision of volunteer MSAR services. These issues are the subject of the second part of this chapter, which outlines the current challenges facing the volunteer MSAR sector.

The final part of this chapter provides an overview of MSAR service provision in Queensland and Western Australia, as both of those states — like New South Wales — have significantly reduced the pressures on their MSAR volunteers through a combination of structural reform and

increased government funding. The approach to the provision of MSAR services in New South Wales is discussed in detail in Chapters Four and Five.

3.2   Overview of Victoria's recreational marine sector

Victoria's MSAR volunteers are primarily involved in assisting recreational vessel operators. This is largely due to the fact that the vast majority of marine incidents in Victoria involve recreational vessels as opposed to commercial vessels. For example, during the five years to 2012–13, approximately 97 per cent of marine incidents on Victorian waters involved recreational vessels.[62] During 2012–13 there were 1,353 reported marine incidents involving recreational vessels compared to 48 reported incidents involving commercial vessels.[63]

As at June 2013, Victoria had 172,744 registered recreational vessels.[64] The state has experienced significant growth in recreational vessel registrations over the last two decades and annual growth of approximately 3 per cent during recent years. This growth is illustrated in Figure 3.1 below.[65]

Figure 3.1: Registered recreational vessels in Victoria from 1989 to 2013
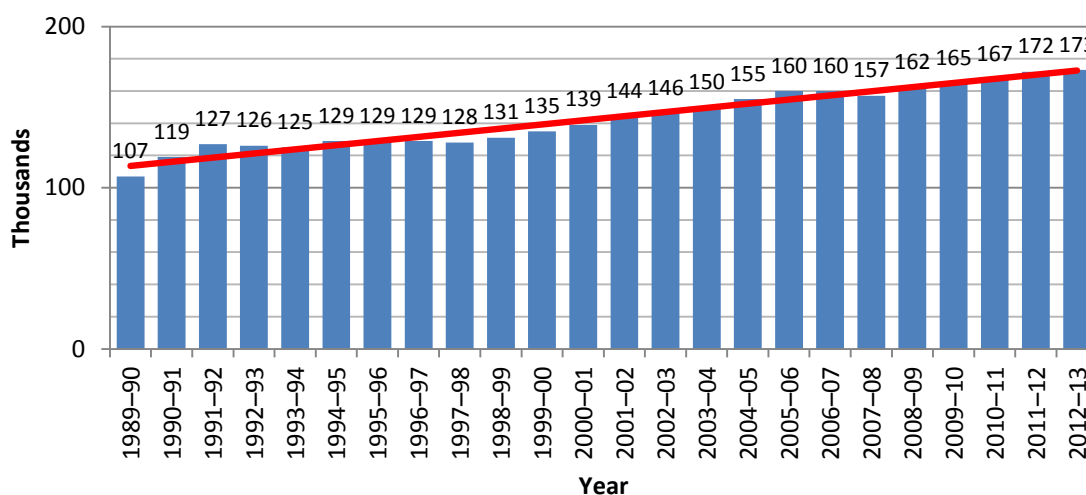
Source: Transport Safety Victoria, Submission, no. 24, 24 March 2014, p. 16.

Approximately 68 per cent of Victoria's recreational vessel fleet comprises 'open' vessels and 96 per cent of vessels are eight metres or less in length, which represents a different 'profile' to most other states. As a result, the Victorian recreational vessel fleet is largely a 'trailerable'

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[62] Victorian Auditor-General's Office, *Recreational Maritime Safety*, Victorian Government, Melbourne, 2014, p. 6.

[63] Transport Safety Victoria, *Maritime Safety Incident and Demographic Statistics: July 2013 – April 2014*, Victorian Government, Melbourne, 2014, p. 7; 13.

[64] Transport Safety Victoria, *Maritime Safety Incident and Demographic Statistics: July 2013 – April 2014*, Victorian Government, Melbourne, 2014, p. 21.

[65] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 86.

fleet.[66] As Peter Corcoran, Transport Safety Victoria (TSV), stated at the public hearing in Melbourne:

> [Victoria's recreational] vessels are highly mobile and portable and can be taken to where the water is. In times of drought we see a lot of vessels that would typically spend their time in inland waters travelling down to the coast. That has quite important implications, I think, for search and rescue.[67]

Victoria has approximately 270,000 people who hold recreational boat licences, approximately 82 per cent of whom are male. Consistent with Australia's ageing population, boaters aged 56 and over represent a growing proportion of recreational boat operators. This also has implications for Victoria's MSAR services.[68]

There has been little change in the number of fatalities and serious injuries on Victorian waters in recent years. During the five years to 2012–13, there was an annual average of approximately 5 fatalities and 24 serious injuries. However, during the same period, Victoria experienced an increase of approximately 24 per cent in the number of recreational marine incidents.[69] The increase in reported recreational marine incidents between 2009–10 and 2012–13 is illustrated in Figure 3.2 below.

Figure 3.2: Reported recreational marine incidents between 2009–10 and 2012–13
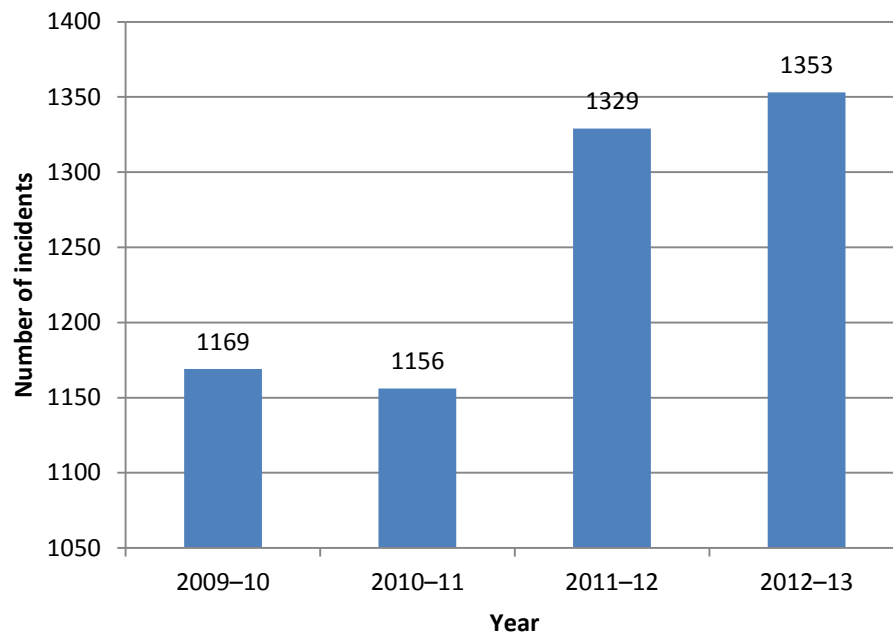
Source: Transport Safety Victoria, Submission, no. 24, 24 March 2014, pp. 20–21.

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[66] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 86.

[67] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 86.

[68] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 86.

[69] Victorian Auditor-General's Office, *Recreational Maritime Safety*, Victorian Government, Melbourne, 2014, p. 6.

The Committee notes that the 24 per cent growth referred to above may be partly due to an increase in the actual reporting of incidents following the introduction of the *Marine Safety Act 2010* and the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth).[70] Section 93 of the Marine Safety Act requires Victorian marine vessel operators to report certain types of marine incidents to Victoria Police.[71] Similarly, the Marine Safety (Domestic Commercial Vessel) National Law Act requires commercial vessel operators to report marine incidents they are involved in to Australian Maritime Safety Authority (AMSA).[72]

Marine incidents for both recreational and commercial vessels are predominantly disablements, which have accounted for approximately 80 per cent of incidents from 2009–14.[73] A disablement typically involves a vessel that is experiencing engine problems or which has run out of fuel.

Marine incidents in Victoria occur predominantly in enclosed waters for both recreational and commercial vessels. Enclosed waters are defined under the *Marine Safety Regulations 2012* and include bays, inlets, estuaries and waterways that open into coastal inshore waters.[74] Of these, most incidents in enclosed waters occur within Port Phillip Bay and Western Port — which collectively accounted for 69 per cent of all marine incidents in 2013–14.[75] Table 3.1 below shows the number of marine incidents in Victoria by waterway type for recreational vessels.

Table 3.1: Marine incidents involving recreational vessels by waterway type in the July–April period between 2009 and 2014

Waterway type	2009–10	2010–11	2011–12	2012–13	2013–14
Coastal inshore	6.24%	5.85%	6.28%	6.79%	6.47%
Coastal offshore	1.86%	3.06%	1.89%	2.56%	2.43%
Enclosed	88.92%	86.63%	87.04%	87.13%	86.31%
Inland	2.51%	3.44%	4.71%	3.44%	4.37%
Uncoded/occurred outside of Victorian waters	0.47%	1.02%	0.08%	0.08%	0.42%

Source: Transport Safety Victoria, Maritime Safety Incident and Demographic Statistics: July 2013 – April 2014, Victorian Government, Melbourne, 2014, p. 20.

In Victoria, marine incidents involving recreational vessels occur in clusters at a number of locations across the state, predominantly along the Victorian coastline. Figure 3.3 below

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[70] Transport Safety Victoria, *Maritime Safety Incident and Demographic Statistics: July 2013 – April 2014*, Victorian Government, Melbourne, 2014, p. 4.

[71] *Marine Safety Act 2010* (Vic), 65 of 2010, section 93.

[72] *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth), 121, 2012, sections 88–89.

[73] Transport Safety Victoria, *Maritime Safety Incident and Demographic Statistics: July 2013 – April 2014*, Victorian Government, Melbourne, 2014, pp. 13–15.

[74] *Marine Safety Regulations 2012* (Vic), 45/2012, section 4; Gippsland Ports, 'FAQ', viewed 24 June 2014, <http://www.gippslandports.vic.gov.au/>.

[75] Transport Safety Victoria, *Maritime Safety Incident and Demographic Statistics: July 2013 – April 2014*, Victorian Government, Melbourne, 2014, pp. 12–19.

illustrates the locations of incidents by type in 2012–13. Notably, approximately 90 per cent of incidents occurred on Port Phillip Bay and Western Port during 2012–13.[76]

Figure 3.3: Recreational vessel incidents in 2012–13 by location
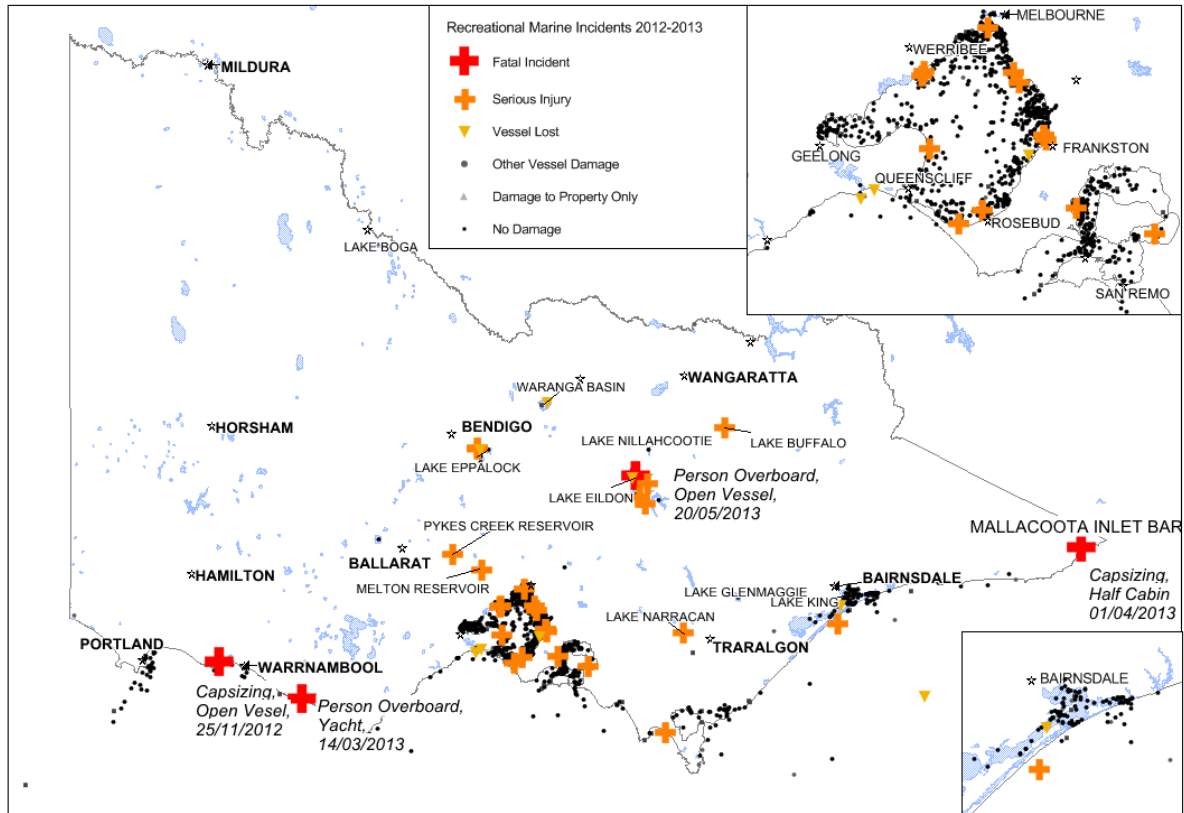
Source: Transport Safety Victoria, Maritime Safety Incident and Demographic Statistics, Victorian Government, Melbourne, 2013, p. 10.

TSV provided the Committee with data on the number of incidents that each of Victoria's MSAR organisations have been involved with during the period 2010–11 to 2013–14. This data is illustrated in Table 3.2.

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[76] Victorian Auditor-General's Office, *Recreational Maritime Safety*, Victorian Government, Melbourne, 2014, p. 6.

Table 3.2: Marine search and rescue responses by organisation from 2010–11 to 2013–14

MSAR organisation	2010–11	2011–12	2012–13	2013–14
Apollo Bay Ocean Rescue	14	5	7	7
AVCGA	652	702	705	678
CFA (Lake Eildon)	2	3	—	—
Coastwatch Radio and Marine Rescue, Ocean Grove	1	1	—	3
LSV	38	41	39	35
Port Fairy Marine Rescue	3	3	2	4
VICSES	10	28	18	14
Southern Peninsula Rescue Squad	34	37	47	49
Torquay Marine Rescue Service	5	2	5	6
Victoria Police (including Water Police, Land and Airwing squads)	623	802	709	775
VMR Mornington & Hastings	163	203	208	178
Other/unknown	83	103	79	78
Total	**1628**	**1930**	**1819**	**1827**

Source: Transport Safety Victoria, Submission, no. 24, 24 March 2014, p. 24; Transport Safety Victoria, Email correspondence with Research Officer, 5 August 2014.

*Note: these figures reflect the total number of MSAR responses — not incidents — as multiple agencies may respond to a single incident.

TSV noted that these figures include non-marine and false alarm incidents that resulted in an MSAR response.[77]

Finding 3.1:

There has been an increase in the number of responses to marine incidents by marine search and rescue organisations in recent years, which reflects a steady annual increase in the number of registered recreational vessels and in the number of marine incidents.

3.3 Key challenges facing the volunteer marine search and rescue sector

3.3.1 Duplication and gaps in marine search and rescue coverage

While the Committee is in no doubt regarding the dedication of Victoria's MSAR volunteers, it is equally clear that the sector as a whole operates in a way that can only be described as ad hoc. This situation has resulted in duplication and gaps in MSAR service provision across the state.

For example, the Committee received evidence that there is an oversupply of MSAR services in Port Phillip Bay and Western Port. In particular, a number of stakeholders noted that the Hastings and Mornington areas are both serviced by VMR Mornington & Hastings and AVCGA flotillas.[78] Mornington Peninsula Marine Alliance stated that 'there does not appear to be

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[77] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 24.
[78] Mornington Peninsula Marine Alliance, *Submission*, no. 28, 24 February p. 1; Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 104; Richard Burgess,

justification for the duplication of services' in Hastings and Mornington. In addition, it stated that 'on many occasions their resources are consumed unnecessarily with redundant call outs'.[79]

Victoria Police also noted the close proximity of these units, and stated in its submission that it has 'no control over the establishment of unaffiliated units or organisations, and units can commence operations and start competing for tasks and funding'.[80]

In contrast, the Committee also received evidence that there are gaps in MSAR services provided on Victoria's eastern and western coasts. Port Fairy Marine Rescue Service stated in its submission that there was a 'perceived void' of MSAR services between Port Campbell and Apollo Bay.[81] Likewise, Mr Steve Tippet, Administrative Officer at AVCGA Warrnambool, described the existence of gaps between Warrnambool and Apollo Bay and from Apollo Bay to Queenscliff:

> I think in the south-west, where we are currently located, it is adequate … We have nothing from Warrnambool through to Apollo Bay, which has a similar unit to the one here at Port Fairy, and from Apollo Bay to Queenscliff, unless Lorne Surf Life Saving Club have something. Port Campbell [Marine Rescue] have a [rigid-hulled inflatable boat] — I think they have nicknamed it the Pelican — which is a six-to-eight seater, and that can go out in pretty good seas … but there is nothing much from Warrnambool through to Port Phillip Bay.[82]

The Committee notes that there is an MSAR service located between Warrnambool and Apollo Bay operated by Port Campbell Marine Rescue, which is affiliated with the rescue branch of Port Campbell Surf Life Saving Club. However its operations are restricted to inshore rescues due to the geography and marine infrastructure at the port of Port Campbell.[83]

Mr Raymond Henderson, who provided a submission as an individual, informed the Committee that he had been involved in an attempt to establish an MSAR service in the Shallow Inlet / Waratah Bay area in South Gippsland. He stated that although LSV Waratah Beach had obtained a rigid-hulled inflatable boat (RIB) with the intention of establishing a 24 / 7 MSAR service, this has not eventuated due to a lack of support from LSV and the unsuitability of the vessel.[84]

Finding 3.2:

The absence of a state-wide strategic approach to marine search and rescue service provision has resulted in areas of both oversupply and undersupply in the provision of marine search and rescue services.

Business Development, Australian Volunteer Coastguard Association, *Transcript of evidence*, 24 March 2014, p. 177.

[79] Mornington Peninsula Marine Alliance, *Submission*, no. 28, 24 February p. 1.

[80] Victoria Police, *Submission*, no. 5, 13 March 2014, p. 3.

[81] Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 2; Russell Lemke, Communications Officer, Port Fairy Marine Rescue Service, *Transcript of evidence*, 15 April 2014, p. 261.

[82] Steve Tippett, Administrative Officer, Australian Volunteer Coast Guard, VF16 Warrnambool, *Transcript of evidence*, 15 April 2014, p. 272.

[83] Brett Wallace, Rescue Coordinator Port Campbell Marine Rescue, *Transcript of evidence*, 16 April 2014, p. 287.

[84] Raymond Henderson, *Submission*, no. 2, 4 March 2014, p. 1.

3.3.2   Funding challenges

The Committee received evidence that the level and nature of funding for MSAR services poses a threat to the sustainability of a number of MSAR units and organisations. MSAR organisations receive much of their funding in the form of grants, which are available for capital and equipment purchases but which are not available for operational costs, such as maintenance or training. This situation places significant pressure on volunteers to raise revenue through local fund raising activities. In addition to representing an uncertain source of income, this consumes a significant proportion of volunteers' time and increasingly takes them away from their 'core' work. In addition, the absence of a centralised and coordinated approach to vessel purchasing has resulted in instances of inappropriate vessel purchases, including the purchase of vessels that do not meet the MSAR requirements of the local area in which they are based. The funding challenges for Victoria's MSAR sector are the subject of Chapter Six.

3.3.3   Accreditation and governance

Surprisingly, Victoria does not currently have a set of state-wide standards or benchmarks with which the state's MSAR organisations and individual MSAR units must comply in order to operate. This situation is at odds with a number of other states, such as New South Wales, Western Australia and Queensland, where all MSAR units are required to satisfy state-wide benchmarks in order to be accredited (or 'approved') as MSAR service providers. This situation is particularly disappointing in view of the fact that it was identified as an area in need of reform more than 12 years ago in the Ernst & Young report. This issue is discussed in detail in Chapter Four, which sets out the basis for the Committee's recommendations for the introduction of an accreditation and ongoing capability assessment scheme (in the form of an annual self-audit supplemented by random audits conducted by a governing body).

Another key reform recommended in the Ernst & Young report was the need for an effective governance structure or governing body for Victoria's MSAR sector. While the existing State Marine Search and Rescue Committee (SMSARC) provides a forum for interaction between some of the state's MSAR organisations, the Water Police and TSV, it is ineffective as an oversight or decision making body. This has significant implications for the coordination of MSAR services across the state and is perhaps the main reason why the Committee was unable to determine whether the current range and manner of services is fit for purpose (Term or Reference (a)). There is a clear need for a governing body, which should have a range of duties, including the administration of an accreditation system, the elimination of duplication and gaps in MSAR service provision and input into a more rational funding system for the sector. Chapter Four also sets out the case for the creation of a new representative governing body.

3.3.4   Federal certification requirements

Prior to 1 July 2013, many of the Victoria's MSAR vessels were classed as recreational vessels because MSAR organisations were free to choose to operate their vessels under recreational vessel certification requirements or under the more stringent commercial vessel requirements. However, following the introduction of the National System for Domestic Commercial Vessel Safety from 1 July 2013, MSAR vessels are now defined as a category of 'domestic commercial vessel' under Commonwealth law. Accordingly, all MSAR vessels are now required to meet the

more stringent federal certification requirements. While federal MSAR specific regulations are in development (which would create a modified set of 'domestic commercial vessel' requirements), they are yet to be finalised. This has created a period of significant uncertainty for the state's MSAR sector regarding future compliance requirements and the associated costs in terms of money and time. This issue is discussed in Chapter Seven.

3.3.5 Monitoring and communications

A key finding of this report is that MSAR communication protocols currently differ between organisations, and there is no standardised and coordinated approach across the State. There is a clear need to consolidate the various arrangements and adopt a single, integrated approach across the MSAR sector.

Another key finding is that there is incomplete monitoring of very high frequency (VHF) distress channels 16 and 67 along the Victorian coastline, both in terms of geographic coverage and hours of operation. This situation is of particular concern in view of the fact that the existing 'alternative' of a VHF repeater network, which is operated by the Australian Volunteer Coast Guard Association (AVCGA), is not monitored on a 24 hour / 7 day basis. In addition, a significant proportion of the recreational boating community is unaware of the existence of the repeater network.

These issues, which are the subject of Term of Reference (e), are discussed in detail in Chapter Eight.

3.4   Marine rescue services in other jurisdictions

There are a number of lessons that Victoria can learn from the experiences of MSAR sectors in other jurisdictions. In this report, the Committee has investigated the MSAR sectors in the following jurisdictions:

- New South Wales, which is discussed in detail in Chapters Four and Five;

- Queensland; and

- Western Australia.

3.4.1 Queensland

MSAR organisations in Queensland are classified by their operating environment as white water (surf) or blue water (beyond the surf zone).[85] Blue water MSAR services are provided by Volunteer Marine Rescue Queensland and AVCGA's Queensland branch. White water services are provided by the Royal Life Saving Society Queensland and Surf Life Saving Queensland.[86] Queensland's MSAR organisations are support agencies to the Queensland Police Service, which is the lead agency for MSAR responses.

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[85] Department of Community Safety, *2012–13 Annual Report*, Queensland Government, Brisbane, 2013, p. 6.
[86] Department of Community Safety, *2012–13 Annual Report*, Queensland Government, Brisbane, 2013, p. 6.

There are 25 Volunteer Marine Rescue Queensland units and 22 AVCGA units located throughout Queensland.[87] Each unit of Volunteer Marine Rescue Queensland is incorporated in its own right, with its own constitution.[88] There are 12 clubs affiliated with the Royal Life Saving Society and 60 Surf Life Saving Queensland clubs in the State.[89]

Emergency Management Queensland, through the Queensland Department of Community Safety, provides support and financial assistance to the State's MSAR organisations. Total funding to the MSAR sector[90] was just under $8 million in 2012–13.[91] This funding is offered through service agreements that establish guidelines for grant administration and the services to be provided by each MSAR organisation. The agreements also establish funding levels, timeframes and reporting requirements.

The Queensland Volunteer Marine Rescue Committee is an advisory committee to the Queensland Government and MSAR organisations. It is also responsible for making investigations and developing guidelines for the MSAR sector. The Committee comprises representatives from:

- Emergency Management Queensland (Chair);

- Volunteer Marine Rescue Queensland;

- the Australian Volunteer Coast Guard Association;

- Queensland Police;

- Maritime Safety Queensland; and

- the Australian Communications and Media Authority.[92]

The last major reforms to Queensland's MSAR services occurred in 1991.Prior to this time, Queensland's MSAR organisations coordinated their own development and operations with multiple government departments on an as-needs basis, an approach which the Queensland Government came to regard as 'dysfunctional' in terms of effective service provision.[93]

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[87] Volunteer Marine Rescue Queensland, 'Locations', viewed 3 July 2014, <http://marinerescueqld.org.au/>; Australian Volunteer Coast Guard Association, 'Flotillas Queensland', viewed 3 July 2014, <http://www.coastguard.com.au/>.
[88] Volunteer Marine Rescue Queensland, 'Locations', viewed 3 July 2014, <http://marinerescueqld.org.au/>.
[89] Royal Life Saving Society Queensland, 'RLSSQ Clubs/Existing Club', viewed 3 July 2014, <http://www.rlssq.com.au/>; Surf Life Saving Queensland, 'Clubs Archive', viewed 3 July 2014, <http://www.lifesaving.com.au/>.
[90] This includes 'air sea rescue, coast guard and life saving organisations'.
[91] Department of Community Safety, *2012–13 Annual Report*, Queensland Government, Brisbane, 2013, p. 90.
[92] Department of Community Safety, *2012–13 Annual Report*, Queensland Government, Brisbane, 2013, p. 7.
[93] Emergency Management Queensland, 'History of the VMR Organisations in Queensland', viewed 2 May 2014, <http://www.emergency.qld.gov.au/>.

The former Bureau of Emergency Services led a review[94] that aimed to improve MSAR service provision and create a single coordination point in the Queensland Government for MSAR organisations. As a result of the review, a new position, Manager Volunteer Marine Rescue Services was established. This position still exists today as Principal Advisor, Volunteer Marine Rescue, who is also the Secretary to the Queensland Volunteer Marine Rescue Committee.[95]

3.4.2 Western Australia

There are 39 MSAR organisations operating under two bodies in Western Australia. Thirty-seven MSAR units operate under the representative association Volunteer Marine Rescue Western Australia. These are 'approved' (i.e. accredited) emergency service units under the *Fire and Emergency Service Act 1998* (WA), which also prescribes the functions of each MSAR unit.[96]

The approved units are administered by the Western Australian Department of Fire and Emergency Services through the Marine Services branch. The Department provides a range of support — including managerial, administrative and inter-agency liaison — to these MSAR organisations, in addition to other fire and emergency service units 'approved' under the Act.[97]

There are also two independent MSAR organisations, which operate under the overarching body Metropolitan Volunteer Sea Rescue Group.[98]

Each of Western Australia's MSAR units are independently incorporated associations, however the 'approved' units are each recognised as a government entity.[99] At 30 June 2013 there were 1,403 MSAR volunteers in operational and support roles throughout all of Western Australia's MSAR organisations.[100]

All of Western Australia's MSAR organisations receive recurrent funding through the Department of Fire and Emergency Services. Funding for the 'approved' units is distributed directly through the Department, whereas the two independent organisations are funded through a Service Level Agreement. This is paid to the Metropolitan Volunteer Sea Rescue Group, which allocates funding accordingly.[101]

Table 3.3 summarises the funding allocated between the 2010 and 2013 financial years.

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[94] Bureau of Emergency Services, *A Discussion Paper on Volunteer Marine Rescue Services in Queensland*, Queensland Government, Brisbane, 1991.

[95] Emergency Management Queensland, 'History of the VMR Organisations in Queensland', viewed 2 May 2014, <http://www.emergency.qld.gov.au/>.

[96] *Fire and Emergency Services Act 1998* (WA), 41 of 1998, sections 18H, 18J.

[97] Department of Fire & Emergency Services, Email correspondence with Research Officer, 17 July 2014.

[98] Department of Fire & Emergency Services, 'Volunteer Marine Rescue Services', viewed 17 July 2014, <http://www.dfes.wa.gov.au/>.

[99] Department of Fire & Emergency Services, Email correspondence with Research Officer, 17 July 2014.

[100] Department of Fire and Emergency Services, *Annual Report 2012–13*, Western Australian Government, Perth, 2013, p. 7.

[101] Department of Fire & Emergency Services, Email correspondence with Research Officer, 17 July 2014.

Table 3.3: Funding allocated to Western Australian marine search and rescue organisations from 2010 to 2013

Year	Recurrent funding	Capital grants
2010–11	$733,000	$2.32 million
2011–12	$987,000	$1.08 million
2012–13	$1.04 million	$591,000

Source: Fire and Emergency Services Authority of Western Australia, Annual Report 2011–12, Western Australian Government, Perth, 2012, p. 70; Fire and Emergency Services Authority of Western Australia, Final Report, Western Australian Government, Perth, 2012, p. 49; Department of Fire and Emergency Services, Annual Report 2012–13, Western Australian Government, Perth, 2013, p. 77.

In addition, Volunteer Marine Rescue Western Australia received additional 'financial assistance' as non-government affiliated body. This totalled $138,000 $50,000 and $25,000 in each financial year from 2010 to 2013.[102]

Western Australia's MSAR arrangements are detailed in the State Emergency Management Plan for Marine Search and Rescue.[103] Under the arrangements, Western Australian Police is the controlling agency for MSAR incident responses, with the State's MSAR organisations as support agencies. Surf Life Saving Western Australia is also listed as an MSAR support agency.[104]

The Western Australian MSAR management plan forms part of a series of hazard and support plans for emergency incidents in the State. These plans are developed and overseen by the State Emergency Management Committee, which is the peak emergency management body and advisory committee in Western Australia.[105] The State Emergency Management Committee is supported by four subcommittees:

- Community Engagement Subcommittee;

- Response Subcommittee;

- Risk Subcommittee; and

- Recovery Subcommittee.

In addition, there are two reference groups — for public information and essential services network operators — that report directly to the State Emergency Management Committee and indirectly to its subcommittees.[106]

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[102] Fire and Emergency Services Authority of Western Australia, *Annual Report 2011–12*, Western Australian Government, Perth, 2012, p. 97; Fire and Emergency Services Authority of Western Australia, *Final Report*, Western Australian Government, Perth, 2012, p. 49.
[103] Western Australia Police, *State Emergency Management Plan for Marine Search and Rescue*, Western Australian Government, Maylands, 2013.
[104] Western Australia Police, *State Emergency Management Plan for Marine Search and Rescue*, Western Australian Government, Maylands, 2013, p. 28.
[105] State Emergency Management Committee, 'Home Page', viewed 3 July 2014, <https://www.semc.wa.gov.au/>.
[106] State Emergency Management Committee, *Annual Report for the Reporting Period Ending 30 June 2013*, Western Australian Government, West Leederville, 2013, p. 13.

In 2002 Western Australia's MSAR units, together with the Western Australia SES and multi-purpose Fire and Emergency Services units, were brought under the State's emergency services legislation. The primary reason for this reform was to ensure that they would be covered by the liability protection provisions contained in the legislation. Since then, 'approved' MSAR units have been recognised in legislation as one of Western Australia's five volunteer emergency services.[107]

The Committee notes that the Western Australian Government is currently reviewing the State's emergency services legislation, which is due for completion in December 2015.[108] In April 2014 it released a concept paper for public comment.[109]

One of the options contained in the concept paper is for the Western Australian Fire and Emergency Services Commissioner to have 'immediate order and control' of emergency services units that are managed by the Department of Fire and Emergency Services. These include the 37 MSAR units mentioned previously. Western Australia's Fire and Emergency Services Commissioner is similar in role and function to Victoria's Emergency Management Commissioner.[110]

Currently, Western Australia's Fire and Emergency Services Commissioner has 'immediate order and control' of fire brigades, their officers and members under the *Fire Brigades Act 1942* (WA).[111] However, under the *Fire and Emergency Services Act 1998* (WA), the Commissioner has only 'general responsibility' of emergency service units administered by the Department of Fire and Emergency Services.[112] Implementing this option is intended to increase uniformity across these emergency service units, and would allow the Commissioner to direct them in regards to incident command and control, training and general management.[113]

The concept paper also noted that the emergency service units may be reluctant to support this option, as they have 'enjoyed self-regulation for a long time'. In addition, the paper stated that some stakeholders have indicated that volunteers may leave if the Fire and Emergency Services Commissioner were to have immediate order and control of these units.[114]

The review is also considering the introduction of a levy on vessel owners to provide additional revenue to Western Australia's emergency service organisations. The concept paper noted that

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[107] Department of Fire and Emergency Services, *Concept Paper: Review of the Emergency Services Acts*, Western Australian Government, Perth, 2014, p. 93.

[108] Department of Fire and Emergency Services, 'Review of Emergency Services Acts — Frequently Asked Questions (FAQs)', viewed 6 May 2014, <https://consult.dfes.wa.gov.au/>.

[109] Department of Fire and Emergency Services, *Concept Paper: Review of the Emergency Services Acts*, Western Australian Government, Perth, 2014.

[110] Department of Fire and Emergency Services, *Concept Paper: Review of the Emergency Services Acts*, Western Australian Government, Perth, 2014, p. 88.

[111] *Fire Brigades Act 1942* (WA), 035 of 1942, section 31.

[112] *Fire and Emergency Services Act 1998* (WA), 41 of 1998, sections 18A(e), 18F(e), 18K(b).

[113] Department of Fire and Emergency Services, *Concept Paper: Review of the Emergency Services Acts*, Western Australian Government, Perth, 2014, pp. 88–89.

[114] Department of Fire and Emergency Services, *Concept Paper: Review of the Emergency Services Acts*, Western Australian Government, Perth, 2014, p. 89.

Western Australia's emergency services levy does not provide funding to the State's MSAR organisations.[115]

Accordingly, three options for a vessel levy were considered in the concept paper. These were a flat fee, a scaled fee (based on the size of the vessel), or a percentage of vessel registration fees.[116] These are discussed further in Chapter Six.

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[115] The levy excludes MSAR organisations and the Surf Lifesaving Society, however the State Emergency Service receives funding from the levy.

[116] Department of Fire and Emergency Services, *Concept Paper: Review of the Emergency Services Acts*, Western Australian Government, Perth, 2014, p. 15.

4

CHAPTER 4:
THE MANAGEMENT OF VICTORIA'S MSAR RESOURCES

4.1   Introduction

Term of reference (d) asked the Committee to investigate, and recommend improvements to, the legislation that 'enables and governs' marine search and rescue (MSAR) activities in Victoria. During the course of the Inquiry, the Committee found that the legislation and supporting regulatory framework that enables MSAR activities is largely ad hoc, which in turn detracts from the efficiency and effectiveness of the sector.

The Committee also found that, with the exception of the role exercised by Victoria Police as the 'control agency' during an MSAR incident, Victoria's volunteer MSAR sector is essentially ungoverned. The Committee wishes to emphasise that this in no way reflects upon the dedication and commitment of Victoria's MSAR volunteers who are doing an exceptional job despite this lack of state-wide governance and support and despite the limited funding that is provided to the sector.

Unlike Victoria's other volunteer emergency and rescue sectors, such as the sectors in which the Victoria State Emergency Service (VICSES) and the Country Fire Authority (CFA) operate, the volunteer MSAR sector is not subject to specific legislative or regulatory oversight at state level. In contrast to the State's other emergency services, the volunteer MSAR sector has been largely ignored and left to fend for itself.

In the absence of a governance structure, Victoria's volunteer MSAR sector has developed in an essentially ad hoc manner, albeit with great good will from the many volunteers who give up their time, and make significant personal sacrifices, to provide MSAR services. However, the Committee is firmly of the view that this approach to the provision of volunteer MSAR services cannot continue. There is a pressing need to create a governance structure aimed at better supporting Victoria's MSAR volunteers and providing them with an enhanced operating environment in order to ensure the safety, efficiency and effectiveness of the sector into the future.

Surprisingly, there is currently no internal or external agency or body responsible for the management or oversight of Victoria's volunteer MSAR sector. This is also in contrast to volunteer agencies such as VICSES and the CFA, which have an internal management structure and which, since 1 July 2014, are also subject to the oversight of the Emergency Management Commissioner (EMC) and Emergency Management Victoria (EMV). The situation in Victoria also stands in contrast to a number of other states, such as New South Wales (NSW), Queensland and Western Australia, which represent models of 'best practice' with respect to the accreditation and governance of volunteer MSAR services.

During the Inquiry, a number of stakeholders provided support for the findings and recommendations contained in the 2002 Ernst & Young report. The report, which was commissioned by the former Marine Safety Victoria (MSV) and Victoria Police, included the following three key recommendations for reform:

- an 'overseeing stakeholder body' to manage MSAR resources;

- the accreditation of volunteer MSAR organisations (or affiliation with an accredited organisation) as a basis for volunteer involvement and funding; and

- annual audits of volunteer capabilities (also referred to in this report as 'annual capability assessments').[117]

A key finding of the Ernst & Young report was that there was a need to better co-ordinate volunteer MSAR capability and an 'immediate need' for Victoria Police and the former MSV to agree on minimum capability standards for volunteer MSAR organisations. The report also recommended that the capability of each organisation should be assessed for the purposes of accreditation.[118]

The Committee is concerned that, nearly 12 years since the Ernst & Young Report, there is no requirement for volunteer MSAR organisations in Victoria to be accredited or to undergo an annual capability assessment. Moreover, Victoria remains without an 'overseeing stakeholder body' with the capacity to manage such a system or to provide effective oversight of, or advocacy on behalf of, the volunteer MSAR sector. In short, very little has changed since 2002.

The current situation is particularly concerning in view of the fact that the model proposed in the Ernst & Young report was aimed at minimising the possibility of a 'worst case scenario (i.e. an injury or a death) occurring during [an MSAR] incident'.[119]

Encouragingly, a number of stakeholders expressed strong support for the above reforms during the current Inquiry.

It is important to note that the accreditation and regular assessment of volunteer MSAR units is a separate issue to that of the federal vessel and crew certification requirements discussed in Chapter Seven. The federal certification requirements establish construction and operational standards with which vessels must comply, irrespective of the purpose for which the vessel is used. The purpose of accrediting volunteer MSAR units is to create complementary standards aimed at ensuring that a volunteer MSAR vessel and its crew are capable of providing MSAR services within a defined operating environment and in a way that ensures both the safety of the crew and the safety of the persons to whom they provide assistance. In other words, the aim of an accreditation and capability assessment scheme of the kind recommended in this chapter would be to create a set of standards 'over and above' the federal certification requirements

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[117] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 21.
[118] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 17.
[119] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 6.

and would relate to the capability of a particular MSAR unit and its volunteers to conduct MSAR activities.

The Committee considers that while every effort should be made to avoid subjecting Victoria's MSAR volunteers to the burden of unnecessary regulation or oversight, the sector would benefit from the creation of a governance framework (which would include accreditation and capability assessment standards) and a new representative governing body comprised of a Board of Directors and an Operational Executive team. This would ensure that the immediate governing body for Victoria's MSAR sector would be one that is best placed to understand and represent the interests of the state's MSAR organisations and volunteers.

This chapter also discusses the importance of more closely aligning the volunteer MSAR sector with Victoria's new emergency management reforms. This should include defining accredited volunteer MSAR organisations as 'responder agencies' under section 3 of the *Emergency Services Act 2013* and providing them with the same level of oversight and support that is currently provided to the state's other responder agencies. This should also involve the inclusion of a representative from the new governing body — such as the Commissioner as recommended in Recommendation 2.1 — on the newly formed State Crisis and Resilience Council (SCRC). These reforms would be consistent with, and are arguably required given that the provision of MSAR services clearly meets the definitions of an 'emergency' and of a 'response' under section 3 of the *Emergency Services Act 2013*.

4.2 Accreditation and capability assessment

4.2.1 Introduction

Given the absence of a state-wide accreditation and regular capability assessment scheme, the Committee was unable to determine with complete certainty whether the 'range and manner' of MSAR services currently provided in Victoria is 'fit for purpose', as requested under Term of Reference (a).

As a result of its investigations, the Committee is confident that many of Victoria's MSAR volunteers provide a level of service that is equivalent to, if not better than, national 'best practice'. However, the introduction of an accreditation and regular capability assessment system would provide a new representative governing body with the necessary level of assurance when tasking a particular MSAR unit. Such a system would also provide a mechanism for determining which MSAR units require additional assistance and support, including in terms of funding, in order to reach defined MSAR service standards.

Evidence provided by a number of stakeholders illustrated the potential for problems to arise in the tasking of volunteer MSAR vessels due to the absence of an accreditation and ongoing capability assessment scheme, which can create uncertainty for the Water Police regarding the capacity of a particular volunteer organisation to deal with a particular marine incident. Some of these stakeholders expressed the view that the Water Police do not always task the nearest

available volunteer MSAR resources and that this can increase the risks for persons involved in a marine incident.[120]

However, the Water Police explained that it has a duty of care to ensure that it only tasks those MSAR volunteer units about which it has sufficient knowledge to be assured of their capacity to deal with a particular incident without jeopardising their own safety. As Superintendent John Todor, Divisional Commander, Specialist Response Division of Victoria Police, explained to the Committee during the public hearing in Melbourne on 24 March 2014:

> One of the areas of concern for me at the moment is that, whilst my people coordinate all these agencies to go out and do the rescues, we have no real level of comfort around what their capability is, so we do not really know and we only task them on previous experience, knowing that they can do the job. We do not have any sort of process in place to accredit them or audit them to be able to say that their vessels are capable of doing whatever it is and that they have got sufficient training, sufficient equipment and knowledge to be able to do the rescues.[121]

Although the Water Police maintains a register of volunteer MSAR resources around the state, which it uses as a reference point when tasking volunteer MSAR organisations, the register is updated only periodically and 'in accordance with information received, or the service received'.[122] Victoria Police provided the Committee with a copy of the register, as at July 2014, which is reproduced at Appendix D.

Inspector Mark Arneil, Manager of Water Police / Search and Rescue Squads at Victoria Police, informed the Committee at the public hearing in Melbourne that the volunteer register, coupled with the experience of Water Police officers, provides the branch with a good awareness of available volunteer MSAR resources. However, he also stated that the Water Police does not have 'total clarity' in relation to the volunteer resources at its disposal because of the absence of accreditation or a process for updating the volunteer register based on an annual audit.[123] Inspector Arneil explained the problems with the current volunteer register as follows:

> We have a volunteer marine rescue resource sheet, which will be periodically updated, so we have an overview of what vessels the agencies have, what is in survey and what is not, and the qualification levels of the staff. We know, and it is stated, that within some of those agencies they have their own training programs and so they have covered off on the training aspects, but as far as whether the vessel is still operating or whether it is still in survey, we do not have oversight of

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[120] See for example: Eileen Murray, President, Southern Peninsula Rescue Squad, *Transcript of evidence*, 17 March 2014, p. 30; Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, p. 8; Tim Wiebusch, Deputy Chief Officer, Victoria State Emergency Service, *Transcript of evidence*, 24 March 2014, p. 127; Adam Stephens, President, Torquay Marine Rescue Service, *Transcript of evidence*, 24 March 2014, pp. 152–53.

[121] Superintendent John Todor, Divisional Commander, Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, pp. 113–14.

[122] Victoria Police, *Submission*, no. 5, 13 March 2014, p. 3.

[123] Inspector Mark Arneil, Manager, Water Police and Search and Rescue Squads, Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, p. 116.

that. Whether the staff are still able to perform that service, whether they are still living there and supporting the agency, we do not know.[124]

Inspector Arneil agreed with the proposition that, because of this situation, and despite being the agency responsible for coordinating volunteer MSAR organisations, Victoria Police is not in a position to comment on the capability of a volunteer MSAR organisation and whether it is 'fit for purpose',[125] which is the subject of Term of Reference (a) of this inquiry.

Transport Safety Victoria (TSV) also expressed support for the introduction of an accreditation and ongoing capability assessment scheme, stating in its submission that:

> TSV holds the view that an appropriate governance framework for MSAR groups must include an accreditation requirement for the MSA[R] groups to assure Victoria Police, when tasking MSAR groups, that the MSAR group has a vessel fit for purpose, and that the operators of the vessel are competent and capable of performing the tasks at hand.[126]

Notably, the introduction of accreditation and ongoing capability assessment was also supported by both the Australian Volunteer Coast Guard Association (AVCGA) and Victoria's independent MSAR organisations.

The AVCGA stated in its submission to the Inquiry:

> Notwithstanding any amalgamation and/or consolidation of existing marine rescue services/units, which may arise from this Inquiry, AVCGA (Vic) submit a standard accreditation process needs to be introduced. This will ensure the State maintains the appropriate balance between the resources required for establishing and maintaining marine rescue services and the service expectations of the community and/or Government.[127]

The AVCGA noted that in the absence of accreditation, 'anybody' can commence operating as a marine rescue organisation anywhere in Victoria, irrespective of:

- their capability or capacity;

- any identified service gaps that may exist;

- the potential for duplication and overlap (as in Hastings, where both AVCGA and Volunteer Marine Rescue Mornington & Hastings have a rescue vessel); and

- without being subject to minimum standards for the provision of marine rescue services.[128]

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[124] Inspector Mark Arneil, Manager, Water Police and Search and Rescue Squads, Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, p. 115.

[125] Inspector Mark Arneil, Manager, Water Police and Search and Rescue Squads, Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, p. 115.

[126] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 15.

[127] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 55.

[128] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 55.

The AVCGA suggested that a 'system wide' accreditation regime for volunteer MSAR organisations and units should have the following elements (reproduced from AVCGA submission):

- new Unit Accreditation

    o needs analysis against State Marine Rescue Plan and Standards

    o consultation with existing providers and community

- approvals process

    o to equip and train

    o to commence operation

- existing Unit Maintenance & Reaccreditation, including:

    o capability and capacity

    o training and equipment standards (including skills maintenance and testing regimes)

    o on-scene performance

    o maintenance of reporting and service delivery standards (against State standards)

- scalable Disputes and Grievances Process (focused on local resolution with an escalation process if required)

    o within and between agencies and/or units

    o between agencies and/or units and members of the community.[129]

Although Volunteer Marine Rescue (VMR) Mornington & Hastings did not refer to accreditation as such in its submission to the Inquiry, its support for the principle of state-wide operational and capability standards was clear. VMR Mornington & Hastings stated:

> … there are improvements that can be made to the administrative processes and interagency working that will improve the provision of MSAR services in Victoria. We believe that our systems and processes are, of a standard that should be replicated.

A number of other MSAR organisations also provided implicit support for some form of accreditation or standardisation of capability requirements through their support for the option of a single state-wide MSAR organisation. This follows from the fact that the accreditation or approval of individual MSAR units would be an inevitable feature of a single state-wide volunteer MSAR organisation, as is the case in NSW and Western Australia. Southern Peninsula Rescue Squad,[130] Port Fairy Marine Rescue,[131] Torquay Marine Rescue Service,[132 and] Port Campbell

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[129] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 56.

[130] Southern Peninsula Rescue Squad Inc., *Supplementary evidence*, no. 6A, 23 April 2014, pp. 1–2.

Marine Rescue,[131] all stated that they either supported or were open (under certain circumstances) to the establishment of a single state-wide MSAR organisation.

VICSES and Life Saving Victoria (LSV) also provided support for the introduction of accreditation.[134]

The Committee is particularly concerned that the recommendations for the introduction of accreditation and an annual audit of volunteer MSAR units contained in the 2002 Ernst & Young report have not been implemented, despite the support for such change within the volunteer MSAR sector.

As noted above, the accreditation and regular capability assessment of volunteer MSAR organisations is a requirement in NSW, Queensland and Western Australia. Those states have recognised the importance of accreditation and regular capability assessment as a means of promoting the safety of both their MSAR volunteers and members of the public and for providing volunteers with greater protection in terms of public liability. A key feature of accreditation in those states is that volunteer MSAR organisations or individual volunteer MSAR units that do not meet minimum capability standards are not to respond to call-outs for rescue without police approval.

While the Ernst & Young report noted the benefits of affiliation, it found that, unlike accreditation, affiliation did 'not appear to guarantee minimum acceptable capabilities'.[135] This finding is of particular ongoing significance in view of the fact that a number of Victoria's current volunteer MSAR organisations have chosen to affiliate, often for financial and training purposes, with larger organisations such as LSV, VICSES and the CFA. It is notable that each of the leading jurisdictions in the volunteer MSAR sector — New South Wales, Queensland and Western Australia — have chosen accreditation as a means of ensuring that volunteer MSAR units continue to meet minimum capability standards. The Committee considers that accreditation, rather than affiliation, clearly represents best practice in the volunteer MSAR sector and is the option that should be pursued in Victoria.

The Committee is of the view that a system for assessing the capacity of Victoria's volunteers and their MSAR resources should be introduced as a matter of priority. Accreditation of individual MSAR units (in addition to MSAR organisations) is clearly the best means of ensuring that a new representative governing body is able to maintain an accurate register for the purposes of tasking volunteer MSAR units in the future.

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[131] Russell Lemke, Communications Officer, Port Fairy Marine Rescue Service, *Transcript of evidence*, 15 April 2014, p. 261.

[132] Adam Stephens, President, Torquay Marine Rescue Service, *Transcript of evidence*, 24 March 2014, p. 153.

[133] Brett Wallace, Rescue Coordinator Port Campbell Marine Rescue, *Transcript of evidence*, 16 April 2014, p. 287.

[134] Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, pp. 8–9; Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 4.

[135] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 35.

It also important to note that the establishment of an accredited volunteer MSAR sector would not prevent Victorian Water Police from continuing to call on non-accredited organisations and individuals, including the owners of recreational vessels, to respond to emergency incidents if they are in close proximity to the vessel or person in distress and the Water Police assesses that it is safe for them to provide assistance.

Finding 4.1:

Victoria needs to introduce a state-wide system of accreditation, combined with regular capability assessments, for all volunteer marine search and rescue units and organisations.

4.2.2 Victoria's draft accreditation and capability assessment scheme

The Committee was informed during the course of the Inquiry that the draft *Marine Search and Rescue Arrangements Victoria* (the draft MSAR Arrangements), includes a proposed scheme for the accreditation (referred to in the draft as 'approval') and ongoing capability assessment of volunteer MSAR organisations in Victoria.[136] The proposed scheme is contained in Section Six, and the associated appendices, of the draft MSAR Arrangements, a copy of which was provided to the Committee as an attachment the submission from VICSES.

The Committee understands that the former Office of the Emergency Services Commissioner (OESC) was primarily responsible for drafting the MSAR Arrangements in consultation with Victoria Police, the former MSV (and subsequently TSV) and other stakeholders. However, the Committee also understands that TSV's input into the draft was largely limited to Section Five, which deals with vessel, crew and equipment standards but which has been superseded by the federal regulations which are discussed in detail in Chapter Seven of this report.[137]

The Committee was informed by TSV that the draft MSAR Arrangements had not progressed to ratification and implementation by the State Marine Search and Rescue Committee (SMSARC) due to the recent changes to Victoria's emergency management legislation and the incoming federal regulations.[138] As discussed in Chapter Two, the emergency management reforms include changes to the governance arrangements and reporting requirements for Victoria's emergency services under the new emergency management planning framework, which came into effect from 1 July 2014. At the time of writing, there was some uncertainty about the role and functions of SMSARC within the new framework.

Section Six of the draft MSAR Arrangements proposes that SMSARC would be responsible for the overall management of the accreditation and ongoing capability assessment scheme.

The proposed scheme has the following key features:

• the definition of an 'MSAR Approved Provider' as an organisation comprised of one or more operational units — defined as 'MSAR Service Providers' — that have been approved by the Minister for Police and Emergency Services to undertake MSAR operations in Victorian waters;

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[136] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.
[137] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.
[138] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

- the requirement that in order to be approved as an MSAR Service Provider, an operational unit must undergo an assessment of its 'capability, equipment and training standards', coordinated by SMSARC;

- the requirement that MSAR Service Providers be subject to annual or periodic review, as well as 'random spot checks' to ensure that their operational standards and capability continue to meet specified requirements; and

- provision for the removal of accreditation to operate as an MSAR Service Provider following failure to rectify problems identified by a 'periodic review' or 'random spot check'.[139]

ACCREDITATION

The draft scheme proposes that SMSARC would have overall responsibility for assessing applications for both *Approval to Equip and Train* (Stage 1 of accreditation) and *Approval to Operate* (Stage 2 of accreditation). In both cases, applications that are supported by SMSARC would then be recommended to the Minister for Police and Emergency Services for formal approval, via the former State Emergency Response Coordinator [SERC], i.e. the Chief Commissioner of Police.

The draft scheme also proposes that Regional Marine Search and Rescue Committees (RMSARCs) would play a role in the *Approval to Operate* stage of accreditation. Each RMSARC — which would comprise representatives of the 'approved MSAR organisations' within the region and would be chaired by a police officer — would be responsible for assessing whether 'all components required to operate have been met' by the unit before forwarding the application on to SMSARC.[140]

RMSARCs would also play a role in the transition arrangements for existing MSAR Service Providers since they would be responsible for the annual review of progress by existing providers towards the achievement of capability in line with the new standards.[141]

Under the draft scheme, RMSARCs would be established, as required, by the Inspector of Water Police Search and Rescue and report to SMSARC.[142] The draft Arrangements also state that the State Emergency Response Planning Committee (SERPC), in consultation with the Water Region Emergency Response Coordinator and SMSARC, would be responsible for defining the regions and for endorsing the establishment of the RMSARCs.[143]

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[139] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, pp. 18, 22.

[140] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, pp. 4, 14, 16.

[141] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, p. 4.

[142] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, p. 6.

[143] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, p. 5.

The Committee was informed that there were no RMSARCs operating at the time of writing because SMSARC had decided to review the need for them once the new emergency management arrangements were established. As noted previously, there was also some uncertainty regarding the future of SMSARC prior to the commencement of the new emergency management arrangements. However the Committee was informed that, following the commencement of the new emergency management arrangements on 1 July 2014, SMSARC would continue and would report to the Capability and Response Sub-Committee of the new SCRC.[144]

At the time that this report went to print (in late August 2014), SMSARC had not had an opportunity to review the need for RMSARCs and their possible role within the structure of Victoria's marine rescue services sector. The Committee also notes that the role of the proposed RMSARCs, and of SMSARC itself with respect to the structure of marine rescue services, falls under the terms of reference for the Inquiry (Terms of Reference (b) and (c)). SMSARC may therefore also wish to consider the Committee's report and the Government response to the report on this issue.

The Committee notes that in the event that a single state-wide MSAR organisation is established in Victoria, there would no longer be a role for RMSARCs, which are based on the model of multiple MSAR organisations operating within regions and across the state.

The Committee also notes that RMSARCs may be redundant under the accreditation and ongoing capability assessment scheme recommended in this chapter, particularly in view of the Committee's recommendation that the assessment and approval functions would be undertaken by one or more representatives of the new representative governing body (Recommendation 4.6).

ONGOING CAPABILITY ASSESSMENT

The draft scheme is not entirely clear as to whether responsibility for assessing the ongoing capability of MSAR Service Providers would be undertaken by SMSARC or by the relevant RMSARC. The section of the draft scheme headed '2 — Structures and Chain of Command' states that the RMSARCs would be responsible for ensuring that the 'annual periodic reviews' of Approved MSAR Providers are undertaken and that this should include the review of 'equipment and training as directed by SMSARC'.[145] However, the section of the draft scheme that details the review procedures ('6.4 — Periodic Review') contains no specific mention of the role of RMSARCs in relation to either the 'periodic review' or 'random spot checks' of Approved Service Providers, and states that both are to be undertaken by SMSARC.[146] Section 6.4 also states that SMSARC may appoint a representative to undertake a periodic review on its behalf, although it is not clear whether this refers to both periodic reviews and random spot checks.[147] On balance, it

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[144] Specialist Response Division, Victoria Police, Email correspondence with Executive Officer, 4 July 2014; Specialist Response Division, Victoria Police, Email correspondence with Executive Officer, 4 July 2014.
[145] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, p. 6.
[146] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, p. 18.
[147] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, pp. 14, 16, 18.

would appear that the intent of the draft scheme is that both periodic reviews and random spot checks would be undertaken either by SMSARC, or the relevant RMSARC which would then report to SMSARC, or a 'representative' appointed by SMSARC.

DISCUSSION

While the Committee commends the former OESC and the members of SMSARC for developing a draft accreditation and ongoing capability assessment scheme, it is concerned by the time it has taken to draft the scheme and by the ongoing delay in its implementation. As noted above, the introduction of such a scheme was a core recommendation of the Ernst & Young report, which dates from 2002.

The Committee was unable to determine when OESC commenced drafting the MSAR Arrangements but understands that a previous draft was circulated by the OESC in early 2010 for comment by the former MSV, Victoria Police and other stakeholders.[148]

The Committee considers that there is a clear need for such a scheme to be implemented as soon as possible now that the Victoria's new emergency management arrangements have largely been finalised.

The Committee notes that the establishment of a single state-wide volunteer MSAR organisation (discussed in Chapter Five) would provide an ideal opportunity to establish an accreditation and capability assessment scheme at the same time. However, the Committee considers that the introduction of such a scheme should not be contingent on, nor should it be delayed by, the establishment of a single state-wide volunteer MSAR organisation.

As outlined in the Ernst & Young report, both NSW and Queensland have had accreditation and ongoing capability schemes in operation since at least 2002. In Western Australia, MSAR units now also operate under such a scheme.[149] Moreover, NSW successfully operated such a scheme for a number of years with multiple volunteer MSAR providers (prior to the establishment of Marine Rescue NSW as the single provider) and Queensland continues to do so. The Committee is therefore of the view that irrespective of whether Victoria's MSAR volunteers decide to establish a single state-wide volunteer MSAR organisation, the Government should facilitate the adoption of an accreditation and ongoing capability assessment scheme as soon as possible.

The Committee is of the view that it is possible for an accreditation and ongoing capability scheme that applies to multiple volunteer MSAR organisations to be sufficiently flexible to continue to apply (perhaps with minor modifications), in the event that those organisations choose to merge into a single state-wide volunteer MSAR organisation. Moreover, the Committee sees no reason why the scheme contained in the draft MSAR Arrangements — subject to the modifications discussed in the following sections — could not be used as a template for the introduction of an operational scheme.

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[148] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.
[149] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 15; Department of Fire & Emergency Services, 'Volunteer Marine Rescue Services', viewed 17 July 2014, <http://www.dfes.wa.gov.au/>.

The Committee also agrees with the proposal contained in the draft MSAR Arrangements that SMSARC should be responsible for the administration of the proposed accreditation and ongoing capability assessment scheme. However, the Committee's support for this aspect of the proposed scheme is subject to the reform of SMSARC's internal governance arrangements as recommended in section 4.3 below. In view of the potential for conflicts of interest between the different volunteer MSAR organisations represented on SMSARC, the Committee does not consider that SMSARC, as it currently operates, should be responsible for administering an accreditation and capability assessment scheme for Victoria's MSAR sector.

Recommendation 4.1:

That Emergency Management Victoria works with the new representative governing body to finalise and implement a system of accreditation and ongoing capability assessment for each of Victoria's volunteer MSAR units as a matter of urgency.

4.2.3 Annual audits and random spot-checks of marine search and rescue units

As noted above, the proposed accreditation and capability assessment scheme contained in the draft MSAR Arrangements includes provision for the 'periodic review', as well as 'random spot checks' of MSAR service providers to determine whether their operational standards and capability (equipment and training) continue to meet the specified requirements for their operational area or areas. Organisations that fail to meet the review requirements would be given an opportunity to rectify all non-compliant components within a specified timeframe and those that fail to achieve this would lose their recognition as an 'MSAR Provider'. In other words, the organisation would lose its accreditation as a volunteer MSAR organisation or unit in Victoria, which would, in all likelihood, limit the circumstances in which the unit would be called upon to respond to MSAR incidents by the Water Police in the future.

There is some ambiguity in the draft scheme about the time interval for the 'periodic' review of MSAR units. While Section 2 — 'Structures and Chain of Command' — states that the periodic review process will be 'undertaken and documented annually', there is no mention of this requirement in Section 6 (which sets out the details of the scheme). Instead, Section 6 states that reviews of accredited MSAR units will be undertaken 'as required'.[150] The definition of 'periodic review' in the Glossary to the draft MSAR Arrangements also contains no reference to the requirement that periodic reviews should be undertaken annually (i.e. as a minimum requirement in addition to the power of SMSARC to undertake 'random spot checks).[151]

As Inspector Arneil noted during the public hearing in Melbourne, and as highlighted in the Ernst & Young report of 2002, there is a clear need for an annual 'audit' (or capability assessment) of volunteer MSAR organisations to provide the Water Police with the necessary information to make a fully informed assessment of the risk associated with dispatching a particular volunteer MSAR organisation or unit. The Committee is concerned by the apparent ambiguity in relation to this requirement in the draft MSAR Arrangements and considers that the draft scheme should

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[150] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, pp. 6, 18.
[151] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, p. 22.

be amended to remove any doubt that capability assessments will be undertaken, at a minimum, on an annual basis.

The Committee also notes that MSAR organisations in New South Wales are also required to undergo an annual capability assessment for the purposes of accreditation. Under the current NSW State Rescue Policy, individual MSAR units must be accredited by the Minister for Emergency Services on the recommendation of the State Rescue Board.[152] Organisations that provide accredited MSAR Units are required to undergo a form of self-assessment by submitting 'annual Operational Capability Reports' to the State Rescue Board, which must include the following details:

- the number of rescue units;

- dates rescue units were last inspected, either internally or externally;

- the number of accredited rescue operators by unit;

- the number of accredited rescue trainers by unit;

- the number and serviceability of rescue assets in each unit (vehicles / vessels);

- confirmation that the equipment used is sufficient, serviceable and appropriate for the types of rescue for which each unit is accredited; and

- a synopsis of the number and type of rescues conducted by the organisation since the last reporting period.[153]

In New South Wales, individual MSAR Units are also subject to 'operational readiness inspections' which can be conducted at any time by NSW Police Force Marine Area Command (NSW MAC).[154] This is analogous to the 'random spot checks' proposed in Victoria's draft MSAR Arrangements, which the Committee considers to be an important feature of the draft scheme.

The Committee considers that a more frequent capability assessment requirement could prove administratively onerous for volunteer MSAR units, whereas a minimum requirement of 12 months would strike an appropriate balance in terms of risk management and the demands placed on volunteers' time. The Committee also considers that allowing annual audits to be conducted primarily as a 'self-assessment', complemented by random spot checks, would assist in achieving this balance.

Finally, the Committee notes that there is a degree of ambiguity in the draft scheme as to whether the requirements would apply only to MSAR organisations or to all MSAR units (bearing in mind that there are a number MSAR organisations comprised of multiple units as well as a number of single unit MSAR organisations). The Committee is strongly of the view that an

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[152] State Rescue Board of New South Wales, *State Rescue Policy — 3rd Edition*, New South Wales Government, Sydney, 2013, pp. vii, 4.
[153] State Rescue Board of New South Wales, *State Rescue Policy — 3rd Edition*, New South Wales Government, Sydney, 2013, p. 9.
[154] State Rescue Board of New South Wales, *State Rescue Policy — 3rd Edition*, New South Wales Government, Sydney, 2013, p. 21.

accreditation and ongoing capability scheme should apply at the level of each MSAR unit and believes that this requirement should be clear in the final MSAR Arrangements.

Recommendation 4.2:

That the draft MSAR Arrangements be amended to make it clear that each MSAR unit must be subject to an annual audit of its capability as an MSAR unit. The annual audit should be conducted by way of a self-assessment process against standards defined by the new representative governing body. The process of annual audits should be complemented by audits conducted in the form of 'random spot checks' by one or more representatives of the organisations comprising the new representative governing body.

4.2.4 The need for a state-wide audit of Victoria's marine search and rescue organisations

The Committee notes that the last time a state-wide audit of Victoria's MSAR resources was conducted — resulting in a complete update of the register of volunteer MSAR resources — was in 2002 for the purposes of the Ernst & Young review.[155] Since that time, the register has primarily been updated on the basis of information provided by volunteer MSAR organisations from time to time.

Although there is no reference to a state-wide audit of Victoria's current MSAR resources in the draft MSAR Arrangements, the audit conducted during the Ernst & Young review informed the development of the following four categories against which the report recommended that MSAR units should be assessed for the purposes of introducing an accreditation scheme:

- **Category A:** Currently meets the acceptable minimum standards and therefore is available to assist Victoria Police. This category was defined as including 'those individual organisations that are assessed to meet a minimum acceptable capability level to assist on a marine SAR activity in a specific marine environment'.

- **Category B:** Can assist only in restricted circumstances. This category was defined as including those volunteer organisations assessed as meeting a minimum acceptable capability standard to operate in the local marine environment but which:

  o either carried out other activities in addition to assisting Victoria Police on MSAR incidents and could therefore only attend in restricted and defined operating conditions; and/or

  o had a restricted availability to assist or a specific limitation that the coordinating authority should be aware of for operational decision making purposes, such as surf clubs which are generally restricted to assisting on incidents that occur within 1 to 2 kilometres from shore.

- **Category C:** Does not currently meet minimum acceptable capability in one area of capabilities. This category would include MSAR units that could assist Victoria Police, but 'only with caution if the gap in capability risk is accepted' and following an

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[155] See Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, Appendices 6 and 7.

assessment of 'the nature of the deficiency in capabilities'. Category C is also designed to ensure that an MSAR unit does not lose its capability entirely and to alert Victoria Police to the issue and also to prioritise the need for capability improvement, for example through additional funding. This would provide the opportunity for Category C organisations to improve, over time, to reach Category A standard.

- **Category D**: Should not be called on to assist at the present time. This category would include those volunteer organisations that do not meet a minimum acceptable capability level to attend an MSAR incident in their local marine environment due to deficiencies in more than one area of capabilities which would be likely 'to result in an unacceptable safety risk'. Like Category C organisations, Category D organisations should be aiming to achieve Category A accreditation.[156]

The report also stated that accreditation of Category A organisations should be assessed 'independently' and 'at least annually', as well as after each involvement in an MSAR incident based on a Victoria Police SAR report.[157]

The report noted that weather and sea conditions would also be a 'critical influence' in determining whether to engage a volunteer MSAR unit 'in the first instance' and in considering its ongoing involvement during an MSAR operation. In this context, the above categories would 'provide a focus on capabilities and engagement' rather than on 'operational' MSAR issues or judgments, such as weather conditions.[158]

The report emphasised that the above categories would need to take into account the capabilities required for a given MSAR unit to assist in its particular local marine environment, i.e., the area in which it would be expected to be tasked.[159]

For example, the report found that out of a total of 162 MSAR organisations listed on the volunteer register at that time, approximately 40 per cent were surf lifesaving clubs. These organisations were accordingly assessed as 'Category B' MSAR units because of their 'restricted' capability to assist during an MSAR incident.[160]

The Committee notes that a similar situation prevails at the time of writing, i.e. the majority of MSAR resources listed on the register maintained by the Water Police are owned by LSV. The majority of those assets represent a 'restricted' capability because they are Inflatable Rescue Boats (IRBs) designed for operating in the surf but not in the open ocean. The Committee also notes, however, that LSV operates rigid-hulled inflatable boats (RIBs) at five locations in Victoria, which may provide those units with some additional capacity, although it is not clear whether

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[156] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, pp. 36–39, 22.

[157] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 22.

[158] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 37.

[159] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 8.

[160] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 11.

this would be sufficient to satisfy accreditation requirements of the kind defined by Category A. In any case, an assessment of the suitability of such vessels, or of any vessel type, for their local marine area should be conducted as part of an accreditation scheme, linked to a state-wide audit process.

The Committee considers that there is a need to conduct a new state-wide audit of Victoria's MSAR organisations, units and their resources, both in order to achieve a complete update of the register and to inform the design and implementation of an accreditation scheme. Such an audit would provide a useful baseline for the introduction of accreditation and would be particularly useful as a means of determining the level of assistance — including financial assistance — that may be required by those MSAR units that are not initially able to meet the defined accreditation standards. Given that the last time such a state-wide audit was conducted was approximately 12 years ago, a new state-wide audit would also provide an important opportunity to update the register of MSAR Resources, both in terms of content and format. The results of a state-wide audit of MSAR resources would also be useful in the event that the MSAR sector decides to seek the introduction a single-state wide volunteer MSAR organisation since it would identify current duplications and gaps in the provision of MSAR services.

Recommendation 4.3:

That the representative governing body, in collaboration and consultation with EMV, conducts a state-wide audit of Victoria's MSAR organisations and units. The results of the audit should be used to determine existing state-wide assets, as well as gaps in equipment and personnel, in order to establish a 'fit for purpose' accreditation and ongoing compliance regime for the sustainability of the volunteer MSAR sector. The audit should also be used as the basis for developing an updated register of volunteer MSAR resources, which should be updated annually by reference to the accreditation and audit system recommended in Recommendations 4.1 and 4.2.

4.2.5   Accreditation and marine search and rescue operating environments

As noted above, the Ernst & Young report called for accredited MSAR units (i.e. those defined as belonging to 'Category A') to be assessed by reference to 'a specific marine environment'.[161] The Committee notes that this requirement does not appear to be a feature of the proposed accreditation scheme contained in the draft MSAR Arrangements.

Volunteer MSAR accreditation schemes in Queensland and Western Australia operate by reference to specific marine environments. In broad terms, each of those states accredits either a single organisation, or a single type of organisation, to operate in 'blue water' (see Chapter Two at section 2.1). The organisational equivalents of VICSES and LSV in those states — i.e. the organisations that operate in white water and on smaller inland waters — are not accredited as volunteer MSAR organisations and are subject to separate regulatory arrangements.

In Queensland, MSAR organisations are accredited as either blue water (beyond the surf zone) or white water (surf) organisations.[162] Blue water MSAR services are provided by VMR

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[161] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 36.
[162] Department of Community Safety, *2012–13 Annual Report*, Queensland Government, Brisbane, 2013, p. 6.

Queensland and by AVCGA's Queensland branch. White water services are provided by the Royal Life Saving Society Queensland and Surf Life Saving Queensland.[163]

In Western Australia, volunteer MSAR services are primarily provided by Western Australia VMR, which has 37 groups accredited to operate in 'blue water' (which includes larger areas of 'inland' water around their home port or home base).[164] The organisations that fulfil broadly equivalent roles to VICSES and LSV in Western Australia — the State Emergency Service (SES) and Surf Live Saving WA respectively — do not generally control rescue vessels in the same operating environments as the volunteer marine rescue service.[165] The role of Western Australia's SES units, in relation to water rescue, primarily involves rescues from floods and smaller areas of inland waterways. Surf Live Saving WA is primarily involved in the rescue of swimmers from the surf using smaller vessels such IRBs and personal watercrafts (PWCs).[166]

In NSW, each volunteer MSAR unit is currently accredited to operate in one or more of three blue water categories, which are based on the following plying limits:

- **Category 1:** 0.5 nautical miles from shore;

- **Category 2:** 7 nautical miles from shore; and

- **Category 3:** 15 nautical miles from shore.[167]

The Committee notes, however, that the above categories will cease to apply for vessels constructed after 30 June 2013 under the National Standard for Commercial Vessels (NSCV), which will effectively require all volunteer MSAR vessels constructed after that date to be built (and crewed) according to the minimum requirement of survey Class 2C (vessels in survey Class 2C survey are capable of operating to a limit of 30 nautical miles from shore). The impact of the NSCV on the volunteer MSAR sector is discussed in detail in Chapter Seven.

However, under the Australian Maritime Safety Authority (AMSA)'s proposed 'Scheme R' for volunteer MSAR vessels and their crew (also discussed in Chapter Seven), volunteer MSAR vessels operating prior to 30 June 2013 would be 'grandfathered'. This means they would be allowed to continue to operate until they are removed from service or undergo significant structural modifications. As such, the operation of volunteer MSAR vessels that were in service prior to 30 June 2013 would remain subject to any pre-existing state requirements (such as plying limits and crew certifications).

The Committee considers that the lack of separation between blue water and other rescue environments under Victoria's existing arrangements has the potential to create uncertainty

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[163] Department of Community Safety, *2012–13 Annual Report*, Queensland Government, Brisbane, 2013, p. 6.
[164] Department of Fire and Emergency Services of Western Australia, Email correspondence with Executive Officer, 23 July 2014
[165] Department of Fire and Emergency Services of Western Australia, Email correspondence with Executive Officer, 23 July 2014
[166] Surf Life Saving Western Australia, 'Lifesavers and Lifeguards', viewed 23 July 2014, <http://surflifesavingwa.com.au>.
[167] State Rescue Board of New South Wales, 'Summary of NSW Accredited Marine Rescue Units as at 25 July 2013', viewed 25 June 2014, <http://www.emergency.nsw.gov.au/>.

regarding the appropriate volunteer MSAR unit (as currently listed on the register maintained by the Water Police) to task during a particular incident. The Committee considers that it would be preferable for those organisations whose primary areas of operations and expertise lie outside of the blue water operating environment, such as VICSES and LSV, to remain outside of the accreditation scheme recommended in this chapter.

The Committee notes that the introduction of the NSCV, particularly the requirement that coastal volunteer MASR vessels will need to be constructed to, and maintained at, survey Class 2C is likely to create some degree of separation between blue water and other operating environments in Victoria. However, the Committee is also concerned that one of the implications of the 'grandfathering' provisions under Scheme R, in the Victorian context, may be a continuation, for some time to come, of the current lack of separation between the different operating environments, with an associated potential for ongoing confusion in the tasking of volunteer resources.

The Committee therefore considers that there is a clear need to define Victoria's MSAR operating environments for the purposes of accreditation. The Committee regards such a reform primarily as a risk management issue and considers the fact that the existing register of volunteer MSAR resources does not explicitly categorise MSAR units by reference to their capacity to operate within their particular local marine environment to be one of the major deficiencies of the register.

Recommendation 4.4:

That the new representative governing body works with Emergency Management Victoria to ensure that the accreditation and ongoing capability assessment scheme for Victoria's volunteer MSAR sector applies to 'blue water' vessels only. However, this should include provision for the accreditation of individual MSAR units by reference to their capacity to operate within a specific marine environment.

4.2.6 Notification of change in accreditation status

The NSW State Rescue Policy contains an additional safeguard which the Committee considers should be included in a future accreditation and capability scheme for Victoria, i.e. a requirement that NSW MAC is immediately updated on any changes in the capacity of a marine rescue unit.

The Committee also notes that under the NSW State Rescue Policy, the relevant Search and Rescue Coordination Centre and NSW MAC must be notified immediately whenever an accredited marine rescue unit is unable to respond with resources appropriate to its level of accreditation or becomes unavailable for tasking.[168] The Committee notes that the accreditation and capability assessment scheme proposed for Victoria does not contain an equivalent provision and considers that such a requirement should be included in a future scheme. This is particularly important since it would provide a mechanism for ensuring that the Water Police are immediately updated on any changes in the capacity of a volunteer MSAR unit that could negatively impact on the safety of the boating public.

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[168] State Rescue Board of New South Wales, *State Rescue Policy — 3rd Edition*, New South Wales Government, Sydney, 2013, p. 20.

The Committee notes that the risk that the Water Police could be unaware that an accredited unit had either ceased to operate or was no longer capable of providing the rescue services which it had been accredited to provide during the previous 12 months, would be substantially mitigated if volunteer MSAR services were provided centrally by a single state-wide volunteer MSAR organisation. Nevertheless, the Committee considers that a future accreditation and capability assessment scheme for Victoria should include a similar provision as NSW regardless of whether the sector chooses to introduce a single state-wide volunteer MSAR organisation.

Recommendation 4.5:

That the Victorian Government ensures that the accreditation and ongoing capability assessment scheme for Victoria's volunteer MSAR units and organisations includes a requirement that the Victorian Water Police must be notified immediately whenever an accredited marine rescue unit no longer meets its accreditation requirements.

4.3   The management of Victoria's volunteer marine search and rescue sector

As outlined in Chapter Two, the draft MSAR Arrangements Victoria, proposed that SMSARC would have a key role in managing Victoria's MSAR sector since it would be responsible both for managing MSAR resources and for advocating to the Government on behalf of the volunteer MSAR sector. The draft MSAR Arrangements also propose that SMSARC should be responsible for administering the proposed accreditation and ongoing capability assessment scheme contained in the document.[169] In summary, SMSARC would operate as the 'overseeing stakeholder body' that was recommended in the 2002 Ernst & Young report. While the Committee welcomes this approach, it is also of the view that SMSARC is currently unsuited to the above roles due to its existing internal governance arrangements.

Although the draft Victorian MSAR Arrangements propose that the responsibility for the 'overall policy direction and oversight of all MSAR services in Victoria' should be vested in SMSARC, it is not clear how SMSARC would exercise this responsibility given its current limitations as a decision making body.

The Committee understands that since its formation in August 2011, SMSARC has operated largely as a discussion forum for its members but has not exercised, and does not have the capacity to exercise, any regulatory or policy oversight in relation to the MSAR sector.[170]

TSV stated in its submission that:

> Surprisingly, outside of Victoria Police's coordination for individual MSAR events, there is no one agency or legislative framework in Victoria responsible for managing and governing MSAR agencies or groups.

> Whilst the State Marine Search and Rescue Coordination Committee chaired by Victoria Police has sought to address, as best it can, issues arising, it has no formal basis to govern the myriad of agencies involved in MSAR events.[171]

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[169] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, p. 6.
[170] Transport Safety Victoria, *Briefing*, Melbourne, 11 July 2014.

VICSES stated in its submission that it is currently unclear 'who holds full responsibility for MSAR standards, policy and emergency management',[172] while LSV stated that it was aware of situations where SMSARC had been unable to 'influence key stakeholders' to improve the support and management of the MSAR sector.[173]

The Committee also notes that there are parallels between the operation of SMSARC, as it is currently structured, and the former NSW Volunteer Marine Rescue Council (VMRC), which was the equivalent of Victoria's SMSARC prior to the establishment of a single state-wide volunteer MSAR organisation in NSW. The New South Wales Government's 2009 review into the state's MSAR sector (known as the 'Price Report' and discussed in detail in Chapter Five at section 5.3) found that the former VMRC — which included a representative from each of the three volunteer MSAR organisations that previously operated in NSW — had no power to enforce its own decisions and directions, which were 'not always universally accepted or implemented by the constituent organisations'.[174]

The Committee was unable to determine the extent or nature of SMSARC's interaction with SERPC (discussed in Chapter Two at section 2.3.5) with respect to MSAR matters since its formation, particularly the extent to which MSAR policy proposals by SMSARC were referred to SERPC for consideration and endorsement. The Committee also understands that although SMSARC has met approximately every two to three months since it was established, the focus of its work in recent times has been on:

- swift water rescue (following the Victoria Government's *Review of the 2010–11 Flood Warnings and Response*); and

- the implementation of the 2013 federal reforms to crew and vessel certification introduced by AMSA (discussed in Chapter Seven).[175]

The Committee notes that the reforms to Victoria's emergency management arrangements and the confirmation that SMSARC will now report to the Capability and Response Sub-Committee of the SCRC will not, of themselves, improve the effectiveness of SMSARC as an MSAR policy or decision making forum. Despite these reforms, Victoria remains without an organisation responsible for the management and oversight of MSAR services (as distinct from the operational control and coordination of MSAR services which is provided by Victoria Police) for the simple reason that the internal governance arrangements of SMSARC remain unchanged.

The draft MSAR Arrangements state that SMSARC 'will determine its own decision-making process'. The Committee also understands that SMSARC's current 'voting' arrangements operate by consensus, with the Chair (an appointee of the Chief Commissioner of Victoria Police) exercising a power of veto.[176]

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[171] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 14.

[172] Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, p. 17.

[173] Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 6.

[174] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, p. 21.

[175] Victoria Water Police, *Briefing*, Williamstown, 3 March 2014.

[176] Specialist Response Division, Victoria Police, Email correspondence with Executive Officer, 4 July 2014.

Given the potential for conflicts of interest between Victoria's different volunteer MSAR organisations, and other members of SMSARC such as VICSES and LSV, it is unclear how SMSARC could objectively decide upon volunteer MSAR matters without undergoing some reform of its internal governance arrangements.

The difficulty of achieving a collaborative and objective approach to decision making within SMSARC, particularly bearing in mind the history of tension between some of Victoria's volunteer MSAR organisations, is highlighted by the nature of the responsibilities that are proposed for SMSARC in the draft MSAR Arrangements. In addition to proposing that SMSARC should be responsible for administering the proposed accreditation scheme, the draft MSAR Arrangements propose that SMSARC should have a number of other responsibilities, which would include the following:

- establish the policy, standards and strategic direction for MSAR in Victoria;

- monitor and review the Victorian MSAR Arrangements, including service delivery gaps such as unit locations and vessel types;

- determine priority areas for the establishment of new MSAR service providers; and

- provide advice regarding funding requests for the allocation of resources and training.[177]

In view of the potential for conflicts to arise between the interests of different volunteer MSAR organisations, it is difficult to see how SMSARC could dispense the above functions under its current internal governance arrangements. This is particularly so with respect to the administration of the accreditation scheme proposed in the draft MSAR Arrangements and with respect to the prospects for SMSARC working as a group to decide which purchases and funding proposals should be forwarded for consideration by the Government (as recommended in Chapter Six).

For the above reasons, the Committee is strongly of the view that the role of SMSARC needs to be reviewed. The Committee's preferred approach to reforming the governance of the volunteer MSAR sector would be to transfer the current and proposed responsibilities for SMSARC (i.e. the responsibilities proposed in the draft MSAR Arrangements) to a new representative governing body comprising a Board of Directors and Operational Executive Team. This model is the subject of section 4.3.1. In the event that the recommendations in section 4.3.1 are not supported, the Committee considers that the internal governance arrangements of SMSARC should be reformed as recommended in section 4.3.2. The Committee would like to emphasise, however, that the reform of the internal governance arrangements of SMSARC is proposed here as a 'second best' option and that the creation of a representative governing body for Victoria's MSAR volunteers is the Committee's preferred model.

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[177] State Marine Search and Rescue Committee, *Marine Search and Rescue Arrangements Victoria (Draft Document)*, Melbourne, 2012, p. 6.

4.3.1 A representative governing body for Victoria's MSAR volunteers

The Committee is firmly of the view that the role of SMSARC should be reviewed and that consideration should be given to the option of transferring SMSARC's current and proposed responsibilities to a new representative governing body. The Committee has separately recommended that such a governance model should be adopted in the event that the volunteer MSAR sector decides to establish a single state-wide volunteer MSAR organisation (Recommendations 5.3 and 5.4 in Chapter Five). However, the Committee also considers that such a model should be adopted in place of the current and proposed role for SMSARC, irrespective of whether Victoria's MSAR volunteers decide to form a single state-wide organisation. The Committee emphasises that the establishment of the new governing body would need to be subject to the introduction of an accreditation and ongoing capability assessment scheme as recommended above.

As outlined in Chapter Five, Marine Rescue NSW is constituted as a public company limited by guarantee, in which volunteers purchase $2 shares to become members. The organisation currently has approximately 3,300 members.

As a public company, Marine Rescue NSW is independent of government and its members elect the Board of Directors from among the membership. The current Board of Directors has significant legal and business experience, including as members of other company boards. The current Chair of Marine Rescue NSW, Mr James Glissan ESM, QC, is a Queen's Counsel and Adjunct Professor of Law. Two of the Directors are accountants and two are businessmen with significant commercial experience.

Marine Rescue NSW is supported by an administrative structure, comprising a total of 21 paid staff, including a Commissioner, Deputy Commissioner, six Regional Controllers and three Regional Training Managers, to enable the organisation to operate effectively as an emergency service. The current Commissioner, Mr Stacey Tannos ESM, has worked for more than 20 years in the New South Wales emergency services sector, including as the Chief Executive of Emergency Management NSW and as the inaugural State Emergency Recovery Controller.

In the absence of a single state-wide volunteer MSAR organisation, the adoption of the proposed governance model for Victoria would involve the establishment of a public company comprised of independent (but centrally accredited) volunteer MSAR organisations. Those organisations would maintain their separate identities but would also become part of the public company. Each accredited MSAR organisation would contribute a single representative to the Board of Directors, which would in turn elect a Chair of the Board. As in NSW, an injection of government funding would be required to create an administrative structure, including a Commissioner, Deputy Commissioner and Regional Controllers and Training Managers.

This reform would in a sense create a new organisation with which Victoria's accredited volunteer MSAR organisations would be 'affiliated'. Such a reform would represent a significant change to the current model under which Victoria's volunteer MSAR organisations are not accredited and either have no affiliation or (in the case of some of the smaller and single unit MSAR organisations) are affiliated with organisations that do not have blue water MSAR as their primary purpose, such as the LSV, VICSES and CFA. Such a reform would also end the impasse

with respect to the establishment of an effective oversight body for the state's volunteer MSAR sector that has prevailed since before the Ernst & Young review.

The Committee also notes that the Ernst & Young report emphasised the need for a balance between adding unnecessary bureaucracy, resolving deficiencies and creating a governance structure to maximise safety outcomes.[178] The Committee is of the view that reforming the current volunteer MSAR governance and oversight arrangements as outlined above would achieve such a balance.

Recommendation 4.6:

That the Victorian Government provides the necessary funding to support the establishment and ongoing operations of a representative governing body for the volunteer MSAR sector in the form of an appropriate entity, such as a public company, comprising each of the state's accredited volunteer MSAR organisations. The new body should include:

- a Board of Directors, comprising a Director from each of the state's accredited volunteer MSAR organisations and a Chair, elected by and from the Board of Directors;

- an Operational Executive team, including a Commissioner, Deputy Commissioner and Regional Controllers; and

- the word 'Volunteer' in its title to ensure that there is appropriate and ongoing level of public recognition of the commitment and status of the state's MSAR volunteers.

Recommendation 4.7:

That the Victorian Government provides for the transfer of the State Marine Search and Rescue Committee's current and proposed responsibilities to the new representative governing body. Those responsibilities would include the administration of an accreditation and ongoing capability assessment scheme by the Operational Executive Team.

A notable feature of the Marine Rescue NSW model is that the organisation immediately responds to calls for assistance in the event of a marine incident by immediately dispatching a vessel. The organisation is required to immediately report to NSW MAC if the event meets the definition of a 'notifiable incident' and to routinely advise of all other incidents that do not pose an imminent threat to life. For example, if a response involves going out to sea, Marine Rescue NSW will notify police immediately after dispatching its own vessel, providing the details of the incident, including the size of the boat in distress, the number of people involved, the nature of the danger they are facing and who (i.e. which Marine Rescue NSW unit, vessel and crew) has been sent to assist. NSW MAC can then either send one of its own vessels to assist the Marine Rescue NSW vessel(s) or to order that the Marine Rescue NSW vessel(s) stands down (i.e. returns to base) and to respond with a NSW MAC vessel or nearby vessel instead. This provision enables NSW MAC to redirect the response to such incidents based on: whether it has one of its own vessels nearby; or if there is another known vessel nearby that may be able to provide immediate assistance; the weather and other environmental conditions; its situational awareness; and any other relevant factors.

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[178] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 40.

An additional safeguard resides in the discretion of its skippers not to attend an incident if they determine that it would be too dangerous for their vessel and / or crew. In such cases, for NSW the Marine Rescue NSW unit will immediately inform NSW MAC, which has larger vessels or the ability to task a response via air. NSW MAC is therefore better suited to attending marine incidents in difficult sea and weather conditions or beyond the nautical mile coastal range within which Marine Recue NSW typically operates.

Under these arrangements, Marine Rescue NSW will respond to the majority of marine incidents that do not pose an imminent threat to life or wellbeing but at all times, operates under the direction of the NSW MAC, which is responsible for the coordination of marine search and rescue on NSW waters. The Committee is of the view that this is a significant advantage of the NSW approach compared to the current system in Victoria, which currently represents a significantly less efficient and effective use of Victoria Police resources. The Committee also notes that Marine Rescue NSW regards an immediate incident response (albeit subject to the requirement to stand down if directed by NSW MAC) as crucial given the potential for any marine incident to become a 'life or death' situation.

The Committee is of the view that Victoria's volunteer MSAR organisations (subject to the introduction of an accreditation and ongoing capability assessment scheme) should be provided with the authority to immediately respond to incidents. Such a power would need to be subject to the same safeguards and procedures as those which currently operate in relation to Marine Rescue NSW and which the Committee understands have created a highly successful partnership between Marine Rescue NSW and NSW MAC. In practice, the operation of an immediate response model for Victoria would need to be coordinated at a central and / or regional level by utilising the resources of the administrative structure established as part of the new representative governing body recommended above (Recommendation 4.6). The new governing body would also need to work closely with the Victorian Water Police to develop the necessary protocols and standards for such a system, including the definition of a 'notifiable incident'. It would also be crucial for both the Water Police and the new governing body to have access to the updated register of volunteer MSAR resources (Recommendation 4.3) but for the new governing body to be responsible for maintaining the register. This would be consistent with its role in the accreditation and ongoing capability assessment of the state's volunteer MSAR units.

Recommendation 4.8:

That the Victorian Government provides the state's new volunteer MSAR governing body with the authority to respond immediately to all marine incidents, subject to a requirement to notify the Water Police where the response involves a 'notifiable incident' and to 'stand down' if directed to do so by the Water Police.

The Committee has also recommended (Recommendation 2.1) that the Commissioner of the new governing body should represent the body on the Capability and Response Sub-Committee. This would help to ensure ongoing consultation between the new governing body and the Victorian Water Police and facilitate the development of the necessary protocols for a 'self-tasking' system.

4.3.2   Reform of the internal governance arrangements of SMSARC

The Committee is of the view that the option of transferring the responsibilities of SMSARC to a representative governing body, as outlined in the preceding section, is the preferred option for reforming the oversight of the volunteer MSAR sector. However, in the event that the recommendations contained in the preceding section are not supported (and in the event that Victoria's MSAR volunteers choose not to form a single state-wide organisation), there would be a pressing need to pursue the alternative of reforming the internal governance arrangements of SMSARC. This option is referred to hereafter as the alternative governance model.

Under the alternative governance model, Victoria's volunteer MSAR organisations would have input into all of the current and proposed responsibilities for SMSARC. However, the related decision making power would reside with those agencies that are best placed to approach those responsibilities independently and objectively.

Accordingly, Victoria Police would continue to have a central role in the future decision making of SMSARC given the agency's operational expertise and its ongoing role as the state's MSAR control agency.

In addition, it would be equally critical for TSV (Marine Branch) to have a central role in the decision making of SMSARC, given the depth of its expertise in the area of marine safety regulation and its role as the delegate of AMSA for the purposes of administering the NSCV, has applied to volunteer MSAR organisations since 1 July 2013.

As TSV pointed out in its submission, although the oversight of MSAR services is currently not part of its primary responsibilities, it has wide-ranging interactions with the MSAR sector as a result of which it has 'developed substantial knowledge and information of the current state of those services'.[179] TSV went on to detail its current involvement in the MSAR sector as including the following:

- collection and codification of all marine incident data against national standards;

- administration of the fuel reimbursement scheme for volunteer MSAR organisations;

- working collaboratively with Victoria Police on incident coordination, causal factor analysis and preventative programs, including holding membership of SMSARC;

- investigation of marine incidents, including incidents involving MSAR vessels;

- overseeing the segment of marine search and rescue vessels which are not domestic commercial vessels and are therefore regulated by the *Marine Safety Act 2010* and associated regulations;

- active involvement in the development of national risk based specific requirements for MSAR vessels and operators in conjunction with AMSA;

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[179]Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 7.

- certification of the vessels constructed for MSAR purposes under the delegation of AMSA;

- certification that the crew of MSAR vessels meet acceptable competency standards under the delegation of AMSA;

- assisting MSAR organisations to meet standards for the safe operation of their activities under the delegation of AMSA;

- the provision of independent advice to Government regarding funding decisions relating to MSAR under the Boating Safety and Facilities Program (BSFP) administered by the Department of Transport, Planning and Local Infrastructure (DTPLI) (see Chapter Six); and

- the provision of independent advice to the Department of Justice (DOJ) on the delivery of the Marine Distress Emergency Monitoring System project.[180]

TSV summarised its potential to contribute to the more effective oversight of the volunteer MSAR sector in Victoria as follows:

> TSV continues to hold a great deal of corporate memory in relation to the activities of marine rescue services in Victoria and the marine rescue services of other jurisdictions. It also has a continued vested interest in seeing an efficient and effective marine rescue service in place in Victoria as this is a crucial element of the safe system approach that TSV utilises and promotes. TSV considers that this knowledge and expertise could be leveraged to provide efficiency in the future governance of marine rescue services in Victoria.[181]

Notably, DTPLI stated in its submission that while it was not in a position to comment on the structure or governance of MSAR services in Victoria (Terms of Reference (b) and (d)), it considered that TSV, along with Victoria Water Police and the Department of Justice, were the most appropriate agencies to respond and comment on marine emergency management.[182]

Under the alternative governance model, the current membership of SMSARC would be divided between a Reference Group and a Steering Group.

The Reference Group would operate in an advisory capacity and as a central source of volunteer MSAR knowledge and experience. The Reference Group would also provide the Steering Group with an important 'sounding board' in the development of relevant standards and policies. Accordingly, the Reference Group would include the current membership of SMSARC (with the exception of the Steering Group members) and, following the establishment of an accreditation framework, would be expanded to include a single representative from each accredited volunteer MSAR organisation.

The Steering Group would be responsible for all decision making and would be required to consider the advice of the Reference Group for this purpose. The Steering Group would

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[180] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 7.
[181] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, pp. 7–8.
[182] Department of Transport, Planning and Local Infrastructure, *Submission*, no. 22, 25 March 2014, p. 3.

comprise those members of SMSARC that are best placed to assume both an oversight function in relation to the sector and which, collectively, have the policy and operational expertise to advocate on behalf of the entire sector. Accordingly, the membership of the Steering Group would include an equal number of representatives from each of TSV and Victoria Police. Consistent with the recognition of SMSARC within the new emergency management arrangements, consideration should also be given to including a representative from EMV on the Steering Committee. As the successor to the OESC, the inclusion of EMV on the Steering Group would also facilitate its likely role in consulting and collaborating with the volunteer MSAR sector to amend and finalise the draft MSAR Arrangements.

Under the alternative governance model, meetings of the Reference Group would be held regularly, at least every three months, and would be attended by members of the Steering Committee. The Committee considers that the Chair of the Reference Group meetings should alternate between Victoria Police and TSV. The Ernst & Young report also recommended that a Steering Group should be formed, with the position of Chair alternating between Victoria Police and TSV, to oversee the process of implementing the agreed reforms of its 2002 review.[183] Since the Reference Group would have no decision making role in relation to MSAR services, there would be no risk of Victoria Police or TSV exercising a 'casting vote' on an issue that was outside of their respective fields of expertise and responsibility.

Meetings of the Steering Group — which would be convened for the purposes of all decision making, including recommendations regarding accreditation and funding applications — could be Chaired by EMV. Such an arrangement would give EMV the casting vote in the event of a 'deadlock' between Victoria Police and TSV. The Committee notes, however, that such situations would likely be rare given the different areas of expertise of Victoria Police and TSV. The Committee considers that there would be a high prospect of bipartisanship within the Steering Group under the proposed arrangement.

The Committee is also concerned that the majority of Victoria's blue water volunteer MSAR organisations are not represented on SMSARC. In fact, AVCGA is the only blue water volunteer MSAR organisation currently represented on SMSARC. The Committee is of the view that under the alternative governance model, and in the event that an accreditation scheme is introduced, all accredited blue water volunteer MSAR organisations should be represented on SMSARC. The Committee believes that this reform would provide the volunteer MSAR sector as a whole with a stronger and more effective 'voice', while improving the effectiveness of SMSARC as a platform for policy development and implementation.

The Committee is mindful that attendance at Reference Group meetings might not always be possible for representatives of volunteer MSAR organisations, particularly for representatives based in regional centres which are remote from Melbourne. However, under the proposed internal governance model for SMSARC, it may not be critical for Reference Group members to attend all such meetings, provided that alternative provision is made to enable their input. There are number of ways in which this could be achieved, for example, through: the use of audio/video conferencing; the acceptance of written statements on meeting agenda items and

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[183] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 21.

minutes; or through the nomination of a proxy representative (e.g. a representative of another unaffiliated volunteer MSAR organisation or the regional Water Police representative).

Recommendation 4.9:

That, in the event that Recommendations 4.7 and 4.8 are not supported, the Victorian Government reforms the internal governance arrangements of the State Marine Search and Rescue Committee by creating a Reference Group and a Steering Group.

The Reference Group should operate in an advisory capacity and as a central source of volunteer MSAR knowledge and experience. It should include the current membership of SMSARC and, following the establishment of an accreditation scheme, should be expanded to include a single representative from each accredited volunteer MSAR organisation. The Chair of the Reference Group meetings should alternate between Victoria Police and TSV.

The Steering Group should be responsible for all decision making and should be required to consider the advice of the Reference Group. The Steering Group should comprise an equal number of representatives from each of TSV and Victoria Police, as well as a representative from Emergency Management Victoria, who should act as the Chair of Steering Group meetings.

The Committee is mindful that the above recommendation would involve a significant expansion in the responsibilities of the members of the Steering Group, particularly for TSV. The Committee notes that EMV may be able to provide secretariat and related support to assist with some of the additional workload. However, the Committee considers that the expanded regulatory role envisaged for TSV would also require an increase in the level of resources provided to the agency, for example the creation of a small team of additional staff to oversee the accreditation and ongoing capability assessment scheme and to support the other work of the Steering Group.

The Committee also notes that the Ernst & Young report identified the adoption of a Steering Committee model for the volunteer MSAR sector as a means of avoiding the diversion of Victoria Police MSAR resources from operational responsibilities. The report stated:

> In our view, the overriding principle is that Victoria Police marine SAR resources are not diverted from managing operational matters. We recommend that the Steering Committee is there to deal with broader issues such as insurance, funding and the achievement of best practice as quickly as possible. The Steering Committee should also be responsible for commissioning and considering audit reports. The Steering Committee membership will need to be limited to key stakeholders and may need to be chaired by an independent party.[184]

Accordingly, the Committee considers that, in the event that the alternative governance model is adopted, TSV should be provided with the necessary increase in its annual budget to enable the creation of a team within its Marine Branch. This would be for the purposes of administering a volunteer MSAR accreditation and capability assessment scheme and for supporting the work of the Steering Group of SMSARC.

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[184] Ernst & Young, *Volunteer Marine Search and Rescue Organisations in Victoria — Joint Review Commissioned by Victoria Police and Marine Safety Victoria*, Melbourne, 2002, p. 21.

As discussed in Chapter Six, only a small proportion of the annual revenue from vessel licensing and registration is allocated under the BSFP and only a small proportion of BSFP funding is allocated to search and rescue. This is despite the fact that section 312 of the *Marine Safety Act 2010*, states that all prescribed revenue from vessel licensing and registration must be used for the provision and maintenance of boating facilities and services for the public; or for the conduct of boating safety, education and promotion programs for the public.

As noted in Chapter Six, gross revenue from registration and licensing in 2013–14 was approximately $26.4 million, compared to a total allocation of funds under the BSFP of approximately $2.6 million, which included an allocation of approximately $196,459 for search and rescue.[185]

It is also worth noting that TSV has a total operating budget for maritime safety ($13.4 million in 2013–14)[186] that is approximately half that of the annual revenue from vessel registrations and licensing (approximately $26.4 million in 2013–14).

The Committee is of the view that, in the event that the alternative governance model is supported, consideration should be given to hypothecating a sufficient portion of the annual revenue from vessel registration and licensing to TSV. This would be for the purposes of: administering a volunteer MSAR accreditation and capability assessment scheme and for supporting the work of the Steering Group of SMSARC. The Government should consult with TSV, and the other members of the Steering Group, to determine the annual allocation that TSV would require for these purposes. In the event that the Government decides not to adopt this approach as a means of providing additional funding for TSV, consideration should be given to the alternative of establishing a levy on vessel registration and / or licensing.

Recommendation 4.10:

That, in the event that Recommendation 4.9 is supported, the Victorian Government provides Transport Safety Victoria with the necessary increase in its annual budget to enable the creation of a team within the Marine Branch for the purposes of administering a volunteer MSAR accreditation and capability assessment scheme and for supporting the work of the Steering Group of SMSARC and:

- considers hypothecating a sufficient portion of the annual revenue from vessel registration and licensing to Transport Safety Victoria for these purposes; or

- considers the alternative of establishing a levy on vessel registration and / or licensing to provide the additional funding.

The Committee is also concerned by the evidence that SMSARC has, to date, had a much stronger focus on the provision of search and rescue in the swiftwater, surf and smaller inland water environments than on the provision of blue water MSAR services. To some extent, the Committee considers that an increased focus on blue water rescue by SMSARC would be an

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[185] Transport Safety Victoria, Email correspondence with Executive Officer, 4 August 2014; Department of Transport, Planning and Local Infrastructure, 'Boating Safety and Facilities Program — Supported Projects', viewed 3 June 2014, <http://www.transport.vic.gov.au/>.
[186] Victorian Auditor-General's Office, *Recreational Maritime Safety*, Victorian Government, Melbourne, 2014, p. 17.

inevitable outcome of establishing a Steering Group with responsibility for the administration of an accreditation scheme for blue water volunteer MSAR organisations and for the more general oversight of the volunteer MSAR sector. As recommended in Chapter Six, a requirement that all grant applications for volunteer MSAR organisations be assessed in the first instance by the representative governing body recommended (or by the Steering Group under the alternative governance model) would also contribute to an increased focus on blue water volunteer MSAR services. Nevertheless, the Committee considers that consideration should be given to a formal division of roles within the Reference Group of SMSARC by the establishment of separate working groups for the different operating environments.

Recommendation 4.11:

That, in the event that Recommendation 4.9 is supported, the Steering Group of SMSARC considers the establishment of separate working groups within the Reference Group to reflect the different operating environments of the Reference Group members. This could involve the creation of: a blue water volunteer MSAR working group comprising a representative from AVCGA and from each of the independent blue water volunteer MSAR organisations; a white water rescue working group comprising LSV; and a swift water / small inland water rescue working group comprising VICSES.

In the event that Recommendation 4.9 is supported (i.e. in place of the Committee's preferred governance model), the Committee is of the view that the Steering Group of SMSARC should be represented on the Capability and Response Sub-Committee. The Committee notes that Marine Rescue NSW is represented on the State Rescue Board of NSW, which is the rescue services oversight body in that state. Representation of the Steering Group on the Capability and Response Sub-Committee would significantly strengthen the voice of Victoria's volunteer MSAR organisations within government and more effectively align the sector with the new emergency management arrangements.

Recommendation 4.12:

That, in the event that Recommendation 4.9 is supported, the Victorian Government ensures that the Steering Group of SMSARC is represented on the Capability and Response Sub-Committee.

4.3.3 Legislative recognition of volunteer MSAR services under Victoria's emergency management legislation

The Committee received evidence from a number of stakeholders that the recent emergency management reforms represent an opportunity to more closely align the MSAR sector with the state's emergency management arrangements.

TSV stated in its submission that although SMSARC 'has sought to address, as best it can' the issues that arise in Victoria's MSAR sector, 'it has no formal basis to govern the myriad of agencies involved in MSAR events'.[187] TSV recommended that, as part of the increased focus on an 'all hazards' approach under the new Victorian emergency management framework, consideration should be given to 'incorporating MSAR formally into the emergency services

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[187] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, pp. 14–15.

arena' and that the sector should be brought under the same governance framework that now applies to all other emergency service organisations.[188]

LSV and VICSES recommended that the responsibility for policy and support to the MSAR sector should become functions of EMV, through the Capability and Response Sub-Committee.[189] Similarly, AVCGA recommended that its proposed new state-wide MSAR organisation — 'Coast Guard Victoria' — should be integrated into EMV and have a reporting relationship to the EMC.[190]

The Committee is of the view that the volunteer MSAR sector would benefit from the active involvement and oversight of the recently established EMV. As the new overarching body for emergency management in Victoria, the Committee regards EMV as the logical agency to provide governance and policy support to the MSAR sector.

Arguably, some of these functions have previously been fulfilled by the DOJ, which provides some grant funding for volunteer MSAR organisations and which, through the OESC, was responsible for overseeing the draft MSAR arrangements. However, the Committee is of the view that the establishment of EMV represents an important and timely opportunity to significantly boost the level of support that is provided to the state's volunteer MSAR organisations. The Committee also notes that EMV has effectively inherited the role of finalising the draft MSAR Arrangements from the former OESC.

As the new overarching body for emergency management, EMV is responsible for coordinating the emergency management policy and reform process. The Committee is also of the view that the active involvement of EMV would serve to integrate MSAR into the 'all-hazards all-agencies' approach to emergency management, which is a key element of the emergency management reforms.

Under the new *Emergency Management Act 2013*, and as a result of reforms to the legislation that establishes Victoria's various 'responder' agencies, each of those agencies is now subject to the oversight of EMV and the EMC. The *Emergency Management Act 2013* defines VICSES, CFA, the Metropolitan Fire Brigade (MFB), the Secretary to the Department of Environment and Primary Industries (for the purposes of the Department's fire suppression function) and any other agency 'prescribed' by regulation as 'responder agencies'. The term 'response' is also defined in the act as 'the combating of emergencies and the provision of rescue services'.[191]

By way of example, under the *Victoria State Emergency Services Act 2005*, VICSES, through the VICSES Authority, is now required to:

- collaborate and consult with EMV (section 4B);

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[188] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, pp. 14–15.

[189] Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 7; Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, p. 13; Tim Wiebusch, Deputy Chief Officer, Victoria State Emergency Service, *Transcript of evidence*, 24 March 2014, p. 125; Nigel Taylor, Chief Executive Officer, Life Saving Victoria, *Transcript of evidence*, 24 March 2014, p. 160.

[190] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 58.

[191] *Emergency Management Act 2013* (Vic), 73 of 2013, section 3.

- carry out its functions in accordance with operational standards developed by the EMC (section 4C);

- provide a written report to the EMC every six months on the action it has taken to comply with the operational standards (section 4D);

- implement the applicable 'work program' to give effect to the 'Strategic Action Plan' developed by the SCRC and provide a written report (at least every 12 months) to both the SCRC and the Inspector-General for Emergency Management (IGEM) on the progress made in giving effect to the Strategic Action Plan (section 4E); and

- comply with any incident management operating procedures (section 4F).[192]

Equivalent provisions also apply in each of the Acts that establish and govern the CFA, the MFB and the Secretary to the Department of Environment and Primary Industries (for the purposes of the Department's fire suppression function).[193]

The Emergency Services Telecommunications Authority (ESTA) is also subject to two of the above requirements: to collaborate and consult with EMV; and to implement the applicable 'work program' to give effect to the 'Strategic Action Plan' and provide a progress report to the SCRD and the IGEM.[194]

The *Victoria State Emergency Services Act 2005*, also contains a scheme for the 'registration' of members, probationary members and units (sections 33 to 38), which bears some similarity to the accreditation scheme that has been recommended for Victoria's MSAR volunteers in this chapter. Some notable differences include the requirements that:

- VICSES maintains a register which includes members' details;[195] and

- provision for VICSES' Chief Officer of Operations to require members to undergo a practical or written examination or to provide medical evidence in order to demonstrate their 'proficiency or fitness' in the required 'skills, standards or qualifications'.[196]

Notably, the *Victoria State Emergency Services Act 2005* also contains a range of legal and related protections for members, including:

- immunity from personal liability for 'any thing done or omitted to be done in good faith' in exercising (or in the reasonable belief that a member was exercising) a power or duty under the Act or regulations;[197]

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[192] *Victoria State Emergency Service Act 2005* (Vic), 51 of 2005, sections 4B–4F.

[193] *Country Fire Authority Act 1958* (Vic), 6228 of 1958, sections 6C–6E; *Metropolitan Fire Brigades Act 1958* (Vic), 6315 of 1958, sections 7AB–7B; *Forests Act 1958* (Vic), 6254 of 1958, sections 61D–61EA.

[194] *Emergency Services Telecommunications Authority Act 2004* (Vic), 98 of 2004, sections 6B–6C.

[195] *Victoria State Emergency Service Act 2005* (Vic), 51 of 2005, section 33.

[196] *Victoria State Emergency Service Act 2005* (Vic), 51 of 2005, section 38(1).

[197] *Victoria State Emergency Service Act 2005* (Vic), 51 of 2005, section 42.

- insurance coverage for members, such that any damage to property caused by a member or a volunteer emergency worker during an emergency is deemed to be damage caused by the emergency;

- provisions which make it an offence to:

  o damage or interfere with any property owned by VICSES;

  o obstruct, hinder or interfere with a member during an emergency;

  o impersonate an employee or member of VICSES or imply or represent an association with VICSES that does not exist;[198] and

- compensation for members who suffer personal injury during or as result of their emergency service.[199]

Similar provisions — dealing with registration (i.e. accreditation), immunity from personal liability, insurance, compensation and offences — are contained in the relevant legislation and regulations for Victoria's other responder agencies.

The Committee is of the view that Victoria's volunteer MSAR organisations deserve the same level of assurance and protection in the exercise of their functions as each of the 'responder' agencies that are currently recognised under the *Emergency Management Act 2013*. Accordingly, and as a first step in providing such recognition, the Committee considers that each accredited volunteer MSAR organisation should be defined as a 'responder agency' under section 3 of the *Emergency Management Act 2013*. In the event that a single state-wide volunteer MSAR organisation is established in the future, it should also be defined as a 'responder' agency under section 3 of the *Emergency Management Act 2013*.

The Committee also considers that, following the establishment of an accreditation scheme, Victoria's volunteer MSAR organisations should be subject to the same oversight and reporting requirements that now apply to the state's other responder agencies, for example the requirements contained in sections 4B, 4C, 4D, 4E and 4F of the *Victoria State Emergency Services Act 2005*.

The Committee is also of the view that, subject to the establishment of a formal accreditation and ongoing capability assessment scheme, Victoria's MSAR volunteers should be covered by the same suite of legislative protections and obligations that currently exist for the volunteer members of the state's other emergency response agencies.

Whether this would best be achieved solely by means of legislation (e.g. an act that applies to all accredited MSAR organisations or to a single state-wide volunteer MSAR organisation) or through some combination of legislative recognition (i.e. under section 3 of the *Emergency Management Act 2013*) and policy (e.g. an amended and finalised version of the draft MSAR Arrangements), is a matter that should be decided by EMV. Such a decision should be taken in consultation with the new MSAR representative governing body recommended by the

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[198] *Victoria State Emergency Service Act 2005* (Vic), 51 of 2005, sections 44–46.
[199] *Victoria State Emergency Service Act 2005* (Vic), 51 of 2005, sections 47–54.

Committee (or, under the alternative governance model, with the Steering Group of SMSARC). In either case, the Committee is strongly of the view that there is a clear need for the adaptation and adoption of those provisions (discussed above) that are currently contained in the establishing legislation of the state's other volunteer emergency response agencies, such as the *Victoria State Emergency Service Act 2005* and the *Country Fire Authority Act 1958*. The MSAR governing body recommended by the Committee (or, under the alternative governance model, the Steering Group of SMSARC), in consultation with EMV, would be the obvious body to assume the day to day oversight of such provisions.

Finally, the Committee notes that volunteer MSAR organisations in New South Wales and Western Australia are formally recognised under the emergency and / or rescue legislation in those states. MSAR volunteers in those states are also covered by similar protections and obligations to those which apply for volunteers of Victoria's responder agencies.[200] Accordingly, this reform would bring Victoria's volunteer MSAR sector into line with those states and with national best practice.

Recommendation 4.13:

That in the event that a new governing body is established to represent the state's accredited volunteer MSAR organisations (Recommendation 4.6), it is, together with its accredited MSAR organisations, defined as a 'responder agency' under section 3 of the *Emergency Management Act 2013*.

That, in the event that a single state-wide MSAR organisation is established, it is included in the definition of a 'responder agency' under section 3 of the *Emergency Management Act 2013*.

That, irrespective of the establishment of a single state-wide volunteer MSAR organisation (but subject to the establishment of a formal accreditation and ongoing capability assessment scheme), the Victorian Government introduces legislation and / or policy to ensure that:

- volunteer MSAR organisations are subject to the same requirements to consult and collaborate with Emergency Management Victoria and to report to the Emergency Management Commissioner as other responder agencies (for example, the requirements contained in sections 4B, 4C, 4D, 4E and 4F of the *Victoria State Emergency Services Act 2005*); and

- MSAR volunteers are covered by the same suite of legislative obligations and protections that currently exist for volunteer members of the state's other responder agencies.

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[200] For New South Wales, see: *State Emergency and Rescue Management Act 1989* (NSW), 165. and State Rescue Board of New South Wales, *State Rescue Policy — 3rd Edition*, New South Wales Government, Sydney, 2013. For Western Australia see: *Fire and Emergency Services Act 1998* (WA), 41 of 1998.

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CHAPTER 5:
A SINGLE VOLUNTEER MARINE SEARCH AND RESCUE ORGANISATION FOR VICTORIA?

5.1 Introduction

A key issue that arose during the Inquiry was the option of establishing a single state-wide volunteer marine search and rescue (MSAR) organisation for Victoria. Accordingly, this chapter explores the question whether it would be desirable or feasible for Victoria's volunteer MSAR organisations to 'amalgamate' by bringing their operations under the administrative oversight of a single state-wide organisation. This proposition was supported in principle — and in some cases recommended — by a number of stakeholders, and none directly opposed it.[201]

Those stakeholders who supported or recommended the creation of a single state-wide organisation typically identified such an organisation as having the potential to address or mitigate many of the challenges currently facing the volunteer MSAR sector. These stakeholders proposed a number of methods for the consolidation of Victoria's MSAR organisations.

For example, the Australian Volunteer Coast Guard Association (AVCGA) expressed its support for the amalgamation of all of Victoria's MSAR organisations but emphasised that it was not proposing that Victoria's other MSAR organisations should become flotillas of AVCGA.[202] Instead, it proposed the creation of a new organisation named 'Coast Guard Victoria', which would be comprised of all the state's existing MSAR organisations and which would have the following features:

- the establishment of Coast Guard Victoria as a company limited by guarantee with a board comprised of:

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[201] See: Raymond Henderson, *Submission*, no. 2, 4 March 2014, p. 1; David Taylor, *Submission*, no. 4, 12 March 2014, pp. 1–2; Victoria Police, *Submission*, no. 5, 13 March 2014, p. 4; Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 6; Anthony Mayall, *Submission*, no. 10, 14 March 2014, pp. 1–2; Theodore Beggs, *Submission*, no. 13, 14 March 2014, p. 2; Richard Lasslett, *Submission*, no. 14, 14 March 2014, p. 3; Warrnambool Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 15, 14 March 2014, p. 1; Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, pp. 57–61; Port Welshpool Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 19, 18 March 2014, p. 1; Port Welshpool Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 19, 18 March 2014, p. 1; Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 5; Mornington Peninsula Marine Alliance, *Submission*, no. 28, 24 February p. 1; Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, p. 12; Richard Lasslett, *Transcript of evidence*, 18 March 2014, pp. 81–83; Christopher Newman, Gippsland Squadron Commodore, Australian Volunteer Coast Guard Association, Gippsland Squadron, *Transcript of evidence*, 8 April 2014, pp. 206–207; Russell Lemke, Communications Officer, Port Fairy Marine Rescue Service, *Transcript of evidence*, 15 April 2014, p. 261; Michael Krause, Flotilla Commander, Australian Volunteer Coast Guard, VF17 Portland, *Transcript of evidence*, 15 April 2014, p. 271.

[202] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 58.

- an independent chair;

- elected representatives from the former MSAR organisations, proportionate to their membership numbers;

- a Victoria Police representative; and

- independent directors;

- the maintenance of Life Saving Victoria (LSV) as a key support agency for lifesaving activities, as distinct from MSAR; and

- the integration of Coast Guard Victoria's management into the functions of Emergency Management Victoria (EMV), including a reporting relationship to the Emergency Management Commissioner (EMC).[203]

Similarly, the Gippsland Squadron of AVCGA stated that AVCGA:

> … is probably the only existing entity that could provide the state of Victoria with a cost effective Volunteer Marine Rescue platform that could incorporate other groups.[204]

Life Saving Victoria (LSV) and Victoria State Emergency Service (VICSES) recommended that all MSAR providers be aligned with what they described as Victoria's three 'principal' MSAR organisations.[205] LSV described this proposed structure as follows:

- Australian Volunteer Coast Guard Association for MSAR responses in offshore and enclosed waters with large vessels;

- Victoria State Emergency Service for inland responses with small vessels; and

- Life Saving Victoria, for inshore and enclosed responses with small vessels.[206]

VICSES expressed a similar view, however, it also recommended that the Government should determine the operating environments for each organisation.[207]

However, a number of stakeholders did not support the amalgamation model proposed by AVCGA or the option of positioning AVCGA as the primary provider for MSAR in Victoria.

In supplementary evidence to the Committee, Southern Peninsula Rescue Squad stated that it was not 'completely opposed' to joining a single state-wide volunteer MSAR organisation. However, it did not support a model which involved its merger or affiliation with one of the larger organisations such as AVCGA or LSV. Southern Peninsula Rescue Squad stated that a single organisation should be 'a completely different type of administration where all existing groups

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[203] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, pp. 57–59.
[204] Gippsland Squadron, Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 8, 13 March 2014, p. 4.
[205] Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 7; Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, p. 12.
[206] Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 7.
[207] Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, p. 12.

are represented equally'.[208] Mr Adam Stephens, President of Torquay Marine Rescue Service, considered that any amalgamation proposal should be for a newly established MSAR organisation due to the different communities that MSAR units provide services to:

> There are certainly advantages and disadvantages in terms of the coordination being handled by a single body. However, if you were to consolidate under a single body, it would be more pertinent to accommodate it under a single association, rather than give it to volunteer marine rescue at, say, Rosebud (*sic*), or [AVCGA] or something like that, due to the vast variances in the different communities you are dealing with and from which these people come.[209]

Similarly, Port Fairy Marine Rescue stated that it would welcome a restructure of the sector, provided that MSAR organisations could maintain control of their assets and administration.[210]

Although Volunteer Marine Rescue Mornington & Hastings (VMR Mornington & Hastings) did not directly address the question of a single, state-wide MSAR organisation, the Committee notes that the group has a reputation for 'best practice' in a number of areas and may therefore be unlikely to support the option of amalgamating with AVCGA or of forming part of a single state-wide organisation based on the model suggested by AVCGA.

The Committee also received evidence from individual AVCGA volunteers and flotillas which suggested that they would be unlikely to support the merger of Victoria's other volunteer MSAR organisations into AVCGA. For example, AVCGA's Port Welshpool flotilla described AVCGA's current structure as 'outdated and [relying] heavily on naval traditions, uniforms and procedures that do not reflect current public thinking'.[211] Similarly, Mr David Collins, a former Flotilla Commander in AVCGA, referred to his concerns with 'the management of volunteers and the application of discipline procedures' within AVCGA. He suggested that there was a need for a volunteer MSAR organisation with an alternative structure.[212]

5.2 New South Wales

5.2.1 Introduction

A number of stakeholders suggested that the Committee should investigate the single volunteer MSAR organisation model represented by Marine Rescue NSW, which was established in 2009 as a result of the voluntary merger of three previously separate organisations.

Victoria Police recommended that the Committee investigate the MSAR arrangements in New South Wales, which it stated 'would allow for centralised control of a range of critical issues'.[213]

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[208] Southern Peninsula Rescue Squad Inc., *Supplementary evidence*, no. 6A, 23 April 2014, p. 2.

[209] Adam Stephens, President, Torquay Marine Rescue Service, *Transcript of evidence*, 24 March 2014, p. 153.

[210] Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 6.

[211] Port Welshpool Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 19, 18 March 2014, p. 1.

[212] David Collins, *Submission*, no. 9, 13 March 2014, pp. 1–2.

[213] Victoria Police, *Submission*, no. 5, 13 March 2014, p. 4.

Mr Raymond Henderson, who provided a submission as an individual, described the New South Wales model as 'the way forward' and considered it 'logical to use the New South Wales system as a basis for a new coordinated [MSAR service] in Victoria'.[214]

At a public hearing, Mr Richard Lasslett, Section Officer (Public Relations and Media) AVCGA and a member of AVCGA Queenscliff, gave evidence in a private capacity at the public hearing in Geelong. Mr Lasslett stated that he considered the New South Wales amalgamation model to be a good reference point for an amalgamation process in Victoria:

> I think for Victoria to remake the wheel is a somewhat silly thing to do without looking at what New South Wales has done with a lot of offshore boat response organisations … It may not be that what they have got is 100 per cent, but it could save Victoria a lot of work in establishing what we want to suit us down here.[215]

Similarly, Mr Theodore Beggs, also a member of AVCGA Queenscliff who gave provided a submission as a private individual, recommended the New South Wales model, and suggested that the constitution of Marine Rescue NSW be used as a template for a new organisation in Victoria.[216]

However, the Committee also received some evidence which was critical of the New South Wales MSAR amalgamation process, including from Mr Raymond Campbell, National and Victoria Commodore of AVCGA and from Mr Christopher Newman, Squadron Commodore of AVCGA's Gippsland Squadron. This criticism was centred on the reported views of some former members of AVCGA in New South Wales that the amalgamation process had been implemented according to a 'top down' approach.[217]

On 20 May 2014, the Committee met with and received briefings from senior representatives of the following key stakeholders within the New South Wales MSAR sector:

- Marine Rescue NSW;

- the State Rescue Board of NSW;

- the Boat Owners Association of NSW (BOA); and

- the Kingscliff flotilla of AVCGA.

The Committee also conducted additional research to inform its deliberations with respect to the Marine Rescue NSW model.

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[214] Raymond Henderson, *Submission*, no. 2, 4 March 2014, p. 1.

[215] Richard Lasslett, *Transcript of evidence*, 18 March 2014, p. 82.

[216] Theodore Beggs, *Submission*, no. 13, 14 March 2014, p. 2.

[217] Commodore Raymond Campbell, National and Victorian Commodore, Australian Volunteer Coast Guard Association, *Transcript of evidence*, 17 March 2014, p. 21; Christopher Newman, Gippsland Squadron Commodore, Australian Volunteer Coast Guard Association, Gippsland Squadron, *Transcript of evidence*, 8 April 2014, p. 206.

5.3   Marine Rescue NSW

Volunteer MSAR services in New South Wales are provided by Marine Rescue NSW, an independent volunteer organisation. It receives ongoing funding from the New South Wales Government and the boating community through a small levy on boat licences and registrations (discussed in section 5.3.4) and through significant fundraising and sponsorship contributions. Before Marine Rescue NSW was formed in 2009, the New South Wales MSAR sector was experiencing a number of the same issues that are currently facing the Victorian volunteer MSAR sector. These included:

- financial difficulties for a number of local MSAR units;

- an uneven distribution of MSAR services (i.e. overlaps and gaps in coverage); and

- an ineffective governance framework.

The New South Wales Government undertook a review of the MSAR sector, which resulted in a final report (referred to as the 'Price Report'), released in 2008.

5.3.1   Review of NSW's marine search and rescue service

In August 2007 the then New South Wales Minister for Ports, Hon. Joseph Tripodi MP announced a review of the state's MSAR organisations. The review was undertaken by Hon. John C Price, a former Deputy Speaker of the New South Wales Parliament, who has a background in marine engineering.

The terms of reference for the review were as follows:

1. Examine the adequacy of the existing disposition of volunteer marine units to address the State's marine search and rescue requirements.

2. Identify any areas where resources may be duplicated and how these facilities could be rationalised.

3. Examine the adequacy of the current volunteer marine rescue organisational structure and make recommendations on how this could be improved.[218]

The review followed a 2006 recommendation by the New South Wales Police Force Marine Area Command (NSW MAC) to consolidate all existing MSAR organisations to increase operational efficiency. In addition, for some years successive ministers had expressed concern about the coordination and funding of the State's MSAR organisations.[219]

At the time of the review, there were three MSAR organisations in New South Wales. These were:

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[218] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, p. 3.
[219] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, p. 5.

- the Royal Volunteer Coastal Patrol , the largest and oldest MSAR organisation in New South Wales;

- AVCGA's New South Wales branch; and

- the NSW Volunteer Rescue Association, Marine.

Members from the three MSAR organisations, along with a representative from the NSW MAC, comprised the Volunteer Marine Rescue Council. The Council was an advisory committee to the State Rescue Board, which has a role in the coordination of rescue services and policies in New South Wales.

5.3.2 Findings and recommendations of the Price Report

The review praised the efforts of New South Wales' MSAR organisations, and stated that cooperation between organisations during incident responses was 'supportive and harmonious'.[220] However, the report found that an uneven distribution of MSAR services and an oversupply of part-time radio contact points caused confusion within the public and concerns for NSW MAC.[221] The report also noted concerns about the longer-term viability of MSAR services in New South Wales, due to the age of existing volunteers (mid-50s to mid-80s), stagnant recruitment numbers and the rising cost of vessels.[222]

Other key issues that were discussed in the Price Report concerned:

- the benefits of implementing a single organisation for MSAR in New South Wales;

- operational costs, including costs to individuals (e.g. uniform, training and transport), maintenance and fuel costs;

- radio issues, such as the location of bases and service overlaps;

- areas of MSAR service duplication;

- the inability of the Volunteer Marine Rescue Council to enforce its decisions;

- accreditation and paperwork issues;

- vessel life assessment and replacement; and

- the need for improved financial auditing.[223]

The Price Report gave some weight to the views of the Boating Industry Association of NSW and BOA, which are essentially consumers of MSAR services. The Report stated that their views were

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[220] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, p. 8.
[221] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, p. 13.
[222] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, p. 16.
[223] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, pp. 11–21.

an important guide to how the MSAR sector in New South Wales was perceived.[224] Some key views were:

- the establishment of a single MSAR organisation was seen as essential;

- the new organisation should be funded to a more appropriate level than the arrangements at the time; and

- confusion caused by the existence of various radio networks was of great concern.[225]

The BOA stated that its members would accept an increase in fees to fund an MSAR organisation, provided they received details with their licence and registration renewals of the amount allocated to the new organisation.[226]

In addition, the report noted that the Boating Industry Association of NSW had withdrawn sponsorship from the three MSAR organisations due to their competing interests.[227]

The Price Report concluded that inviting the three existing MSAR organisations to join a newly-created MSAR organisation represented the best path to reform for the New South Wales MSAR sector. This option was chosen over a forced amalgamation, which was deemed impractical due to the structure of the existing organisations and the fact that many of their assets had been acquired over time with 'relatively nominal government assistance'.[228]

However there was an initial negative reaction to the proposal by the volunteer MSAR organisations:

- AVCGA was resistant to the option of merging into a new organisation due to its national framework and identity;

- the VRA saw itself as primarily a land-based organisation and had a 'very independent view' of how MSAR functions should be administered; and

- training and insurance issues were also highlighted, as each organisation had their own processes in place.[229]

In total, the report made nine recommendations on establishing a new, single MSAR entity and various establishment and funding objectives. The key recommendations included:

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[224] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, p. 14.
[225] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, p. 14.
[226] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, p. 15.
[227] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, p. 15.
[228] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, pp. 16–17.
[229] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, p. 14.

- establishing a new organisation 'Marine Rescue NSW';

- inviting membership from the three existing MSAR organisations, rather than forcing amalgamation;

- establishing an administrative committee to assist in transferring personnel and assets from existing MSAR units, within a two-year transition period;

- retaining the existing MSAR funding structure for the transition period, after which all ongoing government funding would be allocated to Marine Rescue NSW only;

- NSW MAC undertaking a review of the entire MSAR sector and its future needs;

- in the event of a shortfall of MSAR units Marine Rescue NSW, implementing an accreditation or licencing system for existing MSAR units wishing to remain involved;

- providing seed funding to Marine Rescue NSW in its first year for start-up costs;

- providing reimbursement for fuel costs during incident responses; and

- consideration of the option of allocating a small percentage of marine insurance revenue to Marine Rescue NSW.[230]

5.3.3 Government response and outcomes

Following the Price Report, the New South Wales Government engaged in a consultation process to assess support for the recommendations of the report. A total of 797 submissions were received, 681 of which were from MSAR volunteers. The submissions indicated an overwhelming support for the reform proposals, and fast-tracking the process was the most frequent comment made.[231]

The New South Wales Government published its response to the Price Report in late 2008. It accepted most of the Price Report's recommendations, including:

- the establishment of Marine Rescue NSW;

- the formation of a facilitation group to oversee a two-year transition period;

- the retention of the existing MSAR funding structure during the transition period; and

- the provision of seed funding for start-up costs.

In addition, the New South Wales Government referred two recommendations to the facilitation group for consideration. These concerned the review of the MSAR sector by NSW MAC and

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[230] Hon. John C Price, *Review of the Structure, Adequacy and Long Term Viability of New South Wales Volunteer Marine Rescue Organisations*, New South Wales Government, 2008, pp. 18–22. The report noted that this would require either legislation or COAG agreement.
[231] Hon. Joe Tripodi and Hon. Tony Kelly, *Government Response to the Price Report and Submissions*, New South Wales Government, 2008, p. 6.

future funding arrangements. A number of 'key issues of agreement' and 'issues requiring resolution' were also referred to the facilitation group.

Marine Rescue NSW was established in July 2009 and began operations on 1 January 2010. The New South Wales government provided $3 million in seed funding for start-up costs. The facilitation group oversaw the transition process and a board of directors was formed to administer the organisation.

More than 2,000 volunteers registered interest in joining Marine Rescue NSW in the first few months of it being announced.[232]

5.3.4 Marine Rescue NSW current structure

As at July 2013, Marine Rescue NSW had over 3,200 volunteer members and operated 83 vessels at 47 units along the New South Wales coastline and inland on the Alpine Lakes in the Snowy Mountains and the Murray River at Moama.[233] Under the New South Wales State Rescue Policy, NSW MAC has overall control for MSAR responses in the State, in line with national arrangements.[234]

Each Marine Rescue NSW unit must undergo accreditation, subject to approval by the Police and Emergency Services Minister on the recommendation of the State Rescue Board (discussed below) before it can operate in each category (see Chapter Four at 4.2.5).[235] Each Marine Rescue NSW unit is accredited as either a marine rescue unit, a radio base or a search and rescue coordination centre. Marine rescue units are further accredited according to the distance that their vessels are capable of travelling offshore.

Marine Rescue NSW is recognised as an emergency services organisation under the *State Emergency and Rescue Management Act 1989* (NSW), on the basis that it is an agency that 'manages or controls an accredited rescue unit'.[236]

Marine Rescue NSW receives an ongoing annual funding allocation from the New South Wales Government, which in 2012–13 was $1.52 million. In addition, a levy on recreational vessel licence and registrations in New South Wales (currently $8.23) provides Marine Rescue NSW with additional annual funding, which totalled $6.31 million in 2012–13.[237] Additional sources of income include donations, fundraising and games of chance, which amounted to $2.54 million in 2012–13.[238] Marine Rescue NSW's funding arrangements are discussed further in Chapter Six.

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[232] NSW Maritime, *Annual Report 2009*, New South Wales Government, Sydney, 2009, p. 24.

[233] State Rescue Board of New South Wales, *Annual Report 2012–2013*, New South Wales Government, Sydney, 2013, p. 12.

[234] State Rescue Board of New South Wales, *State Rescue Policy — 3rd Edition*, New South Wales Government, Sydney, 2013, p. 19.

[235] State Rescue Board of New South Wales, 'Summary of NSW Accredited Marine Rescue Units as at 25 July 2013', viewed 25 June 2014, <http://www.emergency.nsw.gov.au/>.

[236] *State Emergency and Rescue Management Act 1989* (NSW), 165 of 1989, section 3.

[237] State Rescue Board of New South Wales, *Annual Report 2012–2013*, New South Wales Government, Sydney, 2013, p. 28.

[238] Marine Rescue NSW, *Financial Statements & Reports — Year Ended 30 June 2013*, Volunteer Marine Rescue NSW, Sydney, 2013, p. 32.

A representative from Marine Rescue NSW sits on the State Marine Rescue Consultative Committee. The Committee is intended to 'develop and maintain an effective, efficient and integrated state [MSAR] system that meets national and state requirements and adopts best practice'.[239] It comprises members from the following agencies:

- NSW Police Force Marine Area Command (Chair);

- NSW Ministry for Police and Emergency Services;

- Roads and Maritime Services NSW;

- Surf Life Saving NSW;

- Marine Rescue NSW;

- Australian Maritime Safety Authority;

- NSW Boat Owners and Boating Industry Associations; and

- Yachting NSW.[240]

The State Marine Rescue Consultative Committee reports to the NSW State Rescue Board through its Policy Advisory Committee. The State Rescue Board is a statutory body formed under the *State Emergency and Rescue Management Act 1989* (NSW). Its principal function is to ensure the maintenance of efficient and effective rescue services in New South Wales.[241] Particular duties of the board include:

- policy development;

- ministerial recommendations on policy matters, including government and financial support;

- monitoring training standards;

- assessing rescue equipment and training exercises;

- reviewing and distributing technical information on rescue operations; and

- interstate and national rescue service coordination.[242]

The Board is currently comprised of the following members:

- Commissioner of the NSW Rural Fire Service (Chair);

- State Emergency Operations Controller (a Deputy Commissioner of NSW Police Force);

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[239] State Rescue Board of New South Wales, *Annual Report 2012–2013*, New South Wales Government, Sydney, 2013, p. 23.
[240] State Rescue Board of New South Wales, *Annual Report 2012–2013*, New South Wales Government, Sydney, 2013, p. 23.
[241] *State Emergency and Rescue Management Act 1989* (NSW), 165, section 47.
[242] *State Emergency and Rescue Management Act 1989* (NSW), 165, section 48.

- Commissioner of Fire and Rescue NSW

- State Emergency Service Commissioner;

- a senior executive of NSW Police Force;

- Commissioner of NSW Ambulance;

- President of the Volunteer Rescue Association of NSW;

- Commissioner of Marine Rescue NSW; and

- heads of any other volunteer rescue agencies, as appointed by the Board Chairperson or the Minister for Police and Emergency Services.[243]

5.4 Marine Rescue NSW — The first five years

5.4.1 Introduction

On 20 May 2014, the Committee travelled to Sydney to meet with representatives of Marine Rescue NSW, the NSW State Rescue Board, the BOA and the Kingscliff flotilla of AVCGA. The Committee also undertook follow up correspondence and telephone conversations.

Marine Rescue NSW informed the Committee that there were a number of factors that provided the impetus for the establishment of a single volunteer MSAR organisation in New South Wales, including:

- an approach by the state's three former marine rescue organisations to the New South Wales Government in 2007 with a request for additional funding because they were finding it increasingly difficult to meet their expenses through their normal fundraising mechanisms;

- duplication and overlap in service provision by the three former organisations, e.g. instances of two, and even of all three, of the former organisations vying for the same work within the same area; and

- the benefits of a single point of contact and a single organisation for the coordination of MSAR and for emergency services coordination perspective.

5.4.2 The establishment of Marine Rescue NSW

Mr Stacey Tannos, Commissioner, Marine Rescue NSW, has explained that, following the Price Review, the three former volunteer MSAR organisations in New South Wales agreed to merge into a single entity, subject to an undertaking from the New South Wales Government that it would provide the necessary funding to establish and maintain the new organisation. Accordingly, the new organisation was provided with $3 million in seed funding to cover establishment costs, a direct government grant and the proceeds of a (then) $7.50 levy on boat licences and registration for ongoing financial support.

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[243] Marine Rescue NSW, Phone correspondence with Executive Officer, 6 June 2013.

Mr Tannos has emphasised the importance of winning the 'hearts and minds' of volunteers through early and decisive action on:

- an injection of urgently-needed funding for new vessels and vital resources;

- the choice of a name for the organisation (one which did not use any of the three former names);

- the adoption of new vessel livery (white with two red stripes to provide a connection to the international rescue services); and

- the provision of new uniforms.

Marine Rescue NSW is structured as a public company limited by guarantee. This structure was chosen so that volunteers could maintain their independence from the New South Wales Government and elect a board of management from the organisation's membership. The structure of Marine Rescue NSW is discussed in detail in Chapter Four (section 4.3).

5.4.3 The benefits of establishing a single organisation

Marine Rescue NSW informed the Committee that the establishment of a single state-wide volunteer MSAR organisation had proven to be an overwhelmingly positive reform, which had resulted in a range of benefits for the sector and for the boating public, including:

- better service coordination and the elimination of duplication; a state-wide vessel replacement program which had produced a 'standardised' fleet and enhanced the transportability of volunteers' skills;

- a significant increase in the number of MSAR volunteers and a reduction in the average age of volunteers;

- improved training and related support for volunteers; and

- interoperability with other emergency services agencies.

SERVICE COORDINATION AND REDUCED DUPLICATION

The creation of a single point of contact for the coordination of marine rescue (i.e. by merging the three former organisations into Marine Rescue NSW) was regarded by the sector, as well as by NSW Police MAC, as a particularly important benefit. Mr Tannos said the state's previously fragmented volunteer MSAR sector had involved a significant replication of policies and training programs and the risk of oversights and gaps in capability. but the creation of a single organisation had virtually eliminated such duplication and its associated risks.

Similarly, Mr Jeff Richards, President, of BOA, informed the Committee that the BOA had campaigned for the amalgamation of the former volunteer MSAR organisations because it saw the possibility of significant 'internal efficiencies' through the standardisation of procedures, training and equipment and through the rationalisation of the former funding process, which was fragmented and somewhat 'ad hoc'. Mr Richards, also informed the Committee that the BOA had seen amalgamation as representing an opportunity for improved coordination of

rescue responses. He advised that the results of amalgamation had been largely consistent with the BOA's expectations and that it had certainly seen an improvement in the coordination of responses through a single central authority, which it regarded as the most important outcome of the process.

VESSEL REPLACEMENT PROGRAM

Following the provision of new uniforms for all volunteers, the next priority for the new Marine Rescue NSW organisation was the commencement of a state-wide vessel replacement and refurbishment program. The vessel replacement program was based on the Marine Rescue Service Delivery Model, a state-wide capability and risk analysis of the complete state of MSAR resources and services, including the vessels owned by the three former organisations, the buildings and facilities of each unit headquarters, occupational health and safety (OH&S) issues and the communications network (i.e. volunteer operated public radio).

As at May 2014, the program had resulted in the introduction of 35 new vessels since 2011. In order to ensure that all of the organisation's units requiring new vessels were provided with one as soon as possible, Marine Rescue NSW had entered into a leasing arrangement to accelerate the program and provide a further 15 vessels. As a result of the vessel replacement and refurbishment program, Marine Rescue NSW now has a modern and purpose-built fleet, which is far superior in terms of safety and OH&S to the fleet that it inherited from the state's three former volunteer MSAR organisations.

Following the roll out of new vessels to each unit, the Service Delivery Model and subsequent internal programs would be used to guide available funding towards upgrading of communications and facilities.

Mr Tannos informed the Committee that, wherever possible, Marine Rescue NSW's new vessels are constructed in New South Wales in order to support the local boat building industry. The creation of a single state-wide organisation had enabled significant economies of scale for the organisation through manufacturer and supplier arrangements, in relation to vessels as well as electronic equipment and outboard motors. Mr Tannos noted that, by comparison, the three former organisations often had been unable to purchase new boats or to turn over their motors after three years as Marine Rescue NSW intends to.

Mr James Glissan, ESM, QC, General Director and Board Chair, Marine Rescue NSW, informed the Committee that the approach to vessel replacement by the three former organisations had been an 'unsustainable model'. Mr Glissan said that in the past units had been required to fund their own vessels, which meant that many units 'struggled on' with their existing vessels, whether they were seaworthy or not, until they had saved up or fundraised enough money to be able to buy another vessel, which in turn might not be an appropriate or adequate vessel because of the limited amount of money units had to spend.

Mr Glissan contrasted this with the efficiency and effectiveness of the vessel replacement program conducted by Marine Rescue NSW during its first three years. He stated that the organisation had been able to provide an up to date, effective and safe fleet in a very short period of time because it had the necessary financial resources. He noted that the organisation had been able to enter into financing arrangements to achieve this outcome, which was an

option that had not been available to units in the past because they did not have the necessary cash flow or organisational structure.

The standardisation of the fleet also had provided volunteers with greater transportability. By way of example, a volunteer from far northern New South Wales could travel to far southern New South Wales and operate an MSAR vessel with very little additional training or orientation. This enhanced transportability of skills was also a significant factor in attracting volunteers to the organisation.

Mr Tannos said that although the funding model for the new organisation has reduced the pressure on volunteers with respect to fundraising, members remained under an obligation to conduct some fundraising so that their unit could make a contribution towards expenditure and to maintain the organisation's connection with the local community.

Mr Tannos also informed the Committee about an innovative fund raising program that Marine Rescue NSW had implemented shortly after its formation. This involved the purchase of 46 (one for each unit) 3.9 metre runabouts, each of which was provided with a trailer and a four stroke engine and which cost approximately $5,000 as a package. Each unit then raffled its vessel in the local community, in some cases raising as much as $30,000. This exercise illustrated the ongoing importance of fund raising for local units, both in financial terms and in terms of 'brand recognition' for the new organisation.

DEMOGRAPHICS

As discussed in Chapter Three, one of the key challenges currently facing a number of Victoria's volunteer MSAR organisations is the ageing of their members. New South Wales was experiencing a similar trend prior to the formation of Marine Rescue NSW. However, since 2011 the average age of the organisation's volunteers has fallen from 67 to 57. Mr Tannos attributed this result to a range of factors, including:

- the early provision of new vessels and equipment; the structure of the organisation (a public company);

- its 'brand name'; the greater recognition from government that is afforded to a single organisation; and

- the early provision of standardised training and uniforms.

The new fleet has proven to be very popular with the volunteer members of Marine Rescue NSW and has been a major factor in the significant increase in the number of volunteers that the organisation has experienced in recent years. In the three years to May 2014, the number of volunteers in the organisation had increased from 3,000 to 3,330, a more than 10 per cent increase. Mr Tannos noted that an increase of this magnitude went against all trends in the wider volunteer sector. Marine Rescue NSW is achieving this growth at the same time that it is experiencing an annual volunteer turnover of approximately 14 per cent (significantly higher than the 10 per cent average for volunteer agencies), a combination which reflects its success in attracting younger members.

TRAINING

Mr Dean Storey, Deputy Commissioner, Marine Rescue NSW, informed the Committee that Marine Rescue NSW volunteers receive greater support, including greater financial support, with respect to their training than the volunteer members of the three former organisations. He also noted that volunteer training had been improved and standardised. Mr Glissan informed the Committee that volunteers are able to complete their training for all crew certifications up to Coxswain level by completing centralised courses that are offered in each region.

INTEROPERABILITY WITH OTHER EMERGENCY SERVICES

The Committee was informed that the creation of Marine Rescue NSW had also boosted the interoperability of MSAR volunteers with New South Wales' other emergency services. The organisation has entered into a Memorandum of Understanding (MoU) with the NSW Rural Fire Service, which subsequently called upon its volunteers during the most recent bushfire season to assist in staffing its public inquiry telephone lines. Volunteers from Marine Rescue NSW were also deployed at that time to the public information call centre at the NSW Police Headquarters in Sydney. Mr Tannos noted that the organisation received very positive feedback on the assistance provided by its volunteers, who demonstrated great expertise in dealing with callers due to their experience in communicating with potentially distressed callers via marine radio.

Similarly, Mr Storey noted that the establishment of a single state-wide organisation had greatly improved the ability of New South Wales' volunteer MSAR sector to engage with all other emergency services and key partners at local and regional levels.

Mr Tannos also noted that multi-skilling and interoperability with other emergency agencies enabled sharing of operational, training and support resources between agencies, such as RFS fire training, chaplaincy and critical incident debriefing services provided for Marine Rescue NSW volunteers under the MOU. Marine Rescue NSW is able to draw on the available resources of larger agencies to access services for its members while also providing operational support for other agencies as required.

Mr Shane Fitzsimmons, Commissioner and Chair of the State Rescue Board of NSW, summarised the benefits of a single state-wide volunteer MSAR organisation in terms of the transportability of skills and the interoperability of volunteers between emergency agencies. He noted that this approach effectively creates a dynamic, adaptive and capable community resource for government that can be deployed in a range of situations. Commissioner Fitzsimmons informed the Committee that, in his view, the single-provider model, as opposed to a number of disparate agencies doing their best with limited resources, represents an investment in local communities.

The Committee notes that this approach is consistent with the 'all hazards, all agencies' approach under Victoria's new emergency management framework and considers that the outcome described by Commissioner Fitzsimmons is a particularly important benefit of the single volunteer MSAR organisation approach.

5.4.4 The disadvantages of introducing a single volunteer MSAR organisation

The Committee received very little information in New South Wales on the possible disadvantages of establishing a single volunteer MSAR organisation. Marine Rescue NSW

acknowledged that some of its units had experienced an increase in administrative requirements, which had not been welcomed by all members. On the other hand, the additional administrative burden had largely been offset by the provision of an administrative structure which included paid personnel. While some members of the former organisations may have felt that there was no need for any changes or additions to existing regulations or for the engagement of paid staff, this was a minority view. The majority of members appeared to regard such changes as a small 'price' to pay for the huge improvement in vessels, training and financial support as a result of the formation of Marine Rescue NSW.

While in Sydney, the Committee also met with Mr Robert Mellor, Commodore, AVCGA Kingscliff, which was the only AVCGA flotilla that chose not to join Marine Rescue NSW. Mr Mellor informed the Committee that Kingscliff AVCGA's decision not to join Marine Rescue NSW was not based on opposition to the concept of a single state-wide volunteer MSAR organisation but was due to concerns that some of the Kingscliff members had with the way in which the transition was handled, particularly the communication around the process for the transfer of assets to the new organisation. Mr Mellor noted that despite this experience, he would recommend the adoption of a similar approach in Victoria, i.e. an invitation to existing MSAR organisations to join a new single organisation. He noted that Victoria could learn from the New South Wales experience by ensuring that the associated communication process was clear and open and acknowledged the long history and deep expertise and experience of existing MSAR units.

5.4.5 Public identification of accredited MSAR vessels

The Committee notes that the NSW State Rescue Policy provides that the use of the title 'Rescue' is only permitted on rescue vessels owned and operated by an accredited MSAR unit. No other vessels, including those that provide an 'ancillary' MSAR service, are permitted to display the word 'Rescue' in their title.[244] This provision is intended to operate as a safeguard against the situation of unaccredited individuals or organisations setting up and presenting themselves to the public as an equivalent service to that provided by accredited volunteer MSAR units.

The Committee is of view that in the event that Victoria's volunteer MSAR sector does decide to introduce a single MSAR organisation, accredited MSAR vessels should be required to display a common and standardised title or caption, as well as a common and standardised logo or other identifying sign. Vessels operated by non-accredited MSAR units should be prohibited from displaying the common title or caption, as well as the common logo or sign. The Committee considers that the omission of such a requirement would send a confusing signal to both the MSAR sector and members of the public and could undermine the authority and effectiveness of the scheme.

However, the Committee does not consider that it would be appropriate to proscribe the display of the word 'rescue', since there are situations in which other organisations and vessels may be

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[244] State Rescue Board of New South Wales, *State Rescue Policy — 3rd Edition*, New South Wales Government, Sydney, 2013, p. 17.

required to display the word. For example, yacht clubs also operate vessels which display the word 'rescue' during some events.

Recommendation 5.1:

That in the event that the volunteer MSAR sector chooses to establish a single state-wide volunteer MSAR organisation, the Victorian Government requires accredited vessels to display a common and standardised title or caption, as well as a common and standardised logo or identifying sign. All other vessels should be prohibited from displaying the common title, caption, logo or sign.

5.5   Discussion and conclusion

The Committee considers that the establishment of a single state-wide volunteer MSAR organisation could alleviate many of the challenges that are currently facing the sector, since it would:

- allow for a more coordinated and strategic approach to MSAR service delivery in terms of vessel procurement, crew training and the location of MSAR resources;

- provide an opportunity for the development of common operating standards across individual volunteer MSAR units (i.e. the application of benchmarking and best practice across the state);

- assist in integrating the MSAR sector into Victoria's Emergency Management Arrangements under the 'all-hazards all-agencies' approach;

- strengthen the voice of the volunteer MSAR sector within the community and within government; and

- allow for more consolidated and streamlined funding arrangements (e.g. an organisation-wide funding agreement such as the five year agreement between Marine Rescue NSW and the New South Wales Government).

There are a number of lessons that Victoria could learn from the New South Wales experience but perhaps the most important is the need for any amalgamation process, as well as the structure of any new organisation, to have the clear support of the state's MSAR volunteers. The evidence provided to the Committee suggests that there is significant support within Victoria's MSAR sector for the principle of a single state-wide volunteer MSAR organisation. However, the Committee is strongly of the view that the Government should undertake further public consultation, including with Victoria's volunteer MSAR organisations and other key stakeholders, in order to gauge the level of support for a single organisation of the kind that now operates in New South Wales.

The Committee also considers it is imperative that — in addition to any input provided by volunteer MSAR organisations — the consultation process should seek the individual views of as many current and former MSAR volunteers as possible.

Recommendation 5.2:

That the Victorian Government develops a discussion paper to seek public feedback on the option of inviting Victoria's volunteer marine search and rescue organisations to join a single state-wide organisation. The discussion paper should include an invitation for individual submissions or comments from current and former MSAR volunteers.

Recommendation 5.3:

That the Victorian Government sponsors the establishment of a Facilitation Group, which should include a single representative from each volunteer MSAR organisation, to consider the submissions received in response to the discussion paper and to assess the level of support for the establishment of a single state-wide marine search and rescue organisation.

Recommendation 5.4:

That in the event that the consultation process outlined above reveals clear support for the establishment of a single state-wide marine search and rescue organisation, the Victorian Government assists the Facilitation Group to oversee the transition process for existing marine search and rescue organisations.

In the event that Victoria's MSAR sector expresses clear support for the establishment of a single state-wide volunteer MSAR organisation, the Victorian Government should provide an adequate amount of seed funding to assist in the transition. As noted above, the New South Wales Government provided $3 million in seed funding to cover the establishment costs of Marine Rescue NSW. This funding was in addition to the ongoing capital and operational funding provided to the organisation under its funding agreement with the New South Wales Government. Accordingly, in the event that seed funding is provided for the establishment of a single MSAR organisation in Victoria, such funding should be in addition to the provision of ongoing funding for operational and capital costs, which is recommended by the Committee in Chapter Six.

Recommendation 5.5:

That, in the event that a single, state-wide volunteer MSAR organisation is established, the Victorian Government considers providing seed funding to the new organisation to cover start-up costs.

As discussed in section 5.4.2, the Committee considers that in the event that the state's MSAR volunteers choose to establish a single MSAR organisation, it would be of vital importance for the new organisation to establish an identity that unifies the 'hearts and minds' of Victoria's MSAR volunteers, whilst appropriately recognising the history of the former organisations. Accordingly, the Committee considers that the organisation's name, livery and uniforms should be agreed to by Victoria's MSAR volunteers as a first priority of the new organisation.

Recommendation 5.6:

That, in the event that a single, state-wide volunteer MSAR organisation is established, the Facilitation Group consults with Victoria's marine search and rescue volunteers to agree on and implement a name, livery and uniforms as a first priority.

Finally, the Committee also considers that an initial fundraising program — in the form of a boat raffle program as implemented by Marine Rescue NSW (see section 5.4.3) — would benefit the units of a new MSAR organisation both financially and through increased 'brand recognition'.

This would also emphasise the importance of fundraising to the units of the volunteer organisation. Accordingly, the Committee recommends that, in the event that the state's MSAR volunteers choose to establish a single MSAR organisation, the Victorian Government should provide funding to the new organisation to conduct a similar initial fundraising program.

Recommendation 5.7:

That, in the event that a single, state-wide volunteer MSAR organisation is established, the Victorian Government provides sufficient funding to the new organisation to enable each MSAR unit to conduct a public raffle of a new vessel.

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CHAPTER 6:
MARINE SEARCH AND RESCUE FUNDING

6.1   Introduction

The Committee received evidence from a range of stakeholders that a number of Victoria's volunteer marine search and rescue (MSAR) organisations are facing increasing financial pressures. This is due to both the nature and level of volunteer MSAR funding. The Committee is concerned that without increased financial support from the Victorian Government, coupled with reform of the way in which funding is provided, some of the state's volunteer MSAR organisations may be forced to cease their operations over the medium to longer term.

The state's MSAR volunteers are also facing increasing claims on their time to raise the funds required by their organisations. The Committee acknowledges that funding is a significant issue for all volunteer organisations, and it is not unique to the MSAR sector. However, Victoria's volunteer MSAR organisations should not be compelled to rely so heavily on sausage sizzles, raffles and periodic single-purpose grants to survive from year-to-year. More regular and ongoing financial support would help ensure that Victoria's MSAR sector remains viable over the long term. A key finding of this chapter is the need to establish a more reliable operational funding stream for the MSAR sector; including fully funding basic capital costs, such as the primary vessel for use by each unit. The provision of adequate funding for the volunteer MSAR sector is fundamental to ensuring that the range and manner of Victoria's MSAR services are fit for purpose (Term of Reference (a)). It is also of vital importance for the provision of effective marine monitoring and communications (Term of Reference (e)) and for the training and development of MSAR providers (Term of Reference (f)).

A number of stakeholders expressed the following concerns about the current funding arrangements for Victoria's MSAR organisations:

- the level of funding, with several stakeholders identifying current funding levels as inadequate;

- the fact that current government funding is entirely grants-based, which means that MSAR organisations do not have a predictable stream of government funding;

- the fact that MSAR operations do not receive operational funding, with the exception of reimbursement for fuel costs associated with responding to an incident (discussed in section 6.3). Some of the key operational costs, which MSAR units must finance themselves include:

  o   the cost of building and / or renting office and vessel accommodation, including the cost of utilities;

  o   vessel, vehicle and equipment maintenance;

  o   fuel costs associated with ongoing training exercises;

  o   insurance; and

  o   administration expenses, such as costs associated with computers and phones.[245]

The first part of this chapter (sections 6.2 and 6.3) describes the current funding arrangements for Victoria's MSAR sector and outlines the need for their reform. The second part of this chapter (section 6.4) describes options for reforming Victoria's MSAR funding arrangements to address these issues.

The third part of this chapter (section 6.5) discusses the resourcing of the Victorian Water Police.

6.2   Funding for vessels, facilities, equipment and training

6.2.1   Overview of Victorian Government grant funding

The Victorian Government provides funding to MSAR organisations for vessels, equipment and training under three separate grant programs:

  •   the Boating Safety and Facilities Program;

  •   the Volunteer Emergency Services Equipment Program; and

  •   the Valuing Volunteers Program.

Of these, only the Boating Safety and Facilities Program (BSFP) is available to all of Victoria's MSAR organisations.

Each of these three programs typically offer single-purpose grants for vessels, equipment or training for vessel operation qualifications but are not intended to finance ongoing operational costs, such as maintenance or land-based vehicle running costs.

BOATING SAFETY AND FACILITIES PROGRAM

The BSFP is the main source of funding for MSAR services.[246] The BSFP is funded from fees on vessel registrations and boat operator licences and is aimed at meeting the needs of both recreational boat operators and MSAR groups. It is administered by the Department of Transport, Planning and Local Infrastructure (DTPLI). The program directs funding to a mix of community grants administered by DTPLI and other state-wide initiatives implemented by Transport Safety Victoria (TSV).[247]

The portion of the BSFP which is allocated to the MSAR sector is provided for the purchase of volunteer MSAR vessels, equipment and volunteer certifications. It is allocated under one of the four funding categories — Search and Rescue — that comprise the grant-based component of

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[245] For example, see: Anthony Hacking, *Submission*, no. 12, 14 March 2014, p. 7; Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 63.

[246] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 10.

[247] Department of Transport, Planning and Local Infrastructure, *Submission*, no. 22, 25 March 2014, p. 1.

the Boating Safety and Facilities Program. The other three categories — Boating Infrastructure; Education and Training; and Aids to Navigation — are aimed at the recreational boating sector.

BSFP grants are available for MSAR vessels and equipment, such as:

- replacement motors;

- vessel equipment that is required in order to meet commercial survey requirements (discussed in Chapter Seven);

- radios, pagers, global positioning system (GPS) equipment, binoculars and radar equipment; and

- boat trailers or similar equipment used to launch and retrieve vessels.[248]

Grants are also available for training for MSAR certifications, including attendance at courses necessary for the safe operation of MSAR vessels, the cost of course materials, and the travel and accommodation expenses of course participants.[249]

Among others, items that are specifically excluded from funding under the BSFP include:

- storage facilities and buildings;

- vehicles;

- ongoing recurring costs;

- day-to-day operations;

- maintenance;

- insurance;

- training that is not MSAR-specific, such as first aid certificates or diving courses; and

- fuel.[250]

DTPLI provides up to 80 per cent of eligible project costs and 100 per cent of the cost of MSAR education and training for MSAR organisations under the Search and Rescue funding category of the BSFP.[251]

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[248] Department of Transport, Planning and Local Infrastructure, *Boating Safety and Facilities Program: 2014–15 Program Information*, Victorian Government, Melbourne, 2014, p. 14.
[249] Department of Transport, Planning and Local Infrastructure, *Boating Safety and Facilities Program: 2014–15 Program Information*, Victorian Government, Melbourne, 2014, p. 15.
[250] Department of Transport, Planning and Local Infrastructure, *Boating Safety and Facilities Program: 2014–15 Program Information*, Victorian Government, Melbourne, 2014, pp. 14–15.
[251] Department of Transport, Planning and Local Infrastructure, 'Boating Safety and Facilities Program — Funding Categories', viewed 17 June 2014, <http://www.transport.vic.gov.au/>.

The state-wide initiatives component of the BSFP allocates funding for public education programs, research, media safety messages and waterway audits.[252] It does not include funding for the MSAR sector.

Table 6.1 below provides a summary of grants allocated to MSAR organisations under the Boating Safety and Facilities Program in 2013–14.

Table 6.1: Boating Safety and Facilities Program grants awarded to marine search and rescue organisations in 2013–14

Applicant	Project	Amount
Inverloch SES	Auto pilot navigation rescue package	$12,318
Portland SLSC	Coxswain training and equipment purchases	$8,106
AVCGA — VF2 St Kilda	Radio upgrades	$1,437
AVCGA — VF22 Paynesville	Refurbishment of rescue vessel	$22,944
AVCGA — VF5 Lake Eppalock	MSAR vessel purchase	$127,966
AVCGA — VF12 Sandringham	HF radio link upgrade	$3,445
Lake Eildon CFA	Trailer for MSAR vessel	$12,613
Coast Watch Radio and Marine Rescue Squad, Ocean Grove	Coxswain training	$3,630
Port Fairy Marine Rescue	Feasibility study for airberth boat lift	$4,000
Volunteer Marine Rescue Mornington & Hastings	AIS units and webcams installation	$8,580
Total		**$205,039**

Source: Department of Transport, Planning and Local Infrastructure, 'Boating Safety and Facilities Program — Supported Projects', <http://www.transport.vic.gov.au/>.

Funding allocated through all categories of the Boating Safety and Facilities Program in 2013–14 totalled $2.57 million.[253]

Since 2001, only a relatively small proportion of the annual allocation under the BSFP has been directed to the MSAR sector. DPTLI stated in its submission that since 2001, only $6.38 million had been directed to MSAR organisations out of a total of $53 million allocated to BSFP grants over that period.[254] This represents approximately 12 per cent of the total BSFP allocation, and an annual average of approximately $531,667 over the 12 financial years from 2001–02 to 2012–13.

VOLUNTEER EMERGENCY SERVICES EQUIPMENT PROGRAM

The Volunteer Emergency Services Equipment Program offers grants to units of the Australian Volunteer Coast Guard Association (AVCGA), the Country Fire Authority (CFA), Life Saving Victoria (LSV), the Victoria State Emergency Service (VICSES) and 'other eligible' groups as defined in the Emergency Management Manual Victoria and the *Emergency Management Act 1986*. It offers grants of up to $100,000 for operational equipment, vehicles and minor improvements to facilities, and provides $2 for every $1 contributed by the organisation. The

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[252] Department of Transport, Planning and Local Infrastructure, *Submission*, no. 22, 25 March 2014, p. 1.
[253] Department of Transport, Planning and Local Infrastructure, 'Boating Safety and Facilities Program — Supported Projects', viewed 3 June 2014, <http://www.transport.vic.gov.au/>.
[254] Department of Transport, Planning and Local Infrastructure, *Submission*, no. 22, 25 March 2014, p. 1.

program specifically excludes grants for 'core budgetary requirements' and recurrent expenditure such as maintenance costs.[255]

LSV provided a summary of grants provided to MSAR organisations through the Volunteer Emergency Services Equipment Program since 2011. Table 6.2 below shows the grants allocated over this time.

Table 6.2: Volunteer Emergency Services Equipment Program grants to marine search and rescue organisations from 2011 to 2014

Organisation	2011–12	2012–13	2013–14	Total
Australian Volunteer Coast Guard Association	$253,594	$282,166	$294,026	$829,786
Life Saving Victoria	$599,685	$702,641	$716,442	$2,018,768
Southern Peninsula Rescue Squad	$13,300	—	$1,579	$14,879
Torquay Marine Rescue Service	—	—	$88,594	$88,594
Volunteer Marine Rescue Mornington & Hastings	$58,436	$91,127	$23,415	$172,978
Total	$925,015	$1,075,934	$1,124,056	**$3,125,005**

Source: Life Saving Victoria, Submission, no. 25, 24 March 2014, p. 15.

Grants allocated to MSAR organisations under the Volunteer Emergency Services Equipment Program in 2013–14 include:

- $88,594 for a Sealegs amphibious marine vessel for Torquay Marine Rescue Service, which was also co-funded by the Great Ocean Road Coast Committee;[256] and

- $72,000 for life jackets for AVCGA.[257]

VALUING VOLUNTEERS PROGRAM

The Valuing Volunteers Program is administered by the Department of Justice (DOJ) and designed to support and encourage emergency services volunteers, with a particular focus on retention, recognition and recruitment.

Organisations eligible for grants under the Program include: AVCGA; CFA; Volunteer Fire Brigades Victoria; the Emergency Services Foundation; LSV and VICSES. Table 6.3 below summarises the grants offered to MSAR organisations under the program.

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[255] Department of Justice, 'Volunteer Emergency Services Equipment Program', viewed 3 June 2014, <http://assets.justice.vic.gov.au/>.

[256] Adam Stephens, President, Torquay Marine Rescue Service, *Transcript of evidence*, 24 March 2014, p. 150; Richard Davies, Chief Executive Officer, Great Ocean Road Coast Committee *Transcript of evidence*, 16 April 2014, p. 306.

[257] Hon. Kim Wells MP, *Emergency Services to Receive Record Coalition Government Volunteer Grants*, Media release, Victorian Government, Melbourne, 4 October 2013, <http://www.premier.vic.gov.au/>.

Table 6.3: Valuing Volunteers Program grants to marine search and rescue organisations from 2011–12 to 2014–2015

Agency	2011–12	2012–13	2013–14	2014–15
Australian Volunteer Coast Guard Association	$200,000	$200,000	$200,000	$200,000
Life Saving Victoria	$275,000	$275,000	$275,000	$275,000
Victoria State Emergency Service	$275,000	$275,000	$280,000	$280,000

Source: Department of Justice, Email correspondence with Research Officer, 24 June 2014.

The grants provided to MSAR organisations under the Valuing Volunteers Program were for the following purposes:

- **Australian Volunteer Coast Guard Association:** recruitment and induction activities, membership publications, promotional drives for Flotillas, Level II first aid training, leadership training and development and critical training.

- **Life Saving Victoria:** membership recognition, recruitment and induction activities, conference and seminar support, psychological first aid/peer support, club development, female leadership network and development of an online learning platform.

- **Victoria State Emergency Service:** 'Healthwatch' health promotion program, work health improvement, volunteer media training and a community engagement training package.[258]

The Committee notes that AVCGA is the only dedicated MSAR organisation that receives funding under the Valuing Volunteers Program. Moreover, although LSV and VICSES received grants under the Program, only a small portion of this funding is dedicated towards MSAR operations.

6.2.2 The level of funding and its variability

During the course of the inquiry, a number of stakeholders described the funding provided by successive governments to the volunteer MSAR sector as inherently unpredictable. They also noted the disparity between the amount of revenue collected from marine licensing and registration and the relatively small amount allocated to the search and rescue category of the BSFP each year.

LSV and VICSES described the overall level of funding provided to the MSAR sector as insufficient, given the resources that are required for MSAR responses.[259]

At a public hearing, Mr Richard Lasslett, Section Officer (Public Relations and Media) AVCGA and a member of AVCGA Queenscliff, gave evidence in a private capacity at the public hearing in

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[258] Department of Justice, Email correspondence with Research Officer, 24 June 2014.
[259] Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 6; Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, p. 15.

Geelong. He stated that funding represents a 'major problem' for MSAR organisations, and that some were 'running on absolute peanuts'.[260]

TSV stated in its submission that:

> … a lack of adequate funding over many years has created a situation where the MSAR task has been made more difficult and less rewarding for volunteers, and, possibly, more dangerous for them.[261]

The AVCGA stated in its submission that the grant-based nature of the current funding model means that it is both variable and unpredictable.[262] The Committee notes that funding variation is an inevitable feature of MSAR service provision due to the fact that organisations have years when they receive grants for vessel purchases and years when they do not. Nevertheless, the inherently unpredictable nature of the current funding model means that it is difficult for MSAR organisations to operate strategically. The AVCGA went on to state in its submission that:

> For its future sustainability AVCGA (Vic) must move from an annual, "hand-to-mouth" existence, dependant on "one-off", single purpose Government grants and submits that a key outcome of this inquiry should be the initiation of discussions with the State Government over a regular funding agreement …[263]

TSV noted that funding to Victoria's volunteer MSAR organisations under the search and rescue category of the BSFP 'has failed to keep pace with significant growth in the pool of funds from vessel registration and licensing over the last 12 years' and has declined in real terms over time.[264] These trends are illustrated in Figure 6.1 below.

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[260] Richard Lasslett, *Transcript of evidence*, 18 March 2014, p. 82.

[261] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 10.

[262] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 8.

[263] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 9.

[264] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 10.

Figure 6.1: Boating Safety and Facilities Program funding for marine search and rescue vs. gross revenue from Victorian vessel registration and licencing fees
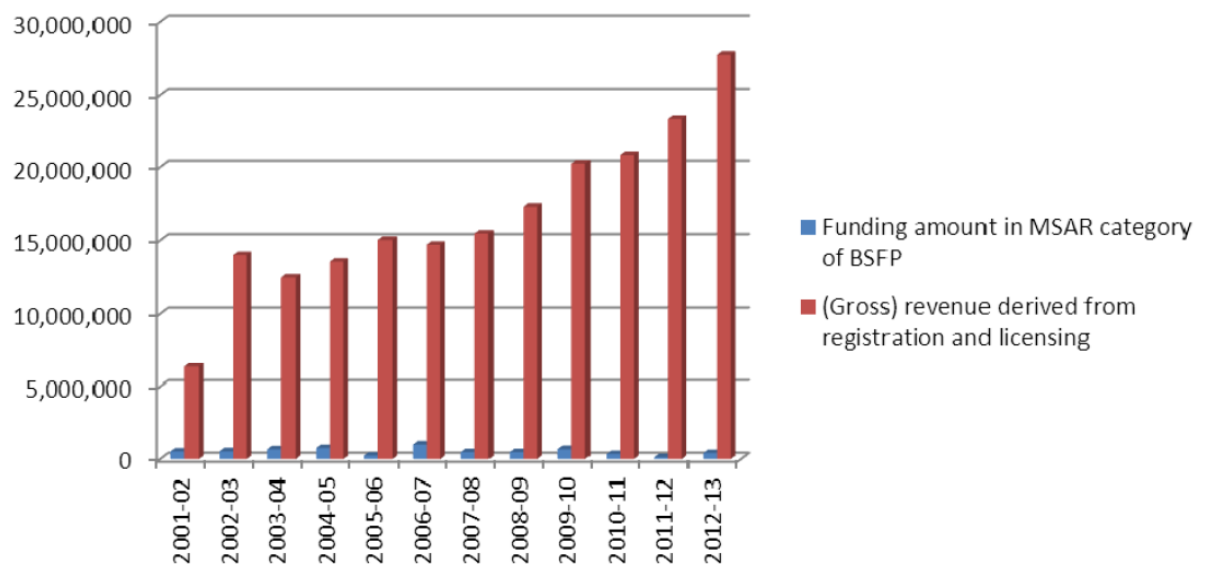
Source: Transport Safety Victoria, Submission, no. 24, 24 March 2014, p. 11.

The actual dollar amounts for Figure 6.1, as well as the breakdown for registration and licensing revenue, are given in Table 6.4.

Table 6.4: Boating Safety and Facilities Program Funding for marine search and rescue vs. gross revenue from Victorian vessel registration and licencing fees

Year	Marine search and rescue	Gross revenue from licensing	Gross revenue from registration	Total gross revenue from registration and licencing
2001–02	$519,385	—	$6.35 million	$6.35 million
2002–03	$527,875	$7.46 million	$6.52 million	$13.98 million
2003–04	$665,791	$5.63 million	$6.80 million	$12.43 million
2004–05	$756,609	$6.23 million	$7.30 million	$13.53 million
2005–06	$236,288	$7.3 million	$7.73 million	$15.03 million
2006–07	$1.03 million	$6.4 million	$8.30 million	$14.70 million
2007–08	$480,373	$6.67 million	$8.80 million	$15.47 million
2008–09	$480,161	$7.99 million	$9.35 million	$17.34 million
2009–10	$680,000	$10.89 million	$9.35 million	$20.24 million
2010–11	$341,638	$10.63 million	$10.20 million	$20.84 million
2011–12	$115,769	$12.59 million	$10.76 million	$23.35 million
2012–13	$412,579	$16.36 million	$11.35 million	$27.72 million
2013–14	$196,459	$14.64 million	$11.75 million	$26.39 million

Source: Transport Safety Victoria, Submission, no. 24, 24 March 2014, p. 10; Transport Safety Victoria, Email correspondence with Executive Officer, 5 August 2014.

TSV suggested that Victoria should consider following 'the lead of other states' by increasing the share of revenue from marine registration and licensing fees that is allocated to MSAR activities.

It stated that this would ensure that 'the potential users of the service are the ones funding the service'.[265]

As illustrated in Figure 6.1 and Table 6.4, gross revenue from vessel registration and licensing has grown significantly in recent years. According to data provided by TSV, this revenue has grown from approximately $6.4 million in 2001–02 to approximately $26.4 million in 2013–14.[266]

Notably, the combined allocation under the grant categories of the BSFP also represents a relatively small amount of annual total revenue from vessel registration and licensing. For example, total funding under the BSFP for the year 2013–14 was nearly $2.6 million, comprising: $196,459 for search and rescue; $100,129 for aids to navigation; $39,892 for education and training; and $2.24 million for boating infrastructure. Similarly, total funding under the BSFP for the year 2012–13 was just under $4 million, comprising: $412,579 for search and rescue; $910,127 for aids to navigation; $35,000 for education and training; and $2.64 million for boating infrastructure.[267]

Notably, section 312 of the *Marine Safety Act 2010*, states that all 'prescribed' revenue from vessel licensing and registration must be used for the provision and maintenance of boating facilities and services for the public; or for the conduct of boating safety, education and promotion programs for the public. The vast majority of registration revenue under section 312 is currently prescribed, under the *Marine Safety Regulation 2012*, but there is no such prescription for licence revenue.[268] The discrepancy between the amount of revenue collected each year from vessel registrations and the amount of funding that is allocated under the BSFP would appear to be explained by the fact that a significant portion of the revenue collected each year is dispensed from the Government's consolidated revenue fund for purposes other than those specified in section 312.[269]

Revenue collected through the Boating Facilities and Safety Education fee was recently investigated by the Victorian Auditor-General's Office (VAGO) in the June 2014 report, *Recreational Maritime Safety*. The report noted that approximately $35.7 million of the total of $103 million in vessel registration revenue collected during the years 2001–02 to 2012–13 could not be accounted for by DTPLI. The report noted DTPLI's acknowledgement that 'it cannot formally acquit that all registration revenue has been fully expended in accordance with the Act'.[270]

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[265] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 10; Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

[266] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 10.

[267] Department of Transport, Planning and Local Infrastructure, 'Boating Safety and Facilities Program — Supported Projects', viewed 3 June 2014, <http://www.transport.vic.gov.au/>.

[268] For example, revenue collected from the two other categories of fees for vessel registrations (i.e. for the issue of a dealer plate and for the transfer of vessel ownership) comprised only 2.1 per cent of total revenue collected in 2012–13: Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

[269] Victorian Auditor-General's Office, *Recreational Maritime Safety*, Victorian Government, Melbourne, 2014, pp. 13–14.

[270] Victorian Auditor-General's Office, *Recreational Maritime Safety*, Victorian Government, Melbourne, 2014, p. xii.

VAGO also noted that there were 'ongoing concerns about the adequacy of funding' to TSV and waterway managers, both of whom 'have consistently identified the lack of funding as a critical issue that impedes their ability to effectively regulate marine safety'.[271]

One of the key conclusions of the report was that:

> … DTPLI, in consultation with the Safety Director and central agencies, needs to urgently review and assure the adequacy of current resourcing arrangements for supporting effective implementation of the marine safety regulatory framework.[272]

The report went on to recommend that DTPLI should:

- consult with central agencies and the Director, Transport Safety, to review the adequacy of current resourcing arrangements for supporting effective implementation of the marine safety regulatory framework;

- investigate options for the effective and efficient use of all existing revenues from the marine sector to improve marine safety management; and

- report publicly on the collection and use of revenue from prescribed fees and all other funds it administers for boating safety and facilities to acquit the requirements of the *Marine Safety Act 2010*.[273]

The Committee was advised by the Department of Treasury and Finance that grant funding under the BSFP was previously capped at a total of $5 million until the 2014–15 financial year and that an additional $3 million will be allocated under the program in the 2015–16 state budget. As such, a total of $8 million will be available under the program in future years. The Committee also notes that annual funding allocations under the BSFP do not represent the totality of government expenditure on marine safety and MSAR services by the Victorian Government. For example, the government funds a range of services from consolidated revenue which contribute to the state's MSAR capacity including the operational budgets of the Water Police and TSV.[274]

The Committee agrees with TSV's view that inadequate funding to the MSAR sector has the potential to make the sector both less attractive and potentially less safe for volunteers. The Committee is also concerned that there has been no increase in the annual funding allocation under the search and rescue grant component of the BSFP or in the total annual allocation under the combined grant-based components of the program, given the significant increase in revenue from vessel registrations and vessel licensing. The Committee is of the view that consideration should be given to determining whether a greater annual allocation of funding from this revenue could be made to the volunteer MSAR sector to boost the operational effectiveness of both

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[271] Victorian Auditor-General's Office, *Recreational Maritime Safety*, Victorian Government, Melbourne, 2014, pp. x–xi.

[272] Victorian Auditor-General's Office, *Recreational Maritime Safety*, Victorian Government, Melbourne, 2014, p. x.

[273] Victorian Auditor-General's Office, *Recreational Maritime Safety*, Victorian Government, Melbourne, 2014, p. 17.

[274] Department of Treasury and Finance, Email correspondence with Economic Development, Infrastructure and Outer Suburban/Interface Services Committee, 18 August 2014.

individual MSAR units and the sector as a whole. The alternative may be the introduction of a levy on vessel registration and / or licensing (as in New South Wales) in order to more effectively resource volunteer MSAR services.

Finding 6.1:
Combined government funding to the volunteer marine search and rescue sector for the purchase of vessels, equipment and training has been insufficient for many years. This has the potential to reduce the attractiveness and safety of the sector for volunteers, as well as its operational effectiveness.

Finding 6.2:
There has been little increase in the annual funding allocation under the marine search and rescue grant component of the Boating Safety and Facilities Program or in the total annual allocation under the combined grant-based components of the program. This has occurred at a time of rising costs to the sector and despite increases in revenue from vessel registrations and licensing.

Recommendation 6.1:
That the Victorian Government overnment considers ways in which the amount of vessel registration and licensing revenue that is allocated to the volunteer MSAR sector under the search and rescue component of the Boating Safety and Facilities Program can be increased.

6.2.3 The unplanned nature of grant funding

The Committee also received evidence that the current grant-based funding model restricts the capacity of individual units to plan their expenditure and undermines the effectiveness of expenditure across the sector as a whole. This is because it does not allow for a centralised program or oversight mechanism for vessel and equipment procurement.

Although the majority of MSAR organisations stated that they value the available grant programs, they also raised concerns that the nature of grant funding does not facilitate their day to day and strategic planning. The AVCGA stated in its submission that:

> By its nature grant funding is for specific purposes, relies on the grant program being made available, is not guaranteed and therefore cannot be relied upon as a regular income stream.[275]

Similarly, Mr Richard Lasslett stated in his submission that:

> … vessel funding has reached a point where these volunteer groups are unable to raise these considerable funds themselves and must seek Government funding. These ad hoc requests for grants are ongoing, expanding and often don't allow for the requirements of Government in long term financial planning and budgeting.[276]

In addition, some stakeholders stated that the grants system has created competition between MSAR organisations due to the limited pool of funding.[277] Inspector Mark Arneil, Manager of

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[275] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 8.
[276] Richard Lasslett, *Submission*, no. 14, 14 March 2014, p. 2.
[277] David Taylor, *Submission*, no. 4, 12 March 2014, p. 1; Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 53; Mornington Peninsula Marine Alliance, *Submission*, no. 28, 24 February p. 1; Inspector Mark Arneil, Manager, Water Police and Search and Rescue Squads,

Water Police and Search and Rescue Squads at Victoria Police, attributed this to the grant assessment process:

> When it comes to funding, if we have got … organisations competing … for funds out of the facilities program, there are going to be some issues, especially with how the funding applications are assessed. They may well be assessed based on the rescues they have performed in the last 12 months. A large proportion of those will be tow-backs. A lot of that may well be self-generated business they have captured themselves. If the panel was assessing based upon performance data for the last 12 months, they will feature quite highly, but is that an appropriate investment of funds?[278]

TSV stated that the arrangements have led to 'some poor acquisition decisions being made over time' and that this has resulted in foregone bulk-purchasing options that would result in 'economies of scale'.[279] Victoria Police agreed with TSV, noting that 'without a clear strategy supporting capability development in areas of greatest need, allocated funds may not provide the best value for money'.

TSV also stated that the grant-based funding model may result in 'perverse outcomes', if an MSAR unit is unable to fund maintenance on vessels and equipment acquired through a grant.[280] Mr Peter Corcoran, Director of Maritime Safety at TSV, provided a recent example of this scenario:

> We saw a half-million-dollar investment at Queenscliff about nine years ago to the Australian Volunteer Coast Guard — that vessel is now off the water. Our reasonable expectation for the life of that vessel would have perhaps been double the life that it had. I think the group has been really struggling with the finance required.[281]

Inspector Arneil also noted that AVCGA Queenscliff was unsuccessful in its application for a grant to replace the vessel. He stated that the situation may have been avoided if there was a 'more strategic approach [to] vessel funding and dissemination of … grant money'.[282]

Some stakeholders proposed a centralised system to manage vessel and equipment acquisition to address this issue.[283] TSV noted that its predecessor Marine Safety Victoria (MSV) had considered establishing a vessel procurement framework but that this was deemed unworkable

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Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, p. 115; Brett Wallace, Rescue Coordinator Port Campbell Marine Rescue, *Transcript of evidence*, 16 April 2014, p. 287.

[278] Inspector Mark Arneil, Manager, Water Police and Search and Rescue Squads, Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, p. 115.

[279] Transport Safety Victoria, *Maritime Safety Incident and Demographic Statistics*, Victorian Government, Melbourne, 2013, p. 12.

[280] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 10.

[281] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 102.

[282] Inspector Mark Arneil, Manager, Water Police and Search and Rescue Squads, Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, p. 115.

[283] Theodore Beggs, *Submission*, no. 13, 14 March 2014, p. 3; Warrnambool Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 15, 14 March 2014, p. 1; Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 104; Nigel Taylor, Chief Executive Officer, Life Saving Victoria, *Transcript of evidence*, 24 March 2014, p. 163.

at the time. Despite this, TSV conceded that 'given the right circumstances' such a framework could be implemented.[284]

The Committee is also concerned that the State Marine Search and Rescue Committee (SMSARC) is unable to adequately monitor or coordinate grant applications for vessel and equipment purchases. Due to the nature of the grant application process, MSAR units can apply for grants regardless of whether they have been assessed or endorsed by SMSARC, or even by the head office of their own MSAR organisation.

Victoria Police stated that SMSARC had 'limited visibility' of funding applications made by MSAR organisations.[285] TSV also informed the Committee that there had been cases where individual MSAR units had applied for vessel grants directly, despite SMSARC considering the vessel choice as not fit-for-purpose.[286]

Endorsement by SMSARC and Victoria Police is currently considered as part of the assessment criteria for MSAR vessel applications under the BSFP. However, the Committee is of the view that there is a need for a more coordinated approach to MSAR vessel grant applications as part of the recommended procurement framework. This would also assist in bringing an element of standardisation to the MSAR sector.

Finding 6.3:
The current grants-based approach to marine search and rescue vessel acquisition is not an efficient or effective procurement methodology.

In the Committee's view, there is a clear need to implement a centralised framework for procurement of vessels, facilities, equipment and certifications for the Victorian MSAR sector. The framework should be based on a needs assessment conducted by the new representative governing body for the volunteer MSAR sector (or by a single state-wide volunteer MSAR organisation in the event that such an organisation is established). This would provide a degree of state-wide coordination in the purchase of vessels and equipment that is currently lacking in Victoria's volunteer MSAR sector.

Recommendation 6.2:
That the responsibility for assessing vessel and other grant applications is transferred to the new representative governing body for the volunteer MSAR sector (or to a single state-wide volunteer MSAR organisation in the event that such a body is established). The new governing body (or the single state-wide volunteer MSAR organisation) should conduct a regular needs assessment of Victoria's marine search and rescue requirements, including rescue vessels, facilities, equipment and certifications.

6.2.4 Funding for buildings and facilities

The Committee was also concerned by the evidence that some MSAR organisations are operating out of buildings and facilities — such as sheds for vessel and equipment storage —

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[284] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 12.
[285] Victoria Police, *Submission*, no. 5, 13 March 2014, p. 4.
[286] Transport Safety Victoria, *Briefing*, Melbourne, 11 July 2014.

that are in extremely poor condition. Notably, buildings and facilities are specifically excluded from grant funding under the BSFP.[287]

For example, Mr Anthony Cook, Section Officer, AVCGA Port Welshpool, described the condition of the flotilla's facilities at a public hearing in the following terms:

> … The buildings are there … They have been there for a very long time. They were transportable buildings at the end of their lives when they were relocated to Port Welshpool. They had served their purpose whatever they had been used for before in some construction areas. They have been used for another 30-odd years as a base at Port Welshpool.

> … They have well and truly reached the end of their useful lives. To rebuild the base is really a high priority. The vessel is high priority, but for us to have a place that we can train in, meet in and carry out our functions into the future it really needs to be rebuilt.[288]

This description was confirmed during the hearing by Mr Rocco Maruzza, Commander, AVCGA Port Welshpool, who also described the facilities a Port Welshpool as 'a bit dangerous'.[289]

The Committee was also informed during the course of the Inquiry that the vessel storage facility at AVCGA Port Welshpool is too small to accommodate the vessel on its trailer unless it is parked on a significant angle inside the shed. The Committee understands that this can add to the time required to launch the vessel and has also resulted in structural damage to the shed in the past.[290]

The Committee acknowledges that some MSAR organisations have agreements with local councils or community groups to use buildings and storage facilities. For example, Torquay Marine Rescue Service was granted a 21-year community lease for facilities at the Fishermans Beach Precinct that were constructed in 2011. The Precinct development project was managed and funded by the Great Ocean Road Coastal Committee, the manager for coastal Crown land in the area. Mr Richard Davies, Chief Executive Officer of the Great Ocean Road Coast Committee, stated that his organisation helped to offset Torquay Marine Rescue Service's annual rent costs through venue hiring arrangements:

> In round figures their rental is about $500, which they struggle to pay each year. So we have a deal with them that our committee rents, if you like, their facilities for meetings and all sorts of events, so we help offset that $500 with $200 or $300 of our own funds going back into the service, just to help out with their funding. We use that building frequently for committee board meetings and other industry meetings.[291]

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[287] Department of Transport, Planning and Local Infrastructure, *Boating Safety and Facilities Program: 2014–15 Program Information*, Victorian Government, Melbourne, 2014, p. 14.

[288] Anthony Cook, Section Officer - Planning, Australian Volunteer Coast Guard, VF20 Port Welshpool, *Transcript of evidence*, 9 April 2014, p. 241; Rocco Maruzza, Flotilla Commander Australian Volunteer Coastguard, VF20 Port Welshpool, *Transcript of evidence*, 9 April 2014, p. 241.

[289] Rocco Maruzza, Flotilla Commander Australian Volunteer Coastguard, VF20 Port Welshpool, *Transcript of evidence*, 9 April 2014, p. 241.

[290] Executive Officer notes of site visit to Port Welshpool AVCGA, 9 April 2014.

[291] Richard Davies, Chief Executive Officer, Great Ocean Road Coast Committee *Transcript of evidence*, 16 April 2014, p. 306.

The Committee considers that it is vital that the state's volunteer MSAR organisations have access to buildings and storage facilities that are both fit for purpose and safe. Failure to provide such facilities may pose occupational health and safety (OH&S) issues and has the potential to reduce the attractiveness of the sector to potential MSAR volunteers. While some organisations may be fortunate enough to reach arrangements such as those described by Torquay Marine Rescue Service, the Committee notes that this is not always feasible, particularly in remote towns with lower populations and smaller local funding bases. In view of these factors, the Committee considers it is anomalous that volunteer MSAR organisations are currently excluded from receiving government funding for buildings and facilities.

Recommendation 6.3:

In the event that the Boating Safety and Facilities Program grant program continues, the Victorian Government considers amending the program to include funding for buildings and infrastructure.

Alternatively, funding for these purposes should also be included in any future funding model for the volunteer MSAR sector.

6.3 Operational Funding

The Committee is concerned about the level of reliance these MSAR organisations have on fundraising to finance operational costs. The evidence received during this Inquiry suggests that this has led to unreasonable imposts on volunteers.

As mentioned previously, fuel reimbursement is the only operational funding provided to MSAR organisations by the Victorian Government. This is available to MSAR organisations only when they are tasked by the Water Police to respond to a marine incident.

Approximately $100,000 is allocated to TSV each year under the BSFP for fuel reimbursement for MSAR groups. This is in addition to the funding allocated to MSAR organisations under the search and rescue category of the BSFP. This funding is provided 'so that search and rescue groups can claim back receipts for fuel when responding to distress calls from recreational boaters on Victorian waters'.[292]

TSV outlined the process in supplementary evidence provided to the Committee:

(1) The Water Police generates an incident record (referred to as a marine incident response [MIR]), which is updated as the incident progresses.

(2) The Water Police tasks an MSAR organisation to response to the incident.

(3) Following the incident, the responding MSAR organisation will send an incident form along with an invoice for fuel usage to TSV via email, fax or post.

(4) TSV verifies the incident form and invoice with the Water Police.

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[292] Department of Transport, Planning and Local Infrastructure, *Submission*, no. 22, 25 March 2014, p. 2.

(5)   Once verified, the invoice is entered into TSV's accounts payment system and paid in accordance with standard practice (typically within 30 days).[293]

Victoria Police noted that the process is beneficial to MSAR organisations during funding applications, as information from the fuel reimbursement process is used during the assessment process.[294]

A number of MSAR stakeholders described the MIR fuel reimbursement process as confusing and in need of reform.[295] Mr Tim Wiebusch, Deputy Chief Officer of the SES, stated that some MSAR units were not seeking reimbursements due to the administrative 'hurdles' involved.[296] Similarly, AVCGA described the process as 'outdated and resource intensive', and noted the lag in reimbursement adds additional pressure on MSAR organisations' cash flows.[297] Further, members of Coastwatch Radio and Marine Rescue Squad, Ocean Grove, noted an instance where they were not reimbursed for fuel costs despite submitting a reimbursement claim.[298]

In addition, some stakeholders reported that they had received conflicting information on how the incident form should be submitted. For example, Mr Barry Joyce, President of Coastwatch Radio and Marine Rescue Squad, Ocean Grove, told the Committee:

> I was talking to someone just recently, and I think it is all done online now. We have never been notified that you do it online. The last MIR form that we put in was faxed through to the water police, and I got a phone call from them stating, 'How come you are doing it by fax?'. I said, 'We have never ever been notified. This is the way we have always done it'.[299]

Similarly, Mr Daniel Knapp, President of Volunteer Marine Rescue Mornington & Hastings stated:

> Our system is to do it via the fax, so we have sheets that we fill in after every single MIR. We fill those sheets in; they get faxed off. In the past we have inquired to see if there is another process — to see if it can be done electronically. We have been given no indication that it could.[300]

A number of MSAR stakeholders also stated that fuel costs associated with operational training exercises are not eligible for reimbursement.[301] This is a considerable cost to MSAR

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[293] Transport Safety Victoria, *Supplementary evidence*, no. 24A, 17 April 2014, p. 5.

[294] Victoria Police, *Submission*, no. 5, 13 March 2014, p. 4.

[295] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 8; Volunteer Marine Rescue Mornington & Hastings, *Submission*, no. 17, 14 March 2014, p. 5; Barry Joyce, President, Coastwatch Radio and Marine Rescue Ocean Grove, *Transcript of evidence*, 18 March 2014, p. 40; Daniel Knapp, President, Volunteer Marine Rescue Mornington and Hastings, *Transcript of evidence*, 9 April 2014, pp. 227–28; Tim Wiebusch, Deputy Chief Officer, Victoria State Emergency Service, *Transcript of evidence*, 24 March 2014, p. 126.

[296] Tim Wiebusch, Deputy Chief Officer, Victoria State Emergency Service, *Transcript of evidence*, 24 March 2014, p. 126.

[297] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 8.

[298] Bruce Pollerd, Treasurer, Coastwatch Radio and Marine Rescue Ocean Grove, *Transcript of evidence*, 18 March 2014, p. 40; Barry Joyce, President, Coastwatch Radio and Marine Rescue Ocean Grove, *Transcript of evidence*, 18 March 2014, pp. 40–41.

[299] Barry Joyce, President, Coastwatch Radio and Marine Rescue Ocean Grove, *Transcript of evidence*, 18 March 2014, p. 40.

[300] Daniel Knapp, President, Volunteer Marine Rescue Mornington and Hastings, *Transcript of evidence*, 9 April 2014, p. 227.

organisations, with AVCGA stating that maintaining seamanship accreditation in its Victoria flotillas necessitates approximately 7,000 hours per year across the organisation's 19 flotillas.[302] This is approximately equal to four full-time equivalent positions.

The Committee is concerned by the evidence that a number of stakeholders have experienced difficulties with the fuel reimbursement process. However, the Committee notes that this process would effectively become redundant if the state's MSAR organisations are provided with an annual operational funding allocation as recommended below.

The Committee also understands that New South Wales does not operate a separate fuel reimbursement program because funding is provided to cover all operational expenses under the five-year funding agreement between Marine Rescue NSW and the New South Wales Government.

The majority of stakeholders called for the Victorian Government to establish ongoing funding arrangements with the MSAR sector for operational expenses.[303] Victoria's MSAR organisations raise revenue for operational costs primarily from public donations. Shortfalls in revenue are often met by the volunteers themselves. Fundraising is also more difficult for organisations in rural areas with small communities, since there is a smaller local population base to provide support via donations and fundraising.[304]

Mr Peter Corcoran, Director of Maritime Safety, TSV, described funding for operations as a 'major issue' for the MSAR sector, and stated that operating costs 'cripple' the organisations.[305]

In its submission, AVCGA contrasted the MSAR sector's current arrangements with those other emergency service agencies:

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[301] Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 3; Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 8.

[302] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 8.

[303] David Taylor, *Submission*, no. 4, 12 March 2014; Gippsland Squadron, Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 8, 13 March 2014; Anthony Hacking, *Submission*, no. 12, 14 March 2014; Warrnambool Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 15, 14 March 2014; Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014; Port Welshpool Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 19, 18 March 2014; Transport Safety Victoria, *Submission*, no. 24, 24 March 2014; Life Saving Victoria, *Submission*, no. 25, 24 March 2014; Lakes Entrance Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 32, 14 March 2014; Tim Wiebusch, Deputy Chief Officer, Victoria State Emergency Service, *Transcript of evidence*, 24 March 2014, p. 126; Harry Ferrier, Flotilla Commander, Australian Volunteer Coast Guard Association — VF21 Marlo, *Transcript of evidence*, 8 April 2014, p. 185; Michael Smallwood, Flotilla Commander, Australian Volunteer Coast Guard, VF18 Lakes Entrance, *Transcript of evidence*, 8 April 2014, p. 191; Rocco Maruzza, Flotilla Commander Australian Volunteer Coastguard, VF20 Port Welshpool, *Transcript of evidence*, 9 April 2014, p. 242.

[304] Gippsland Squadron, Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 8, 13 March 2014, p. 2; Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 102; Michael Smallwood, Flotilla Commander, Australian Volunteer Coast Guard, VF18 Lakes Entrance, *Transcript of evidence*, 8 April 2014, p. 196; Rocco Maruzza, Flotilla Commander Australian Volunteer Coastguard, VF20 Port Welshpool, *Transcript of evidence*, 9 April 2014, p. 239.

[305] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 103.

… volunteers involved in marine rescue need to fundraise to keep the service operational, purchase their own uniforms and safety equipment and most importantly fund and pay for core operating costs such as fuel and appropriate insurance coverage. These types of funding activities have long ceased in other comparable volunteer based organisations both within Victoria and Interstate and need to be rectified for marine rescue to advance into the future.[306]

Mr Adam Stephens, President of Torquay Marine Rescue Service, also compared the arrangements to those of the SES and CFA:

… I cannot see that it is the responsibility of volunteer marine rescue services to go to the state government and say, 'We should be funded for day-to-day operations'. The SES and the CFA, no matter how small the brigade, will get an operational budget for training, equipment purchases and administration. You can have a CFA station out in the middle of absolutely nowhere, but it is still covered under that operational budget, and it may get two or three callouts a year. If it is based on the same number of callouts, yes, sometimes we get minimal callouts, but we are there. However, we do not get any operating budget.

We perform that function on behalf of the water police. We do that search and rescue until they are able to attend, and whilst they take control of the coordination we are the actual physical assets along with [LSV] and [AVCGA] that will go out to find that. But there is no base-level funding to ensure the viability and provision of that service.[307]

According to AVCGA's Gippsland Squadron, most AVCGA flotillas finance up to 80 per cent of their annual expenditure from public donations through fundraising activities.[308] Similarly, AVCGA Port Welshpool stated that flotillas are forced to rely on 'labour-intensive and low income generating' activities to address 'significant shortfall[s]' in funding.[309]

Many stakeholders described this situation as an inefficient use of volunteers' time and skills. These stakeholders also considered that this places significant additional pressures on volunteers, since they are required to dedicate a large portion of their time to fundraising activities or to cover expenses themselves.[310] Mr Anthony Hacking, a member and past

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[306] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 29.

[307] Adam Stephens, President, Torquay Marine Rescue Service, *Transcript of evidence*, 24 March 2014, p. 155.

[308] Gippsland Squadron, Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 8, 13 March 2014, p. 3.

[309] Port Welshpool Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 19, 18 March 2014, p. 2.

[310] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 10; Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 29; Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, p. 15; Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 3; Lakes Entrance Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 32, 14 March 2014, p. 1; Hastings Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 33, 14 March 2014, p. 2; Gippsland Squadron, Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 8, 13 March 2014, p. 4; Warrnambool Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 15, 14 March 2014, p. 2; Anthony Hacking, *Submission*, no. 12, 14 March 2014, pp. 4–5; David Taylor, *Submission*, no. 4, 12 March 2014, p. 1; Richard Lasslett, *Submission*, no. 14, 14 March 2014, p. 3; Anthony Hacking, Past Commander and Member, Australian Volunteer Coast Guard, VF4 Hastings, *Transcript of evidence*, 9 April 2014, p. 247; Russell Lemke, Communications Officer, Port Fairy Marine Rescue Service, *Transcript of evidence*, 15 April 2014, p. 260.

Commander of AVCGA Hastings, encapsulated this view at the public hearing in Inverloch on 9 April 2014:

> I think to say to volunteers that they need to be doing a level of fundraising just to get by when a lot of them are available 24/7 for callout is a bridge too far from government. We know that we get reimbursed for fuel, [but] not oil. But there are lots of other expenses that a volunteer has to raise funds for, and I think that is asking too much of them. Time is probably the most valuable asset that we give to an organisation. I do not think it should be spent on things like fundraising. But it also leads on to the fact that at the moment volunteers cover their own costs — for example, running vehicles to get to a callout. Many volunteers would choose to donate that. I think that as a matter of principle in a paid organisation a person might get 4 hours double time if they were called out in the middle of the night. I am not suggesting anything like that, but I think volunteers should not be out of pocket …[311]

Finding 6.4:

Lack of operational funding from government creates significant time and financial burdens for some marine search and rescue units and threatens the financial sustainability of the sector.

In the Committee's view, establishing ongoing funding to accredited MSAR units would address a number of the issues that have arisen from the lack of MSAR operational funding provided by the Government. The Committee is firmly of the view that this is a necessary approach to provide Victoria's MSAR organisations with the operational funding that many of them desperately need.

As discussed in Chapter Three, ongoing operational funding is provided to the volunteer MSAR sector by state governments in New South Wales, Queensland and Western Australia. Notably, the Victorian Government provides ongoing operational funding for VICSES and the CFA.

The Committee considers that the new representative governing body recommended in this report would have the necessary expertise and knowledge to administer an ongoing allocation of government funding for operational expenses. In the event that the future governance of the volunteer MSAR sector is instead conducted either by a new representative governing body or by a single state-wide volunteer MSAR organisation, either of those entities would also be appropriately qualified to administer ongoing operational funding.

Recommendation 6.4:

That the Victorian Government considers providing an annual funding allocation to meet the operational costs of each of the accredited marine search and rescue organisations. This funding should be administered by the new representative governing body for the volunteer MSAR sector.

6.4 Alternative revenue sources for MSAR funding

The Committee considers it is vital that Victoria's MSAR sector receives adequate, and predictable funding for both 'capital' expenses, such as vessels, equipment and certifications; and for operational expenses, such as fuel, maintenance and insurance. Victoria's MSAR

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[311] Anthony Hacking, Past Commander and Member, Australian Volunteer Coast Guard, VF4 Hastings, *Transcript of evidence*, 9 April 2014, pp. 247–48.

volunteers should not be required to cover basic operational expenses from their own fundraising activities, unlike the State's other emergency services organisations. However, the Committee acknowledges that Government funds are limited and alternative revenue sources would be required to fund this proposal.

The Committee considers that a levy on recreational vessels and licences would be the most effective method of generating additional revenue for the MSAR sector in the event that a shortfall in revenue required to fund the sector is identified. A number of stakeholders proposed this, as discussed in this section.

In addition, New South Wales has a 'rescue levy' in place on recreational vessel and licences to provide additional revenue to Marine Rescue NSW. Similarly, Western Australia is considering implementing a levy on recreational vessels for additional funding to the State's emergency service organisations. New South Wales' and Western Australia's MSAR funding arrangements are discussed in sections 6.4.2 and 6.4.3 below respectively.

6.4.1   Australian Volunteer Coast Guard Association proposal

In its submission, AVCGA proposed a funding structure for a consolidated state-wide volunteer MSAR organisation, which is discussed below. AVCGA estimated that the operational funding required to resource the Victorian MSAR sector — through a single organisation — would be approximately $4 million per year.[312]

AVCGA proposed that a funding agreement with the Victorian Government under a single state-wide volunteer MSAR organisation should include the following key elements:

- an annual Government contribution of just under $2 million;

- a 4 per cent levy on marine licence and registrations, which it estimated would generate approximately $775,000 per year (discussed below);

- income from accredited commercial training;

- donations and fundraising; and

- fuel Reimbursement for marine incident responses.[313]

The additional costs to marine licence and registration fees under a 4 per cent levy are illustrated in Table 6.5 below.

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[312] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 9.
[313] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 62.

Table 6.5: Increases in marine licence and vessel registration fees under the Australian Volunteer Coast Guard Association's proposed levy

Fee type	Cost per year (as of 1 July 2014)	Additional cost with 4% levy
Marine licence	$33.10	$1.32
Marine licence with PWC endorsement	$38.20	$1.53
Restricted marine licence	$16.60	$0.66
Restricted marine licence with PWC endorsement	$19.10	$0.76
Vessel registration (up to 4 m in length)	$38.40	$1.54
Vessel registration (over 4 m in length)	$80.10	$3.20

Source: VicRoads, 'Marine Licence Fees', viewed 23 June 2014, <http://www.vicroads.vic.gov.au/>; VicRoads, 'Vessel Registration & Transfer Fees', viewed 23 June 2014, <http://www.vicroads.vic.gov.au/>.

In addition, a number of other stakeholders also supported the option of a levy on boat licences and registrations to provide ongoing operational funding to the MSAR sector.[314] While TSV did not refer specifically to the option of a levy, it did call for an increase in the 'level of funding from the revenue raised from marine registration and licensing fees'.[315]

Other options that were suggested by stakeholders included increasing boat launching fees[316] or implementing a system similar to the RACV's Emergency Roadside Assistance service.[317]

6.4.2 Marine Rescue NSW funding arrangements

The need for ongoing capital and operational funding was a key issue after the initial establishment of Marine Rescue NSW. In May 2010 the former NSW Maritime (now a division of Roads and Maritime Services NSW) released a discussion paper to gauge public support for a 'rescue levy' on recreational boat licences and registration fees. This aimed to address a shortfall in funding that was affecting the viability of New South Wales' MSAR services.[318]

The discussion paper proposed a $7.50 levy ($3.00 with concession) on boat licences and registrations. The $7.50 amount was derived from the shortfall in funding required for Marine Rescue NSW's operations, which was estimated to be $5 million. The shortfall was then distributed over the number of boat licences and registrations in NSW, which resulted in the $7.50 figure. At the time, Marine Rescue NSW was receiving $1.39 million per year under an ongoing funding agreement with the New South Wales government.[319]

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[314] Richard Lasslett, *Submission*, no. 14, 14 March 2014; Anthony Hacking, *Submission*, no. 12, 14 March 2014; Rocco Maruzza, Flotilla Commander Australian Volunteer Coastguard, VF20 Port Welshpool, *Transcript of evidence*, 9 April 2014, p. 242; Darren McAinch, Deputy Commander, Australian Volunteer Coast Guard, *Transcript of evidence*, 9 April 2014, p. 242.

[315] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 10.

[316] Anthony Hacking, *Submission*, no. 12, 14 March 2014, p. 7.

[317] Theodore Beggs, *Submission*, no. 13, 14 March 2014; Anthony Hacking, *Submission*, no. 12, 14 March 2014.

[318] NSW Maritime, *Funding Volunteer Marine Rescue in NSW: A Discussion Paper*, New South Wales Government 2010, p. 6.

[319] NSW Maritime, *Funding Volunteer Marine Rescue in NSW: A Discussion Paper*, New South Wales Government 2010.

A total of 2,150 submissions to the discussion paper were received, with 79 per cent in support of the levy. It was subsequently introduced by NSW Maritime in September 2010.[320]

The levy revenue is collected by NSW Roads and Maritime Services and distributed to Marine Rescue NSW through the state's Ministry for Police and Emergency Services. In 2012–13, Marine Rescue NSW received approximately 54 per cent of its operating income from the levy, which is now $7.97 per licence and registration. The total revenue from the levy amounted to $6.31 million of Marine Rescue NSW's total operating income of $11.7 million.[321]

Marine Rescue NSW continues to receive ongoing funding from the NSW Government, which in 2012–13 totalled $1.52 million.[322] Marine Rescue NSW is also still eligible for Government grant programs, which contributed $378,000 to its operating income in 2012–13.[323]

The Committee notes that fundraising is still an integral aspect of Marine Rescue NSW's volunteer-based structure. Revenue from donations, fundraising and games of chance (such as public boat raffles) made up a considerable amount of Marine Rescue NSW's total operating revenue in 2012–13, comprising $2.5 million.[324]

6.4.3 Western Australian funding arrangements

As discussed in Chapter Three, all of Western Australia's MSAR organisations receive ongoing funding through the Department of Fire and Emergency Services. Funding for the 'approved' units is distributed directly through the Department, whereas the two independent organisations are funded through a Service Level Agreement. This is paid to the Metropolitan Volunteer Sea Rescue Group, which allocates funding accordingly.[325]

The Western Australian Government is considering options to introduce a levy on recreational vessel owners to fund its emergency services organisations, as part of a review of its emergency services legislation. The concept paper of the review released by the Western Australian Government in April 2014 noted that Western Australia's emergency services levy does not provide funding to the State's MSAR organisations.[326]

Accordingly, three options for a vessel levy were proposed in the concept paper. These were a flat fee, a scaled fee (based on the size of the vessel), or a percentage of vessel registration fees.[327] The concept paper estimated the revenue from an estimated 98,144 registered

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[320] Roads and Maritime Services, 'Fact sheet: Marine Rescue NSW contribution', viewed 1 May 2014, <http://www.maritime.nsw.gov.au/>, p. 1.

[321] New South Wales State Rescue Board, *Annual Report 2012–2013*, New South Wales Government, Sydney, 2013, p. 28.

[322] New South Wales State Rescue Board, *Annual Report 2012–2013*, New South Wales Government, Sydney, 2013, p. 28.

[323] Marine Rescue NSW, *Financial Statements & Reports — Year Ended 30 June 2013*, Volunteer Marine Rescue NSW, Sydney, 2013, p. 32.

[324] Marine Rescue NSW, *Financial Statements & Reports — Year Ended 30 June 2013*, Volunteer Marine Rescue NSW, Sydney, 2013, p. 32.

[325] Department of Fire & Emergency Services, Email correspondence with Research Officer, 17 July 2014.

[326] The levy excludes MSAR organisations and the Surf Lifesaving Society, however the State Emergency Service receives funding from the levy.

[327] Department of Fire and Emergency Services, *Concept Paper: Review of the Emergency Services Acts*, Western Australian Government, Perth, 2014, p. 15.

recreational vessels based on low and high yield levies for each of the three options. These are summarised in Table 6.6 below.

Table 6.6: Yields for Western Australian vessel levy options

Model	Levy per vessel	Yield (based on 98,144 vessels)
Scaled fee model (low yield)	$5 per vessel up to 5 m to $50 for a vessel over 20 m	$786,225
Scaled fee model (high yield)	$25 per vessel up to 5 m to $450 for a vessel over 20 m	$3,931,125
Percentage model (low yield)	5% of registration fee	$784,097
Percentage model (high yield)	50% of registration fee	$7,840,970
Flat fee model (low yield)	$5 flat fee	$500,735
Flat fee model (high yield)	$50 flat fee	$5,007,350

Source: Department of Fire and Emergency Services, Concept Paper: Review of the Emergency Services Acts, Western Australian Government, Perth, 2014, p. 15.

As of June 2014, the basic registration fees per year for recreational vessels in Western Australia are as follows:

- less than 5 metres: $100.50

- 5 metres to 9.99 metres: $213.60

- 10 metres to 19.99 metres: $428.40

- 20 metres and over: $626.60.[328]

6.4.4   A volunteer marine search and rescue levy

The existing grant-based funding model is clearly not an optimum system for meeting the capital funding needs of Victoria's MSAR sector. In addition, the lack of operational funding from government (with the exception of fuel reimbursement) means that some MSAR units may not be financially sustainable into the future.

A number of MSAR units also emphasised that, without additional funding, vessel and crew certifications required under recently-introduced Commonwealth legislation would further erode their financial sustainability. These issues are discussed in detail in Chapter Seven.

The Committee notes that a levy to fund MSAR operations and marine radio communications was considered by the former Victorian Department of Transport during its review of the *Marine Act 1988* in July 2009. The discussion paper for the review noted the following advantages associated with a levy on vessel registrations:

- guaranteed funding to MSAR organisations;

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[328]   Department of Transport, 'Marine Fees and Charges', viewed 21 July 2014, <http://www.transport.wa.gov.au/>.

- guaranteed funding for strategic plans for state-wide MSAR services that are developed by the Water Police;

- guaranteed funding support for marine distress communications;

- enabled construction and ongoing funding of state-wide marine communications services; and

- better safety infrastructure, reducing the need to impose limits or restrictions on vessel operating areas.[329]

The Committee considers that the introduction of a levy may be the fairest and most practical means of securing ongoing funding to cover both operational and capital expenses for the sector.

The Committee is also mindful that a levy could be regarded as an unwarranted impost on the recreational boating sector. If introduced, the reasons for the levy would be required to be clearly explained through extensive consultation with the sector. The Committee notes that 79 per cent of the submissions to the discussion paper which proposed the establishment of the levy for Marine Rescue NSW supported the proposal. The Committee is of the view that the Victorian boating public would be supportive of a levy to ensure the efficiency and effectiveness of MSAR services in this State if properly consulted.

The Committee also notes that recreational marine licence fees and vessel registration fees are comparatively lower in Victoria than in both New South Wales and Western Australia. The current fee for a one year marine licence in Victoria is $33.10 compared to $56.00 in New South Wales.[330] Victorian vessel registration fees are between $38.40 and $80.10 compared to New South Wales' costs of between $61.00 and $598.00, and Western Australia's costs from $100.50 to $626.60.[331] However, the Committee considers that registration costs in New South Wales and Western Australia are excessive, and does not support increasing Victoria's vessel registration costs to these levels.

The Committee also is of the view that this recommended levy would not necessarily replace the need for MSAR units to engage in fundraising. Instead, a levy would ensure the viability of the sector and reduce the pressure and imposts on volunteers.

Finally, the Committee notes that the introduction of a levy on vessel registrations and licences would be analogous to the recent changes to the Fire Services Levy. These were introduced from 1 July 2013 and were aimed at making the levy fairer. The Fire Services Levy, which funds the operations of the CFA and the Metropolitan Fire Brigade (MFB), was previously paid through

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[329] Department of Transport, *Discussion Paper: Improving Marine Safety in Victoria — Review of the Marine Act 1988*, Victorian Government, Melbourne, 2009, p. 152.

[330] Note: Western Australia does not charge a fee for recreational skipper's tickets, aside from costs associated with assessment and optional training.

[331] VicRoads, 'Marine Licence Fees', viewed 23 June 2014, <http://www.vicroads.vic.gov.au/>; VicRoads, 'Vessel Registration & Transfer Fees', viewed 23 June 2014, <http://www.vicroads.vic.gov.au/>; Roads and Maritime Services, 'Recreational Boating Fees', viewed 24 June 2014, <http://www.maritime.nsw.gov.au/>; Department of Transport, 'Marine Fees and Charges', viewed 21 July 2014, <http://www.transport.wa.gov.au/>.

insurance premiums but is now a property-based levy collected with council rates. Whereas the levy was previously paid only by Victorian property owners who had insured their property, all Victorian property owners now make a contribution.[332]

That the Victorian Government consults with the recreational boating sector in relation to the potential introduction of a marine search and rescue levy on vessel registrations, as a component of ongoing operational funding to the marine search and rescue sector.

6.4.5 A funding agreement for the volunteer MSAR sector

In the event that the role of SMSARC is replaced with that of a new representative governing body (or that Victoria's MSAR volunteers choose to form a single state-wide volunteer MSAR organisation), a funding agreement between the Government and the new governing body (or organisation) may be the most effective means of ensuring the financial viability of the sector over the longer term.

This is the model that has been implemented by the NSW Government for funding Marine Rescue NSW. Notably, the Queensland and Western Australian Governments also have funding agreements in place with their respective MSAR sectors. The Victorian Government could draw upon the experience of these other Australian jurisdictions in developing such an agreement for Victoria's volunteer MSAR sector.

The Committee also notes that the Victorian Government currently has funding agreements in place with VICSES and the CFA. The introduction of a funding agreement would therefore be consistent with the aim of more closely aligning the state's volunteer MSAR sector into Victoria's emergency management framework.

The establishment of a funding agreement would also move the sector from its current dependence on grants-based funding to a more predictable and ongoing funding source, which would allow for better strategic planning over the medium and long term.

However, the Committee does not consider that a funding agreement would be workable in the absence of either a new representative governing body (as recommended in Chapter Four) or a single state-wide volunteer MSAR organisation (as discussed in Chapter Five). In the absence of either of these reforms, the formation of multiple funding agreements would be administratively inefficient and would not deliver the economies of scale that would be achieved under a single funding agreement.

The establishment of a funding agreement would require an initial estimation of the annual operating costs of Victoria's accredited MSAR organisations (or of a single state-wide volunteer MSAR organisation). Such an estimation would be necessary to determine the appropriate contributions of funding from:

- the Victorian Government, e.g. through an annual allocation or similar;

- a possible levy on vessel registration and licensing (as in New South Wales); and

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[332] Fire Services Property Levy, 'About the Levy', viewed 19 June 2014, <http://www.firelevy.vic.gov.au/>.

- from ongoing fundraising activities by volunteers and revenue from the provision of accredited maritime training.

Finally, the Committee recommends that a funding agreement between the Victorian Government and a single state-wide volunteer MSAR organisation should incorporate appropriate benchmarks to maximise organisational accountability and service delivery.

<div style="background:black;color:white;">Recommendation 6.6:</div>

In the event that a new representative governing body (or a single volunteer MSAR organisation) is established the Victorian Government considers entering into a funding agreement with the new body or organisation to cover both capital and operational expenditure.

6.5   Funding arrangements for Victoria's Water Police

Although limited evidence was received on the resourcing arrangements for Victoria's Water Police, the Committee wishes to highlight the following issues.

As stated in Chapter Two, Victoria's Water Police has units at three locations: Williamstown, Paynesville and Benalla (although the Committee was informed that the Benalla unit is currently under review). There are 60 officers who are part of the Water Police, with an additional 20 officers engaged in land aspects of search and rescue. In addition, the Water Police has 36 MSAR vessels for use in incident responses.[333]

In comparison, NSW Police Force Marine Area Command (NSW MAC) has units at eight locations throughout NSW. In addition, two NSW police units are accredited for MSAR responses.[334] NSW Marine Area Command has 123 personnel throughout several different squadrons,[335] which is approximately double the number of officers currently working for the Victorian Water Police.

Superintendent John Todor, Divisional Commander of Victoria Police's Specialist Response Division, described the staffing levels of the Victorian Water Police as 'fairly thin' across Victoria. He noted that the Victoria's coastal coverage is provided by the Williamstown unit — from Wilsons Promontory to the South Australian border — and by the Paynesville unit — along the eastern coast of Victoria, including Lakes Entrance. He also noted that the Benalla unit covers Victoria's northern lakes and parts of the Murray River.[336]

The Committee notes the possibility of operational gaps in the Water Police's presence along Victoria's western coast. This possibility was also noted in the Ernst & Young review, which found that there was an estimated travel time of 4.5 hours from Port Phillip Bay to Portland.[337] The review also noted that a trial had been conducted by the Water Police in 2002 to assess the necessity for a Water Police presence on Victoria's west coast. However, the trial reached no conclusion as to whether a permanent Water Police base was required in the area due to mixed

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[333] Superintendent John Todor, Divisional Commander, Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, p. 108.

[334] State Rescue Board of New South Wales, 'Summary of NSW Accredited Marine Rescue Units as at 25 July 2013', viewed 25 June 2014, <http://www.emergency.nsw.gov.au/>.

[335] NSW Police Force, 'Marine Area Command', viewed 25 June 2014, <http://www.police.nsw.gov.au/>.

[336] Superintendent John Todor, Divisional Commander, Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, p. 108.

[337] At the time of the review, the Victoria Water Police headquarters was located at St Kilda.

views from Water Police personnel. This was not viewed as a significant issue in the evidence received by the Committee.

The Committee is of the view that the current resourcing level of the Victorian Water Police is adequate. In addition, the Committee considers that an increase in support and funding to the MSAR sector — as recommended in this Report — would reduce the need for the Water Police to assist in minor MSAR incidents, such as disablements and tow backs.

Finding 6.5:

An increase in funding and support to the Victorian marine search and rescue sector would reduce operational pressure on the Victorian Water Police.

7

CHAPTER 7:
MARINE SEARCH AND RESCUE CERTIFICATIONS AND TRAINING

The certification framework for marine search and rescue (MSAR) vessels and operators is in a period of transition. Due to reforms introduced as of 1 July 2013, MSAR certifications for vessels and their operators are regulated at a national level by the Australian Maritime Safety Authority (AMSA), rather than by State or Territory marine safety regulators as was previously the case.

Victoria's MSAR operations are now subject to commercial vessel and operator compliance requirements under national regulation. These requirements are greater than those required by recreational vessels and operators. This has placed significant compliance pressure on some volunteer MSAR organisations, which were previously operating under recreational vessel regulations.

In response to concerns raised by MSAR stakeholders regarding the transition to commercial compliance requirements, AMSA is developing a specific regulatory scheme for MSAR (known as 'Scheme R' and discussed in 7.1.4). As this regulatory scheme is still under development, MSAR organisations are uncertain as to which certifications will apply to their organisations and volunteers into the future.

In addition, there are no consistent standards for volunteer training in place across Victoria's MSAR sector. The Committee is mindful that a number of volunteer MSAR organisations have developed their own internal training standards in the absence of state-wide benchmarks. However, the Committee considers that there is a need for a coordinated approach to MSAR training and that state-based standards should be used for assessment.

This chapter addresses Term of Reference (f), which required the Committee to review the training and development needs for marine rescue service providers. It also addresses aspects of Term of Reference (d), which asked the Committee to investigate the legislation governing the MSAR sector.

7.1   Overview

In Australia, certifications required by marine vessels and operators differ according to whether a vessel is classified as a 'commercial vessel' under the National System for Domestic Commercial Vessel Safety (discussed in section 7.1.1) or as a recreational vessel. Certifications for recreational vessels are regulated at a State or Territory level by marine safety regulators (such as Transport Safety Victoria [TSV]), while commercial vessel certifications are regulated by AMSA.

MSAR vessels are classed as commercial vessels under the National System, and accordingly MSAR vessels and their operators are subject to AMSA's requirements.[338]

Development of the National System was a result of a 2009 decision by the Council of Australian Governments (COAG), as part of broader transport regulatory reform agenda. The decision was formalised in the *Intergovernmental Agreement on Commercial Vessel Safety Reform*, which was signed in 2011.[339]

As a result of the Intergovernmental Agreement, the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth) was introduced in September 2012. The Act enabled the National System for Domestic Commercial Vessel Safety to become the national regulatory framework for commercial maritime operations in Australia.

On 1 July 2013, AMSA assumed responsibility as the national regulator, and the National System came into effect.[340]

7.1.1   The National System for Domestic Commercial Vessel Safety

The National System for Domestic Commercial Vessel Safety is the regulatory framework for the standards of commercial vessel construction, operation and crew member certifications. It contains a suite of legislation, regulations and standards for commercial maritime operations. The National System is illustrated in Figure 7.1 below.

Figure 7.1: National System for Domestic Commercial Vessel Safety
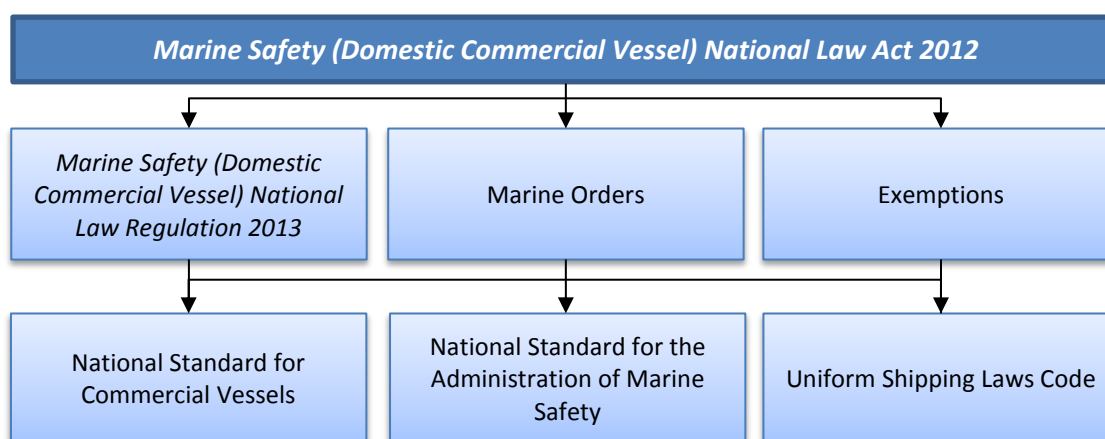
Source: Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 5.

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[338] *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013* (Cth), No. 97, 2013, section 7(a).

[339] Council of Australian Governments, *Intergovernmental Agreement on Commercial Vessel Safety Reform*, 2011.

[340] Australian Maritime Safety Authority, 'National System for Domestic Commercial Vessel Safety', viewed 16 June 2014, <https://www.amsa.gov.au/>.

An overview of the framework is as follows:

- *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* **(Cth):** The principal legislation.

- *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013* **(Cth):** This contains the National Law Act's relevant regulations.

- **Marine Orders:** These are legislative instruments that provide AMSA with a means to promptly amend regulation in response to changes in international law, industry requirements and technological developments.[341]

- **Exemptions:** Similar to Marine Orders, AMSA may enact exemptions to elements the National Law Act. These are typically for situations where it is unreasonable to require full compliance with the Act, or when transitional arrangements for compliance are required.[342]

- Standards developed by AMSA (and its equivalent predecessors), including:

  o **National Standard for Commercial Vessels:** This details the standards for vessel design and construction (including engineering, stability and equipment requirements); crew competencies; operations; requirements for special vessels; and general safety requirements;

  o **National Standard for the Administration of Marine Safety:** This details the requirements of marine regulators when undertaking vessel surveys and auditing registered training organisations (RTOs) that provide accredited maritime training;[343] and

  o **Uniform Shipping Laws Code:** First published in 1979, this provided standards for design, construction and operation of domestic commercial vessel before introduction of the National Standard for Commercial Vessels. AMSA intends to phase the Code out as part of its review into the National System (see section 7.1.2).

State and Territory marine safety regulators are responsible for implementing the National System on behalf of AMSA.[344] In addition, in Victoria the National System is applied as State law through the *Marine (Domestic Commercial Vessel National Law Application) Act 2013*.

The National System for Domestic Commercial Vessel Safety currently separates commercial vessels into two regulatory Schemes. Scheme S (in survey, higher risk) vessels have higher

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[341] Australian Maritime Safety Authority, 'Marine Orders', viewed 5 August 2014, <https://www.amsa.gov.au/>.

[342] Australian Maritime Safety Authority, 'National Law and Related Legislation', viewed 12 June 2014, <https://www.amsa.gov.au/>.

[343] Australian Maritime Safety Authority, 'National Standard for Administration of Marine Safety', viewed 12 June 2014, <https://www.amsa.gov.au/>.

[344] Australian Maritime Safety Authority, 'National System for Domestic Commercial Vessels — Questions and Answers', viewed 12 June 2014, <https://www.amsa.gov.au/>.

compliance requirements than those in Scheme NS (not in survey, lower risk). This is discussed in detail in section 7.2.

7.1.2 Review of the National System for Domestic Commercial Vessel Safety

At the time this Report was tabled, AMSA was undergoing a public consultation process for a streamlining review of the National System for Domestic Commercial Vessel Safety. AMSA aims to complete the review by 2017.[345]

The review focuses on 13 'streamlining concepts' to simplify aspects of the National System. The 13 concepts are as follows:

(1) Making the regulations simpler

(2) Alignment with other regulatory regimes

(3) Simplifying what 'commercial vessel' means

(4) Clarifying the Class C operational area

(5) Vessel and operation certificates

(6) Safety management

(7) Survey exemptions

(8) Survey limits

(9) Periodic survey requirements

(10) Minimum crewing

(11) Design and construction standards

(12) Certificate of competency standards under the National System

(13) Recreational use exemption under the National System.[346]

The stated objectives of the review are to ensure that:

• regulations are proportionate to risk and justified on a cost–benefit basis;

• the National System encourages greater industry ownership of safety;

• the regulations are transparent and accessible;

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[345] Australian Maritime Safety Authority, 'Consultation', viewed 12 June 2014, <http://www.amsa.gov.au/>.
[346] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>.

- interactions with AMSA are straightforward;

- a scaled approach is taken to compliance and enforcement;

- AMSA's engagement and communication with industry is effective; and

- improvements are continuous.[347]

A key concept of the review is to streamline the framework of the National System for Domestic Commercial Vessel Safety. This proposed framework is shown in Figure 7.2 below.

Figure 7.2: Streamlining concept for the National System for Domestic Commercial Vessel Safety
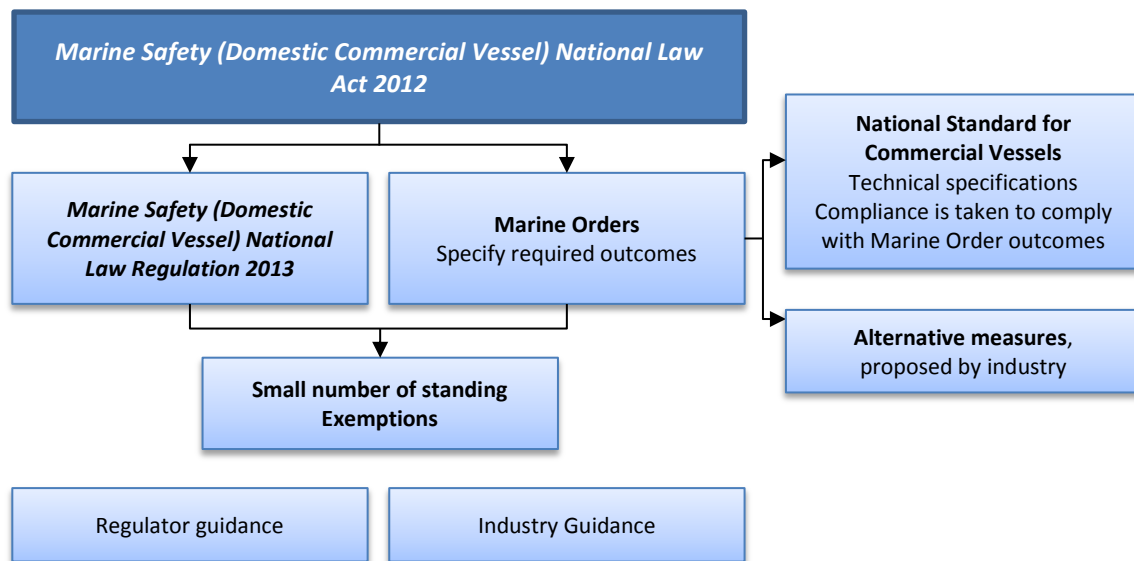
Source: Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 5.

A number of other key concepts of the streamlining review are also relevant to the MSAR sector. These are discussed throughout this chapter.

Under the streamlined framework, the number of components of the National System would be reduced. Marine Orders would comprise the industry requirements for the design, build, survey, certification and operation of commercial vessels. The National Standard for Commercial Vessels would contain 'taken to comply' technical specifications that would satisfy the requirements of Marine Orders.[348]

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[347] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 4.
[348] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 5.

The key requirements of the National Standard for Administration of Marine Safety would be incorporated into Marine Orders and other guidance material. The number of Exemptions would be significantly reduced by incorporating these arrangements into Marine Orders or the Regulations.[349]

As the streamlining review was still in progress at the time this Report was tabled, the Committee is unable to comment on its outcomes. However, the Committee welcomes the review and anticipates that it will address some of the regulatory issues that were raised during this Inquiry.

In addition, the Committee considers that a single state-wide volunteer MSAR organisation in Victoria — as recommended in Chapter Five — would provide a strengthened, unified voice of the state's MSAR volunteers to AMSA during the review of the National System.

7.1.3 Implications of the National System for Domestic Commercial Vessel Safety

Before the National System for Domestic Commercial Vessel Safety became law, MSAR vessels and operators were covered under recreational vessel law at a State or Territory level.[350] When the National System was introduced, a three-year transition period was implemented to allow marine organisations to comply with the new requirements.[351]

This has created a situation where some MSAR vessels[352] that were constructed before 1 July 2013 will not be subject to the National System until 1 July 2016. All other MSAR vessels constructed after 1 July 2013 are required to comply with the National System.

In addition, lack of communication of the proposed implementation of MSAR-specific regulations (referred to as 'Scheme R' regulations) has caused further confusion for MSAR stakeholders (see section 7.1.4). As such, many MSAR organisations are uncertain as to what regulatory and certification requirements will be necessary to continue operations.

A number of Inquiry stakeholders highlighted issues that arose from MSAR vessel reclassification as commercial vessels and the associated compliance requirements. The key concerns are discussed throughout this chapter.

Victoria Police commented on the impact of the National System on Victoria's MSAR organisations, stating that some may never be able to meet the relevant requirements:

> This legislation has impacted on all organisations to various degrees. For example, where some marine rescue service providers were exempt from commercial compliance standards, now they must meet the relevant requirements with Certificates in Operation, Survey and Competency. The full impact upon the marine rescue sector has not yet been fully determined.

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[349] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 5.
[350] In Victoria this was the *Marine Safety Act 2010* and its predecessor, the *Marine Act 1988*.
[351] Australian Maritime Safety Authority, 'Quick Guide to Vessels', <https://www.amsa.gov.au/>.
[352] Such as those not built to survey.

> As a minimum it will involve additional costs, however it could extend to precluding operations by some organisations that cannot (and may not ever) meet the relevant requirements.[353]

Despite these concerns, Victoria Police anticipated that National System 'should go some way towards standardising the qualification of operators within [MSAR] providers'.[354]

Transport Safety Victoria (TSV) noted that it had previously sought to achieve a commercial level of competency for MSAR organisations, but this was met with mixed reception by the sector. In addition, it stated that many MSAR organisations considered that imposing commercial operator requirements on the sector could threaten the viability of their units, if appropriate transitional arrangements were not established.[355]

Southern Peninsula Rescue Squad did not disagree with implementing greater accountability and requirements for MSAR operator certifications. However, it considered it unreasonable to group MSAR organisations with commercial organisations. In addition, it expressed disappointment that there has been little direct communication between TSV and MSAR organisations during the transition period to national compliance.[356]

Further, some stakeholders were concerned that the National System for Domestic Commercial Vessel Safety does not adequately address MSAR operations. Mr Peter Corcoran, Director Maritime Safety at TSV, advised the Committee at a public hearing that there is still a gap in legislation covering the MSAR sector:

> … there is no clear single legislative oversight of [MSAR]-related activities. There is legislation that covers the vessel operation and the commercial certificates of competency and safety duty obligations but nothing that relates specifically to search and rescue.[357]

Port Fairy Marine Rescue Service also noted the absence of a category for MSAR vessels in legislation. It considered that reform of MSAR vessel legislation was 'long overdue' and should be fast-tracked to provide clarity to the sector.[358]

Some stakeholders considered that introducing intermediate certifications would address the perceived gap of operator certifications for MSAR vessels. For example, Southern Peninsula Rescue Squad proposed a certification that was tailored specifically to operate MSAR vessels.[359] Ms Eileen Murray, President of the organisation, clarified this position at a public hearing, stating there is a need for an intermediate level of certifications between recreational and commercial levels:

> What we are saying is that we believe there should be another category — another step in the ladder, if you like — because at the moment it jumps from a recreational boating licence to a coxswain certificate, and then you go and do your master 5, 4, 3, 2, 1. We believe there should be

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[353] Victoria Police, *Submission*, no. 5, 13 March 2014, p. 6.

[354] Victoria Police, *Submission*, no. 5, 13 March 2014, p. 7.

[355] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 9.

[356] Southern Peninsula Rescue Squad Inc., *Supplementary evidence*, no. 6A, 23 April 2014, pp. 2–3.

[357] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 104.

[358] Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 4.

[359] Southern Peninsula Rescue Squad Inc., *Supplementary evidence*, no. 6A, 23 April 2014, p. 3.

something that is for search and rescue only. It does not matter what it is called. It might be a 'rescue vessel skipper' or something for which obviously training and assessment is required but not some of the things we do in the coxswain course, which are totally irrelevant to what we do as a group.[360]

Mr Nigel Taylor, Chief Executive Officer of Life Saving Victoria (LSV), also supported implementing a certification specifically for MSAR vessel operations.[361]

Similarly, Mr Anthony Hacking proposed reducing the initial requirements of vessel operation certificates of competency and requiring endorsements for specific areas of operation:

I would like to see a basic level of competencies introduced and then all of the others to be endorsements. For example, a basic coxswain for skippering of vessels on Port Phillip and confined to Port Phillip may not be able to go through the Heads unless they have a Heads endorsement. That would reduce the number of competencies required to be a skipper on Port Phillip, and that could get somebody in the role a lot sooner than having to do all of the competencies that are currently required.[362]

While the Committee notes these concerns about applying commercial standards to MSAR vessels, it notes that AMSA, in collaboration with the National MSAR Committee, is developing a set of MSAR-specific vessel and operator regulations. This is referred to as 'Scheme R' and is discussed in section 7.1.4 below. The Committee anticipates that the introduction of Scheme R regulations should go some way to address the issues raised by Inquiry stakeholders.

7.1.4   Introduction of survey Scheme R

During the course of the Inquiry, the Committee was informed that the National Volunteer MSAR Committee was in discussion with AMSA to establish a separate scheme of regulations for MSAR vessels and operators. This is intended to fill a perceived gap in regulation for MSAR operations, instead of requiring compliance with commercial requirements under Scheme S.

Although AMSA has yet to endorse the contents of Scheme R, the Committee received evidence it is likely to contain the provisions and requirements listed in the following sections. Although they are aligned with existing commercial vessel and operator requirements under Scheme S, Scheme R certifications are not commercial certifications, and would therefore be regulated at a State or Territory level rather than by AMSA.

VESSEL STANDARDS

MSAR vessels constructed prior to 1 July 2013 would be 'grandfathered', that is, they would remain under previous State or Territory regulatory arrangements until the vessel is removed from service. All MSAR vessels constructed from this date onwards would be required to comply with the survey requirements of commercial vessels. For MSAR organisations this would generally be commercial survey Class 2C (discussed in detail in 7.2.1).

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[360] Eileen Murray, President, Southern Peninsula Rescue Squad, *Transcript of evidence*, 17 March 2014, p. 25.
[361] Nigel Taylor, Chief Executive Officer, Life Saving Victoria, *Transcript of evidence*, 24 March 2014, p. 161.
[362] Anthony Hacking, Past Commander and Member, Australian Volunteer Coast Guard, VF4 Hastings, *Transcript of evidence*, 9 April 2014, p. 248.

The Committee was advised that it is likely that under Scheme R, MSAR vessels will effectively be exempted from the plying limit for Class 2C vessels (i.e. the 30 nautical mile operational limit). Instead, plying limits would be decided by each State or Territory marine regulator, using a risk-based approach, and would be covered by conditions contained within the MSAR organisation's Certificate of Operation (see section 7.2.2).

In summary, volunteer MSAR vessels operating in 'restricted offshore' areas (see section 7.2.1) constructed from 1 July 2013 would need to be constructed to and comply with the requirements of Class 2C survey standards. However, TSV (and its interstate equivalents) would be responsible for setting the actual plying limits for volunteer MSAR vessels, which may be greater or lesser than 30 nautical miles.

The Committee also received evidence that Scheme R is likely to create a suite of vessel operator certifications. This includes an MSAR Coxswain certification, for which there would be no plying limit as such. However, TSV (and its interstate equivalents) would define operating limits according to a risk-assessment approach based on the vessel's survey Class and its Safety Management System (discussed below at 7.2.3). Scheme R would also offer a 'Restricted Coxswain' certification, which would be restricted to Class D or E waters (see section 7.2.1) and contain a plying limit of 3 nautical miles.

Survey requirements for vessels, under Scheme R, are proposed as follows:

- Following an initial survey, MSAR vessels would undergo a formal survey by State marine safety regulators every five years until the fifteenth year. At this time, survey requirements would be decided through a risk-based assessment conducted by the State or Territory marine safety regulator.

- In the years between formal surveys, MSAR vessels would be subject to an audit by a suitably trained person. This would conform to audit instruments developed in consultation with and approved by AMSA.[363]

In addition, Scheme R would clarify that any persons taken aboard during MSAR operations would not be considered as 'passengers' of the vessel.

OPERATOR AND CREW COMPETENCIES

As per vessel requirements, operator and crew competencies for vessels constructed prior to 1 July 2013 would also remain under previous State or Territory regulatory requirements, until the vessel is removed from service.

For all MSAR vessels constructed after 1 July 2013, MSAR-specific operator and crew certifications would be offered under Scheme R.

The National Volunteer MSAR Committee has also proposed a training pathway for MSAR vessel operators for approval under Scheme R. This is intended to introduce three MSAR-specific qualifications that align with AMSA's framework for the Coxswain Grade 1 Near Coastal (NC) certificate (discussed further in section 7.3):

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[363] National Volunteer Marine Search and Rescue Committee, Email correspondence with Research Officer, 26 June 2014.

- **MSAR crew certification:** An MSAR-specific crew certification.

- **MSAR Restricted Coxswain:** Limited to operations in 'sheltered' waters and 3 nautical miles from the coastline.

- **MSAR Coxswain:** No specific plying limits, however these would be imposed through the MSAR organisation's Safety Management System (see section 7.2.3).

The certifications would contain similar units as those required by the Coxswain Grade 1 NC certificate. However, two units that are covered in part by existing units or not relevant to MSAR operations would be replaced by MSAR-related units. In addition, each MSAR certification would also require completion of a First Aid Certificate and a Marine Radio Operators Certificate of Proficiency (discussed in Chapter Eight). The units that would be required by each certification and a comparison with the Coxswain Grade 1 NC certificate are detailed in Appendix E.

Scheme R would allow the following options for State or Territory marine safety regulators to provide MSAR-specific certifications:

- **Non-accredited:** Certifications that are not provided by a Registered Training Organisation (RTO), but which are still recognised by the state or territory marine safety regulator and AMSA as sufficient to operate an MSAR vessel. These certifications would not be transferable between states or recognised for the purposes of a commercial certificate application.

- **Accredited:** Certifications that are provided by an RTO, but which are not endorsed by AMSA. These would be transferable within MSAR organisations, but would only be recognised for commercial operator certifications through a recognition of prior learning assessment.

- **AMSA-endorsed:** Certificates that are provided by an AMSA-approved RTO. All units completed as part of these certificates would be recognised under the requirements of commercial vessel operator certifications.[364]

The Committee welcomes the introduction of Scheme R to provide an intermediate regulatory scheme that relates to the unique requirements of MSAR vessels and operators. The Committee anticipates that Scheme R's introduction will address a number of issues that were raised during the Inquiry.

7.1.5 Marine Safety (Emergency service vessels and crew) Exemption 2014

In May 2014 AMSA enacted the *Marine Safety (Emergency service vessels and crew) Exemption 2014*. This replaced a similar Exemption by way of repeal that was enacted in 2013.

The Exemption provides an avenue for MSAR organisations to forgo some requirements of the National Standard for Commercial Vessels. It allows a person to be exempt from the requirement to hold a certificate of competency if the following requirements are satisfied:

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[364] National Volunteer Marine Search and Rescue Committee, Email correspondence with Research Officer, 26 June 2014.

(a) an emergency service authority, or an accredited volunteer MSAR or surf lifesaving association certifies that the person is able to operate the vessel; and

(b) AMSA approves the specified operation in writing.[365]

The Exemption also contains a provision that waives the requirements for a person to hold a certificate of competency and a vessel to hold a certificate of survey if:

(a) the vessel is up to 7.5 metres long;

(b) an emergency service organisation, or an accredited volunteer MSAR or surf lifesaving association certifies that each crew member is trained for their duties on the vessel; and

(c) the specified operation is in class D or E waters (see section 7.2.1) and is carried out under a Safety Management System (see section 7.2.3) that complies with the National Standard for Commercial Vessels.[366]

The Exemption is effective until 31 December 2015.

The Committee is unaware of any Victorian MSAR organisations that have applied to AMSA to be approved under the Exemption. In addition, as previously discussed, the current Exemptions will be eventually reduced and incorporated into the National System for Domestic Commercial Vessel Safety.

However, the Committee is aware that Marine Rescue NSW has used the exemption to forgo some requirements of the National System until introduction of the Scheme R regulations.[367] The Committee also acknowledges that the Exemption may also have implications for LSV, the Victoria State Emergency Service (VICSES) and the Country Fire Authority (CFA).

7.2   Vessel certifications and requirements

7.2.1 Vessel survey

As stated in 7.1.1, under the National System for Domestic Commercial Vessel Safety, there are two categories of vessels: those requiring a certificate of survey (Scheme S) and those 'not in survey' (Scheme NS). In addition, as previously noted, AMSA is developing a Scheme R category specifically for MSAR vessels. Further, AMSA also plans to introduce an additional category of vessels (Scheme O) by the end of 2016 for vessels that do not fit into Scheme S or NS, such as heritage vessels.[368]

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[365] *Marine safety (emergency service vessels and crew) Exemption 2014*, AMSA EX24, section (5)(1).

[366] *Marine safety (emergency service vessels and crew) Exemption 2014*, AMSA EX24, section (5)(2).

[367] Marine Rescue NSW, Phone correspondence with Research Officer, 19 June 2014.

[368] Australian Maritime Safety Authority, *A National System for Domestic Commercial Vessel Safety — National Reform: Challenges, Achievements and Opportunities*, Australian Government, Canberra, 2013, p. 51.

A certificate of survey provides evidence that a vessel has undergone an initial survey inspection and meets specified standards for construction and safety equipment.[369] All newly-constructed vessels require a certificate of survey if they are:

- longer than 7.5 metres;

- a passenger vessel;

- operating in Class A, B or C operational areas (see Table 7.1 below); or

- otherwise 'high risk'.[370]

Under the National Standard for Commercial Vessels, a 'passenger' refers to any person other than vessel operators, crew members, a 'person designated as special personnel' or a child under one year of age.[371]

Vessels that are not required to be in survey are still required to be designed, built and operated to meet national standards.[372] A key concept under AMSA's streamlining review is to expand non-survey exemptions to include more 'low-risk' vessels. Under the streamlined concept, vessels exempt from survey include:

- vessels under 12 metres in Class D or E waters (see Table 7.1 below), which:

  o do not carry any passengers;

  o do not carry dangerous goods;

  o do not have support vessels in the offshore oil industry;

  o do not have an inboard petrol engine;

  o are not equipped with plant or machinery with lifting or slewing potential; and/or

  o are not capable of exceeding 25 knots;

- recreational training vessels under 24 metres (such as those used by yacht clubs to train members) operating in inshore waters;

- personal watercraft (PWCs), water-powered jetpacks and human-powered vessels; and

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[369] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 10.

[370] Australian Maritime Safety Authority, 'Quick Guide to Vessels', <https://www.amsa.gov.au/>.

[371] Australian Maritime Safety Authority, *National Standard for Commercial Vessels — Part B: General Requirements*, Australian Government, Canberra, 2011, p. 18.

[372] Australian Maritime Safety Authority, 'Quick Guide to Vessels', <https://www.amsa.gov.au/>.

- vessels involved in sporting or recreational activities that are affiliated with a recognised body that has systems in place to manage risk (for example Yachting Australia or Surf Life Saving Australia).[373]

Vessels requiring a certificate of survey are categorised into different classes according to their use and operational area. Survey classes prescribe the operating, construction, equipment and crewing standards of the vessel, as well as survey inspection schedules and certification / identification requirements.[374] Table 7.1 below summarises these classes.

Table 7.1: Vessel survey classes

Vessel use	Class	Operational area	Class
Passenger vessel (>13 passengers)	1	Unlimited domestic operations (>200 M from coast)	A
Non-passenger vessel (<13 passengers)	2	Offshore operations (<200 M or other limits as specified by local marine safety agency)	B
Fishing vessel	3	Restricted offshore operations (<30 M of a safe haven or as specified by local marine safety agency)*	C
Hire and drive vessel	4	Partially smooth water operations	D
		Smooth water operations	E

Source: Australian Maritime Safety Authority, 'Certificates of Survey', viewed 27 May 2014, <https://www.amsa.gov.au/>.

*Note that clarifying the Class C operational area is a streamlining concept of AMSA's review of the National System for Domestic Commercial Vessel Safety. The proposed area would include waters within 30 nautical miles[375] of the mainland and 'specified islands'. This excludes waters that are already designated as Class D or E.[376]

MSAR vessels typically fall into survey Class 2C as they are generally classed as non-passenger vessels and are involved in offshore operations within 30 nautical miles of the coastline.

As stated in section 7.1.4, AMSA has introduced 'grandfathering' arrangements to allow MSAR vessels that were built before 1 July 2013 to continue their existing operations. This allows such vessels to continue to operate under existing State or Territory requirements until they are removed from service or undergo significant structural modifications. Vessels requiring a certificate of survey undergo an initial survey inspection during the construction, stability

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[373] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 15.

[374] Australian Maritime Safety Authority, 'Applicable Standards and Requirements for Vessels Under the National System', viewed 27 May 2014, <https://www.amsa.gov.au/>.

[375] Unless a greater or lesser distance than 30 nautical miles is specified. See: Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 9.

[376] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 9.

approval and operational trial phases of the vessel's production.[377] Once issued with a certificate of survey —which is valid for 5 years — the vessel must undergo periodic survey inspections as specified by the certificate. For MSAR vessels this typically occurs once a year.[378]

A streamlining concept of AMSA's review of the National System for Domestic Commercial Vessel Safety involves refining the survey requirements for vessels. The concept aims to align periodic survey requirements more closely with the risks of the vessels and operators.[379]

The streamlining concept includes separating vessels into survey categories depending on their intended use. MSAR vessels are listed specifically as survey 'Category D' vessels, which will have the following periodic survey requirements:

- an annual self-inspection;

- a renewal survey at year five; and

- two safety management inspections.[380]

The proposed survey requirements also include flexibility for regulators to change formal survey requirements based on vessel and operator performance.[381] This also aligns with the proposed changes to MSAR vessel survey requirements that are proposed under Scheme R.

In its submission, Port Fairy Marine Rescue Service highlighted issues that arose from changes to the survey requirements for its vessel following the introduction of the National System for Domestic Commercial Vessel Safety. It stated that there was confusion as to whether its MSAR vessel would need to comply with the requirements of commercial survey:

> When we first purchased the rescue vessel we were told it had to be surveyed as a commercial vessel by Marine Safety Victoria now Transport Safety Victoria.

> Although we had to be surveyed annually, we were refused a certificate of compliance because we are a search and rescue vessel and technically do not belong to the commercial vessel category.

> At the change of department name to Transport Safety Victoria, we were told that our vessel is now a recreational vessel and must be registered accordingly. At that time our coxswains and master 5 skippers also had to acquire a recreational boat operator's licence to skipper a registered recreational vessel, even though they were qualified far in excess of that level.

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[377] Australian Maritime Safety Authority, 'Guidance Notice — Initial Survey', viewed 20 June 2014, <http://www.amsa.gov.au/>.
[378] Australian Maritime Safety Authority, 'Guidance Notice — Certificate of Survey', viewed 4 July 2014, <https://www.amsa.gov.au/>.
[379] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 18.
[380] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 18.
[381] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 18.

> Since then we have been told that we are neither a recreational vessel nor a commercial vessel but still have to be surveyed.[382]

The Committee anticipates that development of the Scheme R regulations for MSAR vessels will address this issue raised by Port Fairy Marine Rescue Service.

7.2.2 Certificate of Operation and Unique Identifier

A Certificate of Operation is issued to commercial maritime operations and provides permission to operate one or more vessels. It contains permitted activities of vessels, areas of operation and operational safety considerations (such as minimum crewing requirements). All vessels that are subject to the National System for Domestic Commercial Vessel Safety will be required to be listed on a Certificate of Operation by 2016. Certificates of Operation are issued for five years and require renewal before their expiry.[383]

A Unique Identifier is a code used to identify the vessel. This does not change over the vessel's life, even if it changes ownership. Unique Identifiers are required by all vessels, not just those subject to the National System. For most vessels, an application for a unique identifier forms part of the process of obtaining certificates of survey and operation.[384]

7.2.3 Safety Management System

A Safety Management System is a plan that details how vessel owners and masters manage risks associated with the operation of the vessel. This is required for all vessels subject to the National System for Domestic Commercial Vessel Safety.[385]

In addition, all commercial vessels constructed after 1 July 2013 are required to comply with Safety Management System requirements under Part E of the National Standard for Commercial Vessels.[386] This will then apply to all vessels after the transitional arrangements of the National System expire in January 2016.

The requirements of a Safety Management System under the National System differ according to the level of risk allocated to the vessel's survey class. Table 7.2 below summarises this:

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[382] Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 4.
[383] Australian Maritime Safety Authority, 'Guidance Notice — Certificate of Operation', <https://www.amsa.gov.au/>.
[384] Australian Maritime Safety Authority, 'Guidance Notice — Issue and Display of Unique Vessel Identifiers', viewed 18 June 2014, <https://www.amsa.gov.au/>, p. 1.
[385] *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth), 121, 2012, sections 12(2)(b), 16(2).
[386] Australian Maritime Safety Authority, *National Standard for Commercial Vessels — Part E: Operations*, Australian Government, Canberra, 2013.

Table 7.2: Requirements of Safety Management System by vessel survey class based on vessel risk

Operational area class	Vessel use class			
	1	2	3	4
A	Higher			
B				
C		Medium		
D			Lower	
E				

Source: Australian Maritime Safety Authority, Guidelines on Implementation of the National Standard for Commercial Vessels Part E: Operations, Australian Government, 2013, p. 3.

The specific requirements of a Safety Management System in each risk category under Part E of the National Standard for Commercial Vessels are detailed below:

- **Lower risk:**

  o   vessel and contact details;

  o   risk assessment;

  o   resources and personnel;

  o   procedures for onboard operations;

  o   emergency preparedness;

  o   maintenance of vessel and equipment; and

  o   logbook.

- **Medium risk:** All requirements of a lower risk Safety Management System, plus:

  o   designated person(s) to monitor operation of the vessel and ensure safe practices;

  o   a master's responsibility and authority statement;

  o   crew and passenger documents (where applicable); and

  o   a list of revisions made to any of the previous requirements of the Safety Management System.

- **High risk:** All requirements of lower and medium risk Safety Management Systems, plus:

  o   an owner's responsibility and authority statement;

  o   follow-up on any identified hazardous occurrences and non-conformities; and

   o internal review.[387]

Safety Management Systems are prepared by vessel operators and submitted to State or Territory marine safety regulators for approval.

7.2.4 Streamlining review of vessel and operation certificates

As stated in section 7.1.2, streamlining vessel and operation certificates is a key concept of AMSA's streamlining review of the National System for Domestic Commercial Vessel Safety. The aim of the concept is to reduce the certification requirements so that vessels and operations are issued with one certificate only. It also aims to remove certificate requirements for a large number of low-risk vessels.[388]

Under the streamlined approach, a Certificate of Survey would be issued on request only. However, vessels would still be required to undergo initial survey and comply with periodic survey requirements. Certificates of Operation would be issued once and would no longer require renewal, provided that the holder complies with reporting requirements and pays the required fees.

In addition, a number of vessels that are subject to the National System would not require a certificate of operation. These include:

- Class 2D, 2E, 3D and 3E vessels that are under 7.5 metres and comply with a number of other restrictions;[389]

- human-powered vessels; and

- vessels involved in sporting or recreational activities that are affiliated with a recognised body that has systems in place to manage risk (for example, Yachting Australia or Surf Life Saving Australia).[390]

All vessels would continue to require a unique identifier, however all human-powered and sail vessels less than 4 metres in length would not be required to display this.[391]

In addition, under the streamlining review's proposals, vessel operators would not be required to complete a risk assessment as part of a Safety Management System if it was completed in

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[387] Australian Maritime Safety Authority, *Guidelines on Implementation of the National Standard for Commercial Vessels Part E: Operations*, Australian Government, 2013, p. 4.

[388] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 11.

[389] See Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 11.

[390] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 11.

[391] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 12.

another regulatory process (such as at a State level). Further, the requirements of a Safety Management System under Part E of the National System would be recognised when an operator complies with:

- an internationally recognised code (such as under the International Maritime Organization); or

- an internationally recognised marine safety system relevant to the operation.[392]

7.3   Operator and crew certifications

Like vessel certifications, commercial operator certifications for vessels constructed after 1 July 2013 are regulated by AMSA under the National System for Domestic Commercial Vessel Safety. These are referred to as certificates of competency.

Certificates of competency are regulated under *Marine Order 505 (Certificates of competency — national law) 2013*, and their relevant requirements and permissions are detailed in the National Standard for Commercial Vessels.[393] For most MSAR vessels constructed after 1 July 2013, a commercial Coxswain Grade 1 NC certificate is the current minimum mandatory certification required for vessel operation. The requirements and permissions of each certificate are summarised in section 7.3.1 below.

7.3.1   Certificates of competency

This section contains an overview of the key vessel commercial operator certificates of competency relating to MSAR. There are greater requirements — such the number of units, additional certifications and sea experience — as the permissions associated with each certificate increase. Although there are many commercial certificates of competency available, only those with direct relevance to MSAR operations are listed in the following sections.

Prior to the introduction of the National Standard for Commercial Vessels, commercial marine certificates were issued by states and territory marine regulators. When the National Standard came into effect, it included provisions for existing certificates to be recognised until their expiry as equivalent national certifications. It also includes provisions to renew an expired State or Territory commercial certificate as its equivalent under the National Standard.[394] The following sections discuss only certificates of competency that are issued under the National Standard.

A logical progression of commercial vessel operator certificates to Coxswain Grade 1 NC under the National Standard is as follows:

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[392] Australian Maritime Safety Authority, 'Blue Print for the Future Regulatory Arrangements Under the National System for Domestic Commercial Vessel Safety — Streamlining Concepts', viewed 16 June 2014, <http://www.amsa.gov.au/>, p. 13.

[393] Australian Maritime Safety Authority, *National Standard for Commercial Vessels — Part D: Crew Competencies*, Standing Council on Transport and Infrastructure, Australian Government, Canberra, 2013.

[394] Australian Maritime Safety Authority, *National Standard for Commercial Vessels — Part D: Crew Competencies*, Standing Council on Transport and Infrastructure, Australian Government, Canberra, 2013, Schedule 3.

- **General Purpose Hand NC:** The minimum certification required to assist on a commercial vessel.

- **Coxswain Grade 2 NC:** An intermediate certification that allows the holder to operate a vessel under 12 metres in length that is not carrying passengers. This must be in Class D or E waters or within 5 nautical miles of the coastline.

- **Coxswain Grade 1 NC:** Allows the holder to operate a vessel under 12 metres in length, and enables them to carry passengers. The plying limit for Coxswain Grade 1 NC is 15 nautical miles. In addition, the certificate also requires completion of a Marine Radio Operators Certificate of Proficiency (discussed further in Chapter Eight).[395]

Beyond the Coxswain Grade 1 NC certificate are a number of Master certifications. Holders of these certifications are permitted to operate larger vessels up to 200 nautical miles from the coastline. The permissions granted of Master certificates are usually in excess of those required to operate MSAR vessels.[396] Despite this, a number of MSAR organisations noted that some of their operators had either completed units of, or were fully certified as, a Master <24 m NC equivalent. This is discussed further in section 7.4.

As stated in section 7.1.4, AMSA intends to introduce a specific set of MSAR operator certifications under Scheme R, using the commercial Coxswain Grade 1 NC certificate as a framework. This would introduce three certifications — MSAR Crew Member, MSAR Restricted Coxswain and MSAR Coxswain — which would largely align with the three commercial certifications discussed above.

The key differences between the certifications concern their relative plying limits. The MSAR Restricted Coxswain would be restricted to operations within 3 nautical miles of the coastline, compared to 5 nautical miles under the Coxswain Grade 2 NC. For the MSAR Coxswain certificate, there would be no specific plying limit. This would instead be decided by State or Territory marine regulators as part of each MSAR vessel's Safety Management System. This is in contrast to the 15 nautical mile plying limit imposed by the Coxswain Grade 1 NC certificate.

Scheme R has also proposed changes to the units required by MSAR qualifications. Although the training framework is similar to the Coxswain Grade 1 NC, two units were removed as they were not deemed as relevant to MSAR vessel operations. These would be replaced with three MSAR-specific units, as detailed in Appendix E.

In addition, the three proposed MSAR certifications would also require completion of a First Aid Certificate and a Marine Radio Operators Certificate of Proficiency (discussed in Chapter Eight). Previously, this was only required for a Coxswain Grade 1 NC certificate.

Scheme R does not seek to create a separate suite of 'MSAR Master' certifications. Accordingly, MSAR organisations operating vessels outside of the Class C operating environment would

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[395] Australian Maritime Safety Authority, *National Standard for Commercial Vessels — Part D: Crew Competencies*, Standing Council on Transport and Infrastructure, Australian Government, Canberra, 2013.
[396] Australian Maritime Safety Authority, *National Standard for Commercial Vessels — Part D: Crew Competencies*, Standing Council on Transport and Infrastructure, Australian Government, Canberra, 2013.

require full compliance with the existing Master certificates under the National Standard for Commercial Vessels.[397]

7.3.2 Requirements of Coxswain Grade 1 Near Coastal

The Committee received a number of concerns on the appropriateness and impacts of the introduction of the Coxswain Grade 1 NC certificate as the mandatory minimum certification for MSAR vessel operators. Several Inquiry stakeholders considered the Coxswain Grade 1 NC certificate was an appropriate standard for MSAR vessel operators.[398] However a number of stakeholders highlighted issues with the requirements of the certification. For example, Ms Eileen Murray, President of Southern Peninsula Rescue Squad, noted that the course required a considerable time commitment from volunteers:

> We realise that these are national regulations that have come in … I think for the smaller groups in particular, or for any group that has volunteers, it is a huge ask. I do not think it is going to happen in too many cases that someone is going to take their annual leave to do the coxswain's course. We would end up having to pay their wages for three weeks or something.[399]

Mr Brett Wallace, Rescue Coordinator at Port Campbell Marine Rescue, was concerned for the viability of his organisation if its vessel operators were required to obtain Coxswain Grade 1 NC certificates:

> I suppose the club has found itself at a point now, with the proposed reclassification of AMSA vessels to come in line with national standards, where there is talk and a possibility of our boat being required to go into survey and then require coxswain certificates to drive it. While the club is certainly not against change or improving services for the safety of our members, we have grave concerns that the introduction of coxswains will cause us to cease our operations as we know it. Purely as a volunteer organisation the amount of time to put towards gaining a coxswain certificate is unachievable for our members.[400]

Some stakeholders considered that certain aspects of the course content were not relevant to MSAR operations. Mr Bruce Murray, Treasurer of Southern Peninsula Rescue Squad, stated that a large portion of the course was irrelevant to his organisation's operations:

> In the coxswain course they have to do, the engineering component covers probably 90 per cent. It is geared around large diesel engines, engine rooms and so forth. Most of the rescue organisations use outboards. There are a few that use an inboard engine.

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[397] Department of Fire & Emergency Services, Email correspondence with Research Officer, 17 July 2014.

[398] For example, see: Volunteer Marine Rescue Mornington & Hastings, *Submission*, no. 17, 14 March 2014, p. 5; Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 9; Richard Burgess, Business Development, Australian Volunteer Coastguard Association, *Transcript of evidence*, 24 March 2014, p. 175; Col Strawbridge, Immediate Past President and Training Officer, Volunteer Marine Rescue Mornington & Hastings, *Transcript of evidence*, 9 April 2014, p. 226; Grant Bedwell, President, Port Fairy Marine Rescue, *Transcript of evidence*, 15 April 2014, p. 265; Steve Tippett, Administrative Officer, Australian Volunteer Coast Guard, VF16 Warrnambool, *Transcript of evidence*, 15 April 2014, p. 273.

[399] Eileen Murray, President, Southern Peninsula Rescue Squad, *Transcript of evidence*, 17 March 2014, p. 27.

[400] Brett Wallace, Rescue Coordinator Port Campbell Marine Rescue, *Transcript of evidence*, 16 April 2014, p. 285.

…

> … they cover things like heavy lifting with booms, davits, cranes and things and safe loading to achieve a particular trim on a vessel and maintain that trim. We do not load passengers, cargo, fishing nets and that sort of thing, which is what that is all geared around … A fair amount of the time is based around that sort of thing.[401]

Similarly, Mr Tim Wiebusch, Deputy Officer, VICSES, considered that the Coxswain Grade 1 NC certificate was in excess of what is necessary for some MSAR operations.[402] He also noted the irrelevance of the engineering component of the course:

> The commercial coxswain also covers a range of responsibilities that a marine search and rescue coxswain is never going to contend with. For example, why train somebody in diesel motors and refrigeration when they are driving a two-stroke outboard motor that is on the back of their vessel? The commercial coxswain requires that because of the nature of charter work and other things that may be involved in that space.[403]

As stated previously in this Chapter, under the Scheme R proposal, a number of irrelevant units from the Coxswain Grade 1 NC would be removed in the proposed MSAR-specific operator certifications. These would be replaced by units with an MSAR-specific focus. The Committee welcomes these changes and anticipates that these will go some way in resolving these issues.

7.3.3 Appropriateness of Coxswain Grade 1 NC in all operating environments

Some Inquiry stakeholders were concerned that imposing a Coxswain Grade 1 NC level of certificate as a minimum qualification for all MSAR vessel operators was excessive, based on the requirements of their organisations' operating environments. For example, Members of Port Campbell Marine Rescue did not consider the certification was appropriate for their organisation's inshore operations. Mr Wallace told the Committee that the organisation's sole commercially-qualified coxswain was 'the first to admit that the [Coxswain Grade 1 NC] course is largely irrelevant for what we do in inshore operations in surf'.[404] Mr Ross Powell, Offshore Rescue Boat Coordinator at Port Campbell Marine Rescue, agreed, stating:

> … the coxswain course is irrelevant to what we do … our only coxswain in the club and who operates a fishing and tourist boat in Port Campbell, has said that his boat is not suitable to operate in that type of environment. We do not operate outside the sight of land. That is not an option. We do not offer an offshore service.[405]

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[401] Bruce Murray, Treasurer, Southern Peninsula Rescue Squad, *Transcript of evidence*, 17 March 2014, pp. 25–26.

[402] Tim Wiebusch, Deputy Chief Officer, Victoria State Emergency Service, *Transcript of evidence*, 24 March 2014, p. 127.

[403] Tim Wiebusch, Deputy Chief Officer, Victoria State Emergency Service, *Transcript of evidence*, 24 March 2014, p. 127.

[404] Brett Wallace, Rescue Coordinator Port Campbell Marine Rescue, *Transcript of evidence*, 16 April 2014, p. 285.

[405] Ross Powell, Offshore Rescue Boat Coordinator, Port Campbell Marine Rescue, *Transcript of evidence*, 16 April 2014.

Mr Steve Warrington, Deputy Chief Officer of the CFA, held a similar view in regards to the CFA's MSAR operation at Lake Eildon:

> … the workload required on a location such as Lake Eildon is quite significantly different than if you are operating in the channel of Port Phillip Bay, for instance, which has major shipping. Ostensibly a place like Lake Eildon is effectively recreational craft. It is also about the fact that we are able to land on a service and pick up patients. I think we have designed that within the boat collaboratively with Ambulance Victoria, to pick up a patient and transport them to a more mobile ambulance. We would argue that it should be almost risk-based competency, and as such Lake Eildon for instance, in our case, would have a lot less risk compared to … the main shipping channel of Port Phillip Bay.[406]

Mr Matt Maywald, Regional Manager of VICSES's South West Region, considered that a Coxswain Grade 1 NC certificate was appropriate for MSAR operations in an offshore environment, but questioned its appropriateness in 'confined' waters:

> Having high standards is great where they are needed. I think we need to train people accordingly for the environment that they operate in. If someone is working 30 nautical miles to sea, then a coxswain or a master 5, or whatever the ticket is, is appropriate. Where they are working on shallow, confined waters — confined lakes, rivers or floodwaters — a coxswain's ticket is not going to provide them any great benefit at all. There are no — or very few — navigation markers in Lake Colac, so having them spend 16 hours learning about [navigation] markers is irrelevant.[407]

Similarly Mr Steven Tevelein, a volunteer coxswain at VICSES, considered VICSES's internal coxswain course appropriate for its operating environments:

> It is more than appropriate, given the fact that we are trained on inland waters rather than marine coastal waters. We are trained in search and rescue, in body retrieval — whether it be dead or alive. We have four days of constant training — that is 10-hour days, not 6 or 8-hour days, so it is 40 hours straight up. If you are deemed not yet competent, then you will naturally go on and do more and more training, but through the south-west we hold two or three full weekends a year where we invite all of the coxswains and their boat crews and vessels along, and we undergo day and night training for those weekends to keep our competencies up. Along with many hours in the Colac unit alone, we would do numerous hours throughout the year on different lakes and rivers, just to keep our competency level up.[408]

Mr Brett Wallace also considered that his organisation's internal training — which is endorsed by LSV — was an appropriate certification for its MSAR operations:

> We are proud of what we have achieved down here in the last 32 years in search and rescue and in the saving of lives. We believe we are the most qualified to do the job and the only qualified people to do our sort of work. We do not require further qualifications to take us anywhere around

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[406] Steve Warrington, Deputy Chief Officer, Country Fire Authority, *Transcript of evidence*, 24 March 2014, p. 127.

[407] Matt Maywald, Regional Manager, Victoria State Emergency Service, South West Region, *Transcript of evidence*, 16 April 2014, p. 300.

[408] Steven Tevelein, Volunteer Coxswain, Victoria State Emergency Services, South West Region, *Transcript of evidence*, 16 April 2014, p. 300.

> Australia to run our craft. We have developed quite an extensive manual and extensive training for our environment, and that is what we want to operate from.[409]

The Committee acknowledges that consistent vessel operator requirements are desirable across the MSAR sector. In addition, it is aware that the requirement for MSAR operators to be certified as a Coxswain Grade 1 NC is a recent introduction, and that the full impact on the MSAR sector is yet to be determined.

The Committee agrees with the views of LSV and VICSES that the Coxswain Grade 1 NC is in excess of what is necessary to operate smaller vessels in inland or white water areas. However, to the Committee's knowledge there are currently no LSV units with vessels that are subject to survey requirements and which would therefore require a Coxswain Grade 1 NC certification for their operation. In addition, lifesaving organisations are specifically excluded from the requirements of the National System under the *Marine Safety (Domestic Commercial Vessel) National Regulations*, provided their operations are within Class D or E waters or within 2 nautical miles of the coastline.[410]

In addition, to the Committee's knowledge SES Inverloch is the only VICSES unit operating in waters that would require a vessel survey certification under the new federal regulations.[411] As far as the Committee is aware, all of the remaining VICSES units operate in Class D or E waters, and also fulfil the requirements for exemption from survey, as discussed in section 7.2.1. In the Committee's view, a Coxswain Grade 1 NC certificate — or the MSAR coxswain certification to be introduced under Scheme R — is entirely appropriate for SES Inverloch's offshore MSAR operations.

Finally, the Committee considers that internal qualifications implemented by LSV and VICSES for non–blue water environments are appropriate for their continued operations.

7.4 Certifications and training provided by the MSAR sector

A number of MSAR stakeholders provided evidence of their internal training programs and internal requirements for crew members and vessel operators. These were often in excess of the mandatory minimum requirements of the National System for Domestic Commercial Vessel Safety. In addition, MSAR vessels often carry equipment that is beyond the requirements of commercial vessels.

As discussed in this Chapter, from 1 July 2013 the National System for Domestic Commercial Vessel Safety became the national regulatory framework covering the MSAR sector. This required all vessels to hold a certificate of commercial survey, and MSAR vessel operators to hold a certificate of competency at a Coxswain Grade 1 NC level or higher.

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[409] Brett Wallace, Rescue Coordinator Port Campbell Marine Rescue, *Transcript of evidence*, 16 April 2014, p. 285.

[410] *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013* (Cth), No. 97, 2013, section 7.

[411] Angelo Chiodo, Controller, Inverloch Unit, Victoria State Emergency Service, *Transcript of evidence*, 9 April 2014, p. 253.

Despite these requirements becoming mandatory from 1 July 2013, a number of MSAR organisations had previously required their vessels and members to comply with commercial standards. In some cases, the internal requirements of the organisation exceed those of commercial standards.

For example, Volunteer Marine Rescue (VMR) Mornington & Hastings stated it was the first organisation in Victoria to commission its vessels into commercial survey. In addition, it required its vessel operators to hold the Victorian equivalent of the Coxswain Grade 1 NC certification before it was required under the National System.[412] Further, Mr Col Strawbridge, Immediate Past President and Training Officer at VMR Mornington & Hastings, stated that his organisation has designed a 'rigorous and purpose-built training package specific to [MSAR] operations'. He outlined this in detail at a public hearing:

> … over the last decade we have moved past this minimum standard that we set for ourselves. We use it as a benchmark, and now our operations include purpose-built, in-water rescue and spinal care of patients on every vessel, with specific marine first aid training. Our operations also include: conducting in-water sea survival training annually, based upon known competency packages for all volunteers; having our training officer formally hold training and assessment qualifications; having military-grade [forward looking infrared] systems on our vessel rather than the recreational models that other organisations use; partnering with external training organisations to ensure everything is competency based; having members train in the [Australasian Inter-service Incident Management System]; and having members undertake formal qualifications to improve our systems, such as occupational health and safety.[413]

The Australian Volunteer Coast Guard Association (AVCGA) and Marine Rescue NSW also have internal training pathways with certifications that include training modules from AMSA's national framework. Accordingly, these qualifications may be recognised by AMSA for equivalent commercial certifications. These pathways are discussed in sections 7.4.1 and 7.4.2.

Despite the obvious high internal standards that organisations require of their vessels, operators and crew, there is no coordinated approach to MSAR volunteer training and requirements across Victoria. The Committee considers that this in part can be attributed to the lack of training benchmarks across the sector.

Some stakeholders highlighted the lack of formalised training standards for the Victorian MSAR sector.[414] Port Fairy Marine Rescue Service found that training across the MSAR sector was largely left to the discretion of each organisation, aside from qualifications required under legislation. It considered there was a need to introduce a standard training program in MSAR-specialised skills, such as coxswain certifications, radio operation and first aid.[415]

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[412] Volunteer Marine Rescue Mornington & Hastings, *Submission*, no. 17, 14 March 2014, p. 4.

[413] Col Strawbridge, Immediate Past President and Training Officer, Volunteer Marine Rescue Mornington & Hastings, *Transcript of evidence*, 9 April 2014, p. 226.

[414] David Collins, *Submission*, no. 9, 13 March 2014, p. 3; Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 4; Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 13.

[415] Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 4.

To address this, some stakeholders proposed the implementation of state-wide training standards.[416] TSV stated that development of these standards was:

> … necessary to establish safe practices for the wellbeing of volunteers, to improve the effectiveness of MSAR activities and to achieve a level of inter-operability between organisations/flotillas.[417]

7.4.1 Australian Volunteer Coast Guard Association training pathway

As an RTO, AVCGA is able to provide nationally accredited marine training units to its members and the general public. The AVCGA outlined its internal training pathway for members in its submission. This is illustrated in Figure 7.3 below.

Figure 7.3: Australian Volunteer Coast Guard Association training pathway

Source: AVCGA (Victoria), Submission, no. 16, 14 March 2014, p. 74.

The AVCGA's internal qualifications cover units of assessment required by national maritime certificates of competency. A comparison is as follows:

- **Competent crew:** equivalent to a Coxswain Grade 2 NC certificate.

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[416] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 66; Volunteer Marine Rescue Mornington & Hastings, *Submission*, no. 17, 14 March 2014, p. 5; Port Welshpool Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 19, 18 March 2014, p. 2; Russell Lemke, Communications Officer, Port Fairy Marine Rescue Service, *Transcript of evidence*, 15 April 2014, p. 261; Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 13.

[417] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 10.

- **Advanced crew:** equivalent to a Coxswain Grade 2 NC certificate with additional requirements.

- **Coxswain:** equivalent to a Coxswain Grade 1 NC certificate and requires completion of an additional a radar module (required by Master <24m NC certificate).[418]

In addition to these MSAR-related training courses, AVCGA also provides specialist training in radio operations and advanced communications, first aid, training and assessment. In addition, it offers broader administrative and leadership training.[419]

The Committee also understands that AVCGA is in process of reviewing its internal training pathway.[420]

Whilst AVCGA's coxswain qualification requires completion of the same modules as the Coxswain Grade 1 NC certificate, the Committee heard that this was not always recognised by marine safety regulators under recognition of prior learning assessment. AVCGA Lakes Entrance indicated a 'growing concern and confusion' as to why these qualifications are not recognised, despite the fact that AVCGA is an RTO.[421] Marine Rescue NSW also indicated that it had experienced similar issues, and was consulting with AMSA to address them.[422]

7.4.2 Marine Rescue NSW training pathway

Marine Rescue NSW also provides in-house qualifications to its members. The five rankings for vessel operators are as follows:

- marine rescue crew;

- marine rescue operator;

- marine rescue leading crew;

- marine rescue coxswain; and

- marine rescue master.[423]

Volunteers undergoing testing for a higher qualification are required to complete a practical test. These are assessed by a member of a different unit to their own to ensure an element of independence in the assessment.[424]

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[418] Australian Volunteer Coast Guard Association, Email correspondence with Research Officer, 12 June 2014.

[419] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 74.

[420] Australian Volunteer Coast Guard Association, Email correspondence with Research Officer, 12 June 2014.

[421] Lakes Entrance Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 32, 14 March 2014, p. 2; Michael Smallwood, Flotilla Commander, Australian Volunteer Coast Guard, VF18 Lakes Entrance, *Transcript of evidence*, 8 April 2014, p. 192.

[422] Marine Rescue NSW, Phone correspondence with Research Officer, 19 June 2014.

[423] Marine Rescue NSW, 'Marine Rescue NSW — Member Induction Overview', viewed 20 June 2014, <http://marinerescuenewcastle.com.au/>, p. 11.

[424] Marine Rescue NSW, Phone correspondence with Executive Officer, 6 June 2013.

Similar to AVCGA, Marine Rescue NSW is an RTO and is able to provide its members with accredited maritime training that aligns with the requirements of the National System for Domestic Commercial Vessel Safety. Volunteers who have already completed units required by Marine Rescue NSW's operational ratings through commercial qualifications are able to apply to have these recognised as part of internal training.[425]

7.4.3   A training pathway for Victoria's MSAR sector

The Committee considers that the introduction of Scheme R regulations is a key step in developing consistent training standards across Victoria's MSAR sector. Adequate funding for training and development from the Victorian Government is necessary to ensure that volunteers are supported to gain the experience and qualifications needed to comply with national regulations.

In the event that a single state-wide volunteer MSAR organisation is formed, the Committee recommends implementing a standardised training and development program, as is the case in Marine Rescue NSW. This will provide volunteers with the opportunity to receive accredited training that is recognised by State and National authorities.

The Victorian Government should also give consideration to including additional MSAR-specific training elements that are used by organisations such as AVCGA and VMR Mornington & Hastings.

Recommendation 7.1:
In the event that a single, state-wide marine search and rescue organisation is formed, that it implements an internal, competency-based training and development framework, which aligns with existing Victorian and National certifications.

7.4.4   Joint training exercises

A number of stakeholders discussed the benefits associated with multi-agency training exercises for MSAR responses. These training exercises involved participants from multiple MSAR organisations and other emergency response agencies.

The AVCGA detailed a number of areas that it engages in 'joint training activities' and 'joint operating activities' with the CFA. This is required under the memorandum of understanding that was signed by the organisations, and includes the following elements:

- incident management in the marine and multi-agency environment;

- safety at sea;

- operating and handling small water craft;

- water borne firefighting; and

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[425] Marine Rescue NSW, 'Marine Rescue NSW — Member Induction Overview', viewed 20 June 2014, <http://marinerescuenewcastle.com.au/>, p. 12.

- MSAR.[426]

Port Fairy Marine Rescue and AVCGA Warrnambool also highlighted the benefits of joint training exercises. Both flotillas were involved in exercises in collaboration with the HEMS 4 rescue helicopter operated by Ambulance Victoria.[427]

In contrast, AVCGA Hastings considered that collaborative training was an area that was 'lacking' across the MSAR sector. It highlighted the need for effective training for coordination of responses, particularly in the case of a major disaster.[428] Similarly, AVCGA Port Welshpool stressed the importance of conducting inter-agency training that was not 'in isolation to [MSAR]'. It stated that the Victorian Government 'must lead the way in integrating rescue service training in areas of common interest and activity'.[429]

Mr Anthony Hacking, a member of AVCGA Hastings who provided a submission in a private capacity, recommended that 'professionally monitored multi-agency liaison and joint training exercises involving relevant [MSAR] providers be conducted on a regular basis'.[430] He described a 'multi-agency' training exercise he was involved in, which involved AVCGA, VMR Mornington & Hastings, Southern Peninsula Rescue Squad and Victoria Police:

> While Flotilla Commander at VF04 [Hastings], I instigated 'Operation Boundless', a multi-agency Search and Rescue (SAR) marine training and assessment exercise with AVCGA, VMR [Mornington & Hastings], SPRS [Southern Peninsula Rescue Squad] and VicPol [Victoria Police]. VMR and SPRS were very professional and skilled in SAR techniques and multi-unit communications, and it was clear that valuable opportunities existed for AVCGA to improve their skills. I subsequently arranged joint-training activities to bring VMR and AVCGA closer together given our shared marine rescue activities in Western Port with VicPol.[431]

Mr Hacking found that multi-agency exercises helped to reveal capabilities and limitations of MSAR organisations. In addition, he considered these exercises assist the organisations to achieve greater cooperation and coordination during MSAR incident responses.[432]

In the Committee's view, the Victorian Government should assist in coordinating joint training exercises involving multiple accredited MSAR flotillas and other emergency services organisations. Lower-profile independent MSAR organisations do not have access to the same level of joint training exercises as organisations such as AVCGA and VMR Mornington & Hastings. A formalised joint training exercise framework would address this. It would also increase the

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[426] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 25.

[427] Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 3; Steve Tippett, Administrative Officer, Australian Volunteer Coast Guard, VF16 Warrnambool, *Transcript of evidence*, 15 April 2014, p. 271; Barbara Heazlewood, Deputy Flotilla Commander, Australian Volunteer Coast Guard, VF16 Warrnambool, *Transcript of evidence*, 15 April 2014, p. 271.

[428] Hastings Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 33, 14 March 2014, p. 2.

[429] Port Welshpool Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 19, 18 March 2014, p. 2.

[430] Anthony Hacking, *Submission*, no. 12, 14 March 2014, p. 10.

[431] Anthony Hacking, *Submission*, no. 12, 14 March 2014, p. 10.

[432] Anthony Hacking, *Submission*, no. 12, 14 March 2014, p. 10.

effectiveness of MSAR responses and help align them to the 'all-hazards all-agencies' approach to emergency management in Victoria.

Recommendation 7.2:

That Emergency Management Victoria, in consultation with the new governing body for the state's volunteer marine search and rescue sector, implements a framework for regular joint training exercises involving multiple flotillas and other emergency services organisations that are involved in aspects of marine search and rescue incident responses.

8

CHAPTER 8:
MONITORING AND COMMUNICATIONS

Term of Reference (e) requested that the Committee review the existing marine search and rescue (MSAR) monitoring and communications processes in Victoria, both of which are crucial to the efficiency and effectiveness of the state's MSAR services. In the event of a marine incident involving a recreational or commercial vessel in Victorian waters, the safety of the crew and any passengers often depends on the monitoring and communications processes used by Victoria Police, Australian Maritime Safety Authority (AMSA) and the state's volunteer MSAR agencies.

This chapter addresses the following aspects of MSAR monitoring and communications:

- distress monitoring i.e. the monitoring of designated marine radio distress frequencies and calls for assistance through the Emergency Services Telecommunications Authority (ESTA);

- MSAR operational communications i.e. between vessels and onshore bases for the coordination of incident responses; and

- locational tracking of MSAR vessels, including the Global Positioning System (GPS) and Automatic Identification System (AIS) tracking.

A key finding in this chapter is that MSAR communication protocols currently differ between organisations, and there is no standardised and coordinated approach across the State. There is a clear need to consolidate the various arrangements and adopt a single, integrated approach across the MSAR sector.

Another key issue addressed in this chapter is the incomplete monitoring of very high frequency (VHF) distress channels 16 and 67 along the Victorian coastline, both in terms of geographic coverage and hours of operation. This situation is of particular concern in view of the fact that the existing 'alternative' of a VHF repeater network, which is operated by the Australian Volunteer Coast Guard Association (AVCGA) is not monitored on a 24 hour / 7 day basis. The Committee also received evidence that a significant proportion of the recreational boating community is unaware of the existence of the repeater network. The Committee received evidence that the Government plans to address this situation through the introduction of the Marine Distress Emergency Monitoring Service (MDEMS), which will cover the entire coastline and which will operate on a 24 hour / 7 day per week basis. However, the Committee is concerned by the fact that the service has been subject to ongoing delay.

8.1   Distress monitoring

In the vast majority of cases, calls for assistance from vessels in Victorian waters are received via radio, either by Coast Radio Melbourne (CRM) or by one of the state's volunteer MSAR

organisations.[433] In either case, there is a requirement that all calls for assistance are forwarded to the Water Police Rescue Coordination Centre (RCC) in Williamstown for response coordination.[434]

A smaller proportion of calls for assistance are received via telephone. This includes calls to the Triple Zero (000) service operated by ESTA, which is responsible for referring those calls to the Water Police's RCC at Williamstown. It also includes some telephone calls which are made directly to volunteer MSAR organisations, a number of which advertise their contact phone numbers for this purpose.

In more extreme emergencies, such as situations where a person has fallen from their vessel into the water, Emergency Position-Indicating Radio Beacons (EPRIBs) can be used to relay a distress signal via satellite. The following sections discuss these aspects of MSAR distress monitoring in further detail.

8.1.1   Overview of marine radio coverage in Victoria

The *Marine Safety Regulations 2012* require operators of recreational boats, yachts and 'off-the-beach sailing yachts' to carry a marine radio when more than 2 nautical miles from the coastline.[435] A marine radio is defined as either a 27 Megahertz (MHz), VHF or High Frequency (HF) marine radio transceiver that has been approved by the Australian Communications and Media Authority (ACMA).[436] Table 8.1 below summarises the different types of radios and their main uses.

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[433] Australian Volunteer Coast Guard Association, Email correspondence with Research Officer, 12 June 2014.

[434] Superintendent John Todor, Divisional Commander, Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, p. 109.

[435] *Marine Safety Regulations 2012* (Vic), 45/2012, Schedule 3, Table B.

[436] *Marine Safety Regulations 2012* (Vic), 45/2012, section 4.

Table 8.1: Marine radio transceiver comparison

	27 MHz	VHF	HF
Users	Recreational boaters.	Recreational boaters and commercial operators.	Anyone making a major trip and commercial operators not covered by VHF.
Range	Up to 20 kilometres.	Up to 50 kilometres.	Worldwide coverage (depending on frequencies).
Monitored by	Volunteer organisations.	CRM and volunteer organisations.	National coast radio network, CRM, volunteer organisations.
Coverage	Varies, typically not 24-hour. Can be noisy, unreliable and may suffer from interference from vessel engines.	VHF channels 16 and 67 monitored 24/7 by CRM (for Port Phillip Bay and Western Port). Ad hoc coverage by volunteer organisations for rest of coastline.	Continuous coverage on 4125 kHz, 6215 kHz and 8219 kHz frequencies.
Equipment licence	Users receive a class licence[437] with radio units and are legally required to observe licence conditions.	Users receive a class licence[438] with radio units and are legally required to observe licence conditions.	Individual equipment must be licenced through ACMA.
Operator licence	Not required.	Marine Radio Operators VHF Certificate of Proficiency (or equivalent). *Note: the incoming Australian Waters Qualification will become the mandatory minimum VHF operating licence upon its implementation (see below).*	Marine Radio Operators Certificate of Proficiency (or equivalent). This also covers VHF operations.

Source: Adapted from Transport Safety Victoria, 'Marine Radio Communications', viewed 13 May 2014, <http://www.transportsafety.vic.gov.au>.

Despite their shortcomings in comparison to HF radios, VHF marine radios are more commonly used by recreational boaters than HF radios due to their lower price, general-purpose capabilities and greater range compared to 27 MHz radios. However, the Committee was informed by Transport Safety Victoria (TSV) that VHF radios are in fact under-used by the recreational boating public. This issue is discussed in Chapter Nine (section 9.1.5).

VHF marine radio channel uses are prescribed by international standards developed by the International Telecommunications Union. Australia, as a member state of the Union, has allocated the channel uses accordingly, which are regulated by ACMA. Some key Australian marine VHF channels associated with MSAR are:

- channel 16: the internationally-designated distress, safety and calling frequency;

- channel 67: a supplementary distress, safety and calling frequency;

- channel 6: for use during MSAR operations;

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[437] Radiocommunications (Maritime Ship Stations 27 MHz and VHF) Class Licence 2001.
[438] Radiocommunications (Maritime Ship Stations 27 MHz and VHF) Class Licence 2001.

- channels 21, 22, 80, 81 and 82: VHF repeaters (see below); and

- channels 72, 73, 77: communication channels for recreational vessels.[439]

As the internationally designated distress channels, channels 16 and 67 are 'listening' channels — they are not intended for ongoing communications. A vessel in distress should first make contact with another vessel or inland station on channel 16 or 67 and then switch to another 'working' channel (such as channel 72, 73 or 77) once agreed by the parties. In addition, regular safety and weather information is also broadcast on channels 16 and 67 throughout the day.[440]

Similarly, there are allocated distress frequencies for 27 MHz and HF radios. Channel 86 and supplementary channel 88 are the designated distress and calling channels on the 27 MHz band. The 4125 kilohertz (kHz), 6215 kHz and 8219 kHz frequencies are internationally recognised distress frequencies on the HF band.[441]

The duration of monitoring of distress channels differs by radio band:

- Distress frequencies on the 27 MHz band are monitored by some volunteer organisations, but this is generally not on 24-hours / 7 days a week basis.

- VHF distress channels are monitored at all times in Port Phillip Bay and Western Port by the CRM service (see below). Coverage is also provided in some other areas by volunteer organisations, subject to the availability of their members.[442]

- HF distress frequencies are monitored constantly by the AMSA and State and Territory coast radio authorities through a network of 11 stations throughout Australia.

AMSA operates the Australian HF Distress and Safety Communications remotely from a control centre in Canberra and via two communications stations at Wiluna, Western Australia and Charleville, Queensland. In addition, the States and the Northern Territory operate a network of nine 'coast radio stations' throughout Australia, which each have HF monitoring capabilities.[443] These are located at:

- Adelaide, South Australia;

- Cairns, Queensland;

- Darwin, Northern Territory;

- Gladstone, Queensland;

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[439] Australian Communications and Media Authority, 'VHF Marine Postcard', viewed 13 May 2014, <http://www.acma.gov.au/>.

[440] Australian Communications and Media Authority, 'Key Messages for Recreational Boaters', viewed 7 May 2014, <http://www.acma.gov.au/>.

[441] Transport Safety Victoria, 'Marine Radio Communications', viewed 13 May 2014, <http://www.transportsafety.vic.gov.au/>.

[442] Transport Safety Victoria, 'Marine Radio Communications', viewed 13 May 2014, <http://www.transportsafety.vic.gov.au/>.

[443] Australian Maritime Safety Authority, *National Search & Rescue Manual*, National Search and Rescue Council, Australian Government, 2013, p. 67.

- Hobart, Tasmania;

- Melbourne, Victoria (discussed below);

- Perth, Western Australia;

- Port Hedland, Western Australia; and

- Sydney, New South Wales.[444]

The States and Northern Territory marine authorities have also set up VHF monitoring stations in certain areas of Australia.[445] Victoria's VHF network is discussed below.

The CRM radio monitoring arrangement is provided by the Port of Melbourne Corporation under a service level agreement with the Department of Transport, Planning and Local Infrastructure (DTPLI). The Port of Melbourne Corporation contracts the operation of CRM to Kordia Pty Ltd (a telecommunications company), which conducts the HF service remotely from facilities in Charleville, Queensland and an operations centre in Canberra. Kordia also monitors VHF channels 16 and 67 in the vicinity of Port Phillip Bay and Western Port 24 hours per day / 7 days per week from a radio tower located on Arthurs Seat. Kordia also broadcasts safety and weather information on CRM.[446]

VICTORIA'S VHF REPEATER NETWORK

The Bass Strait repeater network provides VHF radio coverage along 98 per cent of the Victorian coastline. The network, which was implemented in 2009, was an initiative of AVCGA, and was supported by Telstra, the Commonwealth Government and Victorian Government.[447] The repeaters are relay stations that act as range extenders for VHF marine radio broadcasts via designated repeater channels. They do not receive or transmit on the designated VHF distress channels 16 or 67. Figure 8.1 below illustrates the network's infrastructure and coverage.

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[444] Australian Communications and Media Authority, 'Maritime Coast Licences — Guidelines', viewed 22 July 2014, <http://www.acma.gov.au/>.
[445] Australian Communications and Media Authority, 'Maritime Coast Licences — Guidelines', viewed 22 July 2014, <http://www.acma.gov.au/>.
[446] Kordia, 'Vic — Charleville Radio', viewed 22 July 2014, <http://www.kordia.com.au/>.
[447] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 69.

Figure 8.1: Victoria's VHF repeater network
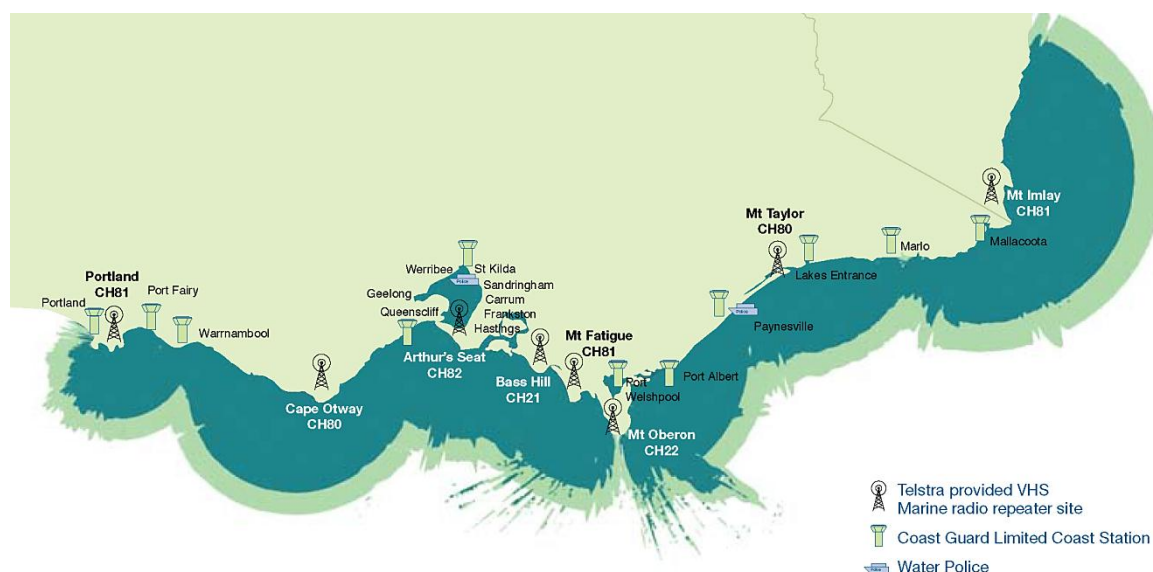
Source: Australian Volunteer Coast Guard Association, VHF Repeater Network, Victoria, 2008, p. 4.

The VHF repeater network is aimed at providing border-to-border communication ability between vessels and AVCGA's communications centre at Sandringham. In addition, it is used by AVCGA for operational communications during rescues, patrols and training activities. The AVCGA described it as 'synergistic' to the Metropolitan Mobile Radio system used for communications between Victoria Police, Ambulance Victoria and the Metropolitan Fire Brigade (MFB).[448] Metropolitan Mobile Radio is discussed further in section 8.2.

The Victorian VHF repeater network is also used by AVCGA to keep a 'listening watch' on vessels in transit between AVCGA radio bases. The AVCGA provides this service through its Offshore Tracking Sheets (OTS) system, whereby a vessel operator submits an OTS containing the vessel's intended passage and nominated points to contact AVCGA radio stations. The OTS is passed on to all AVCGA radio stations along the vessel's transit path, which will follow up the vessel if it is considered 'overdue'.

Although the CRM service records vessel position information — if it is broadcast — it does not provide a monitoring or follow-up service for vessels.

A number of stakeholders provided evidence that Victoria's listening watch services had declined in recent years. Mr Harry Ferrier, Flotilla Commander at AVCGA Marlo, attributed this in part to technological advances such as mobile phones, which can be used to track vessels in lieu of listening watches.[449]

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[448] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 70.
[449] Harry Ferrier, Flotilla Commander, Australian Volunteer Coast Guard Association — VF21 Marlo, *Transcript of evidence*, 8 April 2014, p. 184.

Mr Ferrier also stated that inconsistent listening watch systems between different states create confusion for vessel operators transiting state borders.[450]

Similarly, Mr Ray Shaw, Board member and Chairman of Risk and Safety Management Committee, Yachting Victoria compared Victoria's listening watch services to those of Tasmania, noting that Victoria's system lacks HF monitoring capability:

> If I am coming back from Hobart at Christmas, I will call into Smithton Radio and say, 'Okay, I am leaving Hobart, and I will call in twice a day', but there is nothing that I know of along those lines for Victoria. I do not know if there are any HF stations that we log into at all over the long distance; there are VHF ones, but there is no HF for long distance. There are three or four in Tasmania that we use, but there is nothing on the Victorian coast, to my knowledge, that offers that sort of HF tracking service. There are VHF ones to some extent and, okay, some home-grown ones, but there is nothing really well organised to my knowledge.[451]

Mr Chris Williams, Vice-Commodore of the Royal Geelong Yacht Club agreed with Mr Shaw's description.[452]

The Committee also notes that Marine Rescue NSW provides a similar service to AVCGA's OTS for vessels in transit along the New South Wales coastline. A vessel operator establishes a voyage plan and 'Offshore Tracking Schedule' with Marine Rescue NSW, and will 'check in' at each Marine Radio base along the way during transit.[453] However, unlike Victoria, NSW's radio network is monitored at all times via the 16 marine radio bases which are operated by Marine Rescue NSW on a 24 hour / 7 days basis.

VICTORIA'S VHF DISTRESS CHANNEL MONITORING

A number of stakeholders expressed concern regarding the monitoring of VHF marine radio distress channels 16 and 67 along the Victorian coastline.

Mr Richard Burgess, Business Development, AVCGA, did not consider that there was adequate VHF distress channel coverage in Victoria.[454] Mr Shaw from Yachting Victoria referred to the existence of gaps in VHF distress channel coverage along the Victorian coastline.[455]

DTPLI stated in its submission that the CRM service does not meet the requirements of the National Standard for the Provision of the National Coast Radio Network because it does not cover Victorian coastal waters beyond the vicinity of Port Phillip Bay and Western Port. DTPLI stated:

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[450] Harry Ferrier, Flotilla Commander, Australian Volunteer Coast Guard Association — VF21 Marlo, *Transcript of evidence*, 8 April 2014, p. 187.

[451] Ray Shaw, Board Member and Chairman of Risk and Safety Management Committee, Yachting Victoria, *Transcript of evidence*, 18 March 2014, p. 49.

[452] Vice-Commodore Chris Williams, Royal Geelong Yacht Club, *Transcript of evidence*, 18 March 2014, p. 49.

[453] Marine Rescue NSW, 'Log On and Log Off', viewed 6 August 2014, <http://www.marinerescuensw.com.au/>.

[454] Richard Burgess, Business Development, Australian Volunteer Coastguard Association, *Transcript of evidence*, 24 March 2014, p. 176.

[455] Ray Shaw, Board Member and Chairman of Risk and Safety Management Committee, Yachting Victoria, *Transcript of evidence*, 18 March 2014, p. 46.

The National Standard defines a minimum level of service for the provision and maintenance of marine safety radio communications through specification of a definitive and nationally uniform technical solution that will provide a capable, economic and nationally consistent on-going marine safety communications service. The current CRM service does not meet the national standard — in particular it does not reach all of Victoria's coastline.[456]

The Committee notes, however, that the National Standard states that:

The Network Service's VHF Limited Coast Station network shall be designed and implemented by each State/NT to provide coverage within coastal waters as required, **based on risk assessment and traffic analysis of waters within their jurisdiction**.[457] [emphasis added]

In view of the fact that the vast majority of the state's recreational vessel activity occurs in the vicinity of Port Phillip Bay and Western Port, it is arguably unclear whether Victoria currently meets the National Standard. Nevertheless, the Committee is aware that VHF distress channel monitoring is limited beyond the vicinity of Port Phillip Bay, Western Port and Gippsland Lakes.

Mr Richard Burgess provided the Committee with two maps which depict the main areas of existing VHF distress channel coverage along the Victoria coastline. These maps are reproduced at Figures 8.2 and 8.3 below. Figure 8.2 depicts the coverage provided by CRM from the Arthurs Seat radio tower. Figure 8.3 depicts the coverage provided by AVCGA from the Mt Nowa Nowa radio tower.

Figure 8.2: VHF distress channel coverage from Arthurs Seat radio tower
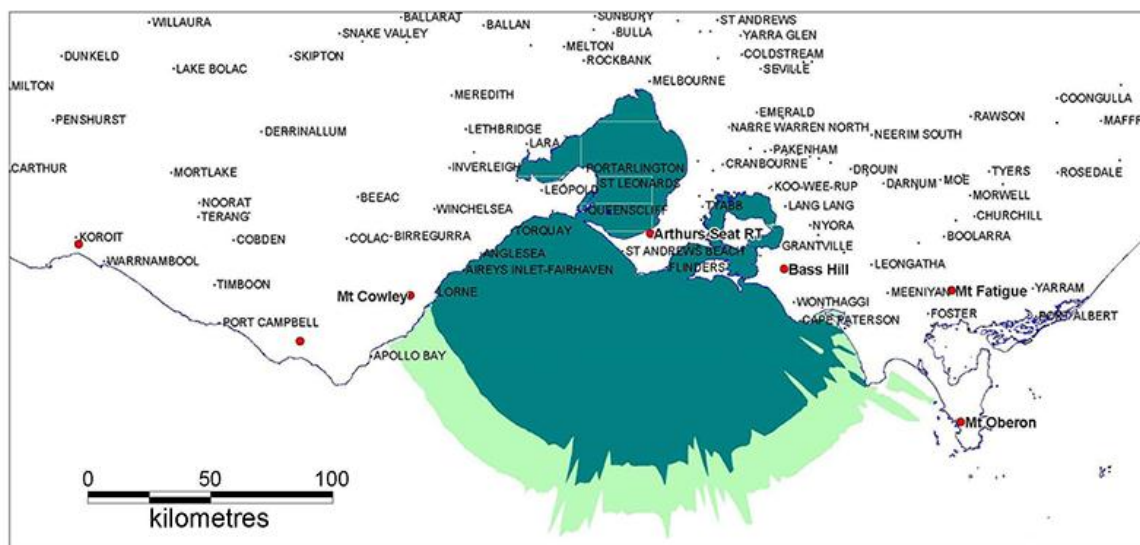
Source: Richard Burgess, Business Development, Australian Volunteer Coast Guard Association, Email correspondence with Executive Officer, 7 August 2014.

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[456] Department of Transport, Planning and Local Infrastructure, *Submission*, no. 22, 25 March 2014, p. 3.
[457] Australian Transport Council, *National Standard for the National Coast Radio Network*, Sydney, 2006, p. 16.

Figure 8.3: VHF distress channel coverage from Mt Nowa Nowa radio tower

Source: Richard Burgess, Business Development, Australian Volunteer Coast Guard Association, Email correspondence with Executive Officer, 7 August 2014.

It is important to note that AVCGA and other volunteer MSAR organisations also monitor VHF distress channels at various points along the Victorian coast. For example, AVCGA provides such monitoring from its Limited Coast Stations (see Figure 8.1). However, the range of coverage from those locations is significantly less than the range achieved by the Arthurs Seat and Mt Nowa Nowa radio towers. This is because VHF coverage is 'line of sight', which means that the combination of lower elevation (e.g. an aerial attached to a building which may be located at sea level) and the curvature of the earth, results in a typical range of approximately 10 nautical miles (15 nautical miles in the case of Paynesville) from such locations.[458]

As a result, despite the combination of the Arthurs Seat and Mt Nowa Nowa radio towers and the Limited Coast Stations operated by AVCGA and other volunteer MSAR organisations, there are significant sections of the Victorian coastline where there is no shore-based monitoring of VHF distress channels 16 and 67. This situation poses a potential risk to recreational vessel operators in such areas, particularly if they are unaware of the existence of such 'gaps' and of the existence of the VHF repeater network.[459] In other words, there are sections of the Victorian coastline where a VHF channel 16 or 67 distress call from a vessel would not be picked up on shore because there is no Limited Coast Radio Station within range (and because the vessel is

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[458] Richard Burgess, Business Development, Australian Volunteer Coast Guard Association, Email correspondence with Executive Officer, 7 August 2014.
[459] Richard Burgess, Business Development, Australian Volunteer Coast Guard Association, Email correspondence with Executive Officer, 7 August 2014; Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

beyond the range of Mt Nowa Nowa or Arthur's Seat). This could occur despite it being a time of day when the nearest Limited Coast Radio Station is staffed and despite the vessel being sufficiently close to shore that its distress call would otherwise be picked up.[460]

The Committee is also aware that there is limited public awareness of the VHF repeater network. Mr Burgess informed the Committee that public information on AVCGA's repeater network is not widely available and that many recreational vessel owners are unaware of its existence.[461] The Committee notes that there is limited information about the VHF repeater network on the 'Marine Radio & Communications' webpage of TSV. Although the repeater channels are listed, the coverage map (Figure 8.1 above) is not provided and there is no explanation of the fact that the repeater network covers areas where VHF channels 16 and 67 are not monitored.[462]

A number of stakeholders also expressed concern regarding the 'best endeavours' approach to marine radio monitoring beyond the vicinity of Port Phillip Bay and Western Port. 'Best endeavours' refers to the fact that radio monitoring outside these areas is undertaken by volunteers and, unlike the CRM service, is not provided 24 hours / 7 days per week. Beyond the vicinity of Port Phillip Bay and Western Port, this situation has implications for the monitoring of VHF distress channels 16 and 67, the monitoring of AVCGA's repeater network and the monitoring of 27 MHz radio calls.

The Committee was informed that although AVCGA's Sandringham and Paynesville Coast Limited Stations are staffed 7 days per week, all of AVCGA's other stations are manned only during weekends and public holidays, as well as during a response to an MSAR incident. In addition, the Sandringham and Paynesville stations are staffed from 7.00 am to 10.00 pm during the recreational boating season and from 7.00 am to 8.00 pm outside of the season.[463]

Mr Russel Lemke, Communications Officer Port Fairy Marine Rescue Service, stated at the public hearing in Port Fairy that:

> … the communications network presently operating in this area is manned by volunteer Coast Guard and marine rescue groups. Monitoring is on a restricted basis, and at times vessels are left at sea without coverage and without local coastal radio contact, especially outside the times of operation. This is far from ideal, and there is a need for a centralised monitoring network system giving 24-hour monitoring along the coastline.[464]
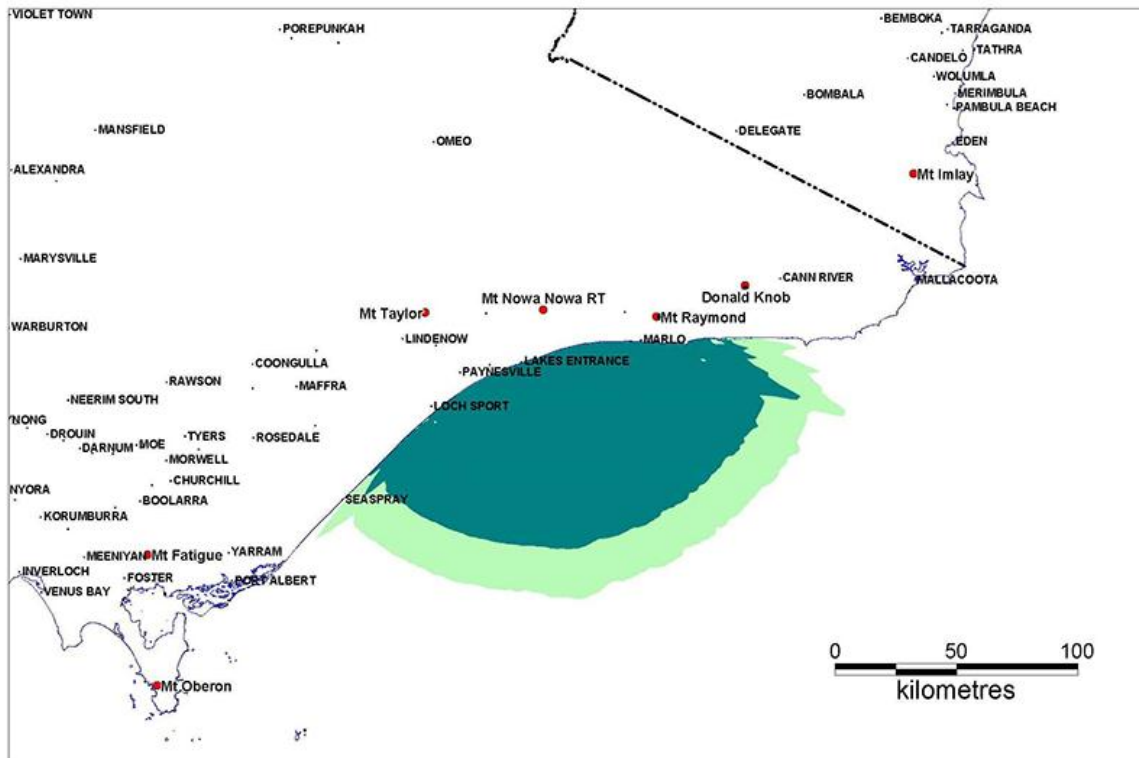
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[460] Richard Burgess, Business Development, Australian Volunteer Coast Guard Association, Email correspondence with Executive Officer, 7 August 2014; Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

[461] Richard Burgess, Business Development, Australian Volunteer Coast Guard Association, Email correspondence with Executive Officer, 7 August 2014.

[462] Transport Safety Victoria, 'Marine Radio & Communications', <http://www.transportsafety.vic.gov.au/>.

[463] Australian Volunteer Coast Guard Association, Phone correspondence with Executive Officer, 11 August 2014.

[464] Russell Lemke, Communications Officer, Port Fairy Marine Rescue Service, *Transcript of evidence*, 15 April 2014, p. 260.

Finding 8.1:

The monitoring of very high frequency distress channels 16 and 67 along the Victorian coastline is incomplete, both in terms of geographic coverage and hours of operation. This may potentially limit the effectiveness of communications in an emergency event.

In the Committee's view there is a need to implement a 24-hour marine radio monitoring service which covers the entire Victorian coastline and which includes coverage of VHF distress channels 16 and 67 as soon as possible.

The Committee notes that the marine radio network along the New South Wales coast is monitored at all times. This service is provided by the 16 Marine Rescue NSW units that are accredited as radio bases and which employ paid staff for this purpose. In the event that Victoria's volunteer MSAR sector chooses to establish a single state-wide organisation, it may be preferable to establish a similar radio base model as in New South Wales.

DPTLI and TSV both stated in their submissions that the Victoria's upcoming MDEMS would address the situation described in the above finding by providing 24 hour / 7 day VHF distress channel monitoring along the entire Victorian coastline.[465]

TSV described MDEMS in its submission as 'a formal Government supported radio monitoring service across the entire Victorian coastline to meet the objectives of the National Standard [for the Provision of the National Coast Radio Network]', which would 'reduce the risk to the boating public by providing a monitored and recorded emergency distress service for Victorian coastal waters'.[466]

The Committee notes that MDEMS will replace the existing CRM service and will link the coverage of distress monitoring channels to allow them to be monitored by the Water Police at the Victorian RCC.[467]

DTPLI informed the Committee in its submission that a project control group was established in December 2012 to assist in developing MDEMS and that the Government had conducted an expression of interest process, which closed in February 2014. DTPLI also suggested that consideration could be given to whether marine emergency communications might be more efficiently managed through consolidation with other emergency communications service activities currently handled through the Department of Justice (DOJ).[468] At the time of writing, the Committee was informed by DTPLI that that there had been no change to the situation described in its submission.[469]

In the Committee's view, MDEMS represents an important and necessary enhancement of the Victorian marine radio network. The Committee is concerned by the fact that the need for a

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[465] Department of Transport, Planning and Local Infrastructure, *Submission*, no. 22, 25 March 2014, p. 4; Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 14.

[466] Transport Safety Victoria, *Submission*, no. 24, 24 March 2014, p. 14.

[467] Richard Burgess, Business Development, Australian Volunteer Coastguard Association, *Transcript of evidence*, 24 March 2014, p. 177.

[468] Department of Transport, Planning and Local Infrastructure, *Submission*, no. 22, 25 March 2014, p. 4.

[469] Department of Transport, Planning and Local Infrastructure, Email correspondence with Executive Officer, 15 August 2014.

service such as the MDEMS has been apparent since at least 2006 when the National Standard for the Provision of the National Coast Radio Network was developed, and considers that there is a pressing need to expedite the implementation of MDEMS in order to reduce the current risks to the boating public. The Committee agrees with the suggestion by DTPLI that it may be more appropriate for DOJ to assume the responsibility for MDEMS, given its role in the provision of the state's other emergency communications services.

Although the Committee recognises the benefits of the introduction of MDEMS for marine radio coverage, it is concerned that it could lead to a decline in the utilisation of local knowledge from volunteers who currently provide radio monitoring services to the boating public. In the Committee's view, it is important that this local knowledge is preserved and incorporated into the operation of MDEMS during those hours when volunteer radio monitoring occurs. This is of vital importance in view of the fact that this expertise cannot be replicated and should be maintained for as long as possible.

Recommendation 8.1:

That the Victorian Government expedites the implementation of the Marine Distress Emergency Monitoring Service and considers transferring the responsibility for the implementation of the service to the Department of Justice. Consideration should also be given to ensuring that the Marine Distress Emergency Monitoring Service:

- operates as a single centralised system that provides coverage for the entire coastline of the state

- provides VHF distress channel monitoring on a 24 hours a day / 7 days per week basis

- utilises the local knowledge of volunteers during those hours when volunteer radio monitoring is available.

In view of the ongoing delay in the implementation of MDEMS, the Committee considers it is imperative that comprehensive information on the VHF repeater network is disseminated widely to the boating public. Increased public awareness of the existence of the VHF repeater network, including the particular channels used at each location along the Victorian coast, could mean the difference between life and death for a vessel operator. The Committee is mindful that the VHF repeater network has significant limitations, most notably the fact that it is not monitored on a 24 / 7 basis. However, provided these limitations are clearly communicated to the public, the network could provide an important 'safety net' pending the implementation of MDEMS. The Committee also takes this opportunity to commend AVCGA for its work in establishing the VHF repeater network and for the commitment of its volunteers in maintaining the network.

Recommendation 8.2:

That Transport Safety Victoria conducts a public education program on the VHF repeater network, which includes the provision of a map showing the coverage provided by each of the repeater channels and information on the times of day during which the network is monitored.

8.1.2 Radio blackspots

A number of stakeholders provided evidence on the extent to which Victoria's VHF network suffers from 'blackspots'.[470] A radio blackspot is an area in which radio reception and / or transmission is weak or non-existent. The problem of blackspots is often exacerbated during extreme weather, which is also when there is an increased likelihood of a marine incident occurring.

Mr Rocco Maruzza, Commander of AVCGA Port Welshpool, provided evidence on the extent of radio and telephone blackspots in the Wilsons Promontory area. Mr Maruzza stated:

> Down along [Wilsons Promontory] on the east side and the very bottom there are lots of black spots, either by radio or by telephone…
>
> …
>
> … once you go out about 10 or 15 miles, there is no phone. You have to wait until you go another 15 or 20 miles, and then you will get it from Tasmania, so there is a big black spot there. Regarding the radios, right at the bottom of [Wilsons Promontory] and in close there are a lot of communication problems there … We were doing a rescue last Sunday and I called Melbourne. The Melbourne Coast Guard radio could not pick us up, my own local station could not pick us up, I could not get anyone on the phone and then finally when we got to a certain spot we could. But what if you are in trouble, if your GPS drops out on your AIS while you are going along because there are too many mountains down there and they cover the way? We both went on the repeater stations 81, 22 and channel 16, and there were problems on all of them. There is a black spot there — there are a lot of black spots down there on the communications side of things.[471]

Mr Ray Shaw also referred to the existence of VHF blackspots along the Victorian coast, at distances of approximately 15 to 20 nautical miles from shore, and noted that the VHF range for yachts should be 20 nautical miles.[472]

The Committee was also informed by Marine Rescue NSW that the New South Wales coastline also suffers from blackspots in radio coverage in certain areas and at certain times. Marine Rescue NSW also advised the Committee that it is not possible to eradicate all blackspots due to variations in weather and terrain along the coast.[473]

The Committee is mindful that the complete eradication of radio blackspots may not be feasible, particularly in mountainous coastal areas such as Wilson Promontory. The Committee also anticipates that the introduction of MDEMS will minimise the extent of existing marine radio black spots across the Victorian coastline.

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[470] Richard Burgess, Business Development, Australian Volunteer Coastguard Association, *Transcript of evidence*, 24 March 2014, p. 176; Ray Shaw, Board Member and Chairman of Risk and Safety Management Committee, Yachting Victoria, *Transcript of evidence*, 18 March 2014, p. 46; Vice-Commodore Chris Williams, Royal Geelong Yacht Club, *Transcript of evidence*, 18 March 2014, p. 47; Department of Transport, Planning and Local Infrastructure, *Submission*, no. 22, 25 March 2014, p. 3.
[471] Rocco Maruzza, Flotilla Commander Australian Volunteer Coastguard, VF20 Port Welshpool, *Transcript of evidence*, 9 April 2014, p. 238.
[472] Ray Shaw, Board Member and Chairman of Risk and Safety Management Committee, Yachting Victoria, *Transcript of evidence*, 18 March 2014, pp. 46–48.
[473] Marine Rescue NSW, Phone correspondence with Executive Officer, 30 June 2013.

8.1.3 Emergency Services Telecommunications Authority

ESTA is responsible for emergency call-taking and dispatch. It is a statutory authority under the portfolio of the Minister for Police and Emergency Services, established by the *Emergency Services Telecommunications Authority Act 2004.* In an MSAR context, ESTA receives calls for assistance through Triple Zero (000), and is responsible for referring calls for assistance during a marine incident to Victoria Police, which is in turn responsible for coordinating the response.

ESTA also manages the operational communications network for Victoria Police, the MFB, the Country Fire Authority (CFA), the Victoria State Emergency Service (VICSES) and Ambulance Victoria. This includes:

- the Metropolitan Mobile Radio network (discussed in section 8.2); and

- the Emergency Alerting System, which alerts regional CFA, SES and Ambulance Victoria staff and volunteers to incidents via SMS and pagers.[474] Under a memorandum of understanding with the CFA, AVCGA flotillas have access to this CFA pager system.

The Committee received evidence of incorrect responses by ESTA operators in response to calls for assistance during marine incidents.

For example, Victoria Police stated in its submission that:

> In one recent example ESTA tasked Ambulance Victoria to an incident at Blairgowrie back beach, where a spearfisherman was swept out to sea and disappeared beneath the waves. Classified as a 'drowning', an AV [Ambulance Victoria] aircraft was tasked to attend and police were not notified until some 65 minutes later. The male's remains were not recovered by police divers until the following week.[475]

Similarly, Ms Barbara Heazlewood, Deputy Commander of AVCGA Warrnambool, described an incident during which an ESTA operator informed a caller that MSAR incident responses were not dealt with by ESTA. The person was eventually able to contact AVCGA Portland through a direct telephone number.[476]

The AVCGA and the CFA suggested that ESTA should be integrated into the MSAR response framework, to assist with dispatching MSAR units to incidents.[477] Mr Steve Warrington, Deputy Chief Officer, Emergency Management from the CFA suggested that the CFA pager system used by AVCGA flotillas could be utilised for the purposes of incident dispatch by ESTA operators:

> We would argue that there could potentially be a similar approach taken by virtue of providing these services through ESTA and that the Emergency Services Telecommunications Authority is able to take the call and dispatch, using a recognised pager system that is already available — certainly the SES have access to that, and MFB and CFA have access to pagers, and when I say

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[474] Emergency Services Telecommunications Authority, 'Operational Communications', viewed 28 May 2014, <http://www.esta.vic.gov.au/>.

[475] Victoria Police, *Submission*, no. 5, 13 March 2014, p. 5.

[476] Barbara Heazlewood, Deputy Flotilla Commander, Australian Volunteer Coast Guard, VF16 Warrnambool, *Transcript of evidence*, 15 April 2014, p. 272.

[477] Steve Warrington, Deputy Chief Officer, Country Fire Authority, *Transcript of evidence*, 24 March 2014, p. 132; Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 71.

CFA I am talking about the Coast Guard — and that could then do communication. Again, through that one common approach it would ensure that best service delivery is provided to the community.[478]

The Committee does not support the suggestion that ESTA should be involved in the dispatch of volunteer MSAR vessels. The Committee is strongly of the view that such an approach would be inconsistent with the role of the Water Police as the control agency for all MSAR incident responses. Such an approach would also be inconsistent with the Committee's recommendation that a new representative governing body should be given the authority to 'self-task' in responding to marine incidents (Recommendation 4.9).

The Committee is concerned by the evidence that ESTA operators have on occasion incorrectly handled MSAR-related distress calls, particularly given the high potential for adverse impacts on the outcome of a marine incident in such circumstances. The Committee considers it is imperative that all ESTA operators are trained to manage MSAR distress calls, by referring all such calls to the Water Police RCC at Williamstown. This should ensure that every MSAR incident response that is initiated via a triple zero phone call, is both prompt and effective.

Recommendation 8.3:
That the Victorian Government ensures that all Emergency Services Telecommunications Authority operators are appropriately trained to manage triple zero ('000') telephone calls for assistance during a marine incident. This should include training to ensure that all operators are aware of the requirement to refer all such calls to the Water Police at the Victorian Rescue Coordination Centre.

8.1.4   Emergency Position-Indicating Radio Beacons

Emergency Position-Indicating Radio Beacons (EPIRB)s are distress beacons that are used to aid the location of vessels during MSAR incidents. EPIRBs are designed specifically for use on marine vessels because they float in water. There are similar devices designed for use in aircraft (Emergency Locator Transmitters) or to be carried on a person (Personal Locator Beacons).

AMSA offers a free registration service for EPIRBs. Although this is not mandatory, AMSA encourages registration to assist with a more efficient response during EPIRB activation.[479]

EPIRBs transmit distress signals on the 406 MHz frequency, which is continuously monitored by the international Cospas–Sarsat Programme (CSP). The CSP is a cooperative of 43 countries and agencies that maintain a network of satellites and ground facilities known as Local User Terminals (LUTs).[480]

When an EPIRB is activated, it transmits a signal that can be detected by Cospas–Sarsat satellites and overhead aircraft. These signals are relayed to LUTs, which in turn generate distress alerts to

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[478] Steve Warrington, Deputy Chief Officer, Country Fire Authority, *Transcript of evidence*, 24 March 2014, p. 133.
[479] Australian Maritime Safety Authority, 'Registration', viewed 29 May 2014, <http://beacons.amsa.gov.au/>.
[480] Australian Maritime Safety Authority, 'Distress Beacons', viewed 15 May 2014, <http://beacons.amsa.gov.au/>.

Mission Control Centres. Mission Control Centres then relay the distress call to local RCCs that are best-placed to respond.[481]

There are two LUTs located in Australia: one in Albany, Western Australia; and another in Bundaberg, Queensland. A third LUT, located in Wellington, New Zealand also provides some coverage of the Australian coastline and mainland. RCC Australian, coordinated by AMSA, functions as the Australian Mission Control Centre. A number of local RCCs are situated throughout the states (such as the Victorian RCC in Williamstown, controlled by the Water Police).[482]

In Victoria, all recreational vessels travelling more than 2 nautical miles from the coastline are required to carry an EPIRB under the *Marine Safety Regulations 2012*. This condition applies to powered boats, as well as to human-powered vessels, such as kayaks, canoes, stand up paddleboards and pedal boats.[483]

Commercial vessels in survey operational area classes A and B (see Chapter Seven) are required to be equipped with an EPRIB regardless of the distance they are travelling from the coastline. Commercial vessels in operational area Classes C, D and E are required to carry EPIRBs when travelling further than 2 nautical miles from the coastline.[484]

8.2   Marine search and rescue operational communications

8.2.1   A consolidated marine search and rescue operations radio network

The Committee received evidence that Victoria's volunteer MSAR organisations do not operate under a standardised MSAR communications protocol or framework. MSAR organisations often operate on different radio channels and bands to each other, even during a single incident response. This reduces the efficiency of MSAR responses, creates additional difficulty for inter-agency communications, and detracts from the effective coordination of the MSAR sector as a whole.

Mr David Collins, who provided a submission as an individual, stated that during incident responses, each MSAR organisation will 'usually use its own designated marine radio channel'. He noted that when an operation involves multiple MSAR organisations, a common channel is selected for communications, which he stated 'can be difficult' due to the varying quality of communications devices.[485]

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[481]   International Cospas–Sarsat Programme, 'Cospas–Sarsat System', viewed 15 May 2014, <http://www.cospas-sarsat.int/>.

[482]   Australian Maritime Safety Authority, *National Search & Rescue Manual*, National Search and Rescue Council, Australian Government, 2013, p. 61.

[483]   *Marine Safety Regulations 2012* (Vic), 45/2012, Schedule 3, Table 3.

[484]   Australian Maritime Safety Authority, 'Certificates of Survey', viewed 23 May 2014, <http://www.amsa.gov.au/>.

[485]   David Collins, *Submission*, no. 9, 13 March 2014, p. 2.

To address these issues, a number of stakeholders proposed the establishment of a single radio communications system for MSAR across the state.[486] For example, AVCGA recommended the mandated adoption of a single operational radio communications system and infrastructure across all of Victoria's MSAR organisations. AVCGA also stated that there was an opportunity to consolidate communications through the existing network.[487] AVCGA also recommended that consideration be given to the option of enhancing the Victorian VHF repeater network (discussed in section 8.1.1) to enable the use of existing infrastructure as part of the consolidated system.[488]

The Committee considers that there is merit in the idea of investigating a standard operational communications framework for Victoria's volunteer MSAR organisations as a means of increasing the efficiency and effectiveness of MSAR incident responses. The Committee is also of the view that consideration should be given to the option of making compliance with the framework a condition of the accreditation of volunteer MSAR units (accreditation is discussed in Chapter Four). Finally, the Committee notes that some of the potential difficulties of establishing a standard communications framework would likely be alleviated by the establishment of a single state-wide volunteer MSAR organisation.

Recommendation 8.4:

That the Victorian Government considers developing a standardised radio communications framework for accredited marine search and rescue organisations as part of the Victorian marine search and rescue arrangements.

8.2.2 Inter-agency communications

A number of stakeholders referred to the existence of communication difficulties between MSAR organisations and other emergency services units during MSAR responses. Volunteer Marine Rescue (VMR) Mornington & Hastings and Mr Anthony Myall both noted instances where MSAR organisations were unable to communicate directly with other emergency services organisations during multi-agency responses. Volunteer Mornington & Hastings suggested that there is a need for an inter-agency radio frequency to enable 'emergency services' — including MSAR organisations — to communicate with each other.[489] Similarly, Southern Peninsula Rescue Squad stated that LSV's rescue vessels are equipped with UHF radios, which are not compatible with VHF radios used by other MSAR organisations.[490]

To address these issues, LSV and VICSES recommended that MSAR organisations be granted access to the Victorian Metropolitan Mobile Radio network, which is operated by ESTA. The network is currently used by Victoria Police, the MFB, the CFA and Ambulance Victoria. It comprises over 8,000 portable and vehicle radio sets that are managed through more than 70

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[486] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, pp. 69–72; Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 11; Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, p. 20; David Collins, *Submission*, no. 9, 13 March 2014, p. 2.

[487] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, pp. 70–72.

[488] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 72.

[489] Volunteer Marine Rescue Mornington & Hastings, *Submission*, no. 17, 14 March 2014, p. 4; Anthony Mayall, *Submission*, no. 10, 14 March 2014, p. 1.

[490] Southern Peninsula Rescue Squad Inc., *Submission*, no. 6, 13 March 2014, p. 2.

base stations.[491] LSV and VICSES are in the processes of adopting the network for operational communications.[492]

Metropolitan Mobile Radio is a UHF digital radio network operating on the APCO P25 standard. The P25 standard was developed in the United States in 1989 and is used extensively in public safety and emergency services. Since then, it has been adopted in many jurisdictions internationally.[493]

The P25 standard was designed specifically to allow for interoperability between emergency service agencies. Unlike conventional radio systems where users communicate on a single frequency, P25 allows communication over a range of frequencies through a central computer 'controller' that manages all broadcasts. When a broadcast is made, it is assigned a frequency temporarily, which is released when the broadcast is completed. This allows a relatively small number of radio frequencies to be shared among a large number of users.[494]

P25 networks also separate users into pools known as 'talkgroups' to allow users to select who they are transmitting to and receiving broadcasts from.[495] In practice this allows for emergency response agencies to be selective with the recipients of their broadcasts.

The regional counterpart to Metropolitan Mobile Radio is the P25 Regional Mobile Radio network, which is currently used by the CFA. The Committee notes that Emergency Management Victoria (EMV) is working to establish the network for additional use by the MFB, the SES and LSV as a strategic action priority in 2014–15. In addition, EMV plans to develop a business case to extend Regional Mobile Radio capability to Victoria Police, the Department of Environment and Primary Industries, and Ambulance Victoria.[496]

An integrated communications system between emergency services agencies during marine incidents is essential to ensure that responses are prompt and effective. The Committee considers there is merit in granting MSAR units access to Victoria's P25 network to allow for an integrated inter-agency communications system. This would also assist in integrating MSAR into Victoria's emergency management framework under the 'all-hazards all-agencies' approach. The Committee considers that all accredited volunteer MSAR organisations should be provided with access to Victoria's P25 emergency services networks. In the event that a single state-wide volunteer MSAR organisation is established it should also be provided with access to the networks.

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[491] Emergency Services Telecommunications Authority, 'Metropolitan Mobile Radio', viewed 29 May 2014, <http://www.esta.vic.gov.au/>.

[492] Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 11; Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, p. 20.

[493] Icom America, 'History of P25', viewed 21 July 2014, <http://www.icomamerica.com/>.

[494] Signal Harbour, 'Understanding Trunking', viewed 23 May 2014, <http://www.signalharbor.com/>.

[495] Signal Harbour, 'Understanding Trunking', viewed 23 May 2014, <http://www.signalharbor.com/>.

[496] Emergency Management Victoria, *Emergency Management Strategic Action Plan: Interim — 2014–2015*, Victorian Government, Melbourne, 2014, p. 9.

> ### Recommendation 8.5:
>
> That the Victorian Government considers providing all accredited volunteer marine search and rescue organisations with access to the state's P25 emergency services networks.
>
> In the event that a single state-wide volunteer marine search and rescue organisation is established, it should also be provided with access to the state's P25 emergency services networks.

8.3   Marine search and rescue vessel tracking

The Committee received evidence that some MSAR organisations have vessel tracking capability in place but that there is no sector-wide coordinated approach. Mr Adam O'Neill, who provided a submission as an individual, noted that many MSAR vessels are equipped with a tracking system to allow their organisation to monitor their position. He stated that a standardised vessel tracking system would assist the Water Police to monitor and assign available assets during incident responses, and would also assist during multi-agency responses.[497]

In its submission, VICSES stated that its vessels — along with those of AVCGA — were equipped with Automatic Vessel Location technology, which enables vessel tracking via GPS.[498] Mr Tim Wiebusch, Deputy Chief Officer, VICSES, emphasised the need to:

> … [integrate them] into one system with one spatially displayed view — a map, if you like — of the resources that are on the water to allow for efficient interoperability and monitoring of the response.[499]

VMR Mornington & Hastings informed the Committee that it has been involved in a trial of 'closed' channel GPS tracking with the Water Police. This involved equipping its vessels with 'locators' that allow the Williamstown RCC to track their locations. VMR Mornington & Hastings expressed the view that this system should be expanded to all MSAR vessels.[500]

Inspector Mark Arneil, Manager, Water Police Search and Rescue Squads, described MSAR vessel tracking in the following terms:

> I think it is a great tool, and it gives marine coordinators a high level of comfort in plotting search tracks as to what areas have been examined and what areas have not been. If you have got that plotted on a chart, that is fantastic evidence for being able to eliminate certain areas.[501]

Vessel tracking capabilities are present in MSAR sectors in other Australian Jurisdictions. Representatives from Marine Rescue NSW described their organisation's vessel tracking capabilities during the briefing with the Committee. Marine Rescue NSW's large vessels are equipped with AIS Class A, whilst the remaining vessels are equipped with Class B (AIS is

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[497] Adam O'Neill, *Submission*, no. 1, 20 February 2014, p. 1.

[498] Victoria State Emergency Service, *Submission*, no. 37, 28 March 2014, p. 16.

[499] Tim Wiebusch, Deputy Chief Officer, Victoria State Emergency Service, *Transcript of evidence*, 24 March 2014, p. 127.

[500] Volunteer Marine Rescue Mornington & Hastings, *Submission*, no. 17, 14 March 2014, p. 4.

[501] Inspector Mark Arneil, Manager, Water Police and Search and Rescue Squads, Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, p. 113.

discussed in section 8.3.1 below). In addition, Marine Rescue NSW has introduced a tracking system for vessels in transit.[502]

In Western Australia, TracPlus is the approved, mandatory tracking device for all MSAR vessels. Under the Western Australian State Emergency Management Plan for Marine Search and Rescue, the Water Police must be provided with the ability to monitor the device. TracPlus is 'approved' by the Western Australia Police and agreed to by the State Search and Rescue Advisory Group.[503]

The Committee is of the view that there is merit in developing a vessel tracking system for MSAR vessels in accredited organisations. This would enhance the Water Police's ability to monitor and control MSAR resources during incident responses. Consideration should also be given to making the adoption of the system a condition of the accreditation process for MSAR units.

Recommendation 8.6:

That the new governing body for the State's volunteer marine search and rescue sector implements a centralised system for the tracking of accredited marine search and rescue vessel locations from the Victorian Rescue Coordination Centre.

8.3.1 Automatic Identification System

The AIS is a digital broadcast system that communicates locational information between vessels and onshore stations. At set intervals, AIS automatically broadcasts data on a vessel's course and speed, as well as information on the vessel itself such as its size and cargo. This data is received by other vessels and bases that are equipped with AIS. There are two classes of AIS tracking for vessels:

- **AIS Class A:** for large vessels[504] and passenger vessels carrying more than 12 passengers. As of 2002, AIS Class A tracking on these vessels is mandatory under the International Safety of Life at Sea Convention.[505]

- **AIS Class B:** an intermediate version of AIS developed for use by smaller commercial and recreational vessels. Its use is not mandatory.[506]

In addition, there are specific types of AIS have been developed for use by onshore base stations; buoys and lights; search and rescue transmitters and on search and rescue aircraft.[507]

Generally, MSAR vessels do not require AIS transmitters to be installed. However, the Committee notes that VMR Mornington & Hastings voluntarily installed Class B AIS transmitters

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[502] Marine Rescue NSW, Phone correspondence with Executive Officer, 30 June 2014.

[503] Western Australia Police, *State Emergency Management Plan for Marine Search and Rescue*, Western Australian Government, Maylands, 2013, p. 39.

[504] Defined as vessels over 300 gross tonnage engaged on international voyages and cargo ships of 500 gross tonnage.

[505] *International Convention for the Safety of Life at Sea* (1974), Article Chapter V — Safety of Navigation.

[506] Australian Maritime Safety Authority, 'Fact Sheet — Automatic Identification System (AIS) Class B', viewed 14 February 2013, <https://www.amsa.gov.au/>, p. 1.

[507] Australian Maritime Safety Authority, 'Fact Sheet — Automatic Identification System (AIS) Class B', viewed 14 February 2013, <https://www.amsa.gov.au/>, p. 1.

on its three rescue vessels.[508] Similarly, Mr Lemke indicated that his organisation was in the process of installing AIS on its rescue vessel.[509]

The Committee was informed by representatives of Marine Rescue NSW that each of its vessels is equipped with AIS tracking. The larger vessels are equipped with AIS Class A and the remaining vessels with Class B.[510]

AIS technology is a valuable tool for the monitoring of MSAR vessels during incident responses and the Committee considers that this technology should be mandatory for all Victoria's MSAR vessels. The Victorian Government should also consider using AIS as part of the centralised tracking system that the Committee has recommended above (Recommendation 8.6).

Recommendation 8.7:
That the Victorian Government considers requiring all accredited marine search and rescue vessels to be equipped with AIS Category A tracking technology, and providing funding for this implementation.

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[508] Volunteer Marine Rescue Mornington & Hastings, *Submission*, no. 17, 14 March 2014, p. 4.

[509] Russell Lemke, Communications Officer, Port Fairy Marine Rescue Service, *Transcript of evidence*, 15 April 2014, p. 267.

[510] Marine Rescue NSW, Phone correspondence with Executive Officer, 30 June 2013.

9

CHAPTER 9:
MARINE SAFETY IN VICTORIA

This chapter discusses marine safety, with a particular focus on the prevention of marine incidents on Victorian waters. As discussed in Chapter Three, recent years have seen a significant increase in both the number of registered recreational vessels in Victoria and the number of marine incidents in which they are involved.

As at June 2013, Victoria had nearly 173,000 registered recreational vessels, a figure which has grown significantly over the last two decades and which continues to grow at approximately three per cent per year. The number of fatalities and serious injuries on Victorian waters (an annual average of five deaths and 24 serious injuries in recent years) are both small compared to the state's roads. Nevertheless, these figures are significant and, it must be remembered, represent stories of personal tragedy and suffering. Moreover, the increase of approximately 24 per cent in the number of reported recreational marine incidents on Victoria's waters during the five years to 2012–13 (to a total of 1,353 in 2012–13) is a matter of concern to the Committee.

While it is likely that there are a number of reasons for the substantial increase in the number of reported recreational marine incidents, such as the growing popularity of paddle craft and personal watercraft (PWCs), the key message for Victoria's marine search and rescue (MSAR) sector is that recreational boating is an increasingly popular activity, which is likely to place increasing demands on the state's MSAR services into the future.

Although marine safety and the prevention of marine incidents were not specifically mentioned in the Terms of Reference for the Inquiry, they are issues on which a number of stakeholders provided evidence. Moreover, the adage that 'an ounce of prevention is worth a pound of cure' is particularly relevant in the context of marine incidents, especially given the state's rapidly growing recreational boating sector. It is clear that strategies aimed at the prevention of marine incidents are of vital importance, not only in terms of public safety but also as a means of mitigating the growing pressures on Victoria's MSAR volunteers. By promoting a safe boating culture and ensuring that vessel operators attain an appropriate level of competency, Victoria can work towards reducing marine incidents and the associated pressures on the state's MSAR volunteers.

The issues addressed in this chapter include:

- the role of Transport Safety Victoria (TSV) and the state's MSAR organisations in the prevention of marine incidents;

- the need for improved public awareness with respect to appropriate marine radio operations; and

- the desirability of changes to current recreational vessel licensing requirements, including the introduction of a practical component for licence testing and the abolition of the current provisions under which minors are permitted to operate PWCs without adult supervision.

9.1 Public education and training

9.1.1 Introduction

Ensuring that there is an appropriate level of public education on the safety obligations of vessel operators and on the risks associated with marine environments is a crucial strategy for reducing the number of recreational marine incidents in Victorian waters.

Mr Peter Corcoran, Director of Maritime Safety at TSV emphasised the importance of public education on marine safety at the public hearing in Melbourne and noted that there is a clear link between marine fatalities and 'ignorance' of risk. Mr Corcoran stated:

> I think our experience with our research into fatalities over the last 20 or so years would show that there is a degree of ignorance to the risk, and I think it is also reasonable to say that there is an overstated reliance on someone's own skills and experience that perhaps does not match the conditions. We see, for example, in September and October of each year, and sometimes in August, a large volume of people going down to Portland to engage in the tuna fishing that is becoming extremely popular. It is not uncommon to see very small vessels going out 50 or 60 miles off the coast of Portland.[511]

Mr Corcoran stated that there was an appropriate level of marine safety regulation in Victoria. However, he suggested that there is a need for a cultural shift within the recreational boating community, away from a 'she'll be right' attitude and towards an attitude of greater vigilance with respect to marine safety. Mr Corcoran stated:

> When there are tragic incidents on the water there is a prevailing sense of, 'It was a tragic day on the water', not that there was a culpability of any one person, like the master of that vessel. That is an interesting shift, because if we contrast that to the road environment, we have a very different tolerance for stupidity on the road.
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> …
>
> … I think we still have a degree of work to go in changing the culture of the boaters. We have the appropriate regulations in place, I believe. We have the appropriate requirements for carriage of safety equipment and the ability to raise the alarm, and there is suitable technology there for people to be able to access. But it is a cultural shift that is required, I think, for those boaters who are boating in conditions that they are not suited for.[512]

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[511] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 89.
[512] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 89.

9.1.2   The role of Transport Safety Victoria

In addition to its regulatory role with respect to Victoria's marine sector, TSV also delivers a number of safety education programs for the general boating public. This includes distribution of recreational vessel safety brochures and fact sheets, which cover a range of topics such as regulatory requirements, safe vessel operation and safety equipment. TSV also produces the Victorian Recreational Boating Safety Handbook, which provides general information about the operation of recreational vessels in Victorian waters.[513]

Since 2011, TSV has also offered boating safety seminars to boat clubs across Victoria. These seminars cover topics such as:

- safe boating operation;

- use of marine radio and emergency procedures;

- marine weather and forecasting resources;

- vessel maintenance and trip preparation; and

- safety equipment maintenance.[514]

In addition, TSV employs a number of boating safety officers who provide information and advice to the boating public at boat ramps, on water, at events and at boat clubs.[515]

TSV also receives a portion of funding from the Boating Safety and Facilities Program (BSFP) under the 'state-wide initiatives' category for public education programs. In the financial years from 2010 to 2014 this amounted to $350,000 annually.[516]

The specific programs that TSV funds from the state-wide initiatives category of the BSFP differ from year-to-year according to emerging risks and trends in boating incidents. In 2013–14, these programs included:

- the *Don't let your boat go up in smoke* campaign, which highlighted the risk of fires on recreational vessels

- an education campaign targeting retailers of paddle craft (discussed in section 9.1.3)

- a 'mystery shopper' audit program of recreational boating training providers

- an observational study into the rates of recreational boaters wearing personal flotation devices (PFDs).[517]

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[513] Transport Safety Victoria, *Victorian Recreational Boating Safety Handbook*, Victorian Government, Melbourne, 2012, p. 1.
[514] Transport Safety Victoria, 'Boating Safety Education', viewed 6 August 2014, <http://www.transportsafety.vic.gov.au/>.
[515] Transport Safety Victoria, *Victorian Recreational Boating Safety Handbook*, Victorian Government, Melbourne, 2012.
[516] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.
[517] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

In addition, funding from the state-wide initiatives component of the BSFP was also allocated to TSV's existing boating safety seminars, the development of recreational vessel safety publications and to the employment of casual boating safety officers.[518]

Mr Peter Corcoran also referred to the importance of compliance activities in reinforcing marine safety education and noted that this is a challenge in Victoria due to the number of waterways and the length of the coast. Mr Corcoran stated:

> … our approach has been to try and educate boaters about their safety duty obligations, that if they are going to go out on the water, they have obligations for themselves and those people they take out on their boat with them. We have found the education only works when there is a commensurate level of compliance activity to ensure that people are complying with those obligations. But I think the breadth of where boaters can boat is so significant in Victoria — we have 190 designated waterways in Victoria and a large coast — that to be able to cover all of those vessels is going to be very difficult.[519]

The Committee is also particularly mindful of the importance of signage in marine areas of potential danger and considers that there may be scope for Transport Safety Victoria to boost its current marine signage program.

Recommendation 9.1:

That Transport Safety Victoria considers increasing the provision of signage in dangerous marine environments as part of the state-wide initiatives component of the Boating Safety and Facilities Program.

9.1.3 Education programs for paddle craft retailers

The Committee received evidence from TSV that some purchasers of paddle craft, such as kayaks, have been provided with incorrect safety information regarding the operation of such vessels at the time of purchase. For example, TSV stated that there have been instances of retailers informing customers that PFDs were not required for paddle craft, despite the fact that this is a requirement under the state's Marine Safety Regulations. Mr Paul Corkill, Manager of Waterway User Safety at TSV, stated at the public hearing in Melbourne:

> Our compliance teams are out on the water, and they regularly encounter on boat ramps over the summer kayakers who have been told, 'No, you don't need to wear a lifejacket with this craft'.[520]

The Committee notes that retailers of paddle craft are required under the *Marine Safety Act 2010* to provide appropriate safety information when selling such vessels.[521] TSV informed the Committee that it offers free practical and theoretical training to the retailers of these craft, which is aimed at educating retail staff about the relevant safety requirements. TSV also stated that it had targeted this training at the state's three largest paddle craft retailers — Anaconda,

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[518] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

[519] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 89.

[520] Paul Corkill, Manager, Waterway User Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 91.

[521] *Marine Safety Act 2010* (Vic), 65 of 2010, section 26.

BCF (Boating Camping Fishing) and Rays Outdoors. Mr Corkill noted that although these retailers had shown interest in the service, the actual uptake was poor:

> … they all say they are interested, and we say, 'Here is a list of dates. This is what we have got to offer you'. They are right across Victoria, but I think we have managed to be able to get about four of them at the moment to have us in to run a training course.[522]

The Committee understands that since TSV appeared at the public hearing there has been an increased uptake of the training sessions by BCF and Rays Outdoors. However, Anaconda is yet to accept this offer.[523] This concerns the Committee as it indicates that some retail outlets may be unaware of the extent of their statutory safety obligations under the *Marine Safety Act 2010*.

Although TSV's provision of this training is commendable, the Committee acknowledges that it is impractical to mandate that all retailers — and their staff — attend such training, and that this could be particularly onerous for smaller retailers. For these reasons, the Committee is of the view that all retailers of paddle craft should instead be required to distribute specified safety information, developed by TSV, with the sale of all such craft. This would ensure that the safety requirements of paddle craft are properly communicated to Victoria's boating public and would also fulfil the statutory safety obligations of retailers under the *Marine Safety Act 2010*.

Recommendation 9.2:
That the Victorian Government mandates the provision of specified safety information by retailers with the sale of all paddle craft.

9.1.4   Public training provided by MSAR organisations

The Committee received evidence that a number of volunteer MSAR organisations also provide public training and education programs to the general public. As a registered training organisation (RTO), the Australian Volunteer Coast Guard Association (AVCGA) provides accredited marine courses to members of the public. This includes recreational boat licences, radio operator licences, First Aid certificates, Certificate I and II qualifications in Transport Distribution (Maritime Operations), and a number of other marine-related units.[524] The AVCGA also provides a number of community education programs. These include boat safety campaigns, vessel examinations and public instruction courses in GPS operation and coastal navigation.[525] The provision of training also provides an additional source of revenue for the organisation.

Port Fairy Marine Rescue Service stated that it conducts a safety at sea and radio communications seminar for the members of the public. In addition, it distributes marine safety literature on behalf of TSV.[526]

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[522] Paul Corkill, Manager, Waterway User Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 92.

[523] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

[524] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, pp. 77–78; Hastings Flotilla, Australian Volunteer Coast Guard Association, *Submission*, no. 33, 14 March 2014, p. 2.

[525] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, pp. 79–80.

[526] Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 3; Russell Lemke, Communications Officer, Port Fairy Marine Rescue Service, *Transcript of evidence*, 15 April 2014, p. 263.

The AVCGA recommended that a new state-wide volunteer MSAR organisation should be the primary RTO for MSAR and other maritime training. It also recommended that the new organisation should deliver training and development for its own members, the boating community, the public, industry and members of the emergency management community.[527] Life Saving Victoria (LSV) made a similar recommendation, stating that this would address the current lack of a Victorian training facility for MSAR and water rescue.[528]

The Committee is mindful of the significant donation of personal time that MSAR volunteers make in order to deliver public education programs. The Committee agrees with AVCGA and LSV that a single state-wide volunteer MSAR organisation would be ideally placed to provide accredited marine training to members of the public in marine safety and radio operations. In the event that a single organisation is formed, this would also provide an additional revenue stream for the organisation.

Recommendation 9.3:

In the event that the volunteer MSAR sector chooses to establish a single state-wide marine search and rescue organisation, the organisation is endorsed as the primary accredited marine training provider in the state.

9.1.5 Marine radio public education

UNDER USE OF VHF RADIO BY RECREATIONAL VESSELS

TSV informed the Committee that, despite the relatively low cost of Very High Frequency (VHF) radio units (down from approximately $800 to $250 during the last 10 years) and the fact that they are an excellent communication tool for vessels in need of assistance, they are often not carried by recreational boaters because of the requirement to obtain a VHF radio operator licence. TSV also informed the Committee that approximately 60 per cent of recreational vessels operate in coastal waters,[529] where VHF radios are most likely to be useful.

TSV informed the Committee that the Australian Communications and Media Authority (ACMA) is developing a 'reduced' licensing requirement, known as the Australian Waters Qualification (AWQ). The AWQ will be a short course designed to impart only the necessary requirements to operators to permit the use of VHF radios in Australian waters. The AWQ will be significantly shorter in duration than the existing qualification for a VHF radio licence, known as the Marine Radio Operators VHF Certificate of Proficiency. The AWQ will be provided by the same RTOs that currently deliver general marine operator licences (discussed in section 9.2 below).[530] The Marine Radio Operators VHF Certificate of Proficiency will remain available, as it is intended for more advanced VHF radio operation.[531]

TSV stated that the declining cost of VHF radio units, combined with the introduction of the AWQ, would likely result in a significant increase in the use of VHF marine radio over the next

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[527] Australian Volunteer Coast Guard Association (Victoria), *Submission*, no. 16, 14 March 2014, p. 64.

[528] Life Saving Victoria, *Submission*, no. 25, 24 March 2014, p. 11.

[529] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

[530] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

[531] Australian Communications and Media Authority, *New Qualification for Recreational Boaters Using VHF Marine Radio Channels*, Media release, 5 October 2012, <http://www.acma.gov.au/>.

few years. TSV also informed the Committee that it had facilitated the sharing of information between ACMA and the RTOs that will deliver the AWQ to the recreational boating public.[532]

The Committee was informed at the time of writing that ACMA was awaiting final ratification of the new qualification by the Transport Logistics Industry Skills Council before commencing the roll out of the course through RTOs Australia wide. In the meantime, ACMA has undertaken a series of visits to present to RTOs, individual trainers, volunteer marine rescue groups and State Marine Safety Authorities around Australia, and has held presentations in each capital city over the last three months.[533]

The Committee notes that although ACMA proposed the development and implementation of the AWQ almost two years ago, the course has yet to be ratified.[534] The Committee is concerned by the delay in the introduction of the AWQ given the ongoing safety implications for the recreational boating public. The Committee considers that the Government should advocate, through the National Marine Safety Committee, for the Transport Logistics Industry Skills Council to expedite the finalisation of the AWQ.

Recommendation 9.4:

That the Victorian Government investigates the reasons for delay in the implementation of the Australian Waters Qualification and, subject to the results of the investigation, advocates through the National Marine Safety Committee for its ratification to be expedited.

The Committee considers that the under-utilisation of VHF marine radio should also be addressed through the provision of increased public education for recreational vessel operators regarding the importance of VHF marine radio for marine safety, communications and distress calling. The delivery of such education could be linked to the licensing and vessel registration process to ensure that it is disseminated to as many recreational boaters as possible.

Recommendation 9.5:

That Transport Safety Victoria implements a public education campaign on the importance of VHF marine radio as a safety tool, which targets applicants for general marine licences and owners of registered vessels when their licences or registrations are renewed. This campaign should be implemented as soon as possible, and include relevant information on the Australian Waters Qualification as soon as it is ratified by the Australian Communications and Media Authority.

INAPPROPRIATE USE OF MARINE RADIO BY VESSEL OPERATORS

The Committee received evidence from some stakeholders regarding the inappropriate or incorrect use of marine radio frequencies and protocols by some members of the public.

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[532] Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.
[533] Australian Communications and Media Authority, Email correspondence with Research Officer, 14 August 2014.
[534] Australian Communications and Media Authority, *A New Approach for Recreational Boaters Who Operate VHF Marine Radios*, Australian Government, Belconnen, 2012; Transport Safety Victoria, Email correspondence with Research Officer, 19 August 2014.

Mr Ray Shaw, Board Member and Chair, Risk and Safety Management Committee, Yachting Victoria, highlighted a number of instances of the use of marine distress channels for general communication by the boating public.[535]

Mr Bill Morgan, Rear Commodore of the Port Fairy Yacht Club, referred to the same problem and suggested that improved public education represented the best means of addressing this issue. Mr Morgan stated:

> One of the other issues with communication which was raised and has become much more of an issue through the tuna season is radio chatter — sitting there listening on one of the repeater channels or on [channel] 16, and people are having a discussion about football and fishing and all sorts of other things. It does not take a lot of signal to disrupt the ability to listen out for emergency responses. That is an issue. It is an educational issue, and usually there are some loud, stern words from someone who can get through that they should change channels or shut up, but it is more and more of an issue.[536]

The Committee notes that similar issues were noted during ACMA's review of VHF marine radio operator qualification arrangements for recreational vessels. The final report of the review — released in July 2012 — concluded that these issues should be addressed through ongoing public information and awareness campaigns. The report also stated that ACMA was undertaking a monitoring exercise of VHF marine radio channels to identify areas of broadcast 'congestion' and systemic use of poor radio protocols.[537]

In addition, members of the Port Fairy Marine Rescue Service indicated that vessels often venture beyond the range of coastal VHF radio coverage (despite carrying only a VHF radio), off Victoria's western coast for tuna fishing between August and October.[538] Mr Max Atkins, Vice-President of Port Fairy Marine Rescue Service, informed the Committee that vessels that end up requiring assistance in these circumstances often rely on other vessels that are within the VHF coastal coverage area to relay their call for assistance through to MSAR organisations.[539] The Committee regards this as an inherently risky practice given the limited range of vessel to vessel VHF radio (approximately 10.8 nautical miles with a masthead antenna and 8 nautical miles for a hand held radio in ideal conditions).[540] The Committee considers that there is a need to reiterate to the boating public the limitations of the range of VHF radios, and to emphasise the importance of HF radios for vessels that venture beyond the limits of VHF coverage.

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[535] Ray Shaw, Board Member and Chairman of Risk and Safety Management Committee, Yachting Victoria, *Transcript of evidence*, 18 March 2014, p. 51.

[536] Bill Morgan, Rear Commodore Port Fairy Yacht Club, *Transcript of evidence*, 15 April 2014, p. 278.

[537] Australian Communications and Media Authority, *A New Approach for Recreational Boaters Who Operate VHF Marine Radios*, Australian Government, Belconnen, 2012, pp. 8–9.

[538] Port Fairy Marine Rescue Service, *Submission*, no. 7, 13 March 2014, p. 5; Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 89; Max Atkins, Vice-President, Port Fairy Marine Rescue, *Transcript of evidence*, 15 April 2014, pp. 262–63; Russell Lemke, Communications Officer, Port Fairy Marine Rescue Service, *Transcript of evidence*, 15 April 2014, p. 260.

[539] Max Atkins, Vice-President, Port Fairy Marine Rescue, *Transcript of evidence*, 15 April 2014, pp. 262–63.

[540] C H Smith Marine, 'VHF Radio Range - How far does it go? ', viewed 21 August 2014, <http://www.chsmith.com.au>.

9.2   Recreational vessel licensing

A number of stakeholders expressed concern that Victoria's marine licensing scheme does not adequately assess the competencies needed to operate recreational vessels, including PWCs, which are also known as 'jet skis'.[541]

Mr Anthony Mayall, who provided a submission as an individual, stated that the current recreational vessel licensing scheme did not require applicants to demonstrate an adequate level of maritime competency:

> … [Victoria's marine] licensing is totally inadequate in that it falls far short of ensuring the minimum levels of maritime knowledge are maintained and does not deal with the skills needed to competently control a vessel. If people were to be retested six months after attaining their license they would nearly all fail.[542]

Similarly, Mr Ian Smith, a former SES volunteer who provided a submission as an individual, stated that 'licensing of operators of small craft (including sail), jet skis and powered vessels needs significant improvement'. He added that 'there is no compulsion or even encouragement for a licence holder to remember the subjects on which the test was based'.[543] Similarly, Mr Raymond Campbell, National and Victorian Commodore of AVCGA, stated that the licence assessment process did not test applicants' knowledge on navigation or hazards.[544]

The Committee notes that there are two types of recreational vessel licences available in Victoria:

- a general marine licence for operators over 16 years of age;[545] and

- a restricted marine licence for operators between the age of 12 and 16.[546]

To obtain a general or restricted marine licence, an applicant must complete a knowledge test, which is administered by VicRoads or another accredited training provider.[547]

A person who wishes to operate a PWC is also required to hold an 'endorsement' on their general or restricted licence, for which they must sit an additional knowledge test.[548]

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[541] Anthony Mayall, *Submission*, no. 10, 14 March 2014, p. 19; Victorian Jet Sports Boating Association, *Submission*, no. 20, 18 March 2014; Ian Smith, *Submission*, no. 36, 28 March 2014; Commodore Raymond Campbell, National and Victorian Commodore, Australian Volunteer Coast Guard Association, *Transcript of evidence*, 17 March 2014, pp. 19–20; Shan Newman, Vice President, Victorian Jet Sports Boating Association, *Transcript of evidence*, 18 March 2014; Tony Scaturchio, President, Victorian Jet Sports Boating Association, *Transcript of evidence*, 18 March 2014; Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 100.

[542] Anthony Mayall, *Submission*, no. 10, 14 March 2014, p. 19.

[543] Ian Smith, *Submission*, no. 36, 28 March 2014, p. 1.

[544] Commodore Raymond Campbell, National and Victorian Commodore, Australian Volunteer Coast Guard Association, *Transcript of evidence*, 17 March 2014, p. 20.

[545] *Marine Safety Act 2010* (Vic), 65 of 2010, section 53.

[546] *Marine Safety Act 2010* (Vic), 65 of 2010, section 54.

[547] Transport Safety Victoria, *Supplementary evidence*, no. 24A, 17 April 2014, p. 6.

[548] *Marine Safety Act 2010* (Vic), 65 of 2010, section 55(3)(a); *Marine Safety Regulations 2012* (Vic), 45/2012, section 32.

Under a restricted licence, an operator cannot:

- travel at a speed of 10 knots or more;

- operate a vessel before sunrise or after sunset; or

- tow a person, vessel or object.[549]

The *Marine Safety Regulations 2012* also allow for unlicensed operation of vessels, provided that the operator is supervised by a person who:

- is over 18 years of age;

- holds an appropriate licence and endorsement (if required); and

- is on board the vessel and in position to take immediate control if necessary.[550]

TSV noted that the number of restricted marine licences issued in Victoria had declined since the introduction of supervision provisions in under the *Marine Safety Regulations*.[551]

The current marine licensing system was introduced in 2002, with the exception of the supervision provisions, which were introduced in 2012. TSV stated that it was modelled on then national guidelines (which were released in 2000), with the aim of achieving consistency with other Australian jurisdictions.[552]

Victoria's marine licensing system was reviewed in 2011 by the former Victorian Department of Transport. The Department released a discussion paper[553] for the review, which stated:

> While there has been little formal assessment of the merits of the various schemes, anecdotally Victoria's scheme is currently one of the least successful at producing masters and operators who are competent in safe vessel operations.[554]

Despite this finding, the review did not result in any substantial changes to Victoria's marine licensing system.[555]

The Committee compiled a comparison of recreational vessel licence requirements from all Australian jurisdictions. This is summarised in Table 9.1 below.

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[549] *Marine Safety Regulations 2012* (Vic), 45/2012, section 44(2).

[550] *Marine Safety Regulations 2012* (Vic), 45/2012, section 43.

[551] Transport Safety Victoria, *Supplementary evidence*, no. 24A, 17 April 2014.

[552] Transport Safety Victoria, *Supplementary evidence*, no. 24A, 17 April 2014, p. 6.

[553] Department of Transport, *Options Paper for Marine Licencing in Victoria*, Victorian Government, Melbourne, 2011.

[554] Department of Transport, *Options Paper for Marine Licencing in Victoria*, Victorian Government, Melbourne, 2011, p. 34.

[555] Transport Safety Victoria, *Supplementary evidence*, no. 24A, 17 April 2014, pp. 5–6.

Table 9.1: Comparison of recreational boat licences in Australian jurisdictions

Jurisdiction	Minimum age	Practical assessment required?	Provisional/ Restricted licence	Unlicensed operation provision
NSW	16	Yes, accredited practical boating course or competency log.	Yes, between 12 and 16 years.	Yes, at any age. Restricted to speed less than 10 knots.
NT		No licence is required to operate a recreational vessel.		
Qld	16	Yes, BoatSafe course.	No.	Yes, between 12 and 16 years. Licenced driver must be on board and able to take immediate control.
SA	16	No, unless applying for restricted licence.	Yes, between 12 and 16 years. Requires practical examination.	Yes, between 12 and 16 years. Must be under direct supervision of licenced person.
Tas	17	Yes, MAST practical tuition course.	Yes, between 12 and 17 years.	No
Vic	16	No.	Yes, between 12 and 16 years.	Yes, between 12 and 16 years. Licenced operator over 18 years must be in a position to take immediate control.
WA	14	Yes, as part of licence assessment.	No, but restrictions apply to operators aged 14 or 15.	Yes, for anyone over 10 years of age, if boat motor is 6 horsepower or less.

Source: Compiled by the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee.

It is notable, that with the partial exception of South Australia (which has introduced a practical assessment process for applicants of restricted licences), Victoria is the only Australian state that has not introduced a practical assessment requirement for its recreational vessel licensing process.

Finding 9.1:

Victoria is the only Australian state that has not introduced a practical assessment as part of its recreational vessel licensing process.

A number of stakeholders suggested that there is a need to include a practical component in the assessment process for recreational vessel licences in Victoria.

Mr Corcoran expressed his support for the inclusion of a practical component in the Victoria's recreational vessel licensing system and stated that this would assist in educating the boating public on regulatory compliance. Mr Corcoran stated:

> I think a practical component to the licensing regime is a good place to start, because then you
> are taking somebody out onto the water, and the instructor is well placed to be able to impart

some sort of initial cultural position for that boater about understanding the risks and their obligations to look after their passengers.[556]

Similarly, Mr Raymond Campbell stated that the inclusion of a practical component within the licensing process would ultimately help to reduce the number of marine incidents.[557]

In contrast, Mr Ben Scullin, Manager of Strategic Programs, Boating Industry Association (BIA) Victoria, did not support the introduction of a practical component within the recreational vessel licence test on the basis that it would have an unwarranted financial impact on applicants and would deter people from boating.[558]

The former Department of Transport's 2011 discussion paper of the Victorian licensing system included a possible licence assessment process that would involve:

- a theoretical assessment on marine rules and regulations;

- a logbook of supervised practical experience; ok

- a practical on-water assessment.[559]

TSV informed the Committee in its supplementary submission that the existing arrangements were largely maintained because 'the Department was unable to successfully establish a safety case for material change to the existing scheme'. TSV also emphasised that it is not empowered to develop or set policy in relation to recreational vessel licensing or any other aspect of transport safety regulation or legislation.[560]

In the Committee's view, there is a need to include practical testing of applicants for recreational vessel licences and the state's recreational vessel licence process should be amended to facilitate this. Such a reform is required both to bring Victoria into line with other Australian states and to address the 2011 finding by former Department of Transport that Victoria's current scheme is one of the 'least successful at producing masters and operators who are competent in safe vessel operations'.[561]

Recommendation 9.6:

That the Victorian Government introduces a relevant practical component as part of the assessment process for general and restricted marine licences, and for personal watercraft endorsements.

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[556] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 101.
[557] Commodore Raymond Campbell, National and Victorian Commodore, Australian Volunteer Coast Guard Association, *Transcript of evidence*, 17 March 2014, pp. 18–19.
[558] Ben Scullin, Manager, Stategic Programs, Boating Industry Association of Victoria, *Transcript of evidence*, 24 March 2014, p. 141.
[559] Department of Transport, *Options Paper for Marine Licencing in Victoria*, Victorian Government, Melbourne, 2011, p. 40.
[560] Transport Safety Victoria, *Supplementary evidence*, no. 24A, 17 April 2014, p. 6.
[561] Department of Transport, *Options Paper for Marine Licencing in Victoria*, Victorian Government, Melbourne, 2011, p. 34.

9.3   Recreational vessel and personal watercraft licensing for minors

The Committee also received evidence from some stakeholders who expressed concerns regarding the appropriateness of Victoria's restricted marine licences, both in relation to the licensing of minors to operate PWCs without supervision and in relation to the licensing of minors in general. In this context, a minor is a person aged between 12 and 16 years of age who is able to operate a recreational marine vessel either unsupervised (under a restricted licence) or supervised under the supervision provisions.

Mr Peter Corcoran stated that there had been 'very few' reported marine incidents involving minors and described the scenario of a minor operating a vessel and travelling at 10 knots under appropriate supervision as reasonable and safe. Mr Corcoran also noted that there are less than 300 restricted licence holders in Victoria.[562]

Similarly, Mr Ben Scullin described the current licence application process as appropriate for young people with a restricted licence:

> My view is that the evidence being collected does not suggest that it is inappropriate in terms of being more dangerous than not. We feel the current Act and regulations where supervision and also the limitations to operations for 12-year-olds are enough. You do not need a licence to drive a boat in Victoria as long as you are being supervised. I just do not see how a 12-year-old driving at 10 knots is any more dangerous than me.
>
> …
>
> The intention behind why 12-year-olds should be getting practical licences is fine. It is just that we are not seeing 12-year-olds over-reported in the statistics.[563]

Notably, however, Mr Corcoran expressed his support for the abolition of restricted licences for PWCs. Mr Corcoran stated that in his view it was 'inappropriate to have 12-year-olds operating [PWCs]' and noted that although 'learner keys' are available to restrict PWC speeds, they are 'not widely used' and rely on the vessel owner to ensure their vehicle is operated safely.[564]

Similarly, Superintendent John Todor, Divisional Commander, Specialist Response Division, Victoria Police, expressed his support for a review of the age limits of minors operating PWCs. He stated that allowing minors to obtain PWC licences should be evidence-based and involve a practical training component.[565]

The Victorian Jet Sports Boating Association (VJSBA) also expressed the view that it is inappropriate for minors to be permitted to operate PWCs and high-powered vessels. The VJSBA illustrated its view through a motor vehicle licensing analogy:

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[562] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, p. 95.
[563] Ben Scullin, Manager, Stategic Programs, Boating Industry Association of Victoria, *Transcript of evidence*, 24 March 2014, pp. 140–41.
[564] Peter Corcoran, Director Maritime Safety, Transport Safety Victoria, *Transcript of evidence*, 24 March 2014, pp. 95–99.
[565] Superintendent John Todor, Divisional Commander, Specialist Response Division, Victoria Police, *Transcript of evidence*, 24 March 2014, p. 110.

> Imagine your child of 12 years old could obtain a license to drive the family car, imagine further that the family car was a Ferrari capable of incredible acceleration. You send them on their way unsupervised and tell them that their only restrictions are they can't pick up passengers and they must not do more than 20 km/h. I don't think anyone could imagine doing such a thing in reality, yet this is this case with Personal Water Craft, and please keep in mind that most modern watercraft are faster from 0–100 [km/h] than just about any Ferrari on the road.[566]

Mr Tony Scaturchio and Mr Shan Newman, President and Vice President respectively of the VJSBA, expanded on these views at a public hearing. Mr Scaturchio explained that while modern PWCs have a learner key that caps their top speed at 10 knots, there was no means of enforcing the use of such keys by operators on restricted licences.[567] Mr Newman described this situation as 'an absolute farce' and stated that PWC licences should be 'in line with cars and motorcycles' and should include power restrictions for younger operators.[568]

In response to questions taken on notice at a public hearing, TSV provided supplementary evidence regarding minors operating PWCs. It noted that changes to PWC endorsements were considered in the former Department of Transport's 2011 review of licencing arrangements, but were ultimately rejected. TSV also emphasised that its role is to administer and enforce legislation, and that assessing government policy is explicitly excluded from its functions.[569]

In addition, TSV conducted a review of PWC operations in 2012. The review found that:

- PWCs are the fastest-growing category of recreational vessels in Victoria;

- PWC operators are generally not drawn from the typical boating population;

- injuries sustained in PWC operations occur at a higher rate compared to other recreational vessels; and

- PWC operators were more likely to be detected breaching boating rules than other boaters.[570]

TSV also observed an increase in public support for the minimum age for PWC operators to be increased to 16 years. Despite these findings, TSV stated that 'very little data is available … that would support a case for the removal of the permission to operate a PWC for juniors'.[571]

The Committee is concerned about the inherent risk of allowing minors aged between 12 and 16 years to operate PWCs, given the high-power and high-performance characteristics of such vessels. The Committee agrees with the comparison suggested by the VJSBA that allowing a minor to operate a PWC is akin to allowing the same minor to drive a Ferrari on a public road. This analogy also reveals the unrealistic nature of the expectation that all minors operating

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[566] Victorian Jet Sports Boating Association, *Submission*, no. 20, 18 March 2014, p. 5.

[567] Tony Scaturchio, President, Victorian Jet Sports Boating Association, *Transcript of evidence*, 18 March 2014, p. 66.

[568] Shan Newman, Vice President, Victorian Jet Sports Boating Association, *Transcript of evidence*, 18 March 2014, p. 66.

[569] Transport Safety Victoria, *Supplementary evidence*, no. 24A, 17 April 2014, pp. 6–7.

[570] Transport Safety Victoria, *Supplementary evidence*, no. 24A, 17 April 2014, p. 7.

[571] Transport Safety Victoria, *Supplementary evidence*, no. 24A, 17 April 2014, p. 7.

PWCs will comply with the lower speed limit on a restricted licence. The Committee is not persuaded that all minors below the age of 16 would be able to exercise the same degree of maturity, judgment and restraint, as riders over the age of 16. In the Committee's view, issuing restricted marine licences with PWC endorsements to persons under the age of 16 creates an unnecessary risk, both for the operator and for the boating public and should be reviewed by the Government. Further, the Committee considers that the supervision provision under the *Marine Safety Regulations 2012* may be a more appropriate means of allowing younger riders to experience the operation of a PWC.

Recommendation 9.7:

That the Victorian Government considers the appropriateness of allowing persons aged 12 to 16 years to operate personal water craft.

APPENDIX A: SUBMISSIONS

No.	Name of individual or organisation
1	Mr Adam O'Neill
2	Mr Raymond Henderson
3	Mr Maurice Schinkel
4	Mr David Taylor
5	Victoria Police
6 & 6A	Southern Peninsula Rescue Squad
7	Port Fairy Marine Rescue Service
8	Australian Volunteer Coast Guard Association, Gippsland Squadron
9	Mr David Collins
10	Mr Anthony Mayall
11	Australian Maritime Safety Authority
12	Mr Anthony Hacking
13	Mr Theodore Beggs
14	Mr Richard J. Lasslett
15	Australian Volunteer Coast Guard Association, VF16 Warrnambool
16	Australian Volunteer Coast Guard Association (Victoria)
17	Volunteer Marine Rescue Mornington & Hastings
18	Australian Defence Force
19	Australian Volunteer Coast Guard Association, VF20 Port Welshpool
20	Victorian Jet Sports Boating Association
21	Western Coastal Board
22	Department of Transport, Planning and Local Infrastructure
23	Ambulance Victoria
24 & 24A	Transport Safety Victoria
25	Life Saving Victoria
26	Great Ocean Road Coast Committee
27	Shire of Strathbogie
28	Mornington Peninsula Marine Alliance
29	Frankston City Council
30	Aquatics and Recreation Victoria
31	Mr Wyndham Bloomer
32	Australian Volunteer Coast Guard Association, VF18 Lakes Entrance
33	Australian Volunteer Coast Guard Association, VF4 Hastings
34	Surf Coast Shire Council
35	Central Coastal Board
36	Mr Ian Smith
37	Victoria State Emergency Service
38	Australian Emergency Management Institute, Attorney-General's Department
39	Mr Paul Brown

APPENDIX B: PUBLIC HEARINGS

No.	Witness Name	Organisation
17 March 2014, Public Hearing, Frankston		
1	Councillor Darrel Taylor, Mayor	*Frankston City Council*
2	Mr Dennis Hovenden, Chief Executive Officer	*Frankston City Council*
3	Mr Anthony Mayall, Flotilla Services	*Australian Volunteer Coast Guard Association*
4	Commodore Raymond Campbell, ESM, National and Victorian Commodore	*Australian Volunteer Coast Guard Association*
5	Hon. Ron Bowden, FAICD, Patron Commodore	*Australian Volunteer Coast Guard Association*
6	Ms Eileen Murray, President	*Southern Peninsula Rescue Squad*
7	Mr Bruce Murray, Treasurer	*Southern Peninsula Rescue Squad*
8	Ms Lynda Murray, First Aid Training Officer	*Southern Peninsula Rescue Squad*
18 March 2014, Public Hearing, Geelong West		
9	Mr Barry Joyce, President	*Coastwatch Radio and Marine Rescue Squad, Ocean Grove*
10	Mr Neale Walker, Past President	*Coastwatch Radio and Marine Rescue Squad, Ocean Grove*
11	Mr Bruce Pollerd, Treasurer	*Coastwatch Radio and Marine Rescue Squad, Ocean Grove*
12	Mr Rob Uebergang, Secretary	*Coastwatch Radio and Marine Rescue Squad, Ocean Grove*
13	Mr Ray Shaw, Board Member and Chairman of Risk and Safety Management Committee	*Yachting Victoria*
14	Mr Chris Williams, Vice-Commodore	*Royal Geelong Yacht Club*
15	Mr Greg Baeck, Past Chairman and Boat Captain	*Torquay Marine Rescue Service*
16	Mr Peter Campbell, Treasurer	*Torquay Marine Rescue Service*
17	Mr Tony Scaturchio, President	*Victorian Jet Sports Boating Association*
18	Mr Shan Newman, Vice-President	*Victorian Jet Sports Boating Association*
19	Mr John Hotchin, Secretary	*Association of Geelong and District Angling Clubs*
20	Mr Richard Lasslett	*Individual*

No.	Witness Name	Organisation
24 March 2014, Public Hearing, Melbourne		
21	Mr Peter Corcoran, Director, Maritime Safety	*Transport Safety Victoria*
22	Mr Paul Corkill, Manager, Waterway User Safety	*Transport Safety Victoria*
23	Superintendent John Todor, Divisional Commander, Specialist Response Division	*Victoria Police*
24	Inspector Mark Arneil, Manager, Water Police and Search and Rescue Squads, Specialist Response Division	*Victoria Police*
25	Mr Tim Wiebusch, ESM, Deputy Chief Officer	*Victoria State Emergency Service*
26	Mr Stuart Beales, Manager, Regional Operations, Gippsland	*Victoria State Emergency Service*
27	Mr Steven Warrington, Deputy Chief Officer, Emergency Management (via teleconference)	*Country Fire Authority*
28	Mr Ben Scullin, Manager, Strategic Programs	*Boating Industry Association of Victoria*
29	Ms Christine MacMillian, Manager, Planning and Business Support, Emergency Response Division (via teleconference)	*Australian Maritime Safety Authority*
30	Mr Adam Stephens, President	*Torquay Marine Rescue Service*
31	Mr Nigel Taylor, Chief Executive Officer	*Life Saving Victoria*
32	Mr Greg Scott, Manager, Lifesaving Operations	*Life Saving Victoria*
33	Mr Richard Burgess, Business Development	*Australian Volunteer Coast Guard Association*
8 April 2014, Public Hearing, Lakes Entrance		
34	Mr Harry Ferrier, Flotilla Commander, VF21 Marlo	*Australian Volunteer Coast Guard Association*
35	Mr Michael Smallwood, Flotilla Commander, VF18 Lakes Entrance	*Australian Volunteer Coast Guard Association*
36	Mr Wayne Barker, Deputy Flotilla Commander, VF18 Lakes Entrance	*Australian Volunteer Coast Guard Association*
37	Mr Jason Cheesley, Skipper, VF18 Lakes Entrance	*Australian Volunteer Coast Guard Association*
38	Mr Alexander Fowler, Deputy Commander, VF22 Paynesville	*Australian Volunteer Coast Guard Association*
39	Mr Christopher Newman, Squadron Commodore, Gippsland Squadron	*Australian Volunteer Coast Guard Association*
40	Mr Jamie Twidale, Regional Manager, Gippsland Region (East)	*Victoria State Emergency Service*
41	Mr Matthew Twining, President	*Lakes Entrance Surf Life Saving Club*

No.	Witness Name	Organisation
9 April 2014, Public Hearing, Inverloch		
42	Mr Daniel Knapp, President	*Volunteer Marine Rescue Mornington & Hastings*
43	Mr Tim Warner, Past President and Operational Member	*Volunteer Marine Rescue Mornington & Hastings*
44	Mr Col Strawbridge, Immediate Past President and Training Officer	*Volunteer Marine Rescue Mornington & Hastings*
45	Mr Terry Young, Flotilla Commander, VF19 Port Albert	*Australian Volunteer Coast Guard Association*
46	Mr William Knibbs, Deputy Flotilla Commander, VF19 Port Albert	*Australian Volunteer Coast Guard Association*
47	Mr Richard Burgess, Deputy Commander, VF19 Port Albert	*Australian Volunteer Coast Guard Association*
48	Mr Rocco Maruzza, Commander, VF20 Port Welshpool	*Australian Volunteer Coast Guard Association*
49	Mr Anthony Cook, Section Officer/Planner, VF20 Port Welshpool	*Australian Volunteer Coast Guard Association*
50	Mr Darren McAinch, Deputy Commander, VF20 Port Welshpool	*Australian Volunteer Coast Guard Association*
51	Mr Anthony Hacking	*Individual*
52	Mr Angelo Chiodo, Controller, Inverloch Unit	*Victoria State Emergency Service*
15, April 2014, Public Hearing, Port Fairy		
53	Mr Russell Lemke, Communications Officer	*Port Fairy Marine Rescue Service*
54	Mr Grant Bedwell, President	*Port Fairy Marine Rescue Service*
55	Mr Max Atkins, Vice-President	*Port Fairy Marine Rescue Service*
56	Mr Pauline McDonald, Secretary	*Port Fairy Marine Rescue Service*
57	Mr Max Holmes, Crew Member	*Port Fairy Marine Rescue Service*
58	Mr Michael Krause, Flotilla Commander, VF17 Portland	*Australian Volunteer Coast Guard Association*
59	Ms Barbara Heazlewood, Deputy Flotilla Commander, VF16 Warrnambool	*Australian Volunteer Coast Guard Association*
60	Mr Steve Tippet, Administrative Officer	*Australian Volunteer Coast Guard Association*
61	Mr Bill Morgan, Rear Commodore	*Port Fairy Yacht Club*

No.	Witness Name	Organisation
16 April 2014, Public Hearing , Apollo Bay		
62	Mr Brett Wallace, Rescue Coordinator	*Port Campbell Marine Rescue*
63	Mr Ross Powell, Offshore Rescue Boat Coordinator	*Port Campbell Marine Rescue*
64	Mr David Merry, President	*Apollo Bay Ocean Rescue*
65	Mr Michael Fischer, Treasurer	*Apollo Bay Ocean Rescue*
66	Mr Wayne Malady, Secretary	*Apollo Bay Ocean Rescue*
67	Mr Matt Maywald, Regional Manager, South-West Region	*Victoria State Emergency Service*
68	Mr Steven Tevelein, Volunteer Coxswain, South-West Region	*Victoria State Emergency Service*
69	Mr Richard Davies, Chief Executive Officer	*Great Ocean Road Coast Committee*

APPENDIX C: BRIEFINGS & SITE VISITS

No.	Witness Name	Organisation
3 March 2014, Briefing and Site Visit, Williamstown		
1	Superintendent John Todor, Commander, Specialist Response Division	*Victoria Police*
2	Inspector Mark Arneil, Water Police/Search and Rescue Squads, Specialist Response Division	*Victoria Police*
3	Superintendent Matthew Ryan, Coordination Branch, State Emergency and Security Command	*Victoria Police*
4	Sergeant Roger Kozulins, Legal Policy Unit, Corporate Strategy & Operational Improvement Department	*Victoria Police*
5	Sergeant Mark Greenhill, Water Police Squad	*Victoria Police*
17 March 2014, Briefing and Site Visit, Sandringham		
6	Ms Margaret Dawson, Flotilla Commander, VF12 Sandringham	*Australian Volunteer Coast Guard Association*
7	Mr Rob McAfee, Radio Operator, VF12 Sandringham	*Australian Volunteer Coast Guard Association*
17 March 2014, Briefing and Site Visit, Carrum		
8	Mr David Hasell, President	*Carrum Surf Life Saving Club*
9	Mr Daniel Knapp, President	*Volunteer Marine Rescue Mornington & Hastings*
10	Mr Tim Warner ESM, Past President and Operational Manager	*Volunteer Marine Rescue Mornington & Hastings*
11	Mr Neil Cooper, Committee Member	*Volunteer Marine Rescue Mornington & Hastings*
18 March 2014, Briefing and Site Visits, Werribee*		
12	Mr Chris Jackson, Commodore, VF10 Werribee	*Australian Volunteer Coast Guard Association*
18 March 2014, Briefing and Site Visits, Ocean Grove*		
13	Mr Barry Joyce, President	*Coastwatch Radio and Marine Rescue Squad, Ocean Grove*
14	Mr Bruce Pollerd, Treasurer	*Coastwatch Radio and Marine Rescue Squad, Ocean Grove*
15	Mr Rob Uebergang, Secretary	*Coastwatch Radio and Marine Rescue Squad, Ocean Grove*

No.	Witness Name	Organisation
8 April 2014, Briefing and Site Visit, Paynesville		
16	Acting Sergeant Mick Newstead, Gippsland Water Police Squad	*Paynesville Water Police*
17	Senior Sergeant Mark O'Rourke, Victorian Water Police Squad	*Victoria Police*
18	Mr Chris Newman, Squadron Commodore, Gippsland Squadron	*Australian Volunteer Coast Guard Association*
19	Mr Alex Fowler, Deputy Commander and Past Commander, VF22 Paynesville	*Australian Volunteer Coast Guard Association*
20	Mr Wyndham Bloomer, Member	*Australian Volunteer Coast Guard Association*
21	Mr Peter Tyers, Member	*Australian Volunteer Coast Guard Association*
8 April 2014, Briefing and Sight Visit, Lakes Entrance		
22	Mr Chris Newman, Squadron Commodore, Gippsland Squadron	*Australian Volunteer Coast Guard Association*
23	Mr Mick Smallwood, Flotilla Commander, VF18 Lakes Entrance	*Australian Volunteer Coast Guard Association*
24	Mr Wayne Barker, Deputy Flotilla Commander, VF18 Lakes Entrance	*Australian Volunteer Coast Guard Association*
25	Mr Jason Cheesley, Maintenance Officer, VF18 Lakes Entrance	*Australian Volunteer Coast Guard Association*
26	Mr Colin Hannah, Training Officer	*Australian Volunteer Coast Guard Association*
27	Mr Harry Ferrier, Flotilla Commander, VF21 Marlo	*Australian Volunteer Coast Guard Association*
9 April 2014, Briefing and Site Visit, Port Welshpool*		
28	Mr Rocco Maruzza, Flotilla Commander, VF20 Port Welshpool	*Australian Volunteer Coast Guard Association*
29	Mr Darren McAinch, Deputy Commander, VF20 Port Welshpool	*Australian Volunteer Coast Guard Association*
30	Mr Chris Newman, Squadron Commander, Gippsland Squadron	*Australian Volunteer Coast Guard Association*
9 April 2014, Briefing and Site Visit, Sandy Point		
31	Mr Robert O'Brien, Trainee Skipper Waratah Marine Service and Deputy President, Waratah Beach SLSC	*Volunteer Marine Rescue Waratah*

No.	Witness Name	Organisation
15 April 2014, Briefing and Site Visit , Portland		
32	Mr Michael Krause, Flotilla Commander, VF17 Portland	*Australian Volunteer Coast Guard Association*
33	Mr Stephen Brown, Skipper, VF17 Portland	*Australian Volunteer Coast Guard Association*
34	Mr John Steadman, Skipper, VF17 Portland	*Australian Volunteer Coast Guard Association*
35	Mr Victor O'Brien, Skipper, VF17 Portland	*Australian Volunteer Coast Guard Association*
16 April 2014, Briefing and Site Visit, Warrnambool		
36	Ms Barbara Heazlewood, Deputy Flotilla Commander, VF16 Warrnambool	*Australian Volunteer Coast Guard Association*
37	Mr Steve Tippet, Administrative Officer, VF16 Warrnambool	*Australian Volunteer Coast Guard Association*
38	Mr Adrian Calderwood, Flotilla Commander, VF16 Warrnambool	*Australian Volunteer Coast Guard Association*
16 April 2014, Briefing and Site Visit, Port Campbell		
39	Mr Brett Wallace, Rescue Coordinator	*Port Campbell Marine Rescue*
40	Mr Ross Powell, Offshore Rescue Boat Coordinator	*Port Campbell Marine Rescue*
41	Sergeant David Banks	*Port Campbell Police*
42	Senior Constable Scott Thompson	*Port Campbell Police*
43	Senior Constable Ashley Elmore	*Port Campbell Police*
20 May 2014, Briefing, Sydney		
44	Mr James Glissan ESM, QC, General Director and Board Chair	*Marine Rescue NSW*
45	Ms Stacey Tannos, ESM, Commissioner	*Marine Rescue NSW*
46	Mr Dean Storey, Deputy Commissioner	*Marine Rescue NSW*
47	Mr Jeff Richards, President	*Boat Owners Association of NSW*
48	Commissioner Shane Fitzsimmons	*State Rescue Board of NSW*
49	Mr Robert Mellor, Commodore, NF19 Kingscliff	*Australian Volunteer Coast Guard Association*

* These site visits were attended by Secretariat staff only.

APPENDIX D: MARINE SEARCH & RESCUE RESOURCES

Marine Search and Rescue Resources

Branch	Responder	Callsign	Callout No.	Based at	Trailable	Hours of Operation	Asset	Specialist Equipment	In Survey?
Frankston	AVCGA	CG1	per Water Police	Paterson Lakes Marina	N	24 hours	8.3m monohull		No (to 2C standard)
Frankston	AVCGA	CG201	per Water Police	Frankston	Y	24 hours	5.8m RIB		No (to 2C standard)
Frankston	AVCGA	CG301	per Water Police	Frankston	Y	24 hours	4.0m monohull		N
St Kilda	AVCGA	CG2	per Water Police	St Kilda Marina	Y	24 hours	8.3m monohull	Tracking	No (to 2C standard)
St Kilda	AVCGA	CG68	per Water Police	St Kilda Marina	N	24 hours	5.5m onohulll		N
Westernport	AVCGA	CG4	per Water Police	Hastings	N	24 hours	7.8m Twin Hull	Tracking	N
Westernport	AVCGA	CG204	per Water Police	Hastings	Y	24 hours	3.8m monohull		N
Eppalock	AVCGA	CG5	per Water Police	Lake Eppalock	Y	24 hours	6.0m monohull		N
Eppalock	AVCGA	CG205	per Water Police	Lake Eppalock	Y	24 hours	4.5m monohull	Tracking	N
Safety Beach	AVCGA	CG6	per Water Police	Martha Cove	Y	24 hours	8.59m monohull	Tracking	No (to 2C standard)
Carrum	AVCGA	CG7	per Water Police	Carrum	Y	24 hours	7.5m monohull		No (to 2D standard)
Geelong	AVCGA	CG8	per Water Police	St Helens	Y	24 hours	8.5m monohull	Tracking	No (to 2C standard)
Queenscliffe	AVCGA	CG9	per Water Police	Queenscliffe	Y	24 hours	9.0m monohull		No (to 2C standard)
Werribee	AVCGA	CG10	per Water Police	Werribee South	Y	24 hours	8.3m monohull		No (to 2C standard)
Werribee	AVCGA	CG210	per Water Police	Werribee South	Y	24 hours	6.0m RHIB		N
Lake Hume	AVCGA	CG11	per Water Police	Hume Weir	Y	24 hours	6.3m monohull		N
Lake Hume	AVCGA	CG211	per Water Police	Hume Weir	Y	24 hours	5.3m monohull		N
Lake Hume	AVCGA	CG311	per Water Police	Hume Weir	Y	24 hours	3.8m monohull		N
Sandringham	AVCGA	VMR 360	per Water Police	Sandringham	N/A	Day & on call	Radio Base only		N/A
Mallacoota	AVCGA	VMR 375	per Water Police	Mallacoota	N/A	Day	Radio Base only		N/A
Warrnambool	AVCGA	CG16	per Water Police	Warrnambool	N	24 hours	11.9m monohull		No (to 2B standard)
Portland	AVCGA	CG17	per Water Police	Portland Harbour	N	24 hours	11.9m monohull		No (to 2B standard)
Lakes Entrance	AVCGA	CG18	per Water Police	Lakes Entrance	N	24 hours	9.5m Trihull		N
Lakes Entrance	AVCGA	CG118	per Water Police	Lakes Entrance	Y	Day	4.5m RIB		N
Lakes Entrance	AVCGA	CG218	per Water Police	Lakes Entrance	Y	Day	PWC		N
Port Albert	AVCGA	CG19	per Water Police	Port Albert	Y	24 hours	9.3m Twin Hull		No (to 2C standard)
Port Albert	AVCGA	CG219	per Water Police	Port Albert	Y	24 hours	6m RIB	Tracking	No (to 2C standard)
Port Welshpool	AVCGA	CG20	per Water Police	Port Welshpool	Y	24 hours	7.4m monohull		No (to 2C standard)
Port Welshpool	AVCGA	CG220	per Water Police	Port Welshpool	Y	Day	3m IRB		N
Marlo	AVCGA	CG21	per Water Police	Marlo	Y	24 hours	6.5m monohull		N
Marlo	AVCGA	CG121	per Water Police	Marlo	Y	Day	PWC		N
Paynesville	AVCGA	CG22	per Water Police	Paynesville	N	24 hours	7.5m monohull		No (to 2C standard)
Apollo Bay	Apollo Bay Ocean Rescue	ABOR	0419 590 798	Apollo Bay	Y	24 hours	7.5m monohull		2C standard
Torquay	Torquay Marine Rescue	Betty II	0409 433 448	Torquay	Y	24 hours	6.5m monohull		No (to 2C standard)
Torquay	Torquay Marine Rescue	Torquay Rescue 2	0409 443 448	Torquay	Y	Day	PWC		N
Torquay	Torquay Marine Rescue	Torquay Rescue 3	0409 443 448	Torquay	Y	Day	PWC		N
Ocean Grove	Coast Watch Radio and Marine Rescue Squad	Coast Watch	0408 525 001	Ocean Grove	Y	24 hours	7.3m RIB		No (to 2C standard)
Mornington	VMR	AK1	0419 233 999	Mornington	Y	24 hours	9.5m Twin Hull		N

Mornington	VMR	AK2	0419 233 999	Mornington	Y	24 hours	7.3m Twin Hull		No (to 2C standard)
Hastings	VMR	TX1	0419 233 999	Hastings	N	24 hours	10m Twin Hull		No (to 2C standard)
Sorrento	Southern Peninsular Rescue Squad	Rescue 1	0417 038 944	Sorrento	Y	24 hours	8.5m monohull	NVG	N
Sorrento	Southern Peninsular Rescue Squad	Rescue 2	0417 038 944	Sorrento	Y	24 hours	6 m monohull	NVG	N
Eildon	CFA - Eildon Fire Brigade	Quote District 12 on Pager	1800 452 544	Eildon Boat Club Marina	N	24 hours	8.59m monohull	Sidescan sonar, bow door	No (to 2E standard)
Inverloch	SES	Rescue 31	1800 899 927	Inverloch	Y	24 hours	8.59m monohull		No (to 2C standard)
Inverloch	SES		1800 899 927	Inverloch	Y	24 hours	6m RIB		N
Ararat	SES			Ararat	Y	24 hours	6m RIB		No (to 2E standard)
Mitta Mitta	SES			Mitta Mitta	Y	24 hours	6m RIB		No (to 2E standard)
Loch Sport	SES		1800 899 927	Loch Sport	Y	24 hours	6m RIB		N
Altona LSC	Life Saving Victoria	Altona IRB	137873	Altona	Y	Day	2 x IRBs		N
Anglesea SLSC	Life Saving Victoria	Anglesea IRB	137873	Anglesea	Y	Day	6 x IRBs		N
Apollo Bay SLSC	Life Saving Victoria	Appolo Bay IRB	137873	Apollo Bay	Y	Day	2 x IRBs		N
Aspendale LSC	Life Saving Victoria	Aspendale IRB	137873	Aspendale	Y	Day	2 x IRBs		N
Bancoora SLSC	Life Saving Victoria	Bancoora IRB	137873	Bancoora	Y	Day	3 x IRBs		N
Barwon Heads 13th Beach SLSC	Life Saving Victoria	13th Beach IRB	137873	13th Beach	Y	Day	2 x IRBs		N
Barwon Heads 13th Beach SLSC	Life Saving Victoria	13th RWC	137873	13th Beach	Y	Day	PWC	Rescue sled	N
Beaumaris LSC	Life Saving Victoria	Beaumaris IRB	137873	Beamaris	Y	Day	2 x IRBs		N
Black Rock LSC	Life Saving Victoria	Black Rock IRB	137873	Black Rock	Y	Day	3 x IRBs		N
Bonbeach LSC	Life Saving Victoria	Bonbeach IRB	137873	Bonbeach	Y	Day	2 x IRBs		N
Brighton LSC	Life Saving Victoria	Brighton IRB	137873	Brighton	Y	Day	4 x IRBs		N
Cape Paterson SLSC	Life Saving Victoria	Cape paterson IRB	137873	Cape Paterson	Y	Day	3 x IRBs		N
Carrum LSC	Life Saving Victoria	Carrum IRB	137873	Carrum	Y	Day	2 x IRBs		N
Chelsea Longbeach LSC	Life Saving Victoria	Chelsea IRB	137873	Chelsea	Y	Day	2 x IRBs		N
Dromana Bay LSC	Life Saving Victoria	Dromana IRB	137873	Dromana	Y	Day	2 x IRBs		N
Edithvale LSC	Life Saving Victoria	Edithvale IRB	137873	Edithvale	Y	Day	1 x IRB		N
Elwood LSC	Life Saving Victoria	Elwood IRB	137873	Elwood	Y	Day	4 x IRBs		N
Fairhaven SLSC	Life Saving Victoria	Fairhaven IRB	137873	Fairhaven	Y	Day	2 x IRBs		N
Frankston LSC	Life Saving Victoria	Frankston IRB	137873	Frankston	Y	Day	2 x IRBs		N
Gunnamatta SLSC	Life Saving Victoria	Gunnamatta IRB	137873	Gunnamatta	Y	Day	3 x IRBs		N
Half Moon Bay LSC	Life Saving Victoria	Half Moon Bay IRB	137873	Half Moon Bay	Y	Day	2 x IRBs		N
Hampton LSC	Life Saving Victoria	Hampton IRB	137873	Hampton	Y	Day	1 x IRB		N
Inverloch SLSC	Life Saving Victoria	Inverloch IRB	137873	Inverloch	Y	Day	2 x IRBs		N
Jan Juc SLSC	Life Saving Victoria	Jan Juc IRB	137873	Jan Juc	Y	Day	5 x IRBs		N
Kennet River SLSC	Life Saving Victoria	Kennett River IRB	137873	Kennett River	Y	Day	1 x IRB		N
Lakes Entrance SLSC	Life Saving Victoria	Lakes Entrance IRB	137873	Lakes Entrance	Y	Day	3 x IRBs		N
Lorne SLSC	Life Saving Victoria	Lorne IRB	137873	Lorne	Y	Day	4 x IRBs		N
Westpac Rescue	Life Saving Victoria	Lifesaver 6	137873	Moorabbin	N	24 hours	Helicopter		N
Westpac Rescue	Life Saving Victoria	Lifesaver 7	137873	Regional	N	24 hours	Helicopter		N
Australian Lifeguard Services	Life Saving Victoria	Location Dependent	137873	Based across state to me	Y	Day	3 x PWCs 5 x IR	Rescue sleds on PWCs	N
Mallacoota	Life Saving Victoria	Marine Rescue - Mallacoota	137873 / 0427361682 (nig	Mallacoota	Y	24 hours	6m RIB		No (to 2C standard)

Mallacoota SLSC	Life Saving Victoria	Mallacoota IRB	137873	Mallacoota	Y	Day	2 x IRBs		N
Mentone LSC	Life Saving Victoria	Mentone IRB	137873	Mentone	Y	Day	1 x IRB		N
Mildura LSC	Life Saving Victoria	Mildura IRB	137873	Mildura	Y	Day	1 x IRB		N
Mordialloc LSC	Life Saving Victoria	Mordialloc IRB	137873	Mordialloc	Y	Day	2 x IRBs		N
Mornington LSC	Life Saving Victoria	Mornington IRB	137873	Mornington	Y	Day	2 x IRBs		N
Mt Martha LSC	Life Saving Victoria	Mt Martha IRB	137873	Mt Martha	Y	Day	2 x IRBs		N
Mt Martha LSC	Life Saving Victoria	Mt Martha RWC	137873	Mt Martha	Y	Day	PWC	Rescue sled	N
Ocean Grove SLSC	Life Saving Victoria	Ocean Grove IRB	137873	Ocean Grove	Y	Day	4 x IRBs		N
Point Leo SLSC	Life Saving Victoria	Point Leo IRB	137873	Point Leo	Y	Day	4 x IRBs		N
Point Lonsdale SLSC	Life Saving Victoria	Point Lonsdale IRB	137873	Point Lonsdale	Y	Day	4 x IRBs		N
Point Lonsdale SLSC	Life Saving Victoria	Lonsdale RWC	137873	Point Lonsdale	Y	Day	PWC	Rescue sled	N
Port Campbell	Life Saving Victoria	Marine Rescue - Port Campbell	137873	Port Campbell	Y	24 hours	RIB		N
Port Campbell SLSC	Life Saving Victoria	Port Campbell IRB	137873	Port Campbell	Y	Day	2 x IRBs		N
Port Fairy SLSC	Life Saving Victoria	Port Fairy IRB	137873	Port Fairy	Y	Day	3 x IRBs		N
Port Melbourne LSC	Life Saving Victoria	Port Melbourne IRB	137873	Port Melbourne	Y	Day	3 x IRBs		N
Portland	Life Saving Victoria	Marine Rescue - Portland	137873	Portland	Y	24 hours	6m RIB		No (to 2C standard)
Portland SLSC	Life Saving Victoria	Portland IRB	137873	Cape Bridgewater	Y	Day	3 x IRBs		N
Portsea SLSC	Life Saving Victoria	Portsea IRB	137873	Portsea Back Beach	Y	Day	10 x IRBs		N
Rosebud LSC	Life Saving Victoria	Rosebud IRB	137873	Rosebud	Y	Day	1 x IRB		N
Sandridge LSC	Life Saving Victoria	Sandridge IRB	137873	Sandridge	Y	Day	1 x IRB		N
Sandringham LSC	Life Saving Victoria	Sandringham IRB	137873	Sandringham	Y	Day	2 x IRBs		N
Seaford LSC	Life Saving Victoria	Seaford IRB	137873	Seaford	Y	Day	1 x IRB		N
Seaspray	Life Saving Victoria	Marine Rescue - Seaspray	137873	Seaspray	Y	Day	2 x PWC		N
Seaspray SLSC	Life Saving Victoria	Seaspray IRB	137873	Seaspray	Y	Day	3 x IRBs		N
Sorrento SLSC	Life Saving Victoria	Sorrento IRB	137873	Sorrento Back Beach	Y	Day	3 x IRBs		N
South Melbourne LSC	Life Saving Victoria	South Melbourne IRB	137873	South Melbourne	Y	Day	3 x IRBs		N
St Kilda LSC	Life Saving Victoria	St Kilda IRB	137873	St Kilda Marina	Y	Day	2 x IRBs		N
Torquay SLSC	Life Saving Victoria	Torquay IRB	137873	Torquay	Y	Day	3 x IRBs		N
Venus Bay SLSC	Life Saving Victoria	Venus Bay IRB	137873	Venus Bay	Y	Day	2 x IRBs		N
Waratah Bay/Tidal River	Life Saving Victoria	Marine Rescue - Waratah	137873	Sandy Point	Y	24 hours	6m RIB		No (to 2C standard)
Waratah Beach SLSC	Life Saving Victoria	Waratah Beach IRB	137873	Sandy Point	Y	Day	3 x IRBs		N
Warrnambool SLSC	Life Saving Victoria	Warrnambool IRB	137873	Warrnambool	Y	Day	4 x IRBs		N
Williamstown LSC	Life Saving Victoria	Williamstown IRB	137873	Williamstown	Y	Day	4 x IRBs		N
Wonthaggi LSC	Life Saving Victoria	Wonthaggi IRB	137873	Wonthaggi Beach	Y	Day	2 x IRBs		N
Woodside Beach SLSC	Life Saving Victoria	Marine Rescue - Woodside	137873	Woodside Beach	Y	24 hours	6m RIB		No (to 2C standard)
Woodside Beach SLSC	Life Saving Victoria	Woodside IRB	137873	Woodside Beach	Y	Day	2 x IRBs		N
Woolamai Beach SLSC	Life Saving Victoria	Woolamai IRB	137873	Woolamai Beach	Y	Day	3 x IRBs		N
Woolamai	Phillip Island Marine Rescue	Marine Rescue - Woolamai	137873	Newhaven	Y	24 hours	6m RIB		No (to 2C standard)
Wye River SLSC	Life Saving Victoria	Wye River IRB	137873	Wye River	Y	Day	1 x IRB		N
Port Fairy	Port Fairy Marine Rescue Service	Captain John Mills	03 5568 1007 (PF Police)	Port Fairy	Y	24 hours	6.59m monohull		No (to 2C standard)

APPENDIX E: VOLUNTEER MARINE RESCUE NVMSARC COMPETENCIES

Comparison with NSCV Coxswain Grade 1 NC

VMR Crew	VMR Restricted Coxswain *Sheltered waters, 3nm*	VMR Coxswain *No plying limit – based on risk assessment as per SMS*		MAR Certificate II (Coxswain Grade 1 NC) *<12m, 2C Survey, 30nm*
First aid certificate	First aid certificate	First aid certificate		First aid certificate
Marine Radio Operators Certificate of Proficiency	Marine Radio Operators Certificate of Proficiency	Marine Radio Operators Certificate of Proficiency		Marine Radio Operators Certificate of Proficiency
MARF004 Meet work health and safety	MARF004 Meet work health and safety	MARF004 Meet work health and safety		MARF004 Meet work health and safety
MARF01 Apply basic survival skills in the event of vessel abandonment	MARF01 Apply basic survival skills in the event of vessel abandonment	MARF01 Apply basic survival skills in the event of vessel abandonment		MARF01 Apply basic survival skills in the event of vessel abandonment
MARF002 Follow procedures to minimise and fight fires on board a vessel	MARF002 Follow procedures to minimise and fight fires on board a vessel	MARF002 Follow procedures to minimise and fight fires on board a vessel		MARF002 Follow procedures to minimise and fight fires on board a vessel
MARN002 Apply seamanship skills aboard a vessel up to 12 metres	MARN002 Apply seamanship skills aboard a vessel up to 12 metres	MARN002 Apply seamanship skills aboard a vessel up to 12 metres		MARN002 Apply seamanship skills aboard a vessel up to 12 metres
	MARI001 Comply with regulations to ensure safe work operations of a vessel up to 12 m	MARI001 Comply with regulations to ensure safe work operations of a vessel up to 12 m		MARI001 Comply with regulations to ensure safe work operations of a vessel up to 12 m
	MARJ001 Follow environmental work practices	MARJ001 Follow environmental work practices		MARJ001 Follow environmental work practices
	MARK001 Handle a vessel up to 12 metres	MARK001 Handle a vessel up to 12 metres		MARK001 Handle a vessel up to 12 metres
	PUAOPE009C Navigate in an aquatic environment	PUAOPE009C Navigate in an aquatic environment		
	VMR Towing/rafting (to be developed)	VMR Towing/rafting (to be developed)		
		MARH001 Plan and navigate a passage for a vessel up to 12 metres		MARH001 Plan and navigate a passage for a vessel up to 12 metres
		MARC005 Operate inboard and outboard motors		MARC005 Operate inboard and outboard motors
		MARC006 Operate main propulsion unit and auxiliary systems		MARC006 Operate main propulsion unit and auxiliary systems
		VMR Undertake marine search and rescue operations (to be developed)		
				MARF005 Survive at sea using survival craft
	-			MARB002 Perform basic servicing of main propulsion unit and auxiliary systems

Colour Key: Green – VMR specific competencies; Red – Units removed

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