

## **Marine Safety Act 2010**

**Carrum Sailing Club Inc (Incorporating the Patterson River Motor  
Boat Club Inc)**

# **Compliance Statement**

**(Version 1 – dated 1 October 2018)**

## **Index**

Part 1 – General

Part 2 – Sailing Events

Part 3 – Navigation Rallies

Part 4 – Fishing Competitions

Part 5 – Opening Day

Part 6 – Cruising Events

Appendix I: Relevant legislative and regulatory documents

Appendix II: Weather criteria for event cancellation

Appendix III: Links to Reference Manuals

## Part 1 – General

### Amendments to maritime safety obligations

On 8 November 2017 amendment 55 to the Ports and Marine Legislation was given assent. This contains a new section, Part 2.2B 25A – Safety Duties of persons who manage boating events.

This link contains the details:

[http://www5.austlii.edu.au/au/legis/vic/consol\\_act/msa2010145/notes.html](http://www5.austlii.edu.au/au/legis/vic/consol_act/msa2010145/notes.html)

The amendment is effective 30 June 2018.

The purpose of this document, is to demonstrate to Carrum Sailing Club (hereafter referred to as “CSC”), its committee, its members and to any interested regulatory authorities, that CSC is aware of the amended requirements, and how it is in compliance with them. It is also designed to be easily amended should better methods of compliance become available, or new amendments to the legislation be enacted.

### How is CSC impacted by the changes?

A new 'boating activity event' is created. Definitions, requirements, liabilities and penalties are also created for the person managing the event.

In this context the person managing the event is CSC. CSC employees and volunteers are specifically exempt from liability. (Part 2.2B 25A 5 'duty holder')

Failure to comply with these requirements is an indictable offence.

The penalty is 9000 penalty units (currently \$1,427,130.00)

CSC activities which appear to be regulated under the new legislation are:

- (a) Sailing events
- (b) Navigation Rallies
- (c) Fishing competitions
- (d) Opening Day

Cruising appears to be exempt provided CSC does not organise, facilitate or control the event.

### Brief checklist to ensure compliance

1. The manager of a boating activity event must:
  - (a) ensure the safety of participants, and
  - (b) ensure the safety of other persons affected by the event.
2. We are not in compliance with the above if we fail to:
  - (a) provide participants with information to participate safely,
  - (b) comply with accepted safety standards or manuals specific to the activity, and
  - (c) ensure that rescue and first aid capabilities or services are available.

The Act uses the phrase 'so far as is reasonably practicable' in association with all the above points.

## Part 2 – Sailing Events

### The Duty holder must:

1. **Provide participants with information to participate safely**
  - *CSC sailing events must comply with the 'Racing Rules of Sailing' (Blue Book) with respect to the information provided to participants. CSC may at times specify additional requirements.*
  
2. **Comply with accepted safety standards or manuals specific to the activity**
  - *CSC sailing events must comply with the 'Racing Rules of Sailing' (Blue Book) with respect to the procedures to be followed by participants and race officials. CSC may at times specify additional requirements.*
  - *A signed disclaimer must be obtained from participants with respect to compliance with Victorian Recreational Boating Safety Handbook and the possession of required equipment.*
  
3. **Ensure that rescue and first aid capabilities or services are available**
  - *An CSC radio operator must provide a central alerting service during each event.*
  - *A check list must be available to the radio operator including procedures to be followed and a list of contact points and phone numbers for the relevant emergency services.*
  - *Statutory first-aid kits must be carried on each vessel participating.*
  
4. **Ensure the safety of persons affected by the event**
  - *Since persons affected will be 'on water', a Notice to Mariners is believed to be the appropriate method of advising other Bay users potentially affected. This should be published at the commencement of each sailing season covering the proposed series of events.*

## Part 3 – Navigation Rallies

### The Duty holder must:

1. **Provide participants with information to participate safely**
  - *CSC must publish procedures and documents to the participants.*
  
2. **Comply with accepted safety standards or manuals specific to the activity**
  - *A code of practice and associated manual is believed to be in development by Sailing Australia and other interested groups. In the interim CSC will follow the practices detailed in the 'Handbook for Nav Rally Trials (November 2013) available on the Royal Victorian Motor Yacht Club web site. CSC may at times modify these procedures in accordance with local conditions*
  - *A signed disclaimer must be obtained from participants with respect to compliance with Victorian Recreational Boating Safety Handbook and the possession of required equipment.*
  
3. **Ensure that rescue and first aid capabilities or services are available**
  - *An CSC radio operator must provide a central alerting service during each event.*
  - *A check list must be available to the radio operator including procedures to be followed and a list of contact points and phone numbers for the relevant emergency services.*
  - *Statutory first-aid kits must be carried on each vessel participating.*
  
5. **Ensure the safety of persons affected by the event**
  - *Since persons affected will be 'on water', a Notice to Mariners is believed to be the appropriate method of advising other Bay users potentially affected.*

## Part 4 – Fishing Competitions

### The Duty holder must:

1. **Provide participants with information to participate safely**
  - *CSC must publish procedures and documents to the participants.*
  
2. **Comply with accepted safety standards or manuals specific to the activity**
  - *Victorian Recreational Fishing Guide 2018 provides comprehensive guidelines for fishing activities which must be adhered to by all participants.*
  - *A signed disclaimer must be obtained from participants with respect to compliance with Victorian Recreational Boating Safety Handbook and the possession of required equipment.*
  
3. **Ensure that rescue and first aid capabilities or services are available**
  - *An CSC radio operator must provide a central alerting service during each event.*
  - *A check list must be available to the radio operator including procedures to be followed and a list of contact points and phone numbers for the relevant emergency services.*
  - *Statutory first-aid kits must be carried on each vessel participating.*
  
6. **Ensure the safety of persons affected by the event**
  - *Since persons affected will be 'on water', a Notice to Mariners is believed to be the appropriate method of advising other Bay users potentially affected.*

## **Part 5 – Opening Day**

*Since opening day incorporates an on water component, a 'boating activity event' exists under the terms of the Act.*

*For compliance purposes the conditions applicable to Navigation Rallies will apply, with the exception that the decision to cancel the on water events will be at the discretion of the Commodore on the day.*

*As always, individual skippers are responsible to assess the capabilities of their boat, their crew and themselves with respect to the current conditions in deciding whether or not to participate.*

## **Part 6 – Cruising Events**

*CSC does not currently conduct Club sanctioned/organised cruising events.*

*Individual CSC members may on occasion participate in informal cruising in the company of other vessels. Whilst CSC facilities may be used by participants for convenience, CSC neither controls, facilitates nor organises these cruises. They remain strictly 'informal' in the context of the Act (Part 2.2B 25A (5) (b) (ii)).*

*Members are encouraged to comply with all applicable regulations and requirements as outlined in the Victorian Recreational Boating Safety Handbook.*

*Members are also encouraged to sign their boats out and in as a safety measure.*

## **Appendix I: Relevant legislative and regulatory documents**

Ports and Marine Legislation Amendment Act 2017, No. 55/2017

[http://www.legislation.vic.gov.au/Domino/Web\\_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/DE6804E75BE4EE08CA2581D2001B2507/\\$FILE/17-055aa%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/DE6804E75BE4EE08CA2581D2001B2507/$FILE/17-055aa%20authorised.pdf)

Marine Safety Act 2010

[http://www.legislation.vic.gov.au/Domino/Web\\_Notes/LDMS/LTObject\\_Store/LTObjSt9.nsf/DDE300B846EED9C7CA257616000A3571/6CD750BD99376785CA257D7200187ED2/\\$FILE/10-65aa014%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/LTObject_Store/LTObjSt9.nsf/DDE300B846EED9C7CA257616000A3571/6CD750BD99376785CA257D7200187ED2/$FILE/10-65aa014%20authorised.pdf)

Marine Safety Regulations 2012

[http://www.legislation.vic.gov.au/Domino/Web\\_Notes/LDMS/PubStatbook.nsf/b05145073fa2a882ca256da4001bc4e7/4E1D8CAEBF8C3346CA257A1C0077ECAD/\\$FILE/12-045sra%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/b05145073fa2a882ca256da4001bc4e7/4E1D8CAEBF8C3346CA257A1C0077ECAD/$FILE/12-045sra%20authorised.pdf)



## Appendix II: Weather criteria for event cancellation

### **Sailing events**

*Sailing events must be cancelled if there is a Gale Warning for Port Philip Bay. CSC sailing events must comply with the 'Racing Rules of Sailing' (Blue Book) with respect to weather standards. CSC may at times specify additional requirements.*

### **Navigation rallies**

Navigation events must be cancelled if any of the following criteria are forecast:

- Wind over 10kts
- Gusts over 15kts
- Waves over 1 metre
- Thunderstorms (forecast 1 hour either side of the event period)

Think seriously about cancellation based on conditions eg post storm conditions:

- Winds @ 10kts
- Gusts @ 15kts
- Waves @ 1 metre

Where conditions are less than above (with no other complications), then the conditions are deemed OK for events to be held.

### Procedure

- Decision (by 5:00 pm 2 days before the event) if 'must be cancelled' items.
- Decision (by 5:00 pm 1 day before the event) if 'Think about' items are in place or deteriorate.
- Decision on the day (minimum of 1 hour prior to commencement) if 'Think about' items deteriorate or if fog is present.

*The weather reference will be Willy Weather. It is based on Bureau of Meteorology data and it seems to be the most accurate, has detailed projections by the hour for the next 5 days and shows actual and forecast data so a trend can be seen.*

### **Fishing competitions**

*Victorian Recreational Fishing Guide 2018 provides comprehensive guidelines for fishing activities including weather recommendations which must be adhered to by all participants.*

## **Appendix III: Links to Reference Manuals**

Racing Rules of Sailing (Blue Book) – Sailing Australia

<http://www.sailing.org.au/wp-content/uploads/2018/03/2017-2020-Racing-Rules-of-Sailing-with-Australian-Sailing-Prescriptions.pdf>

Handbook for Nav Rally Trials – RVMYC

<http://www.rvmc.com.au/assets/nav-rally-rules-20132.pdf>

Victorian Recreational Fishing Guide 2018

<https://vfa.vic.gov.au/recreational-fishing/recreational-fishing-guide>

Victorian Recreational Boating Safety Handbook

[http://vicboatinglicence.com.au/Victorian\\_Handbook.pdf](http://vicboatinglicence.com.au/Victorian_Handbook.pdf)