



Club Safety Responsibilities Guide

September 2010

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FOREWORD

Most Clubs we believe have instituted some form of Risk Management Plan since the Rowing New Zealand Water Safety Code was published in 2004, whilst the legislation which relates to this topic has not changed it is worthwhile refreshing our information for clubs.

What is new is that Maritime New Zealand requires rowing to properly conform to the rules Under the Maritime Transport Act 1994 which attain to clubs, event organisers, schools and Rowing New Zealand around the use of motor boats and in particular Rules that cover Safe Ship Management, Crewing and Maintenance & Survey.

Maritime New Zealand coordinates Safe Ship Management for organisations and companies throughout New Zealand. All commercial operators of water craft are required to have a safe ship management plan in place.

Volunteer organisations like rowing clubs are **not exempt** from safe ship management unless they negotiate a specific exemption based upon their adaption of good practices.

Under the safe ship management scheme, boat operators must confirm to a rigorous and expensive certification regime unless they can be exempted.

Important Note

This guide is a summary only and **is not intended as legal advice** to cover all club activities. The guidelines enclosed are offered on a no liability basis and we recommend clubs seek independent advice from legal professionals, local police, Maritime New Zealand and the local Harbour Master with regard to particular events and activities of your club.

DUTIES OF A VOLUNTEER

- ❖ The following is a summary of what a breach of Section 65 of the Maritime Transport Act means to Rowing Clubs and their volunteers.

WHAT IS YOUR RISK?

Section 65 of the Maritime Transport Act applies to volunteers

Section 65 states that prosecutions can apply even if no accident has occurred. There only has to be the potential and unsafe practices occurring.

Fines for a serious breach can be \$ 100,000 for a club or \$ 10,000 for an individual.

The potential of a prosecution is elevated with the involvement of children.

The club will be looked at first; if compliant then the volunteer will then be looked at.

Volunteers have a Duty of Care

Volunteers must take all practicable steps.

Either Maritime NZ or the Police will take the prosecution.

YOUR BEST DEFENCE

Ensure you follow the club's safety management plan.

Ensure you take all practicable steps when it comes to safety.

Be Proactive about safety.

Keep records

INTRODUCTION

Since 2000 from experiences in other sports it is very obvious that when we run events we are responsible to do everything reasonable, to ensure the safety of participants in our events. The litmus test with 20/20 hindsight is have organisers done what participants would reasonably expect them to do.

Obviously what is reasonable for an event in confined waters will differ greatly from those involved in more open water, for this reason it is not possible for Rowing New Zealand to produce an exhaustive checklist to cover every eventuality for your club or your Association that will provide cover for your club and volunteers. Each club or organising authority should take time to prepare written documentation.

The intention is for clubs and their members to do whatever is reasonable to prevent accidents from happening. If an accident still happens and a club can prove that it did everything reasonably possible then it should not be held responsible. In practical and legal terms the word “prove” and “reasonable” are very important. Documentation could turn out to be very important to show that every reasonable attempt was made to foresee such accidents.

The following is a guide as to what should be done both on and off the water, to assist the club, employees, volunteers and the public in general to provide a safe rowing environment. The document also includes a list of other useful resources that can be obtained to assist clubs plan their own safe operating plan.

This document aims to summaries present considerations and obligations clubs have with regard to legislation and liabilities to which we are exposed.

Rowing New Zealand strongly recommends that each club puts in place a list of safety policies and procedures to be followed to assist your club and volunteers provide protection for your volunteers and the participants in events. It may be appropriate to formulate some club rules, separate from the constitution, that relate to safety and that can be changed more easily than the constitution.

Key Recommendations:

- 1) Each club spends time considering what risks are associated with the events they run. This includes regattas, coaching, training and just rowing and even shore based activities.
- 2) Each club puts in place written documentation regarding safety and safe operating procedures and policy.
- 3) For each type of event (e.g. pre-dawn training) a list of potential hazards is drawn up and procedures to minimize or manage those hazards are developed.
- 4) Clubs regularly review their operating procedures/plans as part of their annual duties.
- 5) **All Club boat operators complete the Coastguard Boating Education courses ‘Club Safety Boat Operator’ and ‘Engine Maintenance’**
- 6) All clubs should seek independent advice of legal professionals, local police, and the local Harbourmaster with regard to events and activities of your club.

AREAS TO CONSIDER

The following is a list of areas your club should consider when establishing what hazards and risks occur in and around your events.

LAND BASED ACTIVITIES

This covers everything from O.S.H requirements for employees and volunteers.

This could include:

- Shore based Hazards
- Legal duties in relation to hazard identification
- Training of Volunteers
- Building regulations
- First Aid
- Liquor Licenses
- Food storage and preparation
- Vehicle trailer legal requirements
- Fuel storage
- Appointment of a Safety officer

WATER BASED ACTIVITIES

This covers anything likely to occur on the water and could include:

- Racing Rules
- Safety Briefings
- Survey requirements
- Safe Operating Plans
- Operator Qualifications and Training
- Maritime Rules and bylaws
- Vessel use Guidelines
- Log Books
- Incident and Accident report forms

SPECTATOR / EVENT RESPONSIBILITIES

These relate to key events as well as events that are likely to attract spectators on or off the water.

Things to consider include:

- Risk Assessment requirements
- Harbour Master approval
- Event Permits
- Information Loops and communication plans
- Safety Support Obligations
- Legal Responsibilities
- Public Information

LAND BASED ACTIVITIES GUIDELINES

EMPLOYMENT/PAYMENT OF PERSONNEL

Land based employees are covered by the Health and Safety in Employment Act.

Water based employees and volunteers are covered by the Maritime Transport Act and regional bylaws.

Some of the points mentioned above in the considerations might require expert advice in formulating your rules. In any case all details relating to terms of employment or contracting should be well documented. Clubs involved in the employment or payment of officers or coaches should refer to the Employment Contracts Act to ensure their obligations regarding employment law are met.

We recommend clubs seek professional advice with regard to employment contracts and responsibilities of employers and contracts if you are employing or paying persons at your club for their services.

FIRST AID

It is essential that each club has a first aid kit available onshore for accidents occurring in and around the facility. It would also be advisable to have first aid kits on coach boats since they could be deemed to be 'places of work'. It is also advisable that club personnel receive First Aid training so they are able to deal with accidents in or around the facilities.

BUILDING REGULATIONS

The laws that control building construction and maintenance are the Building Act 1991 and the Building Regulations 1992 which include the NZ Building Code. All new buildings built since 1991 must comply with the Act. The Act applies to existing buildings alterations, changes in use, subdivisions, unsafe or unsanitary buildings and the maintenance of key features of existing buildings. For more detail refer to the Building Industry Authority Property Management Guide for club and societies (listed later in the useful resources section)

The resource Management Act or Regional Coastal Plans (administered by Regional Councils) may also affect club facilities and buildings. Rowing NZ recommends clubs seek expert assistance when making alterations to your existing facilities to ensure all relevant consents are obtained.

HAZARDS AND HAZARD IDENTIFICATION.

In the case of employees OSH regulations cover legal necessary requirements but the following simple steps should also apply to managing and minimizing hazards in and around your club:

- 1) Identify hazards (potential activities, substances or situations that could cause harm)
- 2) Assess the risk of each hazard. If the risk is significant you should eliminate the hazard or if not practicable isolate the hazard (for example keeping the motor fuel in a secure and ventilated place). If it cannot be isolated then you must minimize the chance of it causing harm (for example a warning notice for a slippery ramp)
- 3) For all hazards you should keep a record of the hazards and actions taken to manage them by the club.

ON-WATER ACTIVITIES GUIDELINES

To ensure at least minimal protection for participants and officers all races must be conducted in accordance with the Rowing New Zealand Rules of Racing. The entry form for the event should state that the competitors agree to comply with these rules.

INCIDENT & ACCIDENT REPORT FORMS #MSA 12306

These should be readily available from the club house. Likewise safety documents relating to hazards around the club buildings, slippery ramps etc should be available to Members and Volunteers at all times. These should be kept on file by the club.

ENVIRONMENT

No Rubbish to be disposed of overboard this needs to be returned to Club house and dealt with appropriately.

MOTOR BOATS AND TRAILERS

A regular maintenance program of all motor boats and trailers should be set up and recorded.

The crews / drivers of these boats/ tow vehicles should have appropriate experience to ensure their safe handling. If not, the club should provide adequate training and supervision.

Rowing NZ through the Coastguard Boating Education are introducing the 'Club Safety Boat Operator' course this will be available throughout the country. It is highly recommended that your boat operators attend a course, and a online "Engine Maintenance"

Contact Rowing NZ for a list of courses.

All coaching and safety boats must carry the safety equipment as prescribed in the Rowing NZ Water Safety Code. A copy is included in this document.

Rowing NZ recommends one coach in a motor boat can supervise a maximum of three rowing skiffs;

See accompanied training 5.6.1 in the Water Safety Code.

LAUNCHING AND RETRIEVING MOTOR BOATS

Each club should adopt a set of guidelines for their motor boats. Things covered in the guidelines should include the following: Check the state of the launch ramp. Prior to launch, check that the bungs are in, check fuel, open tank vent, check that the following items are aboard; lifejacket for each person, boat hook, paddles, first aid kit, kill cord is attached to kill switch, communication device to onshore. Take extra care if the ramp is slippery when putting boat away, wash boat and run engine in freshwater, remove bungs, wash and hang lifejackets.

MOTOR BOAT SAFETY

Know the areas you are to work in and ensure those using your boats are familiar with any hazards in the area. Consult a chart if unsure. Wear your lifejacket at all times. Always wear the Kill Switch strap. Safety of rowers is paramount.

An example of guidelines for operators with regard to attending to a situation could be:

Attend to rowers in distress before other duties. If absolutely necessary abandon a rower's boat and get them to shore. Note; a motor boat will drift faster than a capsized skiff, approach from up wind, switch off motor and drift in to rower, or in rough conditions, approach from downwind and take care prop does not endanger rower or skiff. Do not overload at the expense of being able to render assistance. Standing without a secure handgrip is dangerous, particularly during coaching when the driver can increase and decrease boat speed without warning. Do not drive boats into shallow water as sand and rocks can damage props.

SPEED OF VESSELS PART 91 MARITIME RULES

91.6(1) No person may without reasonable excuse propel or navigate a vessel at a speed exceeding 5 knots.

- a) Within 50 metres of any other vessel, raft or person in the water
- b) Within 200 metres of the shore or any other structure
- c) Within 200 metres of any vessel or raft that is flying flag A of the International Code of Signals (Divers Flag)

WAKE

Subject to rule 91.6 every person who propels or navigates a recreational craft must do so at a speed that does not cause its wake to be a hazard to other vessels or persons.

REFUELING

Refueling on the water should be avoided if possible. In the event that this happens a rag to clean up spills must be present.

Commonsense must prevail when dealing with fuel & fuel tanks, e.g. No Smoking. Checking Fuel tanks before leaving Club House.

COACH RESPONSIBILITIES

It would be necessary for the club to advise the coach of their safety procedures and to make sure they abide by them, since they are acting under the clubs instructions and carry the club's responsibility. The responsibility of coaches with regard to safety is as per the club authority with regard to managing hazards for their students.

LOG BOOKS

A log book should be kept for each motor vessel. See under Maintenance

SAFETY OFFICER

Every rowing club must appoint a Safety Officer and notify such person to Rowing NZ. The officer should be someone who is well versed in on the water activities and the maintenance of boats and motors or can observe any work done. This person should take responsibility for regularly checking compliance with safety rules, policies and plans adopted by the club as well as making recommendations for the safety of club personnel and participants.

MANNING & EQUIPMENT LEVELS FOR CLUB MOTOR BOATS

Rowing New Zealand Recommended Guidelines

Compliance with the requirements of the Maritime Transport Act 1994 is the responsibility of individual Clubs. Rowing New Zealand strongly urge Club Safety Officers to follow these recommended safety and maintenance procedures for all motor boats.

The onus is on the owner of the boat (i.e. the club) to provide safety equipment and training and the skipper to ensure that the equipment is all aboard each time the boat is used.

WHAT ARE THE IMPLICATIONS OF CLUBS NOT FOLLOWING THE GUIDELINES AND NOT COMPLYING WITH THE ACT?

In the event of an accident or incident involving club motor and where a club has not followed the recommended guidelines, the club risks penalties of up to \$ 10,000 and it may also affect insurance.

Maritime Transport Act, section 65: "Every person commits an offence that causes or permits any ship to be operated in a manner which causes unnecessary danger or risk to any other person or property irrespective of whether or not in fact any injury or damage occurs."

Maritime Transport Act, section 19: "The Master of a ship shall be responsible for the safe operation of the ship and the safety of all passengers and crew."

NB: "Ship" includes all boats regardless of size.

MANNING REQUIREMENTS

It is recommended the boat operators have the appropriate first aid skills for the activity they are undertaking. They should have knowledge of the collision prevention rules, appropriate rescue and recovery techniques, danger of overloading, local conditions and hazards,

This should involve training, practical demonstration of ability and /or formal qualification through the Coastguard Boating Education 'Club Safety Boat Operator' course.

Coastguard Education can be contacted on 0800 40 80 90 or via their web site www.cbes.org.nz

MAINTENANCE

Clubs are required to keep a maintenance log for motor boats. A simple notebook with appropriate entries should be adequate.

An entry should be made in the logbook every time each motor boat is checked, or a defect becomes apparent. It is important to include the date and name of the person making the entry.

In the case of an accident or incident, the ability to produce such a record may be the only acceptable means of demonstrating the club is operating in accordance with MSA requirements.

In the event of a more serious incident, clubs are advised to complete a "Pleasure boat Accident or Incident Report Form" (MSA 12306)

Rowing New Zealand recommends that all club boat operators complete the Coastguard Boating Education Home study course 'Outboard Engine Maintenance Course' which covers outboard care and trouble-shooting.

Coastguard Education can be contacted on 0800 40 80 90 or via their web site www.cbcs.org.nz

SAFETY EQUIPMENT

As stated in the Rowing New Zealand Water Safety Code but worth repeating here

"All coaching boats and safety boats shall carry the following safety aids:

- A bailer, and, for inflatable's rubber dinghies, a suitable inflation pump and a spare inflation valve.
- A sound signaling warning device, capable of attracting attention over at least 200 metres. e.g. Air horn or whistle.
- A grab line at least 15 metres long with a large knot tied in one end to assist throwing (ideally a purpose made rescue/heaving line-'throw bag')
- Sufficient approved Buoyancy aids or 'PFDs' for the biggest boat they are coaching (8 max)
- A basic first aid (contents recorded and checked before going out).
- A sharp knife in carrying sheath.
- A paddle
- Simple handholds fixed to the side of the launch to give help to any person or persons being rescued.
- Engine cut-out lanyard device, accessible to the driver at all times.
- Anchor and line.
- If more than 500 metres from the nearest shore a red hand flare shall be carried.
- A hand Torch

Any activity on the water between the hours of 30 minutes before sunset to 30 minutes after sunrise requires the launches to be fitted with lights as laid down by the MSA 'Boats must carry on the bow a continuous all round (360 degrees) white light capable of being seen for at least 2 nautical miles.

OTHER USEFUL RESOURCES

Winning the Red Tape Game. Written in conjunction with SPARC

These guidelines are specifically produced for the New Zealand sporting scene. It is a very down to earth publication with some very good examples of how organisations can be caught out.

Buy it online www.brookers.co.nz or phone 0800 10 60 60

Property Management Guide clubs and societies- Building Industry Authority

This resource is an excellent guide for clubs to consider what their responsibilities are with regard to buildings and club facilities.

Available from the Building Industry Authority, PO Box 11 846 Wellington.

E-Learner Legal Responsibilities & Risk Management -SPARC Website

This E-learning module is a great way to recognise the legal obligations, manage the risks and reduce the chances of neglecting your responsibilities.

www.sparc.org.nz/e-learning.htm