

REVIEW OF INCIDENT PROCEDURES AT AQUATIC LICENSED SAILING EVENTS

NSW MARITIME, ROZELLE BAY

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TOTAL INCIDENTS

Year	Incidents	Fatalities	Serious Injuries	Minor Injuries
2004	411	13	55	102
2005	375	14	58	118
2006	420	13	55	103
2007	197	14	42	51

INCIDENTS IN WHICH AT LEAST ONE SAILING VESSEL WAS INVOLVED

Year	Incidents	Fatalities	Serious Injuries	Minor Injuries
2004	105	1	3	5
2005	80	4	4	16
2006	111	0	5	16
2007	42	0	6	5

**INCIDENTS IN WHICH AT LEAST
ONE SAILING VESSEL
CATEGORISED AS BEING
INVOLVED IN AN ORGANISED
COMPETITION WAS INVOLVED**

Year	Incidents	Fatalities	Serious Injuries	Minor Injuries
2004	16	0	1	2
2005	20	0	0	4
2006	14	0	1	2
2007	2	0	0	0

MARITIME SERVICES ACT 1935 - SECT 30G

Requirements in case of accident

- (1) In this section the word "vessel" means a vessel of less than 30 metres in length overall.
- (2) Where, owing to the presence of a vessel in any port or navigable waters, an accident occurs, the master of a vessel concerned in the accident:

- (a) shall stop the master's vessel,
- (b) if the accident results in the death of or injury to any person, or in damage to a vessel which affects the seaworthiness of the vessel or the safety of persons on board the vessel, shall give any assistance which may be necessary and which it is in the master's power to give,
- (c) if required so to do by any person having reasonable grounds for so requiring, shall produce any licence to navigate a vessel at speed, licence as coxswain or master's certificate, which the master holds, and shall give particulars of the master's name and place of abode, the name and address of the owner of the vessel, the name of the vessel and any distinguishing number which is, or is required to be, displayed by the vessel in pursuance of or by any Act or regulation,

- (d) if required so to do by any officer of the Board or any member of the police force, shall give such particulars as it is in the [master](#)'s power to give as to the time, place and nature of the accident, the name of every [vessel](#) concerned in the accident and any distinguishing number which was carried by any such [vessel](#), the name and address of every person who was concerned in or who witnessed the accident, and the extent of any injury or damage resulting from the accident, and
- (e) if such accident has resulted in the death of or injury to any person, or in damage to a [vessel](#) or to any other property to an extent apparently exceeding one hundred dollars, shall, as soon as practicable and in any case within twenty-four hours after the accident, forward to the Board in writing the particulars that, under paragraph (d), the [master](#) may be required to give, unless such particulars have already been given by the [master](#) to a member of the police force, or to an officer of the Board, who required the [master](#) to give such particulars.

- (3) Any person who: (a) without reasonable excuse, fails to comply with any provision of subsection (2), or
- (b) wilfully furnishes any false or misleading particulars in respect of any matter pursuant to paragraph (c), (d) or (e) of subsection (2),

shall be guilty of an offence against this Act and liable to a penalty not exceeding 4 penalty units.

AQUATIC LICENCE CONDITION

- 100

This is a “special” condition which is used to elaborate on any additional requirements over and above the standard conditions listed on an aquatic licence.

An example would be - **“participants must keep at least 50 metres distance off from any mooring area or structure, when in a manoeuvring/race start area”**

CURRENT POLICY FOR HANDLING INCIDENTS

- **1.5.1 What is the policy for handling incidents occurring during an aquatic event?**
- **Principles**
- NSW Maritime will leave the management of incidents occurring under an Aquatic Licence largely to participating Clubs or Governing Bodies/Organisations. In general, all race participants compete under governing body Regulations (eg: the International Yacht Racing Rules), are aware of the risks involved, and are (mostly) covered by Third Party Public Liability Insurance.

Policy

NSW Maritime expects that the organising Club will investigate incidents between vessels racing in licensed events on the basis of the rules under which the vessels were competing or racing.

The Navigation (Collision) Regulations - NSW

These regulations will always prevail where racing and non-racing vessels interact and when vessels are racing under differing governing body Regulations.

The Organiser (Club) of an approved aquatic activity must report all incidents involving a fatality, serious injury and/or damage where such is considered significant having regard to the types of vessels involved, to NSW Maritime **within 48 hours of occurrence.**

The Organiser must then report, in writing, the results of findings of an inquiry to NSW Maritime **within 28 days of the incident.**

NSW Maritime reserves the right to investigate any incident at any time and will **ALWAYS** investigate when a disregard of marine legislation occurs.

NOTE:

"Serious injury" is defined as requiring hospitalisation other than for treatment of minor injury or for observation only.

"Significant damage" is determined having regard to the types of vessels involved and would generally be in excess of \$ value which is appropriate to the overall value of the vessel (eg: \$500 quantum could be appropriate for small boats, Sabots, skiffs etc but is insignificant for a "maxi").

POLICY FOR HANDLING INCIDENTS OCCURRING IN AQUATIC EVENTS

PRINCIPLES

1. The NSW Maritime Authority will leave the management of incidents occurring under an Aquatic Licence largely to participating Clubs or Governing Bodies/Organisations. In general, all race participants compete under governing body regulations, are aware of the risks involved, and are (mostly) covered by Third Party Public Liability insurance.
2. The Authority will generally intervene only where it is clear that the issue is a significant one and action by the Club or Governing Body/Organisation appears to have been inappropriate or incomplete and/or there has been a disregard of the marine legislation.

POLICY FOR HANDLING INCIDENTS OCCURRING UNDER AQUATIC LICENCES INVOLVING SAIL, POWER AND PASSIVE (NOT DRIVEN BY EITHER MECHANICAL POWER OR SAIL) VESSELS

1. The NSW Maritime Authority expects that the organising Club will investigate incidents between vessels racing in licensed events on the basis of the rules under which the vessels were competing or racing.
2. The Navigation (Collision) Regulations - NSW will always prevail where racing and non-racing vessels interact and when vessels are racing under different governing body regulations.
3. The Organiser (Club) of an approved aquatic event must report all incidents involving a fatality, serious injury and/or damage where such is considered significant having regard to the types of vessels involved, to the NSW Maritime Authority within 48 hours of occurrence. The organiser must then report, in writing, the results of findings of an inquiry to the Authority within 28 days of the incident.
4. The NSW Maritime Authority reserves the right to investigate any incident at any time and will ALWAYS investigate when disregard of marine legislation occurs.

Note:

- *“Serious injury” is defined as requiring hospitalisation other than for treatment of minor injury or for observation only*
- *“Significant damage” is determined having regard to the types of vessels involved and would generally be in excess of a \$ value which is appropriate to the overall value of the vessel (eg \$500 quantum could be appropriate for small boats - Sabots, skiffs etc but is insignificant for a “Maxi”)*