

SMS 09 LEGAL AND OTHER REQUIREMENTS

New Plymouth Yacht Club

PURPOSE

The purpose of the Legal and Other Requirements document is to identify the legislation (including local bylaws), standards, codes of practice, guidelines, and similar information that are relevant to the safe management of our boating activities.

This information will be used to develop and improve the SMS, and will assist the club in meeting its various obligations.

RELEVANT LEGAL AND OTHER REQUIREMENTS

	Document	Comment
1.	Maritime Transport Act 1994	<p>Although the club is not a workplace, there is no exemption to certain health and safety provisions of this Act. Volunteers are covered.</p> <p>In short, skippers are responsible for their actions and inactions (section 19), every person on a patrol boat must act safely (section 65), and vessels must be 'suitable for purpose'. There are also duties about incidents (sections 30-33).</p> <p>The NPYC will apply for the YNZ Moss Exemption process for the patrol boats</p>
2.	Maritime Rules Part 91: Navigation Safety Rules	<p>Sets basic navigation standards and includes wearing of PFDs, Kill Cords, age limits, give way rules, wakes and access.</p>
3.	Crimes Act 1961	<p>Section 155 Duty of persons doing dangerous acts - legal duty to have and to use reasonable knowledge, skill, and care in doing any such act.</p> <p>Section 156 Duty of persons in charge of dangerous things - legal duty to take reasonable precautions against and to use reasonable care to avoid such danger.</p> <p>Relevant but an unlikely prosecution – main point is to exercise care when operating patrol boats and any other equipment, or doing any other thing, that could endanger life.</p>
4.	Health and Safety at Work Act 2015 (HSWA)	<p>Sets out the principles, duties and rights in relation to workplace health and safety at our club. Areas of focus for us are leadership, participation, working with other businesses, and responsibilities.</p>
5.	Yachting NZ Safety Regulations Part 1	<p>Applies to all racing centerboard yachts, trailer yachts and sailboards at all times – not just during racing.</p> <p>In short, sailors must wear buoyancy aids and be able to swim and tread water, boats must be sound and equipped, and trailers must be identifiable.</p> <p>Skipper responsibility is stressed.</p>

6.	Yachting NZ Club Safety Responsibilities Guide, Dec 2005	Recommended guidelines about general safety, running events, and manning and equipment of patrol craft.
7.	World Sailing Rules of Sailing/Club NOR/Sis	Abide by the current rules of sailing and the Notice of Race and Sailing Instructions as issued.
8.	Building Act 2004 Building Code	Applies to the construction, alteration, demolition and maintenance of new and existing buildings. Ensure all buildings to code including a current Warrant of Fitness
9.	Food Act 2014	Relates to food that is sold or traded. Comes into force in 2016. BBQ on deck likely to be excluded. Main point is to ensure food processes are safe – from purchase to storage to preparation and consumption to re-storage.
10.	Fire Service Act 1975 Fire Safety and Evacuation of Buildings Regulations 2006	Responsibility of NPYC as building owner to take fire safety precautions in our buildings including documented emergency procedures, fire management equipment, fire safety information (available to everyone at the club), and implementing fire evacuation procedures. The club is required to have an 'approved evacuation scheme'.
11.	Sale of Liquor Act 1989	Operate the club bar with qualified Bar Managers, trained staff and follow our Host responsibility rules.

PROCESS

The Safety Officer (in consultation with other club Committee members) will identify and list the relevant legal and other requirements.

Version History					
Title ID	Version	Status	Date	Author	Approved
SMS 09	Original	Not Current	9/6/16	Jonathan Crane	<i>Commodore</i>
SMS 09	Version 2	Not Current	20/08/18	Jonathan Crane	<i>Commodore</i>
SMS 09	V3	Current	31/08/2021	Wayne Holdt	<i>Commodore</i>