

# Port Douglas Yacht Club Inc

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## Risk Management Plan For Club Organised Sailing Activities

This Risk Management Plan addresses the issues of health and safety and demonstrates an understanding of the duty of care to all workers, contractors, participants and the general public in respect to club organised sailing activities.

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### PREAMBLE

In recognising its duty of care Port Douglas Yacht Club Inc (PDYC) addresses the issues of risk management and liability arising through the involvement of PDYC in promoting and associating with the activity of sailing through the following three key principals;

- **Participation by invitation.** - Participation is only possible by, and wholly dependent upon, the specific and sole invitation from a ships master for a person to board a vessel. It is not in any way a general invitation from PDYC inviting a person to board a vessel or to attend the club in expectation of boarding a vessel.
- **Recognition of risk and responsibility.** - PDYC recognises the risk and responsibility associated with the activity and warrants that it has adequate public liability cover for that part of the activity conducted under its authority and on its premises. PDYC recognises that a person boarding a vessel does so at the sole invitation of the ships master and that by boarding a vessel that person is deemed to have left its premises at which point the risk and responsibility pass to the owner or ships master.
- **Supply of information.** - PDYC to the best of its ability ensures that all skippers and crew and all vessels participating in its sailing activities have access to, understand and comply with all relevant laws, conventions and regulations and the notice of race and sailing instructions and that all skippers recognise and adopt the PDYC Risk Management Code of Practice.

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# **Part 1 GENERAL INFORMATION**

## **1.1 ABOUT PORT DOUGLAS YACHT CLUB INC (PDYC)**

The club is situated at 1 Spinnaker Close, Wharf Street, Port Douglas, Queensland and on Dickson Inlet off Trinity Bay on the Coral Sea and all sailing events are conducted in these waters. The club may be contacted by phone, (07) 4099 4386 or email [pdy@portdouglasyachtclub.com.au](mailto:pdy@portdouglasyachtclub.com.au). The Club caters for keelboats, multihull yachts and various power boats. Yacht racing at the club is conducted in coordination with the laws, rules, regulations and guidelines of the following organisations, conventions and legislation for implementation of safety procedures;

- Yachting Australia / Yachting Queensland
- Prescriptions and Special Regulations (SR) of Yachting Australia
- The International Sailing Federation
- The 2013 – 2016 Racing Rules of Sailing (RRS) of the International Sailing Federation
- Maritime Safety Queensland
- Transport Operations (Marine Safety) Act 1994
- The International Regulations for Preventing Collisions at Sea, 1972
- International Convention for the Safety of Life at Sea (SOLAS)

The yachting season runs throughout the year with an extensive racing calendar of events from late January to early December and sunset sailing every Wednesday of the year. The activities are club racing, open regattas and short sunset cruises.

The following areas of the club are accessible to club members and the general public:

- Trailer and yacht parking/storage.
- Trailer and dinghy launching ramp (controlled by Cairns Regional Council).
- Parking areas and dinghy storage areas (controlled by Cairns Regional Council).
- Pontoon facility.
- Club house and grounds.

Port Douglas Yacht Club inc. employs a full time manager and casual part time staff for the daily operation of the club and the kitchen facilities is leased to an independent contractor.

A management committee elected by the members is responsible for the overall operation of the club and the supervision of its employees and contractors.

The conduct of races is organised by the Management Committee, a principal Race Officer when appointed or the Rear Commodore, or any combination of these three.

All events are covered by a specific Notice of Race and Sailing Instructions which include Yachting Australia safety categories and any amendments for that event with safety issues brought to the attention of the competitors at race briefings prior to start times.

## **1.2 LEARNING TO SAIL**

PDYC offers training and coaching for learn to sail on a casual basis.

Teaching is conducted by volunteer members and there is no formal accreditation or certification. Learn to sail is not conducted on a commercial basis. The club owns a J24 sailing boat that suitably qualified members may use without obligation for club organised events. Consideration for use outside of club organised events is requested in the form of a donation to the clubs J24 maintenance fund.

### 1.3 SAILING AREA

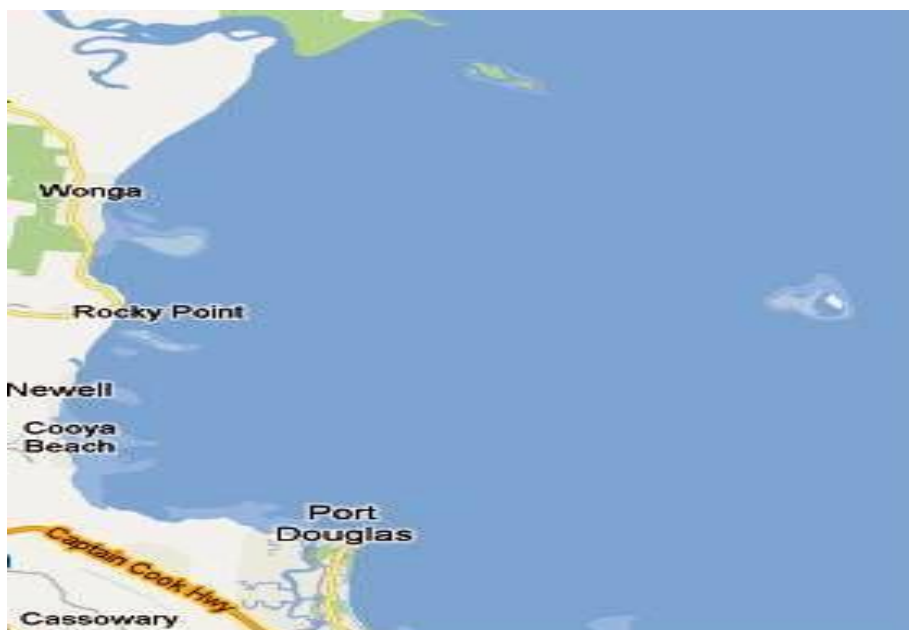
The sailing area is a large area of inshore water bound by Four Mile Beach, Island Point and Moray Reef to the west, Snapper Island to the north, Low Isles to the east and various reefs to the south. Conditions can change quickly especially during the summer months.

The predominant winds are south-easterly or southerly all year with the chance of northerlies from November to May.

Headland formations can vary wind and current direction and force if sailing close to the shore and when rounding both Snapper and Low Isles much stronger winds can be encountered on the windward than the leeward side of the islands. Extra care should be taken when passing between windward and leeward points when rounding these islands and when sailing close to the shore.

National weather forecasts may be of limited application. Local forecasts are preferable, your eyes, common sense and experience are essential along with the ability to effect sail changes.

A good weather resource is <http://www.bom.gov.au/marine/>



1.3.1 Image 1 – Sailing area

## Part 2 RISK MANAGEMENT

### 2.1 OBJECTIVES

2.1.2 The objectives of the Risk Management Plan are to ensure safety at sea and ashore, prevention of human injury or loss of life and avoidance of damage to property and the environment, through the implementation of the Risk Management Plan objectives;

- (a) Provision of safe operational practices.
- (b) Establishment of safeguards against all identified risks.
- (c) Continuous improvement in safety-management skills of all personnel.
- (d) Preparing for safety related emergencies.
- (e) Complying with mandatory regulations, codes, guidelines and standards.
- (f) Continuous development and implementation of the Plan.

## **2.2 APPLICATIONS**

- 2.2.1 The Risk Management Plan applies to all sailing activity organised by Port Douglas Yacht Club and to all participants and all situations arising therein.

## **2.3 POLICY SECTIONS**

The following sections are critical to the successful application of the Risk Management Plan forming the fundamental structure and purpose of the Plan.

- (a) Risk Management Code Of Practice.
- (b) Risk Identification, Analysis and Response.
- (c) Procedures To Report Incidents And Non-Conformities.
- (d) Procedures For Internal Audit And Review.

## **2.4 RESOURCES AND PERSONNEL**

- 2.4.1 PDYC will ensure that its office bearers and staff are fully conversant with the Risk Management Plan and given the necessary support to ensure duties can be safely and adequately performed. The responsibility to achieve this objective rests with the Rear Commodore as the official responsible for on water activities under delegation from the Management Committee.
- 2.4.2 PDYC will ensure that all personnel involved in club organised events have an adequate understanding of relevant rules, regulations, codes and guidelines. This to be achieved through regular training and awareness conducted by the Rear Commodore as the official responsible for on water activities under delegation from the Management Committee.

## **2.5 EMERGENCY PREPAREDNESS**

- 2.5.1 PDYC has established emergency response measures to identify, describe, prepare for and respond to emergencies. Details of which are listed in Part 4 of the Plan.

## **2.6 REPORT AND ANALYSIS OF INCIDENTS**

- 2.6.1 Incidents of non-conformities, accidents and hazardous situations are documented by PDYC, investigated and analysed with the objective of improving safety.

## **2.7 VESSELS AND EQUIPMENT**

- 2.7.1 PDYC is not responsible for the seaworthiness or the compliance with any safety regulations of its member's vessels and equipment.
- 2.7.2 PDYC recommends that all vessels participating in club organised events comply with PDYC Risk Management Code of Practice.

## **2.8 DOCUMENTATION**

- 2.8.1 PDYC maintains all documents and data which are relevant to the Risk Management Plan.

## **2.9 VERIFICATION, EVALUATION AND REVIEW**

- 2.9.1 PDYC will carry out internal safety reviews to verify that activities comply with the Risk Management Plan.
- 2.9.2 PDYC will conduct annual evaluation of the Risk Management Plan and where required make amendments and instigate awareness of any changes for all parties involved.

## Part 3 CODE OF PRACTICE

### 3.1 MANDATORY NATURE OF CODE

- 3.1.1 The **International Convention for the Safety of Life at Sea (SOLAS)** is generally regarded as the most important of all international treaties concerning the safety of ships.
- 3.1.2 The **Transport Operations (Marine Safety) Act 1994** imposes general safety obligations on:
- persons involved with the operation of a ship to operate it safely
  - owners and masters about safety equipment.
- 3.1.3 The **International Regulations for Preventing Collisions at Sea, 1972** prescribes measures to be observed by ships for the prevention of collisions, and specifies lights and signals to be provided on a ship.
- 3.1.4 The **2013 – 2016 Racing Rules of Sailing (RRS)** of the International Sailing Federation, and the **Prescriptions and Special Regulations (SR) of Yachting Australia**.
- 3.1.5 Notice of race and Sailing Instructions

### 3.2 OBJECT OF CODE

- 3.2.1 The object of this code of practice is—
- (a) to minimise the risks inherent to the activity of sailing,
  - (b) to promote responsible attitudes in relation to the participation in club organised sailing events.

### 3.3 INTERPRETATION

- 3.3.1 Expressions defined in the laws, conventions and documents referred to in Part 1.1 have the same meanings in this Code of Practice.

### 3.4 APPLICATION

- 3.4.1 This Code of Practice applies to the master of a ship (commonly referred to as the person in command or the skipper) participating in club organised sailing activities.

### 3.5 GENERAL SAFETY OBLIGATION OF SHIP OWNERS AND MASTERS ABOUT CONDITION OF SHIPS

- 3.5.1 The owner and master of a ship must not operate the ship unless the ship is safe.
- 3.5.2 The general safety obligations of Transport Operations (Marine Safety) Act 1994 prohibit a ship from going to sea if it is not properly built and maintained.

### 3.6 GENERAL OBLIGATION ON PERSONS INVOLVED WITH OPERATION OF SHIP TO OPERATE IT SAFELY

- 3.6.1 A person involved with a ship's operation (including the owner, master and crew) must not cause the ship to be operated unsafely. A person causes a ship to be operated unsafely if the person causes the ship to be operated in a way that—
- (a) causes a marine incident; or
  - (b) contravenes—
    - (i) conditions of the ship's registration about safety; or
    - (ii) a provision of a regulation that is declared by a regulation to be a provision to which this Code of Practice applies.
- 3.6.2 The general safety obligations of Transport Operations (Marine Safety) Act 1994 require a ship be equipped, crewed and operated in accordance with its proposed operating environment.

### **3.7 SAFETY EQUIPMENT OBLIGATION**

- 3.7.1 The owner or master of a ship must not operate a ship if the ship is required by a regulation to be equipped with safety equipment and the ship is not equipped with the safety equipment.
- 3.7.2 Vessels shall comply with YA Special Regulations Part 1 Equipment Checklist for Category 6 events (YA SR Pt1 Section 1.01.1 page 185 RRS)

### **3.8 PRACTICES RELATING TO MINORS**

- 3.8.1 PDYC does not promote the inclusion of minors in its sailing activities.
- 3.8.2 A minor that participates in club organised sailing activities does so at the risk of the skipper and the parent or guardian of the minor.

### **3.9 PRACTICES PROMOTING RESPONSIBLE ATTITUDE TO CONSUMPTION OF ALCOHOL ON BOARD**

- 3.9.1 If the master of a ship authorises the consumption of alcohol on board, then established and appropriate practices to encourage a responsible attitude to the consumption of alcohol must be maintained.
- 3.9.2 The skipper must have a blood alcohol limit of less than 0.05, the same rules as on the road. The skipper is also responsible for the safety of the passengers and is responsible for their alcohol consumption. The effects of alcohol are enhanced while on the water due to the sun, wind, waves and constant motion. Reflexes and response times to emergencies are slowed and swimming ability deteriorates considerably.  
Skippers of recreational boats should also be aware that, when their boat is anchored, it may still be considered to be used for navigation, and the blood alcohol limit applies. The limit does not change unless the boat is securely moored in a marina, to a jetty or wharf or on a swing mooring.

### **3.10 INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA**

- 3.10.1 A skipper shall be aware of and follow the International Regulations for Preventing Collisions at Sea.

### **3.11 2013 – 2016 RACING RULES OF SAILING (RRS) AND SAILING INSTRUCTIONS**

- 3.11.1 A skipper shall be aware of and to the best of their ability abide by the 2013 – 2016 Racing Rules of Sailing (RRS) and the Sailing Instructions issued for each event.

### **3.12 PRESCRIPTIONS AND SPECIAL REGULATIONS (SR) OF YACHTING AUSTRALIA.**

- 3.12.1 A skipper shall comply with the Prescriptions and Special Regulations (SR) of Yachting Australia.

### **3.13 ASSISTING THOSE IN DANGER**

- 3.13.1 A boat or competitor shall give all possible help to any person or vessel in danger. During club organised events the fleet on the water is always the first support for any vessel/crew in difficulty. Record your own time in ceasing and recommencing when racing if you render assistance to any vessel as times can be adjusted.
- 3.13.2 VHF channel 16 is to be monitored by all event participants and by the Event Office during the event.
- 3.13.3 A hand held VHF radio is to be carried at all times by the land based person who is responsible for monitoring the emergency channel during sailing events.



3.13.4 The person based ashore responsible for monitoring the emergency channel shall be the staff member on duty at the time with the highest function.

### **3.14 PROVIDING A GREATER LEVEL OF SAFETY**

3.14.1 PDYC strives to identify and implement practices that provide a greater level of safety than external regulations require and guidelines recommend.

## **Part 4 RISK IDENTIFICATION ANALYSIS AND RESPONSE**

### **4.1 RISK IDENTIFICATION**

4.1.1 General risk associated with the activity of sailing includes but is not limited to;

- Medical - Asthma, Diabetes, Heart or Respiratory
- Hypothermia
- Sunburn, Sunstroke
- Dehydration
- Collision between boats or submerged objects, or any other sea borne hazard
- Man Overboard
- Mechanical breakdown or gear failure
- Fire or explosion
- Person trapped by capsized boat, inside boat or tangled in rigging
- Launch ramp - Personal injury or equipment damage
- Refuelling
- Rigging areas
- Safety equipment and compliance checks
- Inclement weather

### **4.2 IDENTIFIED SAILING HAZARDS SPECIFIC TO THE SAILING AREA**

4.2.1 Specific risks associated with the sailing area include but are not limited to;

- Shallow water at very low tide through Dickson Inlet is a hazard for keelboats and there is very shallow water either side of the channel markers with the northern side sand flat frequently exposed at low tide.
- The approach to Four Mile Beach becomes shallow quite quickly and boats are advised to stay away from this area.
- To the south there is a grounding hazard on coral reefs close to the shore and further off shore adjacent to the Mowbray estuary. Boats are advised to stay away from these areas.
- Moray reef extends north and east of Dickson Inlet to approximately 145.461E and boats are advised to stay east of this longitude.
- Low Isles is surrounded by coral reef with dangerous underwater hazards to be wary of when rounding in either direction.
- Snapper Island is surrounded by coral reef with dangerous underwater hazards to be wary of when rounding in either direction.
- An area known as the duck pond between Meridien Marina and Closehaven Marina is shallow water and is only accessible by keelboats on a suitably high tide. Keelboats are advised to avoid this area.

- Depending on tidal current and wind conditions special care should be exercised near Island Point. A sudden loss of speed and ability to manoeuvre may be encountered if venturing too close.
- Be courteous and aware of other users of these waters particularly in and around the entrance channel and particularly at times when commercial traffic may increase.

### 4.3 EMERGENCY COMMUNICATION AND CO-ORDINATION

- 4.3.1 The Event Office of the organising authority, Port Douglas Yacht Club, Spinnaker Close, Port Douglas is to be the co-ordination centre for communication and emergency response in the event of an emergency situation.
- 4.3.2 VHF channel 16 is to be monitored by all event participants and by the Event Office during the event.

### 4.4 RISK AND RESPONSE

- 4.4.1 Persons whom own or skipper participating vessels shall take part in the development of the risk assessment matrix.
- 4.4.2 Table 1: Risk Assessment Matrix - On Water Risk and Response

| Risk or Hazard  | Proposed action   |   |  |
|---|---|---|--|
|   | Yacht   | Escort/Rescue Craft   | Race Officer or Committee  |
| Medical e.g. Asthma, Diabetes, Heart and Respiratory                              | Call for assistance, seek medical advice or help.   | Take off severely affected crew. Notify race officer.   | Arrange for medical treatment as required.   |
| Hypothermia   | Wrap in blanket and/or dry clothing Keep shaded and hydrated. Call for assistance.                | Take person for medical treatment if required. If using a hypothermia blanket patient must be warmed before wrapping in the blanket. Notify Race Officer.                                   |  |
| Sun burn  | Have suitable sun block on board. If sun burn is serious treat as for burns, call for assistance. | Assist as required.   |  |
| Dehydration   | Treat as for shock. Supply fluids if conscious. Call for assistance.                              | Assist as required, notify Race Officer.  | Arrange for medical treatment as required.   |
| Collisions and Injuries between boats and submerged objects, or any other hazard. | Call for assistance. Use flares if necessary.   | Give assistance as required. Take off injured crew if necessary. Where injuries are serious call Police and/or Ambulance or Rescue coordinator. Notify Race Officer. Personnel rescue first | Set courses to separate classes where possible. Monitor situation. Coordinate rescue operation if required. Submit to professional service providers and continue to liaise with |

|   |   |  |   |
|---|---|--|---|
|   |   | priority, boat salvage and retrieval second.   | their leadership.   |
| Mechanical breakdown or gear failure. Competing yacht or escort /rescue craft | Jury rig repair if possible. Retrieve all lines and rigging if possible, Anchor if necessary. Call for assistance, use flares or hail if within range of nearest boat or shore. | Assistance as required. Remember crew are first priority. Escort or Rescue craft breakdown Call for assistance, use flares or hail if within range of nearest boat or shore. | Monitor and coordinate rescue. Call for assistance from other power craft or yachts in area if necessary. |
| Fire or explosion   | Call for assistance immediately if possible. Use extinguisher if accessible. Use water if fire is neither Electrical nor Flammable liquid.                                      | Assist in fire fighting. Take crew off if necessary. Notify race Officer. Call for medical help if required.   | Monitor situation coordinate any medical or professional services if required.                            |
| Person trapped by capsized boat, inside boat or tangled in rigging.           | Hail closest boat that must render assistance and immediately call on VHF if possible a rescue or escort craft to assist.   | Escort/rescue craft should in the case of a person still in a capsized yacht call for assistance. Cut rigging wire if required.  | Monitor situation coordinate any other rescue services required e.g. divers Police etc                    |

4.4.2 Table 2: Risk Assessment Matrix - On Shore Risk and Response

| Risk or Hazard  | Proposed action   |                     |   |
|---|---|---------------------|---|
|   | Yacht   | Escort/Rescue Craft | Race Officer or Committee   |
| Launching ramp - Personal injury or equipment damage. Caused by careless movement of dinghies or trailers. Debris and slippery surface on ramp can cause ankles and/or foot injury. Always remember that crocodiles inhabit these waters. | Keep a good lookout while on the ramp. Prepare launch and retrieval away from ramp where possible. Ensure you have adequate crew to assist launching and retrieval. Take care if wading around the boat of possible sharp objects in the water on the ramp. Always remember that crocodiles inhabit these waters. |                     | Ensure visiting crews have adequate information on most suitable launching ramps and rigging areas. Warn of dangers as for <i>Yacht</i> . |
| Refuelling  | Be careful of spillage. If spillage does occur, clean up immediately. Make sure you have adequate fuel to cover the possible distances in case of equipment failure.  |                     |   |

|   |   |   |   |
|---|---|---|---|
| Rigging areas   | Care must be taken if rigging on road or near storage area of passing traffic, trailers and other vehicles towing.                            |   |   |
| Safety equipment and compliance checks.   | Owner/Skipper responsible for safety compliance to the category of the event.   | Safety/Rescue and escort craft to comply with safety categories for the duties they are performing. The club rescue craft should have an up to date register of safety equipment on board including a first aid kit, anchor and warp with chain attached. | Safety checks are important. Any craft that does not comply puts at risk not only themselves but others who may come to their assistance during a race.   |
| Weather: Note if stable or changeable conditions over expected duration of event. | Take note of weather forecast for duration of event or total time on the water. Be prepared and able to reduce sail if conditions require it. | Monitor conditions and wave patterns constantly inform Race Officer of changes.   | Monitor weather conditions constantly. Coordinate with rescue craft and shore team. Keep track of yachts still racing and those clearing the finish and course areas. Delegate. Consider options of shorten course, postponement and/or abandonment. Notify the professional medical, police or rescue personnel as required. |

## Part 5 PROCEDURES TO REPORT INCIDENTS AND NON-CONFORMITIES

### 5.1 OBLIGATION TO REPORT MARINE INCIDENTS

5.1.1 Under the *Transport Operations (Marine Safety) Act 1994*, a marine incident is classified as an event causing or involving:

- the loss of a person from a ship
- the death of, or grievous bodily harm to, a person caused by a ship's operations
- the loss or presumed loss or abandonment of a ship
- a collision with a ship
- the stranding of a ship
- material damage to a ship
- material damage caused by a ship's operations
- danger to a person caused by a ship's operations

- danger of serious damage to a ship
- danger of serious damage to a structure caused by a ship's operations.

5.1.2 A marine incident must be reported to a shipping inspector (Maritime Safety Queensland, Water Police or Boating and Fisheries Patrol) within 48 hours of the incident.

5.1.3 The report must be made on the approved marine incident report form available from Department of Transport and Main Roads customer service centres, Maritime Safety Queensland regional offices, Queensland Boating and Fisheries Patrol and Water Police offices.

## **5.2 CLUB LEVEL REPORTING OF MARINE INCIDENTS**

5.2.1 Skippers involved in marine incidents during club organised events shall report the incident to the club management committee within 48 hours of the incident.

5.2.2 The report must be in writing.

## **Part 6 PROCEDURES FOR INTERNAL AUDIT AND REVIEW**

### **6.1 ANNUAL AUDIT AND REVIEW OF RISK MANAGEMENT PLAN**

6.1.1 Each year the management committee shall audit and review the risk management plan to determine its effectiveness and relevance and to make amendments as required.

6.1.2 Audit of the Risk Management Plan shall include the following:

- Assessment of activities to verify the Plan is implemented.
- Scrutiny of participants to verify compliance.

6.1.3 Review of the Risk management Plan shall be in the form of an appraisal of any changes to the rules and regulations that apply to any part of the plan with the objective of updating the plan and applying any changes and amendments as required.

## APPENDIX A

### WAGS Policy Document

#### 1. SCOPE

- 1.1 **Application:** PDYC WAGS Policy applies to Wednesday afternoon sunset sailing.
- 1.2 **Responsible Authority:** The PDYC WAGS Policy Document is the responsibility of PDYC Management Committee.
- 1.3.1 **Event Category:** The event is a short course sunset cruise.
- 1.3.2 PDYC adopts Yachting Australia Special Regulations Part 1 as a guide for cruising boats (YA SR Pt1 Section 1.01.1 page 185 RRS).
- 1.3.3 The event is defined as a Category 6 event for the purpose of Yachting Australia Special Regulations Part 1.
- 1.4 **Policy Limitation:** This policy is limited to the activity of sailing organized by PDYC on Wednesday afternoons only.
- 1.5 **Decision to sail:** The responsibility for a boat's decision to sail is hers alone.
- 1.6 **Safety onboard:** The safety of a boat and her crew is the sole and inescapable responsibility of the owner, or owner's representative (YA SR Pt1 Section 1.02 page 186 RRS).
- 1.7 **Sailing Instructions:** Sailing Instructions for the event are posted on the sailing notice board.

#### 2. ELIGIBLE VESSELS AND PARTICIPATING SKIPPERS

- 2.1 **Eligible Vessels:** Eligible vessels must be registered on the PDYC Yacht Register.
- 2.2 **Participating Skipper:** A Participating Skipper is the person in command of an Eligible Vessel participating in the event.
- 2.2 PDYC makes a recommendation to all Participating Skippers that vessels comply with YA Special Regulations Part 1 Equipment Checklist for Category 6 events (YA SR Pt1 Section 1.01.1 page 185 RRS)

#### 3. NON-ELIGIBLE VESSELS

- 3.1 **Non Eligible Vessels:** Boats not on PDYC Yacht register are Non-Eligible Vessels.
- 3.2 Skippers of Non-Eligible Vessels that sail with the fleet do not have the endorsement of PDYC to invite on board persons nominating through the PDYC crew nomination process.
- 3.3 Non-Eligible Vessels that sail with the fleet are not entitled to receive a Participating Skipper's gift and the crew are excluded from participation in crew draws.

#### 4. PARTICIPANTS AND CREW SELECTION

- 4.1 **Invitation to nominate for selection:** PDYC invites members and bona fide guests of the club to nominate to be selected to participate as crew.
- 4.1.1 **Crew Nomination Register:** Any person accepting the invitation to nominate for selection must sign the Crew Nomination Register (copy attached).
- 4.2 **Participants:** A Participant is a person that has signed the Crew Nomination Register.
- 4.3 **Crew selection:** The Participating Skipper of a vessel has exclusive right to select Participants to crew onboard that vessel.

- 4.4 **Boarding of vessel:** The Participating Skipper of a vessel has exclusive right to invite Participants to board that vessel.
- 4.5 Nomination for crew does not guarantee selection.
- 4.6 It is the Participating Skipper's responsibility to ensure that crew has signed the Crew Nomination Register.
- 4.7 **Liability Waiver:** The liability waiver must be available for Participants to read in conjunction with signing the Crew Nomination Form prior to accepting an invitation to board a vessel.
- 4.8 Section 68B Trades Practices Amendment (Liability for Recreation Services) Act 2002 (Commonwealth) permits self-assumption of risk by individuals who choose to participate in inherently risky activities and allows them to waive their right under the Trade Practices Act 1974 to sue the business or organisation providing the activity should they suffer personal injury as a result of a failure to provide the service with due care and skill.
- 4.9 **Personal invitation:**
  - 4.9.1 Any person that has not signed the Crew Nomination Register and boards a vessel at the invitation of a Participating Skipper is not considered to be a Participant for the purposes of this policy and is considered to be participating at the personal invitation of that Participating Skipper.
- 4.10 **Limitations:**
  - 4.10.1 No person under the age of 18 years may nominate to be crew.
  - 4.10.1 Persons not having the level of fitness and mobility required of the activity should not participate.
  - 4.10.2 It is the responsibility of the skipper to determine if a participant possesses the level of fitness and mobility required of the activity.

## 5. WEATHER

- 5.1 **Weather Briefing:**
  - 5.1.1 PDYC is to make available to Participating Skippers a weather briefing based on the Bureau of Meteorology forecast published at: -  
[http://www.bom.gov.au/qld/forecasts/northern\\_qld\\_coastal\\_waters.shtml](http://www.bom.gov.au/qld/forecasts/northern_qld_coastal_waters.shtml)  
A written or verbal report based on observations taken from this source may be provided.
- 5.2 **Strong wind warning:**
  - 5.2.1 In the event a strong wind warning is issued by the Bureau of Meteorology for North Tropical Waters, Cooktown to Cardwell, the course is to be changed to Dickson Inlet and Packers Creek only.

## 6. PRIZES AND GIFTS

- 6.1 **Participating Skippers Draw:**
  - 6.1.1 Each Eligible Vessel that sails is entitled to enter the draw to receive a skipper's gift.
  - 6.1.2 Participating Skippers do not need to be present to claim their gift.
- 6.2 **Crew Prize:**
  - 6.2.1 Crew is entitled to make a donation to enter the draw to win a crew prize.
  - 6.2.2 Crew must be present to claim their prize.
  - 6.2.3 Entry to the crew prize draw is not restricted to crew that sailed.
  - 6.2.4 Crew may make multiple donations but will only be eligible to win one prize.
  - 6.2.5 Participating Skippers may donate to enter the crew prize draw.
  - 6.2.6 Crew that do not donate to the draw are excluded from the draw.

### 6.3 **Donations received:**

- 6.3.1 Donations received to enter the crew prize draw are used to cover the cost of the prizes with the balance distributed at the manager's discretion between the PDYC J24 maintenance fund and cash prizes.
- 6.3.2 The donation required to participate in the crew draw is at the discretion of the duty manager or management committee.

## 7. **EFFECTIVE RESCUE CAPABILITY**

### 7.1 **Event Log:**

- 7.1.1 The duty manager on the day must record in the Event Log Book the name of each Eligible Vessel that participates in the event.
- 7.1.2 Each eligible vessel must report their safe return to the Duty Manager on returning to the club and the Duty Manager must record the safe return of that vessel in the Event Log Book.

### 7.2 **Radio Communication:**

- 7.2.1 VHF channel 16 is to be monitored by all event participants and by the Event Office during the event.

### 7.3 **Search and Rescue:**

- 7.3.1 The Australian Volunteer Coast Guard Association, Mossman/Port Douglas Flotilla QF10 are to be contacted (4099 5392 or 0427 162 258) if search and rescue is required.
- 7.4 The fleet on the water is always the first support for any vessel/crew in difficulty and shall whenever possible assist if search and rescue is required provided that there is no increase in the risk to that vessel or to persons already onboard.

## 8. **DEFINITIONS**

- 8.1 **WAGS:** Wednesday Afternoon Gentlemen's Sailing.
- 8.2 **Eligible Vessel:** A yacht on the PDYC Yacht Register.
- 8.3 **Crew:** Persons other than the Participating Skipper that are onboard a vessel underway.
- 8.4 **Crew Nomination Register:** Document that persons wishing to sail must sign.
- 8.5 **Participant:** Person that has signed the Crew Nomination Register.
- 8.6 **Participating Skipper:** The person who has command of an Eligible Vessel participating in the event.
- 8.7 **Category 6 Event:** Short courses close to the shoreline in protected waters, in daylight hours only and with effective rescue availability.
- 8.8 **Duty Manager:** The club manager or acting club manager on the day.



## APPENDIX B

### WAGS Sailing Instructions

#### Events are organised and hosted by Port Douglas Yacht Club Inc

**1. RULES:**

1.1 WAGS is governed by these Sailing Instructions, PDYC WAGS Policy and Risk Management Code of Practice contained within the PDYC Risk Management Plan and the mandatory nature of the rules and regulations therein.

1.2 PDYC WAGS Policy and Risk Management Plan is available at Port Douglas Yacht Club.

**2. EVENT CATEGORY:**

2.1 The event is a short course sunset cruise. PDYC adopts Yachting Australia Special Regulations Part 1 as a guide for cruising boats (YA SR Pt1 Section 1.01.1 page 185 RRS).

2.2 The event is defined as a Category 6 event for this purpose.

**3. ENTRIES AND ELIGIBILITY OF VESSELS:**

3.1 WAGS is open to only monohulls and multihulls listed on the PDYC Yacht Register.

3.2 Boats registering in the event log on the day shall be deemed to have entered the event.

3.3 By entering the event an entrant implies compliance with PDYC policy.

3.4 PDYC shall not be held accountable for non compliance of its policies by event entrants.

**4. SCHEDULE OF EVENTS:**

4.1 Every Wednesday, registration at the Club from 4:00pm sailing anytime thereafter.

**5. SAILING AREA, COURSES, START & FINISH:**

5.1 The sailing area is Packers Creek, Dickson Inlet and Trinity Bay.

5.2 The Course is any suitable heading within the sailing area.

5.3 The Start and Finish are at the discretion of the skipper within the time limit.

**6. TIME LIMIT:**

6.1 All boats shall complete the Course in daylight hours only.

**7. CHANGE OF COURSE:**

7.1 In the event a strong wind warning is issued by the Bureau of Meteorology for North Tropical Waters, Cooktown to Cardwell, the course is to be changed to Dickson Inlet and Packers Creek only.

**8. OMISSIONS:**

8.1 There will be no notices to competitors, changes to sailing instructions, divisions, signals, marks, changes to the course, shortened courses, protests, penalties or scoring.

**9. SAFETY REGULATIONS:**

9.1 All entrants shall agree to abide by PDYC WAGS Policy and Risk Management Code of Practice.

9.2 A boat that retires from the event shall notify the event office as soon as possible.

**10. RADIO COMMUNICATION:**

10.1 All boats shall monitor VHF channel 16 for the duration of the event.

**11. PRIZES:**

11.1 All entries are eligible for prizes to be drawn at random after the event.

**12. DISCLAIMER OF LIABILITY:**

12.1 Participation in the event is entirely at the sole risk of the participant. See Rule 4, RRS. The organising authority, committee, members and employees will not accept any liability for material damage or personal injury or death sustained in conjunction with or prior too, during, or after the event.

**13. INSURANCE:**

13.1 Each participating boat shall be insured with a minimum \$5,000,000 third party liability cover.

## APPENDIX C

### Disclaimer and Liability Waiver Agreement

***WARNING: The Crew Nomination Register and Disclaimer and Liability Waiver Agreement are legal documents that affect your rights when you sign the Crew Nomination Register and accept an invitation to board a vessel.***

***IMPORTANT: Do not sign the crew nomination form and do not accept an invitation to board a vessel if you do not understand or accept this Disclaimer and Liability Waiver Agreement.***

***Section 68B Trades Practices Amendment (Liability for Recreation Services) Act 2002 (Commonwealth) permits self-assumption of risk by individuals who choose to participate in inherently risky activities and allows you to waive your right under the Trade Practices Act 1974 to sue the business or organisation providing the activity should you suffer personal injury as a result of a failure to provide the service with due care and skill.***

**To: Port Douglas Yacht Club Inc (PDYC).** In consideration of PDYC allowing me to participate in club organised sailing I acknowledge and agree that:

- 1.** PDYC is a community organisation and the event is a recreational activity not undertaken for commercial gain.
- 2.** Participation involves the risk of injury related to or resulting from pre-existing disabilities or medical conditions for which I accept full responsibility.
- 3.** It is not possible to list all potential injuries or their possible causes. Injury may be unforeseen, accidental or preventable and may be serious. Injury may be caused by failure to follow instructions, failure to wear protective equipment, carelessness, the negligence of others, equipment failure or other causes. Sailing may and can be a dangerous recreational activity and by signing the Crew Nomination Register I acknowledge that this risk may and sometimes does occur.
- 4.** I accept that I am responsible for participating and I accept all risks which could result in loss of life, temporary or permanent injury or economic loss. Accordingly, I release PDYC from, and will indemnify it against (to the extent that my actions are not excused or protected by law), all liability for all injury, loss or damage arising out of or connected with my participation in PDYC activities for any claims based on negligence. I also agree to waive my right to sue should I suffer personal injury as a result of a failure to provide the service with due care and skill. This release and indemnity continues forever and binds my heirs, executors, personal representatives and assigns.
- 5.** I consent to receiving any medical treatment or injury assistance that PDYC thinks applicable during or after my participation. However, I do not require that special medical facilities or equipment be made available for me and I understand that treatment or assistance might not be immediately available when needed.
- 6.** Any insurance cover affected for participants may not cover me for any or all injury, loss or damage sustained by me.
- 7.** Safety precautions undertaken by PDYC are a service to me and other participants but are not a guarantee of safety.
- 8.** Boats are sailed by me at my risk. PDYC is not responsible for injury, loss or damage through negligence, failure to provide the service with due care and skill or otherwise resulting from sailing.
- 9.** PDYC has policy documents which I have had the opportunity to read.
- 10.** I accept that PDYC has no control over its members' vessels and that it is my responsibility to ensure that any vessel I board is suitable for the purpose of the activity I seek to undertake.
- 11.** By signing the crew nomination form and accepting an invitation to board a vessel I certify that I am 18 years of age or older and I have read, fully understand and accept this agreement.

### WAGS Crew Nomination Register

By signing this Crew Nomination Register I agree that I have read and understand the Port Douglas Yacht Club Inc (PDYC) **Disclaimer and Liability Waiver Agreement** and that PDYC has provided to me the opportunity to inspect its policies and procedures relating to participation in PDYC organised sailing activities.

**Date: Wednesday    /    /**

| FULL NAME | SIGNATURE |
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