

**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**

	Documents	Comment
1.	Maritime Transport Act 1994 (Reprinted as at 1 April 2021)  <b>Your local</b> Navigation Safety Bylaw 2017 (incl.2019, 2020 updates)	Although the club is not a workplace, there is no exemption to certain health and safety provisions of this Act. Volunteers are covered.  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).
2.	<b>Your local</b> Navigation Safety Bylaw 2017 (incl.2019, 2020 updates)	Sets basic navigation standards, speed limits, and includes wearing of PFDs, age limits, give way rules, wakes and access limits.
3.	Crimes Act 1961  <b>Your local</b> Navigation Safety Bylaw 2017 (incl.2019, 2020 updates)	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.  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.  Relevant but an unlikely prosecution – the main point is to exercise care when operating patrol boats and any other equipment or doing any other thing that could endanger life.
4.	Health and Safety at Work Act 2015	Relevant only when, and if, club employs people to work on boating activities. A club is not a workplace and is excluded from this legislation.
5.	Yachting NZ Safety Regulations Part 1  Effective from 1 January 2021	Applies to all racing centerboard yachts, open yachts and sailboards always – not just during racing.  In short, sailors <b>must wear buoyancy aids</b> and be able to swim and tread water, boats must be sound and equipped, and <b>trailers must be identifiable</b> .  Skipper responsibility is stressed.

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 Racing 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.
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 the Whanganui Sailing club 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 does have a current Approved Fire Evacuation Scheme

**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
13	Original	Current	21/07/16		