



NSW Maritime Division Fact Sheet

Handling incidents during Aquatic Events

What are the requirements for handling incidents occurring during an aquatic event?

Principles

Roads and Maritime Services (Roads and Maritime) will leave the investigation and management of incidents under an aquatic licence largely to participating clubs of governing bodies/organisations. All race participants competing under governing body regulations must be aware of the risks involved. Roads and Maritime strongly recommends that all aquatic licensees hold a Public Liability Insurance Policy that covers the event, including all participants in the event, and damage to any vessels or property associated with the event. Roads and Maritime may in certain circumstances require as a condition of issuing the licence, that the applicant takes out and maintains a public liability policy and may require Roads and Maritime be named on the policy as a covered party.

Roads and Maritime will generally intervene only where it is clear that the incident is significant, and action by the licensee appears to have been inappropriate or incomplete and /or there has been a significant disregard of the marine legislation.

Handling incidents occurring under aquatic licences involving sail, power and passive (not driven by either mechanical power or sail) vessels

Roads and Maritime requires the organising club to investigate incidents between vessels racing in licensed events on the basis of the applicable rules under which the vessels were competing or racing.

The marine legislation will always prevail where racing and non-racing vessels interact and when vessels are racing under different governing body regulations.

The licensee of an approved aquatic activity must report all incidents involving a fatality, serious injury and/or significant damage where such is considered significant having regard to the types of vessels involved, to Roads and Maritime within 48 hours of occurrence using a VIR (Vessel Incident Report) form available on the Roads and Maritime website. The licensee must then report, in writing, the results of findings of an inquiry to Roads and Maritime within 28 days of the incident. There may also be a requirement for the licensee to report incidents to other agencies.

Roads and Maritime reserves the right to investigate any marine incident at any time and will always investigate when there is an apparent significant disregard of the marine legislation.

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 dollar value which is appropriate to the overall value of the vessel (generally \$5000 and above).