



NSW MARITIME REQUIREMENTS IN CASE OF ACCIDENT (Marine Safety Act 1998 - Part 8, Division 2, Section 98)

Requirements of masters in case of accident involving vessels

If you're involved in an incident

You must always stop and give as much help as possible.

If you need help, alert search and rescue services.

Marine incidents include when:

- a person is killed or injured on a vessel
- a person falls overboard
- a person is hit by a vessel or its propeller
- a vessel is involved in a 'close quarters' situation - for example,
 - when taking evasive action to avoid colliding with another vessel
- a vessel sinks, capsizes, runs aground or floods
- a vessel collides with another vessel or object
- there's a fire or explosion on board a vessel
- a vessel causes damage to the environment.

What to do after an incident

Stop your vessel and give as much help as possible. As the skipper, you must show any required licence or certificate of competency and give your details to everyone involved in the incident.

If Transport for NSW (Maritime) authorised officers or police attend, the skipper of each vessel involved must give:

- full identification, including their name and address
- time, place, and description of the incident
- name and/or registration or permit number of their vessel
- name and address of every person involved, including any witnesses
- extent of any injury or damage caused by the incident
- any required boat or PWC licence or certificate of competency.

When to report an incident

The skipper of each vessel involved must submit a Vessel Incident Report if:

- a person is killed or seriously injured
- there's more than \$5000 worth of damage to a vessel or other property, or
- there's damage or a risk of damage to the environment.

You must submit the report within 24 hours. Download the 'Vessel Incident Report form' available here:
www.service.nsw.gov.au/transaction/submit-vessel-incident-reports

** You do not need to submit a report if you gave these details to authorised officers at the incident.*

In addition to the above NSW Maritime Requirements the following also applies to vessels involved in any organised yachting event (Skipper).

The skipper of each vessel involved must submit a Vessel Incident Report AND notify the organising authority (sailing office) if:

- a person is killed or seriously injured
- significant damage where such is considered significant having regard to the types of vessels involved
- A collision or major incident with a commercial vessel, such as a ferry, charter vessel or shipping movement.

Definitions:

- "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 (e.g. \$500.00 quantum could be appropriate for small boats – Sabots, skiffs etc but is insignificant for a "Maxi"), or in excess of \$5,000.00 in all cases.

In addition to the above NSW Maritime Requirements the following also applies to vessels involved in any organised yachting event (Organiser - RSYS).

1. NSW 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.
2. The Marine Legislation 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 activity must submit a Vessel Incident Report if:
 - a person is killed or seriously injured
 - significant 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.
4. NSW 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.