



# HOBSONS BAY YACHT CLUB Inc

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## Occupational Health, Safety & Environmental Protection Policy

Date 28<sup>th</sup> April 2011

## Context and Background.

The context in which this policy has been developed is one of recognising the potential impacts on club activities of the rapidly increasing amount and complexity of legislative and regulatory requirements in this area. It also considers the related risk management impact of recent court decisions concerning sporting clubs' perceived "Duty of Care" and "Negligence" responsibilities.

These judgements affect all sporting clubs and have variously been instigated by state/national accident investigators, members, employees, contractors, guests (paying entrance fees or otherwise) and even volunteers. The effect of these judgements is to effectively treat all such persons and even in some cases unauthorised members of the public who enter club premises not displaying adequate warnings as de facto employees for compensation purposes.

Now with legal precedent already having broadly redefined "workplaces" in the various state and national OH&S acts to include sporting club premises/venues, it is incumbent on all clubs such as our own to manage our risk exposure by both introducing and being seen to enforce relevant OHS&E policies. All other factors aside, having demonstrably effective policy coverage in place can be used in future to negotiate lower insurance premiums from our insurers because their risk exposure is similarly reduced.

Instituting and applying this policy will act to ensure as far as is reasonably foreseeable that the club itself, its members and employees etc. are not exposed to litigation for deemed failure to meet applicable workplace standards and regulations. To the extent that safety is improved, the proposed changes are also of obvious direct benefit to members.

The identified risks to clubs have been further heightened by the recent trend originating in the USA for legal firms to take on cases on a "no win no pay" basis. The effect of this development is to encourage an increasing number of marginal claims seeking to push the boundaries of legislative interpretation with the view to claiming damages.

In response to this rapidly changing environment the **Hobsons Bay Yacht Club Inc.**, the **Royal Victorian Motor Yacht Club Inc.** and the **Royal Yacht Club of Victoria Inc.** have decided it is appropriate to introduce a policy of this type, which might have seemed excessive only a short time ago. This action is necessary for both the protection of the club members themselves, and as a way of minimising legal/financial risk to ensure the club's ongoing "business continuity". For all our non-business owning members, welcome to the world of risk management in the 21 century.



David Judge

Date ...28<sup>th</sup> April 2011

Commodore

***The policy of the Hobsons Bay Yacht Club Inc is to provide members, their families, guests and staff with a working and recreational environment that is safe and as far as is reasonably practicable complies with the provisions of the Victorian OH&S act and regulations. Further in the conduct of its activities the club will take all reasonable steps to avoid damage to the environment in all areas under its control.***

### **Policy Scope and Coverage**

The OHS&E policy was approved by the General Committee on the 28<sup>th</sup> April 2011 and will remain in force until such time as it is formally amended and reissued as necessary, following the legislatively required annual reviews or other changed circumstances.

The policy applies to all members, their families, guests, employees/contractors and all other visitors at all times while on club premises, including while in the marina pens or on club moorings. It also builds upon and is complementary to the existing Constitution and By Laws of Hobsons Bay Yacht Club Inc.

Copies of the relevant acts and related regulations in regard to this policy, plus where necessary more detailed documentation expanding upon core points, is maintained for the reference and advice of members in the club office. This may be accessed during office hours.

It is a requirement that members, their families, their guests, and any employees/contractors engaged in any works on club premises (either afloat or on hardstand areas) shall pay due regard to this policy and any advice and direction from the yard manager in regard to the conduct of such works.

### **The policy objectives to be met in the first year of operation:**

The Victorian Legislation does not demand full and immediate compliance with all its provisions and regulations, especially in the areas of hazards assessed to be of a historically low, infrequent and non-critical nature. It does, however, require organizations covered to acknowledge the requirement to move to full compliance and have an objective program in place that demonstrates quantifiable steps are being undertaken to assess and mitigate hazards on an ongoing basis with the view to achieving compliance. To this end, issues of identified significant risk will be addressed immediately.

To meet this requirement, the club has established the following objectives that will be met in the first year following the introduction of the OHS&E policy.

1. An OHS&E review sub-committee will be immediately established and will meet as required but as a minimum of an annual review.
2. On-site parking bays and approved pedestrian walkways within the yard will be highlighted by painting or installing rails, etc. as necessary.
3. Working areas of the yard will be designated and signed as being "authorised working access only". This is done to exclude general pedestrian traffic.
4. Only trained yard staff will be permitted in the immediate working area of the yard equipment (e.g. operating the slip, and/or moving cradles, vessels and conducting propping operations or when hazardous activities are in progress.
5. Members who have received appropriate training may operate the light crane/s to launch and recover their vessels. They may, with the level of assistance deemed appropriate, move the vessel on its cradle, trailer, etc. within the designated hardstand area of the yard.
6. Effective within three months from the date of the policy, no electrical power leads will be permitted at ground level. The club will supply electrical cable supports to the Australian standard for the use of members working on their own vessels. Any outside contractors employed by members must supply their own equipment.
7. Effective immediately, all electrical power leads and equipment used by outside contractors or employees working on club premises are required to have current tagging. It is required that from 12 months from the date of this policy, members' electrical leads and equipment for their own use on-site will also require current tagging.
8. A recent review of the ladders, trestles, planks, platforms, etc. currently in use by members working on their vessels in the hardstand area reveals many to be non-compliant with current regulations and many ladders are also placed in a non-compliant and unsecured fashion. Given that slip, trip and fall injuries form a significant and costly proportion of all workplace injuries, Worksafe with justification places compliance in this area very high on its list of offences. Accordingly, all employees or contractors engaged by members must from the date of this policy only use equipment of this type that is to current standard and appropriately attached ladders. For a maximum of 12 months from the date of this policy, members may at their own choice and risk, personally use non Australian standard ladders, platforms etc to work on their vessels. After this 12 month period only compliant equipment ladders and access equipment will be permitted for use on club premises.

9. Site dangerous goods storage and fire hazard signage will be erected to meet Australian regulations immediately.
10. Smoking areas will be identified and instigated immediately.
11. Hot work areas will be designated and a hot work policy developed within the first six months of the date of this policy.
12. Clearly designated areas for control of waste oils and old batteries to be implemented immediately.
13. Members, employees or contractors will be provided with a copy of this policy and will sign an acknowledgement (to be filed in the office) that they have received, understood and agree to comply with the policy for the duration of their work on club premises.
14. Any employees or contractors engaged by members to undertake work on their vessels on club premises are now required to provide the yard manager with documented proof of their Certificate of Registration of Business coverage plus an insurance certificate of currency providing them with at least \$10m Public Liability prior to commencement. Contractors that are a company will provide details of their Workcover coverage.
15. A sign in/sign out register will be established for contractors entering the site.
16. Members will acknowledge the coverage and requirements of this policy as part of completing each future slipping request form.

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