



PRINCESS ROYAL SAILING CLUB INC.

BY-LAWS

10 October 2019

PRINCESS ROYAL SAILING CLUB Inc.

BY-LAWS dated 10th October 2019

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INTRODUCTION

These By-Laws are made by the Board of Management of the Princess Royal Sailing Club pursuant to Rule 17 (b xii) of the Constitution. All previous By-Laws are repealed. The Board of Management may alter, amend or add to these By-Laws at any time. Nothing in these By-Laws shall prevent or limit any powers of the Flag Officers and the Board of Management under the Constitution.

"The Board of Management shall manage and operate the Club" in the best interests of the majority of its Members, in accordance with the Constitution, Rules, Sailing Instructions, Policies **and these By-Laws**. All members shall make themselves familiar with and observe the requirements laid out in the Club By-Laws. Any ambiguity or interpretation of any By Law by a member shall be referred to the Board of Management for clarification.

DEFINITIONS AND INTERPRETATIONS

The Definitions and Interpretations in the Constitution shall have the same meaning when used in these By-Laws.

ADMINISTRATION

By-Law A1 If a Member feels there is a problem in any of the areas of Finance, Sailing, Facilities, Communications, Training & Development, Projects or Social they should approach the Director concerned at an appropriate moment. If they still feel dissatisfied, they should then approach the Commodore or Vice Commodore & put their thoughts in writing to ensure the matter is brought before the Board at its next Meeting.

By-Law A2 The Club's Manager shall be approached to deal with a complaint. The complaint must be in writing to the Manager.

By-Law A4 Members are expected, at all times, to maintain socially acceptable standards. The Club relies on & encourages families to participate to ensure its future. Member's behaviour must fit in with that acceptable to all family members.

By-Law A5 These By-Laws should be read in conjunction with the Club's Constitution, Pen Lease Agreement & the Liquor Licensing Act.

By-Law A6 Minutes of Board of Management meetings may be inspected by a member at such time and place as is mutually convenient to the Board of Management and the Member.

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HOUSE AND GROUNDS

By-Law HG1- Liquor Act

The Board of Management and all members shall observe and comply with the provisions of the Liquor Control Act 1988 which apply to the Club's activities.

By-Law HG2 - Operating hours

The Board of Management shall set the hours of opening and closing the various facilities in the Club Licensed Premises and notices of such times shall be posted on the Club noticeboard.

By-Law HG3 – Functions

The Board of Management may prescribe what functions may be held within the Club Licensed Premises and when and where they shall take place. The Board of Management may make all necessary arrangements, including the determination of charges and any other matters.

By-Law HG4 – Children

Members, Guests and Visitors who are Parents or Guardians are responsible for their children while in the Club premises and grounds at all times. Children under the age of 18 shall not be supplied with liquor and shall only be admitted to any bar area if in the company of and under the control of the member, the members guest or visitor.

By-Law HG5 – Visitors

A person who is visitor shall not be admitted to any part of the Club Licensed Premises, Junior Clubhouse, boat storage areas, outbuildings or jetties unless signed in as a visitor, assigned to a member as a guest, or except as provided for elsewhere in these By-Laws.

By-Law HG5.1 – Guests

A person who is a member's guest or signed in as a visitor shall not be admitted to any part of the Club Licensed Premises, Junior Clubhouse, boat storage areas, outbuildings or jetties except as provided for in these By-Laws.

By-Law HG5.1.2 – Guests

A member hosting an approved function may introduce individual guests in the member's company without limit to numbers. A member may introduce up to five guests in the member's company at other times.

By-Law HG5.1.3 – Guests

As far as practicable guests shall be accompanied at all times by the introducing member. Members are responsible for their guests whilst the guests are on site.

By-Law HG5.1.4- Guests

The Board of Management may prescribe parts of the Club to which guests shall not be admitted. Notices defining the areas shall be displayed on the Club noticeboard.

By-Law HG5.1.5 – Guests

A guest shall not be supplied with liquor to be consumed other than in the Club Licenced Premises.

By-Law HG6 – Dogs

Dogs are not permitted anywhere within the Club Buildings under any circumstances. Guide Dogs, dogs trained and associated with other disability persons or Guard dogs under the control of their handlers may only be allowed into Club Premises subject to prior approval by either the Club Manager or any member of the

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Board of Management of The Club. Members who bring their dogs onto the Club grounds are responsible to maintain control over their dog at all times. All Member, Guest and visitor dog owners shall immediately clean up their dogs' droppings and dispose of in the bins.

By-Law HG7 - Standard of Dress

The minimum standard of dress inside of the Club Premises is a shirt, shorts and appropriate footwear (not thongs).

By-Law HG7.1 - Standard of Dress

Wet clothing, Bathers, bikinis and scanty clothing may not be worn inside of Club Premises.

By-Law HG8 - Suggestions and Complaints

A member's suggestions or complaints in relation to House and Grounds issues shall be made in writing addressed to the Club Manager.

By-Law HG9 - Gratuities

A member shall not offer any form of gratuity to an employee of the Club without prior approval of the Board.

By-Law HG10 - Damage to Club Property

Any member who shall destroy, damage or lose any Club property shall pay the full cost of replacement.

By-Law HG11 - No Removal of Club Property

A member shall not take any Club property from the Club Premises for any reason, unless authorised by the Club Manager.

By-Law HG12 - Notices

Papers or notices of any sort shall not be laid on the tables or bars nor put on the Club noticeboard nor displayed anywhere in or about the Club Premises without the prior approval of the Club Manager.

By-Law HG13 - Ringing the Bell

Ringing the bell on race days will automatically require the member ringing the bell to pay for two jugs of beer which are to be distributed amongst members and guests in the Club Licensed Premises.

By-Law HG14 - Consumption of Food and Liquor

Members, guests or visitors are not permitted to bring into or consume food or liquor on the Club Licensed Premises other than food or liquor purchased at the Club, or by specific function conditions and arrangements that are approved by the Club Manager or Board of Management.

By-Law HG15 – Barbeque Area

Members using the BBQ area are to leave it clean & tidy & return any Club furniture to its normal position.

By-Law HG16 - Smoking

Smoking is not permitted inside any part of the Club Buildings. Furthermore, smoking is not permitted within 5 meters of any entrance, or jetty or boat in the marina area.

By-Law HG17 - Motor Vehicle Parking

Motor vehicles may only be parked in designated parking areas when access points are open.

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MEMBERSHIP

By-Law M1 - Crew Only Members

Any person over the age of 18 years who does not want to register a boat but wishes to participate in selected recreational or social boating activities as defined in the By-Laws of the Club from time to time who may be approved by the Board of Management.

By-Law - M1.1 Crew Only Members shall be entitled:

- a. To race on a yacht.
- b. To receive an Australian Sailing Number and there be covered by AS personal accident insurance while racing.
- c. To wear the Club uniform.
- d. To use the Club facilities (Bar etc.) on race days.
- e. To invite guests to the bar.

Crew Only Member privileges do not include:

- a. To vote at any general meeting of Members.
- b. To partake in the management of the Club (sit on Board of Management)
- c. To register a vessel of which said member is the owner or part owner on the Club register.
- d. To sponsor a Club yacht.
- e. To invite guest sailing.
- f. To hire Club facilities at a discount.

By-Law M2 – Temporary (Australian Sailing SailPass)

By-Law M2.1 - The Management committee may utilise the Australian Sailing SailPass program to affect a temporary membership solution for those wanting to sail at the Club. It is intended to be an introductory or short-term membership solution to facilitate compliance with both the PRSC Sailing Instructions and the Racing Rules of Sailing.

By-Law M2.2 - The Management committee at its discretion may set any and all such parameters from time to time. Parameters including the fees and number of times SailPass may be used before formal membership is required will be determined by the Board of Management from time to time.

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THE CONDUCT OF RACES FOR SAILING YACHTS

By-Law S1

All sailing races and yachts competing therein shall be under the direction of the Sailing Director and Race & Sailing Committee of the Club in accordance with the annually published 'Sailing Instructions'. All matters shall be subject to its approval and control and all doubts, questions and disputes which may arise shall be subject to its decisions.

By-Law S2 - Registration of Sailing Yachts

A **Racing** sailing yacht must be nominated as detailed in the Sailing Instructions' before being eligible to be registered and compete in Club races.

By-Law S2.1 - Registration of Sailing Yachts

The Sailing Director and Race & Sailing Committee may on occasion, by permission or invitation, allow yachts registered with other yacht clubs to compete in races conducted by the Club.

By-Law S3 - Racing Rules

Sailing races shall be conducted under the Racing Rules of Sailing (RRS) current at the time in conjunction with any yearly Sailing Instructions and Program as approved by the Sailing Director & Race and Sailing Committee. The Sailing Director and Race & Sailing Committee may make Changes to Rules as allowed under RRS which shall be clearly stated in the Club yearly Sailing Instructions and Program.

By-Law S4 - Inspection

An Owner competing in Club races shall permit all reasonable inspection of his vessel by or on behalf of the Sailing Director and Race & Sailing Committee and shall afford all reasonable facilities to carry out such inspection in regard to measurements, marks, fittings, lifesaving apparatus, and such other matters as fall within the scope of the Sailing Director and Race & Sailing Committee.

By-Law S5 - Helmsman

Unless the conditions of the race otherwise specify, a yacht competing in The Club races shall be helmed either by a financial Ordinary, Life, Crew Only or Junior Member of the Club or by any other person who the Sailing Director permits but upon such terms and conditions as the Sailing Director may specify.

By-Law S6 - Crew

Unless the conditions of the race otherwise specify, a yacht competing in The Club races shall be crewed either by a financial Ordinary, Life, Crew Only or Junior Member of the Club or by any other person who the Sailing Director permits but upon such terms and conditions as the Sailing Director may specify. Visitors, Guests, Reciprocal, Temporary and Social members may sail three times via SailPass before requiring to become a financial Ordinary, Crew Only or Junior member of The Club. Penalties may / will be applied by the Sailing Director & Sailing Committee and as stated in these By-Laws and the annual Sailing Instructions.

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PEN AND BOAT STORAGE

(NOTE – these By-Laws are for the general information of all members and do not take the place of the legally binding agreement between the Club and owners of boats occupying pens in the Club marina)

PART 1 – PRELIMINARY

1.1 Definitions

In these regulations unless the context otherwise requires:

'Accessory' means a trailer, jinker, trolley or other device used to transport, convey or store a vessel on land or assist in the operation of a vessel at sea.

'Authorised Officer' means any person who from time to time is appointed by the Board of Management to perform any of the functions of an authorised officer taking into account relevant qualifications and experience.

'Board of Management' means the office bearers prescribed in the Club Constitution.

'Boatshed' means the structure on the foreshore within the designated area used solely to house dinghies, sailboards and similar small craft.

'Club' means the Princess Royal Sailing Club Inc.

'Designated area' means the land and water areas leased by the Club.

'Hardstand' means the area in which vessels or their accessories can be stored upon land, other than in the boat shed, within the designated area.

'Licensee' means a person who has been granted a licence from the Club to moor, pen or store a vessel within the designated area.

'Member' means an Ordinary or Junior who is currently a financial member of the Princess Royal Sailing Club Inc.

'Mooring' means something to which a vessel may be moored and includes an anchor, stake or pen.

'Owner' means the person who is the lawful owner, or the person legally entitled to the possession of any vessel or chattel.

'Pen' means the area between the jetty and the two outside piles within the designated area and does not include any adjacent jetty and walkway.

'Person' or any word or expression descriptive of a person includes a natural person, a public body, company or association or body of persons corporate or incorporate, but does not include the local government.

'Seaworthy' means that a vessel is fit for voyage traversing the sea.

'Vessel' means any kind of vessel, whether licensed or unlicensed, used or capable of being used in navigation by water, however propelled or moved, and includes but is not limited to a yacht, barge, lighter, floating restaurant, dinghy, commercial vessel, tender vessel or other floating structure.

PART 2 – LICENCES

2.1 Licence requirement

By-Law P&BS - 2.1.1 No person shall, without first obtaining a licence from the Club, moor, store or anchor or cause any vessel or accessory to be moored, stored or anchored, within the designated area.

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2.2 Application for licence and application fee

By-Law P&BS - 2.2.1 Where a person is required to obtain a licence under this part, that person is required to apply for the licence by completing a licence application form, as prescribed by the Board of Management from time to time.

By-Law P&BS - 2.2.2 The completed application shall be submitted to an authorised officer accompanied by such supporting documentation as is prescribed by the Board of Management from time to time.

By-Law P&BS - 2.2.3 The Club will impose an application fee and annual service fee for the license and such fees must be submitted with the application in the case of a new license and within 60 days of the date of invoice in the case of a renewed licence or in line with repayment arrangements approved with an authorised officer.

By-Law P&BS - 2.2.4 The application for a licence must be made by the owner of the vessel or the owner's agent who has the written authority to sign the application on behalf of the owner of the vessel.

By-Law P&BS - 2.2.5 The licence will be issued in the name of the owner of the vessel.

By-Law P&BS - 2.2.6 A licence relating to a pen shall have a specific pen location allocated to it and that allocation may only be changed by decision of the Board of Management either upon the request of the licensee or when the Board considers such reallocation is in the best interests of the effective and efficient management of the designated area.

By-Law P&BS - 2.2.7 Should a licensee be aggrieved by a decision of the Board of Management to reallocate the pen location of the licence then the licensee may seek review of the decision at a special meeting of the Club convened by the Board of Management in accordance with section 11 of the Club Constitution and the decision of the members present shall be final.

By-Law P&BS - 2.2.8 The licence will be renewed annually provided that the licensee complies with these regulations.

By-Law P&BS - 2.2.9 If an application for a licence is not made in the manner required by the Club or the fee, if any, which is charged to accompany that application is not paid, the Club may refuse to consider the application for a licence.

Part 3 – OBLIGATIONS OF LICENCEES

3.1 Mooring of vessel within pen

By-Law P&BS - 3.1.1 The licensee shall during the term of the licence provide, use and maintain mooring lines in accord with the pen lease as amended from time to time.

By-Law P&BS - 3.1.2 The licensee shall periodically inspect the mooring lines and eyebolts and replace those which are unfit for their intended purpose. Eyebolts are available free of charge from the Club but must be fitted and maintained at licensee's expense.

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3.2 Mooring of Vessel on a Mooring

By-Law P&BS - 3.2.1 The licensee shall during the term of the licence provide, use and maintain a submerged mooring in accord with the licence/lease as amended from time to time and to the satisfaction of the authorised officer.

By-Law P&BS - 3.2.2 The licensee shall annually inspect the mooring or anchoring system and replace any components which are unfit for their intended purpose.

3.3 Storage of Vessel or Accessory on Hardstand or in Boatshed

By-Law P&BS - 3.3.1 The licensee shall during the term of the licence locate their vessel or accessory on land in an area that is approved by an authorised officer.

By-Law P&BS - 3.3.2 The licensee shall periodically inspect their accessory to ensure that its structural integrity and general condition is sufficient so as not to be a threat to public safety and where relevant can safely and effectively carry the vessel for which it is intended.

3.4 Licensee's obligations

During the term of the licence, the licensee shall:

By-Law P&BS - 3.4.1 Keep the vessel in a state of good and substantial repair and in a clean, tidy, and seaworthy condition;

By-Law P&BS - 3.4.3 Keep and maintain the pen in which the licensee's vessel is moored and any adjacent jetty or walkway in a clean, tidy and orderly condition;

By-Law P&BS - 3.4.4 Ensure that the vessel shall not at any time interfere with, obstruct or impede the movement of any other vessels within the pen system;

By-Law P&BS - 3.4.5 Ensure that the vessel shall not at any time interfere with, obstruct or impede the movement of any materials, goods or equipment along or over any jetty or walkway forming part of the pen system;

By-Law P&BS - 3.4.6 Ensure that any vessel under the control of the licensee, his agent or employee, when approaching, using or leaving the pen is controlled in a cautious and seamanlike manner and does not cause a nuisance or damage to any other vessel, property or persons;

By-Law P&BS - 3.4.7 Ensure that hose pipes or electricity leads shall not be allowed to obstruct or create a hazard to persons walking within the pen system; The power outlets are for power tool use only and are not to be used for boat installations. Members must not move a hose from one outlet to another, cut a hose or remove the tap & hose fittings without prior permission from an authorised officer of the Club.

By-Law P&BS - 3.4.8 Pay all fees imposed by the Club by the due date or as arranged with an authorised officer.

By-Law P&BS - 3.4.9 Ensure the vessel is licensed with the relevant authorities;

By-Law P&BS - 3.4.10 Hold a third party insurance policy for the vessel moored or anchored in the designated area; and this must be presented annually to Club Manager.

By-Law P&BS - 3.4.11 Comply with all conditions attaching to the licence.

During the term of the licence, the licensee shall not:

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By-Law P&BS - 3.4.12 Permit any vessel other than the one described in the licence to use or to occupy the pen without the prior consent of the authorised officer.

By-Law P&BS - 3.4.13 Bring, deposit or release or permit to be bought, deposited or released any black water, raw sewerage, oil or fuel, fish products including fish carcases, shells and offal, whether solid or liquid, and regardless of whether or not it is dangerous, polluting or noxious in nature, into or within the pen or the waters surrounding the pen.

By-Law P&BS - 3.4.14 Store or keep, or permit to be stored or kept, on or in any vessel in the pen, or the pen system, any inflammable substance except that which is contained in tanks or lines which either form a permanent part of a vessel or which comply with the Uniform Shipping Laws Code 1981 (Cwth) and the relevant regulations created under the Western Australian Marine Act 1982 (WA).

By-Law P&BS - 3.4.15 Other than on race days cause the entrance gate to the pen system or boatshed sections to be held or left open in any manner whatsoever.

By-Law P&BS - 3.4.16 Without the prior consent of an authorised officer, make any alteration or addition to the pen or boatshed or any part thereof.

By-Law P&BS - 3.4.17 Operate or permit to be operated any noisy, noxious or objectionable engines, radios or other apparatus or machinery within the pen, so as to cause any nuisance or annoyance to another user of the pen system.

By-Law P&BS - 3.4.18 The licensee will not provide any person with the key (or any copy, duplicate or replica of the key) giving access to the boatshed or pen system; During the term of the term of the licence, the licensee shall ensure security access to Marina or boatshed is not compromised by leaving the gate or gates open at any time.

By-Law P&BS - 3.4.19 Leave the vessel unattended in such a manner as to prevent the movement of another vessel in or out of its pen or obstruct the movement of vessels in the Marina.

PART 4 – POWERS OF AUTHORISED OFFICER

4.1 Authorised officer general powers

An authorised person may:

By-Law P&BS - 4.1.1 Board any vessel at any time to inspect or adjust any mooring lines and issue a direction to a licensee, or, where applicable, to the person in charge of the vessel at the relevant time, requiring any mooring lines for a vessel to be refitted within a specified period where, in the opinion of that authorised officer, the mooring lines are faulty or sub-standard;

By-Law P&BS - 4.1.2 Inspect any submerged mooring or anchoring system and issue a direction to a licensee to within a specified time replace, maintain or change any components of the system considered by the authorised officer to be substandard or insufficient to carry out their intended purpose. Any expense to be met by the licensee.

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By-Law P&BS - 4.1.3 Refit any faulty or sub-standard mooring lines where it is the opinion of the authorised officer that an emergency has arisen requiring such action to be taken, with expenses to be borne by the licensee.

By-Law P&BS - 4.1.4 Remove a vessel from a pen, mooring or anchoring system and relocate it to another area within the designated area where it is the opinion of the authorised officer that an emergency has arisen requiring such action to be taken.

By-Law P&BS - 4.1.5 Relocate any vessel or accessory stored on the hardstand or in the boatshed to another location on land within the designated area.

By-Law P&BS - 4.1.6 Where a licensee fails to comply with a direction within the period specified, refit or cause to be refitted the mooring lines and replace maintain or change components of mooring and anchoring systems.

By-Law P&BS - 4.1.7 Where mooring lines are refitted or components of anchoring or mooring systems are replaced, maintained or changed by an authorised officer in accordance with this part then the costs of the works shall be a debt due to the Club, payable by the licensee.

4.2 Right of entry and execution of repairs by authorised officer

By-Law P&BS - 4.2.1 An authorised officer may, at any reasonable time during the term of the licence enter upon and view the condition of the pen, the vessel and any mooring dolphins, buoys and lines or any part thereof.

By-Law P&BS - 4.2.2 An authorised officer may give to the licensee a notice in writing requiring the licensee to execute any repairs and works within a stipulated time period that, in the reasonable opinion of the authorised officer, are necessary to maintain the seaworthiness of the boat and the safety of other vessels and users within the designated area.

By-Law P&BS - 4.2.3 The licensee shall execute all repairs and works required to be done within a reasonable time period by written notice given by an authorised officer.

By-Law P&BS - 4.2.4 If the licensee does not, within the time specified in any notice issued under this clause, complete the repairs and works required in the notice, an authorised officer may enter the mooring pen and complete the repairs and works required in the notice.

By-Law P&BS - 4.2.5 The cost of any repairs and works undertaken by the Club under this part shall be a debt due to the Club payable by the licensee.

By-Law P&BS - 4.2.6 An authorised officer may, at any reasonable time enter a pen for the purpose of making surveys or carrying out any works the Club may deem to be necessary without paying to the licensee any compensation, although any work shall be carried out with the least inconvenience possible to the licensee.

By-Law P&BS - 4.2.7 An authorised officer may enter a pen or a vessel, at any time when, in the reasonable discretion of the authorised officer, an emergency exists.

4.3 Removal of vessel or accessory

By-Law P&BS - 4.3.1 An authorised officer may, in any of the circumstances mentioned in **By-Law P&BS - 4.2**, move or cause to be moved any vessel or

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accessory within the designated area. The costs of moving a vessel under this clause shall be a debt due to the Club, payable by the licensee.

PART – 5 TERMINATION OF LICENCE

5.1 Club may terminate licence

By-Law P&BS – 5.1.1 The Club may, on sixty days (60) days written notice to the licensee, terminate a licence granted under Part 2 in the event of:

- a. the annual service fee or any part thereof, payable by a licensee being in arrears for ninety (90) days after becoming due and payable; or
- b. any default by a licensee in the due observance and performance of any of the requirements contained in these regulations or any condition of the license.

5.2 Rights not prejudiced

By-Law P&BS – 5.2.1 Termination of a licence pursuant to this By-Law will not prejudice the Club's rights, powers and remedies in relation to any fee or other monies owed as a debt due to the Club under these regulations.

5.3 Licensee to remove vessel

By-Law P&BS – 5.3.1 Upon the expiration or earlier termination of a licence granted under Part 2, the licensee shall remove the vessel and all fixtures and fittings from the pen within twenty-eight (28) days.

5.4 Club may remove vessel

By-Law P&BS – 5.4.1 If the licensee fails to remove the vessel within twenty-eight (28) days the Club may remove and store the vessel and the costs of removing and storing the vessel shall be a debt due to the Club payable by the licensee.

PART 6 – GENERAL PROVISIONS

6.1 Fees and charges

By-Law P&BS – 6.1.1 Fees and charges may be imposed by the Club for the purposes of these regulations in accordance with the provisions of Section 8 of the Club Constitution

6.2 Recovery of debt due

By-Law P&BS – 6.2.1 Wherever these regulations refer to a debt due to the Club, that amount may be recovered by the Club in a court of competent jurisdiction.

6.3 Appointment of an authorised officer

By-Law P&BS – 6.3.1 The Board of Management may appoint an authorised officer to perform any of the functions of an authorised officer under these regulations.

6.4 When an authorised officer can act

By-Law P&BS – 6.4.1 Notwithstanding the powers and functions of the authorised officer prescribed in Part 4 of these regulations, no action shall be taken by an authorised officer unless such action is related to:

- a. An inspection that serves to either verify compliance or remedy non-compliance with the conditions of these regulations.

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- b. The rectification of a situation that could reasonably be expected to lead to either damage to private or public property or threaten personal safety.
- c. The overall efficient and effective management of the designated area.

CLUB LEASE AREAS

The Club Lease from the City of Albany is the ground area between the northern edge of the public boat ramp approach road in the south to the high water mark to the north & east & Chipana Drive extended north past the boundary of the house to the west. There is a road reserve alongside the house back to the western turn of Chipana Drive.

The Club has a Water Lease from the Albany Port Authority that covers seventy-three (73) hectares from the western ground boundary round to the eastern water boundary to the low water mark. The extent of the total area reaches well beyond the Start Line & existing mooring area & encompasses Club Stake and O'Keefe buoy.

CLUB LEASES

By-Law CL1 – Club's Duty of Care

The Club is responsible for the care & maintenance of its leases. Members must not excavate or fill the ground, build a structure or remove plants or trees/limbs from the ground lease without the Board's permission. Similarly, the Water Lease must be protected from pollution from oil, antifouling & rubbish. The creek line & its attendant plant life must be kept clear of oil, antifouling & rubbish.

MARINA

The protection of Member's craft & equipment is of paramount importance. It is incumbent on all Members to look out for any problems happening to other Member's craft. Entry by non-members leaves the Club open to litigation if they suffer an accident in the Marina.

By-Law M1- Gate

The gate must be kept closed at all times except on Race Days for the entry & exit of crews, when necessary for using the slipway or transporting gear & stores to & from craft. Members who leave the gate open are responsible to ensure any non-Member seeking entry is asked their reason for entry. If they just want to look at craft then the Member allowing them access is responsible for their actions & must accompany them as if they were his/her guests. If a Member finds the gate open they must shut it if the Marina is empty.

By-Law M2 – Fishing

No fishing is allowed from any part of the Marina structure. Members accompanied by their guests may fish from the Member's craft in their pen.

By-Law M3 – Swimming

No swimming or diving overboard from craft or any part of the Marina structure is allowed inside the Marina. Members or a diver engaged by them may swim inside the boundaries of their pen to effect maintenance to their craft, mooring lines or retrieve accidentally lost equipment.

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DINGHY SHED STORAGE

All respect must be shown to other owner's craft & equipment left in each bay.

By-Law DS1 – Rack Hire

No one is to leave any craft or equipment in the dinghy bays without:

- a. Arrangement with the Office,
- b. Identifying **all** gear & craft clearly, and
- c. Stowing gear in craft or on their rented rack.

By-Law DS2 – Care

Craft & gear stored must be free from sand/dirt that may fall on other craft below.

By-Law DS3 – Lawn Area

Vehicles must not be driven or parked on the dinghy lawn. If heavy craft/equipment is to be transported to the shed then permission must be obtained from the appropriate Representative of the Sailing Committee to drive on the lawn to prevent damage to in ground irrigation sprinklers.

KEYS & SECURITY

The issue of keys to both the Marina & Dinghy Shed Bays is on the understanding that they are for use by **boat owners** only. They must not be duplicated or handed to other people to gain entry. The only exceptions are for the use by Contractors effecting repairs to craft or to someone who is checking an owner's craft during his/her absence. In these cases, the parties concerned must be made aware of the Club's requirements with regard to the Marina & Dinghy Shed Rules & By-Laws. If anyone has an old issue or unauthorised key they must hand it in to the Office.

HARD STANDING

By-Law HS1 – Trailers and jinkers which in the absolute discretion of the Board of Management are unsuitable or unsafe or not in a serviceable condition will be required to be removed from the Club premises and will be readmitted only when the Board of Management is satisfied.

By-Law HS2 – The main area to the left of the bottom entry road is for use of craft undergoing maintenance on jinkers. Craft should be parked to allow the maximum number of boats to be stored & work carried out without overcrowding & respect for other craft parked near-by.

By-Law HS3 – Other areas – Craft undergoing long-term (greater than 6 months) maintenance/storage must contact the Office **before** deciding where to position the vessel.

By-Law HS4 – Winter Storage – along the entrance road and to the south side of the entrance road in a manner designed to maximise the utility of the area for all users. The east side of the entrance road may be used at all times for storage/maintenance.

By-Law HS5 – Racing Season – The west side of the main slipway area against the lawn is reserved for rescue craft & trailer sailor racing craft.

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MOORING AREA

The Board of Management regulates the water mooring area.

By-Law MA1 – Allocation

No mooring may be laid without Board approval. Moorings must comply with the following:

1. The mooring chain must not rest on the seabed but be held up by a buoy to prevent seabed damage,
2. The application for a mooring must be accompanied by a construction & materials drawing approved by an authorised engineer,
3. The mooring must be laid in the Latitude & Longitude indicated by the Board.
4. It is the owner's responsibility to carry out an annual mooring inspection & undertake any maintenance required.

SLIPWAY

The slipway is a vital part of the Club's service to all boat owners. The normal use is for antifouling & small underwater work. The Club jinker is not to be used for major maintenance work as this limits use by other Members. Members doing extended maintenance need to make arrangements to place their craft on another jinker or hardstand.

By-Law S1 – Bookings

Bookings for the slip are on a first come basis. The owner indicates on the blackboard on the winch house when he wishes to haul out on the Club jinker & when he will return to the water. Owners should leave their phone No on the board for contact between the two owners using/about to use the slipway.

By-Law S2 – Cost

The fees are first seven (7) days – free. Day eight (8) & subsequent days will be charged at a rate determined by the Board of Management from time to time. Members will receive an invoice the following month.

The Club **may** consider waiving some of the over-stay charges due to inclement weather or other reason beyond the owner's control, if the owner presents a case **in writing** to the Board. Winch drivers are to complete the log for each haul out & drop back.

By-Law S3 – Environmental Drain

Craft must be hauled above the slipway drain before removing anti-fouling paint. Members must inspect the drain both before & after they haul-out & if it is blocked by sand, mud or paint they must clean it out.

Vessels heavily encrusted with marine growth should endeavour to have the majority removed before slipping. The slipway must be swept clean ready for the next craft.

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MARINA COMPLIANCE

These By-Laws set minimum requirements for all vessels occupying pens or lying alongside any jetty within the Marina. These By-Laws should not be construed as providing a complete set of safety standards as the safety of each craft and its occupants is the responsibility of its Owner.

Definitions and Interpretations

The Definitions and Interpretations of the Club Constitution apply to the By-Laws. In addition, the following words shall have the meanings shown below:

'accessible' - means within reach using standard tools and easily inspected by eye.

'approved' - means as laid down in the Rules or By-Laws or authorised in writing by a authorised officer.

'attitude' - includes upside down.

'Certificate of Compliance' - means a certificate signed by an authorised officer certifying that a vessel complies with these Marina Compliance By-Laws.

'Authorised officer' - shall be a member authorised by the Board of Management.

'portable fuel tanks' - shall be of a proprietary type, corrosion proofed, made of metal or approved plastic, not more than 30 litres maximum capacity, stable shape, with only top access points and including a contents gauge.

'should', 'preferred' and 'recommended' - means strongly advised and subject to review.

1. General

By-Law MC1.1 – A vessel shall not moor to any jetty or pen within the Marina unless a valid Certificate of Compliance has been issued for that vessel.

By-Law MC1.2 - A Certificate of Compliance shall be valid for five (5) years. Re-certification shall be by a different authorised officer.

By-Law MC1.3 - Changes to equipment the subject of these By-Laws shall invalidate the Certificate of Compliance.

By-Law MC1.4 - An authorised officer may issue a temporary Certificate of compliance for a vessel undergoing repair, refit or construction.

2. Fuel Tanks and Fittings

By-Law MC2.1 - Fuel tanks shall be constructed of metal or fibreglass to DPI standards. Fibreglass tanks are subject to a manufacturer's certificate. Portable tanks shall be to Australian Standards. Copper tanks are not recommended for diesel fuel. Aluminium fuel tanks shall be provided with a galvanic barrier to prevent electrolytic action.

By-Law MC2.2 - Integral tanks, where the hull forms one or more of the tank's sides, are limited to steel or aluminium vessels and must be constructed to DPI standards and certified by a surveyor for use as fuel tanks.

By-Law MC2.3 - Permanent tanks for outboard engine installation shall comply with the requirements listed in this section.

By-Law MC2.4 - Fuel tanks shall not be mounted on inboard engines.

By-Law MC2.5 - Tanks shall be supported and secured in such a way as to prevent any movement of or damage to the tank.

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By-Law MC2.6 - Fuel tank filler nozzles shall be of metal or composite material and of an approved type and set into and sealed to the deck, so that any spilt fuel shall not drain into the vessel. Fuel fillers must not be fitted in self-draining cockpits with hatches or openings less than 150mm above the working surfaces. The connection between the deck filler nozzle and the fuel tank must be flexible enough to permit relative movement between the two. Connection by fuel resistant hose secured by two screw-action stainless steel hose clamps at each end of every hose is recommended. Spring-type hose clamps shall not be used. Connections must be readily accessible for inspection.

By-Law MC2.7 - Metal deck filler nozzles must be earthed to the fuel tank with a bonding metal strip or insulated flexible wire of not less than 2.5mm section.

By-Law MC2.8 - Boats with inboard petrol engines shall be fitted with an approved extractor fan to remove fumes from engine room spaces.

By-Law MC2.9 - Petrol inboard engines shall have the fuel tank and all metal components in the fuel lines (e.g. fuel pumps, filters, etc.) earthed to the engine with a bonding metal strip or insulated flexible wire of not less than 2.5mm section. This is mandatory for petrol engines and recommended for diesel.

By-Law MC2.10 - Welded construction is preferred for metal fuel tanks. Rivets on metal fuel tanks shall also be soft soldered.

By-Law MC2.11 - A gas tight breather line shall vent overboard from the highest point of the fuel tank. A fuel resistant flexible hose or copper pipe free from fuel-retaining sags and fitted with metal gauze at the outboard end shall be used. Metal pipes are to have flared or cone connections. Hoses shall have flared connections or be secured by a screw-action stainless steel hose clamp at each end. Spring-type hose clamps shall not be used.

By-Law MC2.12 - A stopcock shall be fitted as close as possible to all fuel draw-off points. Cocks on return lines are strongly recommended. Ball and diaphragm cocks are acceptable for both petrol and diesel engines; gate valves are acceptable for diesel engines but not recommended for petrol engines.

By-Law MC2.13 - Cocks shall be fitted to the tank draw-off and return points for fuel sight gauges and provided with a device to return them automatically to the closed position. Sludge cocks shall be similarly equipped or fitted with a threaded plug to provide against unintentional discharge.

By-Law MC2.14 - Fuel lines shall be of proprietary flexible fuel resistant hose with flared end fittings or metal pipes with flared cone end fittings. Other proprietary fuel connections may be used equivalent to AS1799.3 - 1985 Small Pleasure Boats Code - Engineering or United States Coast Guard - Recreational Boating Safety Regulations.

By-Law MC2.15 - Final connection between the fuel tank and engine shall be by an approved flexible hose of 150mm minimum length with flared end fittings.

By-Law MC2.16 - Fuel lines shall be positively located with plastic or metal saddles fastened with metal screws.

By-Law MC2.17 - Outboard engine fuel lines shall terminate near the engine with a fitting to match the standard hose quick-release self-sealing coupling. Fuel hoses are to be accessible and supported clear of walking surfaces and hazards from other gear carried.

By-Law MC2.18 - Bilges shall be free of oil and fuel.

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3. Electrical Installation – General Requirements

By-Law MC3.1 - It is the vessel owner's responsibility to regularly check the electrical installation of his/her boat and take action as is necessary to ensure the safety of the vessel and crew from the possibility of shock or fire. The 240v or 240v/415v part of the fixed electrical installation of a vessel is by law required to comply with the AS/NZS 3000 Wiring Rules, as specified in the *Electricity (Licensing) Regulations 1991*. The extra low voltage fixed electrical installation (normally 12v or 24v DC) of a vessel is recommended to comply with the same Wiring Rules, however this is not mandatory.

By-Law MC3.2 - It should be noted that fixed wiring installation and repair work may only be carried out by licensed electricians if the circuits operate at 240 volt single phase or 415/240 volt 3 phase. Other than for repair work, the owner can request from the licensed electrical contractor carrying out electrical installing work on the vessel, a copy of the compliance certification (referred to as a Notice of Completion) required by law to be issued to *EnergySafety* on completion of the work and it is recommended that boat owners retain a copy of these work records.

By-Law MC3.3 - If an authorised officer considers that the electrical installation of a vessel has significant safety deficiencies, the authorised officer may require the vessel owner at his/her own expense to have a licensed electrical contractor –

- a. conduct a detailed check and test of the electrical installation and related equipment, and carry out repairs as necessary so that all parts of the installation comply with general and regulatory electrical safety requirements; and
- b. issue a signed Electrical Safety Compliance Certificate for the vessel, using the form issued by the authorised officer, and this Certificate is to be returned to the authorised officer within the time specified.

4. Electrical Installation – Extra Low Voltage (less than 50v DC or 115v AC)

By-Law MC4.1 - Batteries are to be firmly secured.

By-Law MC4.2 - A fully enclosed master switch capable of breaking the full load current of the electrical system associated with each battery bank shall be fitted in an accessible position as close as possible to the batteries but not on the engine.

By-Law MC4.3 - Switchboards are to be located so they are not adversely affected by sea-air, water, oil or fumes.

By-Law MC4.4 - All wiring and connectors shall be maintained in good condition and adequately supported. Supports using fastenings which penetrate, or damage wiring insulation are unacceptable. All wiring shall be protected against physical damage by virtue of location, or by additional protection such as through armouring or wiring enclosures. Cables of 240v and cables of extra low voltage circuits shall not be enclosed in the same wiring system unless installed as required by the AS/NZS 3000 Wiring Rules.

By-Law MC4.5 - Generators, starter motors, regulators, relays and electrical equipment shall be of approved marine type.

By-Law MC4.6 - All electrical circuits shall be protected/controlled by either moulded case miniature air circuit breakers, or in the case of older vessels, fuses plus enclosed

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switches. Automatic bilge pumps shall be incorporated in a separate circuit with a fuse of appropriate size.

5. Electrical Installation – 240v (and 415v 3 phase)

By-Law MC5.1 - Regardless as to whether the vessel has a permanent electrical installation (i.e. wiring is fixed in place) or whether portable, flexible cords are used to connect equipment, shore power consumption is limited to 15 amperes at 240v. Vessels with permanent 240v electrical wiring shall therefore be fitted with a 15 ampere moulded case miniature air circuit breaker to limit the current demand.

By-Law MC5.2 - The connection between the vessel and the shore shall be made with a heavy duty, double insulated 3 core flexible cord (referred to as the "supply lead"). The shore end shall be fitted with a 3-pin plug complete with knurled locking ring, to secure the plug and prevent entry of moisture. In the case of a vessel with permanent 240v electrical wiring, the vessel end of the supply lead shall plug into an 'appliance inlet socket' installed on the superstructure of the vessel, and this end of the cable shall also be fitted with a 3-pin plug with knurled locking ring. Worn or damaged shore cables should be repaired (e.g. with heat shrink sleeves) or replaced. The supply lead shall be long enough and arranged so that it will permit normal movement of the vessel at its pen without undue stress.

By-Law MC5.3 - Particular requirements for vessels with permanent 240v or 240/415v wiring:

- a. By law, the electrical installation must comply with the AS/NZS 3000 Wiring Rules (additionally, compliance with Sections 3 and 4 of AS/NZS 3004 is recommended but not compulsory,
- b. If an onboard 240v or 240v/415v generator is installed and able to be connected to the fixed electrical installation of the vessel, there shall be a changeover switch that allows either the shore power supply or the generator output to be connected to the vessel's 240v or 240/415v installation and individual circuits shall not be capable of being energised by more than one source of electrical power at a time. The generator's output shall be protected with a suitably rated moulded case miniature air circuit breaker.

Electrical Safety Compliance Certificate

Vessel Name:

The electrical installation of this vessel was checked on the date shown.

- Checks and tests confirmed that at this date the installation's low voltage parts (240v or 240/415v AC) complied with the essential safety requirements of the current *AS/NZS 3000 Wiring Rules* and is safe to connect to shore power supply.
- Checks confirmed that at this date the extra low voltage parts (< 50v AC or 115v DC) also complied with the essential safety requirements of the current *AS/NZS 3000 Wiring Rules*.

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ELECTRICAL CONTRACTOR NAME CONTRACTOR LICENCE NUMBER

.....
NAME (PRINT) & SIGNATURE DATE

This form has been prepared by Energy Safety WA, for use by Electrical Contractors to issue to vessel owners who wish to have their vessel's electrical installation confirmed as complying with their Yacht Club's requirements. The form is not a substitute for a Notice of Completion which the electrical contractor must submit to EnergySafety after the carrying out of electrical installing work.

6. Fire Extinguishers

By-Law MC6.1 - Fire extinguishers shall be carried in accordance with Department of Transport regulations.

Extinguishers are to bear the stamp of the Standards Association of Australia and conform to one of the following:

- AS1841.1 and AS1841.4 (foam)
- AS1841.1 and AS1841.5 (powder)
- AS1841.1 and AS1841.6 (CO₂)
- AS1841.1 and AS1841.7 (vaporizing liquid)

By-Law MC6.2 - Fire extinguishers shall be strategically distributed throughout the vessel in easily accessible locations, to the authorised officer's satisfaction.

By-Law MC6.3 - The minimum capacity of any fire extinguisher shall be 10BE.

By-Law MC6.4 - A permanently fixed fire suppression system (either automated or manually operated) shall be fitted to the machinery spaces of power yachts over 15 metres and all vessels with a fuel tank capacity in excess of 2000 litres.

By-Law MC6.5 - All fire extinguishers shall be replaced in accordance with the manufacturer specifications, at the owner's expense.

7. L.P. Gas

By-Law MC7.1 - It is the vessel owner's responsibility to regularly check the gas installation and related equipment of his/her boat and take action as is necessary to ensure the safety of the vessel and crew from the possibility of explosion or fire.

By-Law MC7.2 - The gas installation of a vessel is by law required to comply with the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999* which stipulate certain requirements in addition to requiring compliance with AS5601 Gas Installations, which contains general requirements for gas installations and requirements specific to LP installations on marine craft.

By-Law MC7.3 - Particular attention is drawn to clause 6.3.7.11 of AS5601 which states: "Where an appliance with a continuously burning flame is to be installed below the upper deck and there is no low level ventilation in the area where the appliance is to be installed, a combustible gas detection system complying with Appendix K (of AS5601) shall be installed".

By-Law MC7.4 - Gasfitting work may only be carried out by licensed gas fitters and on completion the gas fitter is required to fit a compliance badge to the vessel, in

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respect of the work performed. The gas fitter is also required to complete a Notice of Completion and submit that to *EnergySafety* and a copy to the vessel owner.

By-Law MC7.5 - Gas cylinders are to be within test date and in good condition.

By-Law MC7.6 - Requirements equivalent to those for electrical installations as specified in **By-Law MC7.5** - also apply to gas installations. The Club's authorised officer may therefore require an installation to be checked and tested by a licensed gas fitter to confirm compliance, at the owner's expense. In such instances the confirmation must be in the form of a Gas Safety Compliance Certificate for the vessel, using the form issued by the authorised officer, and this Certificate is to be completed and signed by the licensed gas fitter and then returned by the vessel owner to the authorised officer within the time specified.

Gas Safety Compliance Certificate

Vessel Name:

The gas installation of this vessel was checked on the date shown.

Checks and tests confirmed that at this date the installation complied with the current AS5601 *Gas Installations* and the additional requirements of the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999*.

GAS FITTER BUSINESS NAME

GAS FITTER LICENCE NUMBER

NAME (PRINT) & SIGNATURE

DATE

This form has been prepared by EnergySafety WA, for use by Licensed Gas Fitters to issue to vessel owners who wish to have their vessel's gas installation confirmed as complying with their Yacht Club's requirements. The form is not a substitute for a Notice of Completion which the Gas Fitter must submit to EnergySafety after the carrying out of any gas installing work.

8. Department of Transport Regulations

By-Law MC8 - All vessels subject to these By-Laws shall comply with relevant Department of Transport regulations regarding navigation, safety, and lifesaving equipment.

Please note that a Club Equipment Auditor, Audits Australian Sailing racing category safety requirements and equipment. It is different to a Marina Compliance Certification and DOT requirements. There is overlap in many aspects but they are required to be done separately, e.g. PFD's may comply with DOT requirements but not comply with Racing Category maintenance requirements