

# Summerland Yacht Club Policy

## **Marine Emergency Assistance Policy**

Members and staff may occasionally be requested to provide assistance to boaters on the lake who are in distress or are disabled. Requests could be received verbally, by telephone or via the gas dock VHF. Requests could come directly from the affected boater, from the general public, other boaters or be relayed from the RCMP or marine rescue detachments in Penticton, Naramata or Peachland. The boater in distress or disabled could be a member of the club or from the general public. Please read the **Background** section of this policy to understand the basis for this policy.

## **Definitions**

<b>Distress</b>	A search and rescue incident where there is a reasonable certainty that one or more individuals are threatened by grave and imminent danger and require immediate assistance. This is equivalent to the commonly understood "MAYDAY" situation.
<b>Disabled</b>	A situation wherein a vessel afloat <u>is not currently in distress</u> or immediate danger but has lost all means of propulsion, steering or control to such a degree as to be incapable of proceeding to safety without assistance.

## **Policies**

- In **no circumstances** is a member of the club staff permitted during their working hours to physically engage in an on the water effort to rescue or provide assistance to a vessel in distress or disabled.
- A member of the staff is responsible to handle calls for assistance in accordance with the response protocol set out in Appendix 1.
- Members of the club are not bound by this policy and may respond to any request for rescue or assistance as they see fit under their obligations and protections as the master of their vessel.
- The response of staff to a request for rescue or assistance will be the same regardless of whether or not the vessel is operated by a member of the club.

## **Response Protocol**

Any staff member of the club receiving a call for help verbally, through the gas dock or office phone numbers, or the gas hut VHF radio, shall respond as described in the marine emergency response protocol attached as **Appendix 1**.

## **Background**

The **Canada Shipping Act** requires the master of any vessel in any Canadian waters to be on the watch for signals requesting assistance and to render assistance to any vessel in distress. The act does not reserve this responsibility to just commercial or large vessels. The responsibility also extends to the master of a pleasure craft. The act also refers to the duty of the master of any vessel to render assistance.

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The Canada Shipping Act says:

### **Distress**

**131 (1)** Subject to this section, the master of a vessel in Canadian waters and every qualified person who is the master of a vessel in any waters, on receiving a signal from any source that a person, a vessel or an aircraft is in distress, shall proceed with all speed to render assistance and shall, if possible, inform the persons in distress or the sender of the signal.

### **Assistance**

**132** The master of a vessel in Canadian waters and every qualified person who is the master of a vessel in any waters shall render assistance to every person who is found at sea and in danger of being lost.

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Under the Criminal Code of Canada, failure to perform the above duties may result in a fine of up to \$1,000,000 and/or imprisonment for up to 18 months.

The laws apply to all vessels, not just large commercial vessels. The safe boating courses for pleasure craft teach that the master of any pleasure vessel has the same responsibilities, e.g.,

<https://www.boaterexam.com/canada/education/c1-safeboatingregulations-en.aspx>

- Watch for signals that indicate distress and need of assistance
- Render assistance to every person who is found at sea and in danger of being lost...without posing serious danger to their own craft and the persons on board
- Stop and offer assistance when the operator is involved in an accident
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[https://www.boaterlicences.com/online\\_course\\_safety.html](https://www.boaterlicences.com/online_course_safety.html)

The operator of a pleasure craft should watch for signals that indicate distress and need of assistance. If a boater is involved in, or comes across an accident on the water, the operator has an obligation to stop and offer assistance as described in the Criminal Code of Canada; "in so far as he/she can do so without serious danger to their own craft and the persons on board, shall render assistance to every person who is found at sea and in danger of being lost."

In short, marine law requires that the boater must do what they can to help. In turn, boaters are also protected by the Canada Shipping Act and cannot be held responsible for any assistance they give, providing they have done what any prudent seafarer of their ability would do.

In addition, the master of any vessel has a duty to protect everyone on board the vessel and to use whatever means that are available to request rescue or assistance (911, flares, signals, VHF 16, calling a friend, calling commercial towing etc.).

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## Appendix 1

### Marine Emergency Assistance Protocol

Upon receiving a request for emergency response a staff member shall determine whether the situation is a DISTRESS or a DISABLED situation as defined below. **When it is uncertain what the level of emergency is then the situation shall be handled as a DISTRESS situation.**

1. If the situation is deemed to be a **distress** situation (i.e., a MAYDAY situation....medical emergency, sinking, person overboard, etc., with the imminent loss of life) then the person receiving the call shall
  - a. **record the following information**
    1. the caller's phone number or VHF call sign,
    2. the name of the operator of the vessel
    3. the vessel description (power boat or sailboat, hull colour, etc)
    4. the approximate or exact location (the latitude and longitude if GPS is available)
    5. the number of persons onboard,
  - b. **tell the caller to call 911 immediately** for the fastest response. If the caller cannot call 911 themselves then the SYC person should call 911 and relay the report of a marine distress situation and provide the information recorded from the caller.
2. If the situation is considered a **disabled** situation (e.g., run out of fuel, engine won't start, lost propulsion, etc.) then the person receiving the call shall;
  - a. record the same information as in 1 a. above
  - b. ask if the caller can hail (VHF, use of flares, horn or signals) another boater for a tow, or
  - c. can they call a friend or commercial assistance for a tow, or
  - d. as a last resort ask them to call 911 for assistance.
3. When there is any uncertainty regarding the seriousness of the call for assistance then the situation shall be handled as a distress situation as in 1) above.
4. The staff member receiving the call, having handled the call in accordance with 1) or 2) above, is free to pass this information on to any member of the club who is the master of a vessel and that person may make their own decision as to whether they will respond to the situation.

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### Marine emergency Assistance Policy - Revision Log

Revision	Summary of Changes	Date Approved by Executive Committee
1.0	Initial policy approval	June 12, 2018