



national authority for
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MEMBER COMPLIANCE AND OPERATION MANUAL

Revision : 3
Issue Date: February 2011



NZPBF Members

NZ Jet Boat River Racing Assc * NZ Jet Sprint Assc
NZ Offshore Powerboat Assc
NZ Power Boat Assc * Thundercat Racing Assc of NZ

Introduction

The New Zealand Power Boat Federation Inc. is the recognized National Authority for competitive power boating in New Zealand.

It therefore collectively represents its members on International and National matters relating to the governance of our sport.

The executive of the Federation are elected representatives from current members; the NZJBRR, NZJSA, NZOPA, NZPBA, and TRANZ.

Services Provided to Members.

The objectives of the NZPBF are covered in the Constitution – the key items are:

1. As the National Authority for competitive power boat racing in New Zealand, representation and lines of communication is provided to a number of organizations including the UIM, SPARC and other Government Agencies.
2. Insurance is negotiated and made available to all members.
3. Training is available as required including access to SPARC programs and seminars. (SPARC for Board/Staff only. Members are typically directed to Regional Sports Trusts who provide training opportunities at a local level.)
4. Co-ordination of all members race calendars is provided and displayed on the Federation web site as well as distribution to major printed media.
5. Where applicable funding is applied for to assist with the associated costs to provide member services.
6. Participation at National Exhibitions is also coordinated by the NZPBF.
7. National and International Drivers Licenses are provided.
8. International Competition is coordinated with other National Authorities and the UIM.
9. Facilitation for networking between members to share issues of concern and previously established resolutions.
10. Maintenance of “Register of Records of National Significance”.

Key Benefits Provided.

- A. Strength in numbers both for representation and negotiating power on financial issues e.g. Insurance Premiums.
- B. Resources freed up to all members to focus on their specific racing activities.
- C. Critical issues affecting member’s efficiency can be resolved with input from the NZPBF and the other members.

- D. Pathways are provided for Members to be involved at an International level including, hosting International Events in NZ and participation overseas .Assistance with the associated administration and compliance issues for such are also provided.
- E. Pathway for establishing internationally recognised records and achievements.
- F. Formulation of Strategic Plans to provide growth and participation for all members with government assistance and/or investment from SPARC to achieve measurable outcomes.
- G. Access to international developments in competition at all levels including development on Safety issues, and the facility to provide input into the same.
- H. Equal representation by all members and opportunities to benefit from participation and input to the National Authority.

Development of on going member services will continue to evolve and associated resulting benefits will be provided.

In Addition Codes of Practice have been developed, to provide members with minimum guide lines for:

COP 1 - Cross Member Competition

COP 2 - International Competition

COP 3 - Judicial Procedures

COP 4 - Licence Medical Examinations

COP 5 - Anti – Doping Procedure

COP 1 & COP 2 are recommended to be incorporated into each member racing rules.

All Event Organizers and Member Officers and Officials should familiarize themselves with all these COP's.

Recommended Resources

1. SPARC - www.sparc.org.nz
2. UIM - www.uimpowerboating.com
3. NZPBF - www.powerboatracing.co.nz

4. Incorporated Societies - www.societies.govt.nz

5. MARITIME NEW ZEALAND – www.maritimenz.govt.nz

Abbreviations Used In this Document

NZPBF – New Zealand Power Boat Federation Inc.

UIM – Union Internationale Motonautique

SPARC – Sport and Recreation New Zealand

Member – NZPBF term for Members: - (NZPBA, TRANZ, NZJSA, NZJBRA, NZOPA)

CODE –SPARC term for NZPBF Member organizations.

NSO – National Sports Organization – (NZPBF)

ISO – International Sports Organization – (UIM)

GA – UIM General Assembly (AGM)

FAQ – Frequently asked question.

COP – NZPBF Codes Of Practice

NA – National Authority (NZPBF)

The purpose of this document and the material listed is to provide a guideline for the NZPBF members to assist with compliance with the following:-

A. IMPLEMENTATION & APPLICATION OF COP's.

B. INCORPORATED SOCIETIES

C. SPARC

D. UIM

E. INSURANCE

F. GAMING TRUST FUNDING.

G. MARITIME NEW ZEALAND

H. LICENCING

A. CODES OF PRACTICE

1. COP 1 - Cross Code Competition - this is to also to be applied when arranging events that include organizations that are not NZPBF members. Failure to comply with the specified procedures will result in our Insurance Cover being voided and the potential for event organizers to be left exposed to liability issues. Particular attention should be paid to the requirement to alert the local authority that multi- organizations are managing and are responsible for the event(s).

2. COP 2 - International Competition - this contains the obligations and procedures that must be followed for International competitors visiting New Zealand and competitors competing overseas. Members are strongly advised to ensure their competitors are aware of the "**NZ Competitors Racing Abroad – Section 1**". Too often the NZPBF are requested to "fix" this after competitors have left NZ.

3. COP 3 – National Judicial Rules - the intention is that these primary judicial rules form a consistent platform that applies to all New Zealand Power Boat Federation

member events. Members are encouraged where applicable to adopt these as their own Judicial Rules as a minimum.

Whenever an International event is being adjudicated, the Union Internationale Motonautique series 400 – Jurisdiction rules must apply.

4. COP 4 – A standard Licence Medical Form has been adopted– this was prepared by a Medical Trauma Specialist and all members must apply this form. It complies with UIM Rule 205.01 – “each NA must submit all the drivers under its jurisdiction to an annual medical examination and must adopt a form to be used for the examination.”
5. COP 5 – The NZPBF and its members are obligated by written confirmation to adopt and apply the Anti-Doping Code and all updates. This obligation is enforced via two separate agencies. By an Act of NZ Parliament applied to NZ National Sports organizations through SPARC and Drug Free Sport NZ, and by our affiliation to the UIM who have also adopted the same international code.

All Licence applicants must complete the UIM Acknowledgment and Acceptance Form and optionally complete the Therapeutic Use Exemption (TUE) Form where applicable. Member associations are required to forward all completed forms to the NZPBF secretariat for confidential filing. These forms are attached to the Licence Medical Form.

The full anti-doping code can be downloaded from the UIM Web site. Members are expected to make reference to this code in their rules, rather than reproducing the full document.

B. INCORPORATED SOCIETIES

In order to qualify as a member of the NZPBF – members must hold a current registration as an Incorporated Society, the Incorporated Societies Act 1908, covers a number of operational and compliance requirements.

Failing to comply with the ACT can result in being struck off the Register Of Incorporated Societies .The result being:-exclusion from membership of the NZPBF, a loss of legal identity and therefore the ability to be insured, and the exposure of individual members to any liabilities incurred by the organization.

The same applies to members with multi-clubs; each club must maintain their status with the Registrar.

The most common reason for being struck off the register, is failing to file a set of annual accounts –The form for filing such is available on the Incorporated Societies Web Site.

The NZPBF will monitor annually this particular compliance issue – and as part of the member reporting for SPARC funding – also expects to receive on an annual basis a copy of each members annual audited accounts.

Members and their affiliates must also ensure that their contact details and mailing address is also kept current with the Registrar and any changes made to their (rules) Constitution must be filed with the Registrar as well - The forms for filing such are also available on the Incorporated Societies Web Site.

C. SPARC

SPARC recognizes the NZPBF as the sole NSO for Powered Water Sport in New Zealand. On an annual basis the NZPBF submits to SPARC a Strategic Plan, Annual Report/Accounts and a Draft Funding Schedule.

At the end of each financial period we must report to SPARC on our membership, outcomes of our planned strategies, and targeted results. To assist us achieve this, codes are requested to provide their input also to the NZPBF on an annual basis.

FAQ – what will SPARC support the Federation and members for – the following has been supplied by SPARC:-

Investment Guidelines

SPARC's intention is to invest in our organisation to achieve the following specific SPARC outcomes on behalf of all New Zealanders;

- more Kiwi's in sport and recreation ;
- more Kiwi kids will participate in sport and recreation; and
- more Kiwis's winning on the world stage.

For the NZPBF, they primarily look to invest in specific outcomes that align to our strategic plan.

The outcomes must be quantifiable and measurable for reporting purposes. Outcomes include:

- More young people participating in organised sport through primary and secondary schools.
- An increase in the number of adults participating in clubs and organised events.
- An increase in the number (and quality) of volunteers – especially coaches/instructors and:
- Improved ability of national and regional sporting organisations to deliver sport in communities.

SPARC also provide resources other than direct funding, these can be found on their web site.

There is also a special category for funding assistance for International Events – please contact the NZPBF Secretary for details.

D. UIM

The UIM is the ISO for powered water sport. The NZPBF is the recognized NA for New Zealand.

The UIM is the World governing body for power boating activity and is recognized by the International Olympic Committee (IOC) and is a member of Sportacord and of ARISF (Association of IOC Recognized International Sports Federations).

Documents prepared on behalf of the NZPBF are available in an electronic format, covering the following:-

How to Participate in the U.I.M.

Reasons for Affiliation to the U.I.M. and Benefits to Members

COP 2 also covers our obligations, governed by the UIM for International Competition.

FAQ – do we have to work within the applicable UIM Procedures and Rules – the short answer is yes – being the recognized UIM NA for New Zealand, the NZPBF and its members are therefore all obligated accordingly. It should also be noted that in order for the UIM to recognize the NZPBF as the NA for NZ – we first have to be recognized by our Government (SPARC) as their NSO for NZ, and in reciprocal the Government (SPARC) will not recognize the NZPBF as the NSO for NZ, unless we are the recognized UIM NA.

FAQ – do we have to apply the UIM Rules to National Events and Classes – the short answer is no – however it is recommended that where practical the relevant UIM rules and especially the General Rules be applied at least as a guideline , with the exception of the UIM Safety Rules Section 205.01 (Annual Medicals) and 205.02.03 (anti-Doping Regulations) which are compulsory for all NA's.

The NZPBF must also report to the UIM on an annual basis – including details of our License Register and a special report on our “offshore racing” activities.

Members also have the opportunity to submit through the NZPBF proposals for International Rules changes on an annual basis for the UIM GA.

All correspondence with the UIM including registrations for attending General Assemblies must be made through the NZPBF. It should also be noted that intending attendees of UIM General Assemblies must be authorized by their respective NZPBF member.

E. INSURANCE

The NZPBF currently provides the following Insurance for all its members.

There are four Sections to our Cover: - Associations Liability, General Liability, Statutory Liability, and Lawsafe.

EXPLANATION OF INSURANCE POLICIES

Associations Liability

As an Officer of an Association providing a service and/or advice to either your members or the general public you can find yourself personally exposed in a dispute against the Association on which you serve.

The Associations Liability policy is designed to protect the Office Bearer against claims by reason of any Wrongful Act committed, attempted or allegedly committed or attempted in their capacity as an Officer where Indemnity is not provided by the Association.

Where Indemnity is provided by the Association for a Wrongful Act, the policy will provide protection to the Association.

The policy also provides cover for defence costs.

As an Officer, examples of allegations can be made by a great number of people.

Members – Members can allege that their contributions have been wasted or not used to advance the stated purpose of the organization.

Fellow Officers – Fellow Officers could claim a conflict of interest or misinterpretation of the Associations rules.

Members of the Public – A member of the public can bring a suit against an Officer, claiming defamation, plagiarism in one of the Associations publications or presentations.

General Liability

Every Organization owes a duty of care to the public at large. If a breach of this duty results in third party injury or damage to property, the Organization can be held legally liable.

Anyone in New Zealand who is harmed by your Association's activities and whose injury falls outside the scope of ACC (mental trauma after witnessing an accident) can retain the right to sue the Association. Exemplary Damages can still be claimed for by third parties whose injury is covered by ACC.

Your Association can also be held legally liable for any loss of or damage to tangible property and loss of use of tangible property which is undamaged.

The General Liability policy will provide the appropriate protection in these cases.

In addition, the policy provides for the costs of defending these claims in court, as well as any necessary investigations or negotiations.

Claims arising from the ownership, maintenance, operation or use of a watercraft are obviously a high risk for the Association and cover is provided by this policy.

The policy will not provide protection for “Competitor v Competitor” claims. For example, where an injury or property damage is suffered by a Competitor as a result of an action of another Competitor.

Statutory Liability

Every Business or Association has a common law responsibility to the general public, environment, which is embodied in statute. Where an unintentional breach of statute occurs a substantial penalty can often be incurred by your Association.

The Statutory Liability policy provides protection to your Association for unintentional breaches of statute excluding police prosecutions and taxation legislation.

Under much of the legislation the result of an adverse judgment can be disastrous both financially and in terms of reputation, Maximum penalties are substantial and the cost of defence can easily exceed the fine itself.

Lawsafe

The Lawsafe policy will provide cover to your Association against alleged offences, under most laws. Lawsafe covers the Legal Costs of suddenly having to defend a legal attack from Criminal Prosecutions.

For example, the Association fails to correctly “mark the course” for an event which results in one of the competitors straying off the course resulting in a death or serious injury to another party. Your Association can be prosecuted with criminal proceedings following.

This scenario is very similar to the recent Christchurch Cycle Race which resulted in the death of a cyclist and thousands of dollars spent in Defence Costs by the event organizer.

The Lawsafe policy would have responded in this case.

Full policy documents are copied to each member on an annual basis – plus a single sheet Certificate Of Insurance – which is requested from time to time by Councils – Harbour Masters etc.

FAQ – what are the implications of not applying the respective racing rules to specific situations- the advice conveyed from our Insurers is -“If you willingly and knowingly step outside of your rules - then you can expect your insurance cover not to respond thereby potentially creating a financial exposure to legal costs incurred in defending allegations of negligence”.

FAQ – does the NZPBF insurance cover Member/Club property and assets – the short answer is no – members must make their own arrangements for such.

FAQ – are service providers covered by the NZPBF Insurance – (i) Any Service provider i.e St.Johns ,contractors , event promoters etc who are attending an event need to supply their own Public Liability Insurance in case their actions cause damage or harm to third parties or third party property. Their actions will not be covered under the NZPBF Insurance.

(ii) If a Member is at an event solely as a member then of course they are covered under the NZPBF Policy, but their actions as a service provider are not covered and they should have their own policy as a service provider and this should be seen by the organizers of the event.

FAQ – does the NZPBF Insurance include cover for the Forest + Rural Fires Act – the NZPBF has a Public Liability sublimit of \$250,000.00 provision for this Act.

Our Insurance is renewed on an annual basis. During the renewal process each Member will be requested to complete a set of renewal Declaration forms, provide a set of their current Racing Rules and a copy of their most recent Audited Accounts. A reconciliation of the actual number of events held under the Lawsafe cover is also conducted.

F. GAMING TRUST FUNDING.

Most members including the NZPBF make regular applications to the various Gaming Trusts. A number of these Trusts will request certification that the applicant is a member of the NSO. The NZPBF will provide such on request – we have a standard letter prepared for this purpose.

Maintaining our recognition by SPARC (and the UIM) as a NSO is therefore paramount to ensure that the NZPBF, its members and affiliated clubs (by virtue of NZPBF Membership/affiliation), remain eligible to receive Gaming Trust Funding.

G. MARITIME NEW ZEALAND

There are requirements under specified situations, where members must report accidents incidents and serious harm injuries. The NZPBF has on file in an electronic format the guidelines and reporting documents that are applicable to the affiliated members.

More information on this issue can be obtained from the Maritime New Zealand web site.

H. LICENCING

On an annual basis the NZPBF will provide each member with Licence Cards. Each member is expected to manage the issuing of these for their competitors. and to keep a log of such licences which is to be provided to the NZPBF on request. The NZPBF is also expected to provide a list of delivered National Licences to the UIM on an annual basis.

The NZPBF Licence Medical Form must be used on an annual basis for issuing Licences, see COP 4 – also the two forms in COP 5 (anti-doping) are also to be completed as part of the Licencing procedure.

The NZPBF Licences expire on the 31st of October every year – this is marked on rear of the Licence Cards in the top right hand corner.

Licences must be renewed on this expiry date and not on the expiry date of any associated Medical, Immersion Testing and CPR Training etc.

It therefore follows that Licences can only be issued for the period 1st November through to the 31st October and that the validity of the associated Medical, Immersion Testing and CPR training etc be at least equal to the same.

Where members rules have provision to issue Day Licences – the NZPBF requests that a total be kept of such issued for each season; for insurance disclosures and for SPARC reporting.

Summary of Licence Procedures:

These are to ensure; all competitors and members are covered by our combined Liability Insurance Cover, reporting can be completed and our obligations to the UIM can be achieved.

- All competitors must have an NZPBF Licence to compete in any event sanctioned by an NZPBF member. The only exception being where members have provisions in their rules for day Licences.
- All Licences are valid each season from the 1st of November to the 30th October.
- All Licence applicants must complete the following on an annual basis in order to be issued with an NZPBF Licence :
 - (i) NZPBF Medical Examination Form – signed by applicants Doctor.
 - (ii) UIM Anti-Doping Acknowledgement and Agreement Form. (if not provided from the previous season).
 - (iii) UIM TUE Form if applicable.
 - (iv) Paid all applicable fees to the member and club (if applicable).
 - (v) Attended/Passed the applicable members additional requirements, e.g. CPR Course – First Aid Course – Immersion Test – for NZJBARRA competitor's membership of the JBNZ.
- All Medical Forms. TUE Forms and other individual member additional requirements must have validity dates concurrent with the validity period of the NZPBF Licences i.e. for the fourth coming season 1st November 2010 to 31st October 2011.
- The UIM Anti-Doping and TUE forms must be forwarded to the NZPBF for confidential filing. It is recommended that members hold copies for their own records as well.
- Any further review of returned and completed Medical Forms by a member appointed Governing Doctor is entirely optional and is not a requirement of the NZPBF.
- Members are free to set their own Licence Fees.
- All Licences are for National Competition only. Any driver wishing to have his Licence endorsed for International Competition must apply through his applicable member organization to the NZPBF for an International Drivers Release. Refer to NZPBF Code Of Practice # 2 – International Competition.

- Each member is to keep a Log of Issued NZPBF Licences and will be requested to forward this to the NZPBF in April/May each year. The Log will include a check column for the UIM Anti-Doping Forms.
- The NZPBF will provide to all members on an annual basis a combined Licence Register from the previous season for all members to use as a reference inclusive of listing all competitors who have previously supplied a UIM Anti-Doping Form.
- Each Member will be sent an Excel Spreadsheet to maintain as their NZPBF Licence Register Log.
- The Licence of Record from ; the NZPBF's , the UIM's and our Insurer's position is the Competitors current NZPBF Licence , which must be able to be produced at all events sanctioned by an NZPBF Member.
- Day Licences must not be issued for fully enclosed cockpit boats as these drivers must have appropriate certification as per each member's rules.
- All Drivers issued with Day Licences should also complete the Anti Doping Acknowledgement Form.

TIMELINE -

The NZPBF will publish a Diary of Compliance and Action Dates on an Annual basis for each member to work to .This will include all the items contained in this manual that require member input and the applicable deadlines.



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