



NQUEC

North Queensland Underwater Explorers Club Inc
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GUIDANCE FOR USING PRIVATE VESSELS ON NQUEC TRIPS

Introduction: NQUEC encourages the use of private vessels on club trips, as it helps to achieve a key club goal; to promote exploratory diving in our region through the pooling of resources and use of networks, to make diving safe, enjoyable, and cost-effective.

NQUEC conducts trips using a combination of commercial vessels and privately-owned vessels (referred to from this point on as POVs). Where a club activity organiser uses a commercial vessel, club members participating in the trip are obliged to follow the policies and procedures of the commercial operator, as is expected for anyone authorised to conduct a fee-for-service business venture. In this case, the club has essentially hired an operator to facilitate boat-based diving activities for its members; however, these arrangements, expectations, and legal responsibilities are not applied equally to skippers of POVs.

Reason for club guidance: For the purpose of this document, a POV is defined as a vessel owned and operated by a club member, who has offered to skipper the vessel for a group of fellow club members during a club sanction activity. In this case, the skipper is a non-commercial operator. They are a private boat owner willing and able to share the use of their vessel with other club members in order to visit a dive site; therefore, they cannot provide a fee-for-service.

This is the key distinction between trips using commercial vessels and POVs. Skippers operating POVs on club trips need to be aware that whilst they can seek contributions from participants for the reasonable recovery of consumables such as fuel, landing or mooring fees, and similar boat operating expenses, they cannot charge participants a set price per head in a pre-arranged manner. Otherwise, this can be interpreted as the provision of fee-for-service, which means the POV skipper may be treated for legal purposes as a commercial operator. In such a case, a duty of care may exist between the POV skipper and their passengers, plus a range of other unintended consequences may take effect such as insurance, vessel survey, permit and licensing requirements.

Club guidance: NQUEC recommends activity organisers and POV skippers establish basic parameters during trip planning, such as vessel characteristics (size, speed, fuel consumption), distance, and passenger numbers, and then use these parameters to give people a rough expectation of what would be required in terms of fuel and other boat operating expenses to visit a certain location.

Prior to the trip, activity organisers and POV skippers may give participants an estimated contribution range, with a likely lower and upper limit (subject to cargo weight and sea conditions), but never a fixed pre-arranged price per head. This gives participants a rough idea of what the skipper may ask them to contribute towards the reasonable recovery of consumable items, without jeopardising the skipper's status as a non-commercial operator.

Club policy document introduced July 2018 by:

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