



Safety Guidelines

Commercial Kayaking and
Canoeing Operations

September 2010

Issue 4



RECORD OF AMENDMENTS TO GUIDELINES

- Issue 1 – September 2009 replacing interim safety guidelines issued June 2008
- Issue 2 – November 2009 incorporating reference to Local Government Act 1974 in first paragraph under the heading “Legal Requirements”
- Issue 3 – April 2010 removing reference to development of safety guidelines for paddle craft rental activities – rivers with rapids
- Issue 4 – September 2010 updating reference to safety guidelines for paddle craft rental activities – lakes, flat water rivers, and sheltered coastal areas; updating MNZ contact for questions and feedback



INTRODUCTION

These safety guidelines provide advice on commercial kayaking and canoeing operations, including legal requirements and good safety practice.

“Commercial kayaking and canoeing” refers to all paddle craft used in any commercial application, for example hiring kayaks to the public, guided tours, instruction and vocational training. The types of craft are diverse and include white water kayaks, sea kayaks, sit-on-top kayaks, multisport kayaks, canoes, inflatable kayaks and inflatable canoes.

The guidelines are aimed particularly at new entrants or aspiring operators. However, for established operators they offer a reminder of their legal obligations and Maritime New Zealand (MNZ) expectations regarding safety practices.

These guidelines replace the interim guidelines issued in August 2008, reflecting the MNZ strategy for safety in kayaking and canoeing, which sets out high-level direction for MNZ and its safety partners over the next 3–5 years.

MNZ invites operators to provide feedback on the application of these guidelines with a view to their further development (see contact details at the end of the document).

These guidelines are complemented by more detailed advice on rental activities in the MNZ publication *Safety guidelines for paddle craft rental activities – lakes, flat water rivers, and sheltered coastal areas*.

Safety guidelines for paddle craft rental activities on the Whanganui River are currently under development.



LEGAL REQUIREMENTS

While there is no specific maritime rule focused on kayaking and canoeing, all commercial operations involving employment (including self-employment) using these types of craft are covered by the applicable provisions of the Maritime Transport Act 1994 (MTA) and the Health and Safety in Employment Act 1992 (HSE Act). Regional councils may also have licensing requirements for kayaking operations set by bylaws made under the Local Government Act 1974.

MNZ works with the MTA and is the designated agency under the HSE Act for work on board vessels and for vessels as places of work. The Department of Labour administers the HSE Act for work activities on land.

Under the HSE Act, employers must take all practicable steps to ensure the safety of employees and other persons in their place of work. This includes managing hazards and providing appropriate training and personal protective equipment to employees.

The HSE Act and MTA require certain incidents to be reported to MNZ. In the case of the HSE Act, it is any case of “serious harm” to a person. Under the MTA, **all accidents** (serious harm **and** other significant occurrences) must be reported.

Reporting forms and more information are available on the MNZ website: www.maritimenz.govt.nz.¹

¹ It is good practice, but not a legal requirement, to also file a report on the national incident database maintained by the Mountain Safety Council at: www.incidentreport.org.nz.

MNZ has the legal authority to investigate accidents involving kayaks, and aims to do so in all cases involving serious injury or loss of life.²

In addition, regional council's navigation safety bylaws may require reporting of such incidents to the local harbourmaster.

GOOD SAFETY PRACTICE

MNZ considers that good safety practice consists of the following:

1. A safety management plan.
2. Qualified, skilled and experienced staff.
3. Third party audit.

1. Develop, document and follow a safety management plan for your operation.

Key elements to include:

- quality and appropriateness of kayaks/canoes and equipment for the intended purpose of the activity, client group and venue
- systematic hazard management to ensure that hazards (sources of harm) are identified, assessed, and either eliminated, isolated or minimised on an ongoing basis (hazard management is a legal requirement under the HSE Act)
- operational safety parameters covering things such as staff-to-client ratios; communications; weather; river levels; sea/lake conditions; and emergency and evacuation preparedness
- participant safety briefings, risk awareness and familiarisation
- safety plan reviews and updates to take into account learning from accidents and incidents, and industry developments in good practice.

The safety plan should provide support and direction to staff on complying with legal requirements, such as the collision regulations (Maritime Rules Part 22), navigational safety rules (whether administered by the local council under navigation safety bylaws or MNZ under Maritime Rules Part 91)³ and reporting accidents.

2. Ensure staff are appropriately qualified, skilled and experienced to meet the nature of your kayaking/canoeing operation.

Staff should have (as a minimum):

- an appropriate level of personal technical skill in the paddle craft used by the client, including kayak/canoe and equipment knowledge, and familiarity with the operational environment
- appropriate rescue and emergency management skills for the type of craft and the nature of the environment, including current first aid qualifications
- ability to communicate safety requirements/directions clearly to the client and have appropriate group management and leadership skills to match the type of commercial operation and the nature of the environment.

All staff should be properly trained to perform the functions of their employment in the commercial kayaking/canoeing sector. If the staff member is not fully trained, they must be supervised by somebody who is.

² Past MNZ investigations into kayaking accidents are available from the MNZ website. The study of accident reports can be useful when developing a safety management plan.

³ Maritime rules are available from: www.maritimenz.govt.nz. Council websites generally provide access to navigation safety bylaws for the region concerned.



3. Subject your operation to third party audit by groups or individuals who are appropriately skilled in the type of activity and environment you are operating in.

Audits can involve:

- assessments of the operator's own safety system specification, as developed and defined by that operator
- assessment against a national standard leading to third party certification of the operator's safety system.

MNZ RECOGNISED STANDARDS

One of MNZ's functions is to promote maritime safety and to provide information and advice. On this basis, MNZ recognises certain national qualifications and safety system certification schemes as assisting operators to achieve good practice. These are detailed below.

Instructors/guides

MNZ recognises national kayaking and canoeing qualifications administered by the New Zealand Outdoor Instructors' Association (NZOIA) and Skills Active. These qualifications include the sea kayak guide, which is issued by NZOIA on behalf of the Sea Kayak Operators' Association of New Zealand (SKOANZ).

Further details of the qualifications are available on the following websites:

- NZOIA: www.nzoi.org.nz
- SKOANZ: www.skoanz.org.nz (for information about the sea kayak guide qualification)
- Skills Active: www.skillsactive.org.nz.



MNZ and the qualifications bodies are developing more detailed guidance on the application of qualifications in commercial settings.

In-house staff competencies for paddle craft guiding or instruction should be verified by an auditor registered with the Register of Outdoor Safety Auditors (ROSA) as being consistent with the national qualifications recognised by MNZ. For more information, see www.outdoorsnz.org.nz.

Safety systems

MNZ recognises Qualmark and OutdoorsMark as national quality standards for third party certification of safety systems. Having safety systems certified to these standards will help ensure that applicable statutory duties and MNZ expectations are met. The recognised standards are:

- Qualmark – endorsed visitor activity for sea kayaking (incorporating the SKOANZ code of practice for safety management) and visitor-endorsed activity for specific kayaking and canoeing
- OutdoorsMark – for all types of kayaking and canoeing.

More information on Qualmark standards is available from www.qualmark.co.nz and information on OutdoorsMark is available on www.outdoorsnz.org.nz. The SKOANZ code of practice is available on www.skoanz.org.nz.

MNZ also recognises ROSA as a provider of third party audit services for safety systems that have been developed by operators independently of the national quality standards.

Audits of independently-developed safety systems may be provided by harbourmasters and by the MNZ Safety Advisor Recreational and Small Craft.

INDUSTRY INSTRUCTION AND SAFETY INFORMATION

While not formally recognised at this stage by MNZ, there are a number of industry sources of training, instruction and advice that operators can draw on in developing staff skills and safety systems. These include:

- river safety and river rescue courses applicable to both recreational and commercial settings provided by Whitewater New Zealand (formerly New Zealand Recreational Canoeing Association), (www.rivers.org.nz)
- safety information, and advice provided by the Kiwi Association of Sea Kayakers (www.kask.co.nz). While KASK promotes safety in recreational sea kayaking, the information and advice may also be drawn on by commercial operations
- NZ Kayak Instructor Award Scheme (www.nzki.co.nz) provides sea and river kayaking instruction.

MORE INFORMATION

Copies of these guidelines, sector guides and the MNZ kayaking and canoeing safety strategy can be downloaded from the safety in adventure activity resources section on the MNZ website: www.maritimenz.govt.nz under commercial/safety management systems.

If you have any questions, or would like to provide feedback, contact MNZ Safety Advisor Recreational and Small Craft by:

- email: enquiries@maritimenz.govt.nz
- freephone: 0508 22 55 22 (New Zealand only).

