



Maritime Rules

Part 80B Commercial Rafting Operations

Invitation to Comment (2008)



Invitation to comment

You are invited to comment on the draft rules *Part 80B — Commercial Rafting Operations 2008*, which it is proposed will supersede section 2 and appendix 2 of *Part 80 — Marine Craft Used in Adventure Tourism*, made by the Minister of Transport on 22 December 1998.

The text of the draft rule is set out in this document together with explanatory material on the policy, application and impact of the amendments.

This invitation is issued to fulfil formal consultation requirements under the Maritime Transport Act 1994 (MTA).

Background to maritime rules

Maritime rules are delegated legislation made by the Minister of Transport under the MTA for the purpose of safety in marine craft. The rules establish the minimum standards that participants in the maritime system must meet when operating such craft.

Maritime rules are divided into “Parts” relating to a particular safety area. Advisory circulars accompany many rule parts containing information about standards, practices and procedures that Maritime New Zealand (MNZ) has established as an acceptable means of compliance. A strict process for rules development is prescribed by the MTA, including public notification of the intention to make a rule and stakeholder consultation on the draft text. These tasks are assigned to MNZ by the Ministry of Transport (acting on behalf of the Minister). Under these arrangements, MNZ carries out policy analysis, any informal consultation, preparation of the formal draft rule text and explanatory material, formal consultation, and preparation of the final draft rule. Once MNZ has finalised a draft rule, it is passed to the Ministry of Transport. The Minister’s officials, who apply their own policy and legal scrutiny to all draft rules, arrange for review by the House of Representatives’ Regulations Review Committee and Cabinet clearance prior to the Minister signing the rule.



Every signed rule, including details of the consultation carried out in its development, is tabled in the House of Representatives. A copy of this tabling version of the rule is sent by MNZ to all those who made submissions on the draft.

Rules development takes time. A new rule or substantive draft amendment may take up to 18 months or more to develop and to bring into law.

Electronic versions of final rules are available at no direct charge from the MNZ website.

Status quo and the problems

The rafting rules in *Part 80 – Marine Craft Used in Adventure Tourism*, in force since 1999, have proved workable but a number of limitations have become apparent.

- For lower risk rafting operations, the stringency of certain of the safety provisions (for guide qualifications, and safety equipment) imposes operational and economic burdens that are not justified on safety grounds.

- There are problems in the application of the rules:
 - training of raft guides (where this occurs in educational settings) is effectively outside the rules
 - there is uncertainty as to the rules coverage of rafting operations that take place as part of multi-sport events
 - “dry” hire of commercial rafts is not provided for and any such operations appear to breach the requirement that such rafts are under the control of qualified raft guides.
- The rules incorporate a number of references to external standards (raft guide awards and safety equipment) that are now outdated.
- The rules, which provide for authorised persons (external to MNZ) to approve commercial rafting operations safe operational plans, are out of step with current administrative arrangements, which see these functions carried out by MNZ staff.
- The provision for the Queenstown Lakes District Council to appoint an authorised person in its district is outside the scheme of the MTA, which envisages that any external party exercising the powers of the Director does so under delegation.

Alternative approaches to address the problems

The use of exemptions and administrative practice, such as provision of additional advisory information by MNZ, are the only alternative means of addressing the problems.



The exemption provisions of the MTA could be used, for example, to provide relief from requirements considered overly stringent for low risk rafting operations on a case-by-case basis. Advisory information could guide users of the rules to “read in” updated standards, and to provide guidance on the application of the rules.

Advantages and disadvantages of alternatives

The alternative approaches would impose costs on both the administrator and the operator. Exemptions are likely to be a high cost compliance option for an operator, as they would need to gather the information to determine whether the process is potentially relevant to their situation, in addition to having to meet the direct costs of making an application (including any cost recovery from MNZ), and organising periodic renewals. For MNZ, exemptions require expenditure of administrative time in processing applications and renewals, recording information, monitoring compliance with any applicable conditions, and timetabling renewals.

Compliance costs may also be high when operators have to read advisory material to update rules references and clarify applications. There are costs to the regulator too in maintaining this material, though these would generally be less than the cost of developing draft amendment rules. Use of advisory material provides some benefits over rules amendments in terms of the ease with which it can be adjusted to fit new information and industry developments.

Preferred alternative

MINZ considers that the problems identified warrant attention and that the alternatives identified are, on balance, more costly in the medium and longer term and have fewer benefits than amending the rules.

What changes are there in the new rules?

The changes are, variously, structural, policy and technical in nature. There are also a number of updates.

Structure

The new rules aim to provide greater coherence by starting with the general requirements for the approval of commercial rafting operations, including the standard for rafts and equipment, and safety management systems. The part then goes on to the specific requirements for guides, passengers, trip management, vocational training and raft hire. The areas to be covered in a safe operational plan are set out in a schedule.

Policy

The principal policy changes comprise:

- removing provision for an authorised person. Any future arrangements involving safety audits by non-MNZ staff, such as currently exist in Queenstown Lakes District, would be accommodated through delegation of powers under the MTA
- inserting new provisions specific to vocational training of trainee guides. These require periodic audits to verify the integrity of training organisation programmes and define the process for setting the operational parameters for trainee guide river trips
- inserting new provisions for raft hire, setting specific equipment and operating parameters and requiring the hiring organisation to hold a maritime document
- non-coverage of sporting events involving rafting
- provision for the Director to audit raft guide award-issuing organisations
- calibrating competency requirements for sole guides and lead guides on multi-raft trips on grade 1 and 2 rapids through a combination of minimum award levels, assessed competency in river rescue, and appropriate selection, training and supervision under the operator's approved safe operational plan
- permitting sole guide raft trips on grade 4 rapids if this is provided for in the operator's approved safe operational plan, and the guide is suitably qualified
- permitting passengers not to wear helmets on grade 1 and 2 rapids if this is provided for in the operator's approved safe operational plan
- permitting repair kits and pumps, in defined circumstances, to be carried in a support vehicle, or stowed in an accessible cache adjacent to the river.



Updates

The rules contain updates to bring alignment with the current structure of national raft guides' awards. The category of aspirant guide receives no recognition, in line with the industry decision to phase out this designation.

References to the New Zealand standard for buoyancy aids are updated.

Technical amendments

A number of technical amendments are incorporated covering raft and guide equipment; guide currency in first aid; first aid kit requirements; and record-keeping. Amendments are also made to the safe operational plan requirements (scheduled to the rules) in respect of passenger screening; staff selection, supervision and training; emergency communication; accident and incident trend and cause analysis; and health and safety duties.

What are the likely benefits of the new rules?

Removing provision for authorised persons to approve safe operational plans and inspect and audit rafting operations will make the rules consistent with the scheme of the MTA, which envisages that any person exercising the powers of the Director, including any persons outside Maritime New Zealand, do so by way of delegation. The approach has general application: MNZ is proposing counterpart amendments to all maritime rules that currently have provision for authorised persons.

The new rules address shortcomings and fill gaps in Part 80, providing greater certainty for operators and a more comprehensive standard for safety in commercial rafting. The outcomes from the proposed new rules are judged to have benefits in terms of better efficiency in the use of qualified rafting personnel and improvements in safety.

Certain operators should find it easier to recruit and retain river guides, enabling more efficient use of the industry's and individuals' investment in training and experience. The greater flexibility in certain operational matters should lead to further efficiencies for operators and, in some cases, enhance the amenity value of trips for passengers at the same time as maintaining acceptable levels of safety (*policy items 6-9 on the previous page*).



The rules will remove uncertainty about the coverage of grey areas in the current rules: vocational training (*as elaborated below*); raft hire (*covered by clearly defined requirements*); and multisport/adventure racing events with rafting component (*not covered*) (*policy items 2, 3 and 4 on the previous page*). It is judged that there will be net benefits to the users of raft hire services from the oversight provided by the rules. On the other hand, the one-off, short duration rafting activity found in multisport/adventure racing events does not fit the Part 80B model, which is a standard for on-going operations. Nor do competitors in such events fit the three classes of person— passenger, trainee and guide — carried on a commercial raft.

Vocational training

The development of draft Part 80B has provided an opportunity to extend the application of the rules to cover guide training in educational settings, taking into account experience in working with the rafting rules over nearly 10 years and developments in the educational sector since 1999.

It is proposed to cover the sector on the basis that, as for commercial operations, there are benefits from having national standards and specialist external oversight for an activity that takes place in a highly dynamic environment and involves a level of inherent risk. There is also equal treatment considerations in ensuring that training in educational settings and in commercial operations both have to justify their training rationales to the Director.

At the same time, it is acknowledged that safety management of outdoor training in educational settings is comprehensive and organisations generally have better processes than was the case 10 years ago. These processes are equivalent to many of the basic features of the safe operational plan requirements of Part 80 and regular accreditation audits from award-issuing organisations provide third party verification of the risk treatment. MNZ considers, therefore, that it would be inefficient, for both providers and MNZ, to have Part 80B apply in full (that is, to require a separate safe operational plan approved by the Director and subject to annual audit and inspection) to vocational training of raft guides in these settings.

Accordingly, it is proposed that a common set of training provisions apply to vocational training in both educational settings and commercial rafting operations. For the latter, meeting these requirements will form part of the safe operational plan and, for the former, the measures can be integrated into the organisation's safety plan for the delivery of outdoor training activities. In both cases, the Director is required to sign off on the training parameters. The external check on the commercial operators will be through the MNZ annual audits. For the education sector organisations, it will come through accreditation audits. If these are not taking place on a regular basis, the draft rules provide for an equivalent audit to be carried out by the Director.

The New Zealand Transport Strategy

The amendment rules will advance the New Zealand Transport Strategy. In that regard, the rules will:

- maintain and improve public safety
- assist economic development by helping to maintain the reputation of New Zealand for effectively managing the safety risks of commercial adventure activities and thus support the market for commercial rafting services.



What will be the costs of the new rules?

There will be some costs for operators in adapting to the new rules. The costs will be principally staff and management time devoted to revising safe operational plans to meet the new requirements, or to take up the opportunities for operational flexibility. No abrupt changes will be needed, however, due to transitional provisions that carry over approvals from Part 80 for up to 12 months.

Two sectors, raft hire and guide training in educational settings, are brought explicitly within the rules for commercial rafting for the first time. The adaptation required for the former is expected to be minimal in the current environment where all known raft hire operations are run by businesses that have guided trips as their main activity. These operators are, therefore, already working within the rules and it should be straightforward for them to extend their safe operational plans to cover raft hire.

The raft hire operations that MNZ knows about already have systems in place that would appear to substantially meet the proposed requirements of Part 80B for these operations. The costs, in staff and management time, would, we expect, be minimal. The other identified costs for operators would include MNZ cost recovery through fees charged for review and approval of a safe operational plan with raft hire extension and for annual audits. In the latter case, the additional fee would be set to recover the cost of the extra time taken to audit the extended plan.

This would amount at the present time to not more than \$101 annually (the current hourly audit cost recovery under the Shipping (Charges) Regulations 2000.)

The costs associated with vocational guide training should be similarly limited in cases where this is carried out by commercial rafting operators: extensions to safe operational plans to cover the matters referred to in the rules and some marginal addition to the amount recovered by MNZ for annual audits.

Costs associated with guide training in educational settings include:

- investment of management and staff time in revising these plans, documenting training rationales and integrating the Part 80B requirements into the organisation's overall risk management framework for outdoor activities
- MNZ cost recovery for approval of the training parameters referred to in the rules
- cost recovery of any 3 yearly audits undertaken by MNZ against a checklist that the Director considers is equivalent to the award-issuing organisation's accreditation review checklist for rafting awards.

The cost recovery of any such triennial audits would include travel and accommodation for the auditor and the time undertaking the audit at \$101 an hour. The cost of a 3 hour audit and other cost recovery for a West Coast polytechnic provider, for example, is estimated at not more than \$1500 – or an annualised cost of \$500 at the current level of charge.

MNZ is not in a position to estimate the costs to education sector organisations from the investment in staff and management time and providers in this sector are invited to comment on the expected level of compliance costs associated with the proposed rules.

Maritime NZ compliance activities in respect of Part 80B will be able to be accommodated within existing resources.



Consultation

Extensive informal consultation on the draft rules has been carried out over the past 2 years. Drafts have been circulated widely and workshop sessions held with individual operators and guides in the major rafting centres in both North and South Islands. The New Zealand Rafting Association, as the national representative body for commercial river rafting, has been engaged in this process.

Separate focused consultation with relevant parties has been carried out on specific provisions, such as guide first aid training and guide training in educational settings.

The design of the draft rules takes into account the results of consultation on a 2002 discussion paper prepared by the Maritime Safety Authority, which canvassed a range of proposed amendments to the rafting provisions of *Part 80 — Marine Craft Used in Adventure Tourism*.

Making submissions

The deadline for making comments on the draft amendment rules is **31 March 2009** (ie your comments must be received by that date).

You may make comments by:

- e-mail to rules.coordinator@maritimenz.govt.nz

- ordinary post to Maritime New Zealand, PO Box 27006, Wellington 6141
- fax to (04) 494 8901
- delivery to Level 10, Optimisation House, 1 Grey Street, Wellington.

Submissions are public information

Please indicate clearly if your comments are commercially sensitive, or if, for some other reason, you consider they should not be disclosed. In addition, if you are an individual (ie your comments are made personally and not on behalf of a company or an organisation) please indicate if you consider for some reason that your identity should not be disclosed.

We will acknowledge all submissions that we receive and once the rule is finalised you will receive a summary of the full consultation.

Subject to the provisions of the Privacy Act and the Official Information Act, you may view the submissions made by other people at the Wellington office of Maritime New Zealand between 8.30 am and 4.30 pm on weekdays (except statutory holidays). Please arrange this beforehand with the Manager, Environmental Research and Analysis, on (04) 494 1242.



Maritime Transport Act 1994

Maritime Rules

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General

80B.1 Entry into force

This Part comes into force 28 days after notification in the *Gazette*.

80B.2 Definitions

In this Part, unless the context otherwise requires, –

Act means the Maritime Transport Act 1994:

approved safe operational plan, in relation to a commercial rafting operation, means the safe operational plan that –

- (a) applies to the commercial rafting operation; and
- (b) has been approved by the Director under rule 80B.5:

award-issuing organisation means an industry training organisation recognised by the Director under this Part for the purpose of issuing New Zealand national raft guide and senior raft guide awards:

certificate of compliance has the meaning set out in 80B.12(1):

commercial raft means a raft that is not a pleasure raft:

commercial rafting operation means any activity that –

- (a) is undertaken on a river; and
- (b) involves the carriage of passengers or trainee guides on a commercial raft:

commercial raft operator or **operator** means –

- (a) the person who is, for the time being, responsible for management of a commercial rafting operation; and
- (b) includes a person who intends to conduct a commercial rafting operation; but
- (c) does not include a guide:

Director means the person who is for the time being appointed as the Director of Maritime New Zealand under section 439 of the Act:

group-guided rafting means rafting involving—

- (a) 1 or more rafts where at least 1 raft has no on-board guide; and
- (b) the raft(s) without a guide on board being guided by a guide who is located on another raft, boat, or the adjacent river bank:

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guide means—

- (a) a person who—
 - (i) holds a national raft guide award; and
 - (ii) is in charge of a commercial raft; and
 - (iii) organises or assists passengers or trainee guides on the commercial raft; and
- (b) does not include a trainee guide:

major modification, in relation to a commercial raft, means an alteration or modification of the commercial raft that involves the replacement, removal, or addition of,—

- (a) any part of the commercial raft that is likely to significantly affect the structural integrity, passenger capacity, watertight subdivision or stability; or
- (b) any safety equipment of the commercial raft, other than the direct replacement of equipment:

multi-chambered, in relation to a commercial raft, means a raft that has multiple pontoon chambers that are separated by baffles, each of which has its own valve:

multiple raft trip means a raft trip consisting of 2 or more commercial rafts:

national rafting assessor means a person recognised as a national rafting assessor by an award issuing organisation:

national raft guide award means a national raft guide award that has been issued by an award-issuing organisation; and includes a **senior national raft guide award**:

New Zealand Qualifications Authority or NZQA means the **Qualifications Authority** established by [Part 20](#) of the Education Act 1989:

passenger, in relation to a commercial raft, means any person carried onboard a raft, other than a person who holds a New Zealand national raft guide award or is currently completing the training requirements for an award:

pleasure raft means a raft that is used exclusively for the owner's pleasure and is not offered or used for hire or reward; but does not include—

- (a) a raft that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business;
- (b) a raft that is operated or provided by any club, incorporated society, trust, or business:

raft—

- (a) means an inflatable craft manoeuvred by—
 - (i) oars or paddles; or
 - (ii) a combination of oars and paddles; but

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- (b) does not include inflatable kayaks, white water sledges, tubes, or equipment used for river surfing:

recognised authority means an entity recognised by the Director as being competent to certify a buoyancy aid's compliance with a standard:

safe operational plan means the safe operational plan prepared in accordance with this Part:

sole-guided raft trip means a trip led by a single guide in 1 raft without the support of another raft guide or a safety vessel:

sporting event means any organised game, competition, or other event involving competitors:

trainee guide means a person who is currently completing the training requirements specified for a national raft guide award:

type 406 specialist personal flotation device or **type 406** means a buoyancy aid that complies with section 406 of the New Zealand standard for buoyancy aids (NZS: 5823:2005).¹

80B.3 Application of this Part

- (1) Section 1 of this Part –
- (a) applies to river rafting involving any commercial raft that carries passengers; and
 - (b) any raft used for the vocational training of raft guides; and
 - (c) does not apply to a sporting event that involves rafting on a river.
- (2) Sub-part 2 of this Part applies to the hire of a commercial raft to a person that is not a commercial rafting operator.

NZS 5823:2005. A type 406 is equivalent to an amended type 408 in NZS 5823:1989 or NZS 5823:2001.

Prerequisites for conducting commercial rafting operations

Safe operational plan

80B.4 Commercial raft operator must prepare safe operational plan

- (1) A commercial raft operator must prepare a safe operational plan for each commercial rafting operation they manage.
- (2) The safe operational plan must—
 - (a) include the information prescribed in Schedule 1; and
 - (b) be prepared in accordance with the requirements of this Part; and
 - (c) include the safety practices (if any) that apply to the particular river(s) on which the rafting operation is to be carried out; and
- (3) The safety practices referred to in rule 80B.4(2)(c) must be determined by the Director, after consulting with the persons or organisations that the Director considers appropriate, to ensure commercial rafting operations can be safely carried out on that river.

80B.5 Requirements for approval of safe operational plan

- (1) Before approving a safe operational plan, the Director must be satisfied that—
 - (a) the safe operational plan complies with this Part; and
 - (b) the results of the audit of the commercial rafting operation to which the safe operational plan relates are satisfactory; and
 - (c) the results of the inspection of every commercial raft and its equipment to which that safe operation plan relates are satisfactory.
- (2) If the Director considers that the safe operational plan should not be approved, the Director must,—
 - (a) notify the commercial raft operator, in writing, of the non-compliance; and
 - (b) specify the time within which the commercial raft operator must rectify the non-compliance to the satisfaction of the Director.
- (3) If the commercial raft operator fails to rectify the non-compliance to the satisfaction of the Director within the time specified, the Director must not approve the safe operational plan.

80B.6 Review of approved safe operational plan

- (1) A commercial raft operator must ensure that the approved safe operational plan is reviewed—
 - (a) at least once in every 12 month period; and
 - (b) as soon as practical after every accident, incident, or mishap.

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- (2) A commercial raft operator must ensure that every review of their approved safe operational plan is recorded, including—
 - (a) a summary of conclusions; and
 - (b) every action taken as result the review.
- (3) The holder of a certificate of compliance must make its approved safe operational plan available to the Director at all reasonable times.

Audit and inspection of commercial rafts and rafting operation

80B.7 Initial audit of commercial rafting operation

- (1) Before the Director approves a safe operational plan the commercial raft operator must arrange for the Director to audit the commercial rafting operation.
- (2) The purpose of the initial audit is to enable the Director to determine whether the commercial rafting operation complies with this Part.
- (3) If, as a result of the initial audit, the Director considers that the applicable safe operational plan should not be approved, the Director must notify the commercial raft operator in accordance with rule 80B.5(2)
- (4) If the commercial raft operator fails to rectify the non-compliance to the satisfaction of the Director within the time specified, the Director must not approve the safe operational plan.

80B.8 Subsequent audits of commercial rafting operation

- (1) A commercial raft operator must arrange for the Director to do a subsequent audit of the rafting operation preceding the anniversary date specified on the certificate of compliance.
- (2) The purpose of each subsequent audit is to enable the Director to determine whether the commercial rafting operation continues to comply with the approved safe operational plan and the requirements of this Part.
- (3) If, as a result of a subsequent audit, the Director considers that the commercial rafting operation does not comply with the approved safe operational plan, or this Part, the Director must,—
 - (a) notify the operator, in writing, of the non-compliance; and
 - (b) specify the time within which the operator must rectify the non-compliance to the satisfaction of the Director.
- (4) If the commercial raft operator fails to rectify the non-compliance to the satisfaction of the Director within the time specified by the Director, the Director may suspend or revoke the certificate of compliance in accordance with Part 5 of the Act.

80B.9 Initial inspection of commercial rafts

- (1) Before the Director approves the safe operational plan the operator must arrange for the Director to do an initial inspection of every commercial raft and the safety equipment involved in the commercial rafting operation.
- (2) The purpose of the initial inspection is to enable the Director to determine whether every commercial raft, its fittings, and the equipment used in those commercial rafts comply with the provisions of this Part, and approve the type of raft(s) as being suitable for the nature of the rafting operation being conducted.
- (3) If, as a result of the initial inspection, the Director considers that the applicable safe operational plan should not be approved, the Director must notify the commercial raft operator in accordance with rule 80B.5(2).
- (4) If the commercial raft operator fails to rectify the non-compliance to the satisfaction of the Director within the time specified the Director must not approve the safe operational plan.

80B.10 Subsequent inspections of commercial rafts

- (1) After an initial inspection, every commercial raft operator must arrange for the Director to do a subsequent inspection—
 - (a) of every commercial raft preceding each anniversary of the date on the certificate of compliance for that operation; and
 - (b) of a commercial raft following a major modification to that raft.
- (2) The purpose of a subsequent inspection is to enable the Director to determine whether every commercial raft and its fittings and equipment comply with this Part, and are of a type approved for that commercial rafting operation.
- (3) If, as a result of a subsequent inspection, the Director considers that a commercial raft or its fittings or equipment do not comply with this Part, the Director must notify the commercial raft operator in accordance with rule 80B.5(2).
- (4) If the commercial raft operator fails to rectify the non-compliance to the satisfaction of the Director, within the time specified, the Director may suspend and revoke the certificate of compliance in accordance with Part 5 of the Act.

Certificates of compliance

80B.11 No commercial rafting operations to be conducted without current certificate of compliance

No person may conduct a commercial rafting operation unless that person holds a current certificate of compliance issued in accordance with this Part for that commercial rafting operation.

80B.12 Information about certificates of compliance

- (1) A **certificate of compliance** issued by the Director under Part 5 of the Act must certify that the operator is authorised to conduct commercial rafting operations on the rivers noted on the certificate of compliance.
- (2) A certificate of compliance must be in a form approved by the Director.
- (3) A certificate of compliance may be issued for a maximum period of 1 year.
- (4) A certificate of compliance—
 - (a) is personal to the certificate holder and is not transferable; and
 - (b) ceases to have effect immediately on the change of ownership or control of the commercial rafting operation.
- (5) A commercial raft operator must immediately inform the Director of any change to that holder’s details as recorded on the certificate of compliance, including—
 - (a) a change of name; or
 - (b) a change of address; or
 - (c) a change of contact details.

80B.13 Requirements for issue of certificate of compliance

Before the Director issues a certificate of compliance for a commercial rafting operation,—

- (a) the commercial raft operator must apply for the certificate of compliance in accordance with section 35 of the Act and rule 80B.14; and
- (b) the commercial raft operator must have an approved safe operational plan for the commercial rafting operation; and
- (c) the Director must be satisfied with the results of—
 - (i) the initial audit of the commercial rafting operation; and
 - (ii) the initial inspection of every commercial raft, and its equipment, used in the commercial rafting operation.

80B.14 Additional information for application for certificate of compliance

- (1) In addition to the requirements of section 35 of the Act, an applicant must include the following information with their application for a certificate of compliance:
 - (a) the name of the legal owner of the proposed commercial rafting operation;
 - (b) the name of the commercial raft operator for the proposed commercial rafting operation;
 - (c) the business or trading name of the proposed commercial rafting operation;
 - (d) the applicant’s email address (if applicable);
 - (e) the name and location of every river included in the safe operational plan that is to be noted on the certificate of compliance.

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- (2) The Director may require any additional information he or she considers necessary to support an application for a certificate of compliance.

Guides

Key requirements

80B.15 Responsibilities of commercial raft operator in relation to guides

A commercial raft operator must not use any guide in the operation of any commercial raft who does not meet the requirements of rules 80B.17 to 80B.23.

80B.16 Guides to comply with approved safe operational plan

A guide of a commercial raft must ensure that the raft is operated in accordance with the approved safe operational plan.

Qualifications

80B.17 Guide to be medically and physically fit

- (1) A guide of a commercial raft must demonstrate to their employer that they are physically fit to work as a guide.
- (2) The commercial raft operator must not allow a raft trip to proceed where, in the opinion of that operator, the guide for that raft trip is impaired by the effects, or after-effects, of alcohol or drug use.

80B.18 Guide to hold relevant qualification

- (1) A person must not act as a guide of a commercial raft trip unless that person holds the New Zealand national raft guide award of an equivalent or higher grade to the grade of river being rafted.
- (2) Every senior national raft guide who carries out raft guide duties must attend training to maintain currency in river rescue skills at intervals of no more than 36 months, and –
- (a) such training must be to a level consistent with the river rescue skills requirement detailed in the National Senior Raft Guide Award; and
 - (b) evidence that the training requirements have been met must be confirmed by holding either –
 - (i) a certificate of completion of a course of training in river rescue skills; or
 - (ii) in writing by a National Rafting Assessor, as having completed a course of training in river rescue skills; and
 - (c) the evidence required in paragraph (b) must be kept with the Safe Operation Plan.

80B.19 Guides to hold current first aid certificate

- (1) Every raft guide who carries out raft guide duties must hold a current first aid certificate that certifies that the guide has received training and is competent to provide first aid in accordance with the following NZQA unit standards:
 - (a) for a guide who holds a national raft guide grade 2 award or lower, NZQA unit standards 6401 and 6402:
 - (b) for a guide who holds a national raft guide grade 3, 4 or 5 award, NZQA unit standards 6400:
 - (c) for a guide who holds a senior national raft guide grade 3 award or higher, NZQA unit standards 424.
- (2) The Director may accept an alternative first aid certificate as meeting the requirements of sub-rule (1) if satisfied that the holder has received training to an equivalent or higher standard as that required in sub-rule (1).

Guide clothing

80B.20 Clothing

Every guide on board a commercial raft must wear the following:

- (a) a personal flotation device:
- (b) a helmet, except where, in the case of trips on grade 1 or grade 2 rapids, the operator's approved safe operational plan provides that helmets are not required:
- (c) appropriate river clothing (for example, a drysuit or wetsuit, as applicable) and footwear.

Audit of award-issuing organisation

80B.21 Audit of award-issuing organisation

The Director may audit the award issuing processes and procedures of an award-issuing organisation.

Passengers

80B.22 Information about safety risk

A commercial raft operator must ensure that the following information, or information with substantially the same effect, is communicated to each passenger:

“River rafting is an adventure activity with a degree of risk. Participants should be aware that the commercial raft operator cannot guarantee your safety.”

80B.23 Additional information for passengers on group-guided trips

Before booking a group-guided trip the commercial raft operator must ensure that every passenger is informed that –

- (a) the trip the passenger intends to book is group-guided; and
- (b) the commercial raft that the passenger will be on may not have an on-board guide.

80B.24 Instruction in survival and raft handling procedures

Before each raft trip, the guide must ensure passengers are adequately instructed in survival and raft handling procedures, which must include –

- (a) familiarisation with and warning of the hazards of the waters to be rafted; and
- (b) procedures for routine raft handling; and
- (c) procedures for emergencies, wrapping, capsizing, person overboard; and
- (d) general safety precautions; and
- (e) seating assignments and any changes to these assignments.

80B.25 Safety briefing card

A commercial raft operator must ensure that a safety briefing card is readily available to any passenger who, in the guide's opinion, has difficulty understanding the verbal briefing or demonstration.

80B.26 Safe seating of passengers

A commercial raft operator must ensure that there is sufficient room to enable every passenger on the raft to be safely seated.

80B.27 Unsafe persons not to board commercial raft

A guide of a commercial raft must not permit a person to board the raft if the guide believes that person to be in such a state of impairment that he or she may be a hazard to themselves or to any person on the raft.

80B.28 Specialist personal flotation devices

- (1) A commercial raft operator must provide every passenger on board a commercial raft with a personal flotation device that complies with sub-rules (3) or (4).
- (2) Subject to sub-rule (6), every passenger on board a commercial raft must wear a personal flotation device when the raft is on the river unless the guide or trip leader (whichever is applicable) expressly directs, in accordance with that operation's safe operational plan, that personal flotation devices need not be worn.

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- (3) The personal flotation device must be a type 406 specialist personal flotation device, except that the device is not required to –
 - (a) be fitted with light retro-reflective tape, unless it is worn for night rafting; or
 - (b) meet the colour requirements of the New Zealand standard that would otherwise apply to the device.
- (4) The Director may, in particular cases, agree to the use of another type of flotation device if the Director is satisfied that the personal flotation device complies with a national or international standard certified by a recognised authority and substantially complies with New Zealand standard type 406.
- (5) A guide of a commercial raft must ensure that passengers are correctly fitted with personal flotation devices before passengers board the raft.
- (6) A guide of a commercial raft must ensure that every passenger on board that raft wears a personal flotation device while transiting rapids, and the device is worn properly throughout such transit.

80B.29 Helmets

- (1) A commercial raft operator must ensure that every passenger on board a commercial raft is provided with a helmet suitable for white water rafting except where, in the case of trips on grade 1 or grade 2 rapids, the operator’s approved safe operational plan provides that helmets are not required.
- (2) A guide of a commercial raft must check that every helmet is properly fitted to the passenger before that passenger boards the raft.
- (3) A guide of a commercial raft must ensure that every passenger on board the commercial raft wears a helmet while transiting rapids, and the helmet is worn properly throughout such transit.

80B.30 Clothing and footwear

- (1) A commercial raft operator must ensure that every passenger is equipped with a wetsuit or other appropriate river clothing and footwear, having regard to the prevailing water temperature and weather conditions.
- (2) For overnight trips, adequate dry clothing for all passengers must be in waterproof containers if carried on the raft.

Raft trips

Commercial rafts and their equipment

80B.31 Commercial rafts and equipment to be kept in good order

- (1) A commercial raft operator must ensure that all commercial rafts used by that operator, and the fittings and equipment for those commercial rafts, are fit for purpose.
- (2) In the case of a commercial raft on hire or loan from another commercial rafting operation, the commercial raft operator must ensure that the raft, its fittings, and equipment are fit for purpose.
- (3) Every commercial raft operator must ensure that the rafts used are of a type approved by the Director for use by that commercial rafting operation.

80B.32 Other safety requirements for commercial rafts

Every commercial raft operator must ensure that –

- (a) every commercial raft used by that operator is multi-chambered; and
- (b) every commercial raft used by that operator will retain the pressure necessary for its safe operation throughout the duration of the trip; and
- (c) every commercial raft that **is out of service** is separated from any serviceable rafts or is clearly and visibly marked by words indicating that the raft is out of service; and
- (d) in the case of a commercial raft that is an oar raft, there is enough room to allow the guide to control the raft.

80B.33 Equipment carried on commercial rafts

- (1) Subject to sub-rule (3) a commercial raft operator must ensure that the following equipment is carried on every commercial raft:
 - (a) in all cases, –
 - (i) a rescue throw-bag with floating line of sufficient length and size to be effective on the river being rafted; and
 - (ii) forward and aft securing lines of sufficient length and size to be effective on the river being rafted; and
 - (iii) lifelines properly secured to the raft within reach of swimmers alongside the raft; and
 - (iv) a rescue kit appropriate to the river being rafted (for example, a rescue rope of sufficient length and dimension for the river being rafted, a pulley, and a river saw);
 - (v) a first aid kit containing, as a minimum, the following contents:
 - resuscitation face shield;
 - disposable gloves;
 - 1 roll adhesive tape (fabric type) at 2.5cm wide;
 - 1 roll adhesive tape (electrical type);
 - 2 non-adhesive dressings (at least 18cm x 18cm square);

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- 4 non-adhesive dressings (at least 12cm x 12cm square);
- 3 triangular bandages;
- (fabric adhesive dressing strip (at least 7.5cm wide x 1metre long);
- 2 crepe bandages (7.5cm wide);
- 2 crepe bandages (10cm wide);
- gauze swabs (at least 5cm x 5cm square);
- 1 pair of stainless medical scissors;
- clothing shears;
- tweezers;
- assortment of safety pins; and
- a mouldable alloy or foam splint;
- a pencil and waterproof paper;
- an emergency blanket (silver foil type); and
- (vi) in the case of a multiple day raft trip, a first aid kit that, in addition to the above items, contains the following:
 - antiseptic cream or liquid;
 - one tube of antihistamine cream, or if in tablet form, in a clearly labelled with the name of the tablets and directions for use;
 - (analgesic tablets in a container clearly labelled with the name of the analgesic and directions for their use; and
- (b) in the case of a raft with a rowing frame,—
 - (i) a minimum of 3 oars and adequate rowlocks, oarlocks, pins, and clips; or
 - (ii) an adequate number of paddles.
- (2) A commercial raft operator must ensure that a minimum of, 1 raft repair kit, capable of repairing punctures in buoyancy chambers, and 1 topping up pump, and a minimum of 1 rescue kit is—
 - (a) carried on the raft; or
 - (b) carried on 1 of the rafts in the case of a multiple raft trip; or
 - (c) where provided for in the approved safe operational plan of that commercial raft operation, readily available from an accompanying support vehicle with access to the river, or from a cache at an accessible location adjacent to the river.
- (3) In the case of multiple raft trips, the operator must ensure that a ratio of not less than 1 first aid kit for every 5 rafts is maintained for the duration of the rafting trip.

All raft trips

80B.34 No commercial rafting operations on grade 6 rapids

No person may operate a commercial raft on grade 6 rapids.

80B.35 Hours of operation

A commercial raft operator may only carry out commercial rafting operations between sunrise and 30 minutes before sunset, unless rafting outside of those hours –

- (a) is the specific purpose of the trip; and
- (b) is provided for in the approved safe operational plan of that commercial raft operation.

80B.36 River and weather conditions

Every commercial raft operator must ensure that the prevailing and forecasted river and weather conditions for the relevant time and region are ascertained and considered before commencing any raft trip.

80B.37 Other checks before trip

A guide of a commercial raft must do the following before the raft is operated on a river:

- (a) inspect the raft for wear, damage, and proper inflation;
- (b) ensure that any impact or entrapment hazards are minimised by properly stowing and securing all loose equipment, containers and other objects, including loops and ends of rope, or other tie-down material.

80B.38 Responsible person off-river

A commercial raft operator and every guide of a commercial raft trip must ensure that, throughout the trip, there is a responsible person off-river who is –

- (a) aware of the raft trip details, including –
 - (i) the guides involved; and
 - (ii) the passenger numbers and names; and
 - (iii) the river and sections of river being run; and
 - (iv) the estimated time of return; and
- (b) able to initiate any emergency action in accordance with the approved safe operational plan of that commercial raft operation.

80B.39 Sole guides must always have adequate back-up

- (1) A commercial raft operator must ensure, in the case of sole guided raft trips, that a suitably qualified raft guide is provided as back up, and is capable of taking over the guide duties for the trip, where –

- (a) the guide has become incapacitated; or
- (b) the guide becomes separated from the passengers; or
- (c) the guide is, for any other reason, unable to continue to guide the trip safely:

- (2) The guide required under sub-rule (1) may be provided on or off-river, but must be available at all times during the raft trip.

80B.40 Persons onboard commercial raft not be risk to safety

- (1) A commercial raft operator must ensure that procedures are in place to prevent any person from taking part in any raft trip where, in the opinion of the operator, that person is affected by the consumption of alcohol or other drugs to such a degree that the person may be a risk to the safety of themselves or any other person on the raft.
- (2) The guide of a commercial raft must not permit any person to take part, or continue to take part, in a raft trip where, in the opinion of the guide, that person is affected by the consumption of alcohol or other drugs to such a degree that the person may be a risk to the safety of themselves or any other person on the raft.

80B.41 Record-keeping

- (1) A commercial raft operator must keep a written record of all the following information:
- (a) every commercial raft trip undertaken;
 - (b) the names of the guides on every commercial raft trip;
 - (c) the names of the passengers on every commercial raft trip;
 - (d) every accident, incident, or mishap on board or involving a commercial raft of the commercial raft operation;
 - (e) the first aid qualification held by each guide, and the expiry date of the qualification;
 - (f) the fulfilment of the requirements specified in that operator’s approved safe operational plan for –
 - (i) staff selection; and
 - (ii) training and supervision of staff; and
 - (iii) staff acting as sole guide or the trip leader guide; and
 - (g) records of all qualifications held and training completed as required in rule 80B.18.
- (2) A commercial raft operator must make the record of the information referred to in sub-rule (1) available to the Director at all reasonable times.

Sole guided raft trips

80B.42 Grade 1 rapids or grade 2 rapids

- (1) The commercial raft operator must ensure that a guide, who is undertaking a sole guided commercial raft trip on rivers with grade 1 or grade 2 rapids, holds either –
- (a) a national raft guide grade 2 award, and
 - (i) has passed an assessment against the national standard for river rescue; and

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- (ii) meets the requirements specified in that commercial raft operation's approved safe operational plan for staff selection, training, and supervision; or
 - (b) a national raft guide grade 2 award; and
 - (i) has passed an assessment against a standard for river rescue that the Director is satisfied is equivalent to the national standard for the specific river sections being rafted; and
 - (ii) meets the requirements specified in that commercial raft operation's approved safe operational plan for staff selection, training, and supervision; or
 - (c) a national raft guide grade 3 award, and meets the requirements specified in that commercial raft operation's approved safe operational plan for staff selection, training, and supervision; or
 - (d) a senior national raft guide grade 3 award or higher.
- (2) The guide of a sole-guided commercial raft trip must ensure that any trip on grade 1 or 2 rapids is conducted only in accordance with sub-rule (1).

80B.43 Grade 3 rapids

- (1) The operator of commercial raft must ensure that a guide, who is undertaking a sole-guided commercial raft trip on grade 3 rapids, holds a senior national raft guide grade 3 award or higher.
- (2) The guide of a sole-guided commercial raft trip must ensure that any trip on grade 3 rapids is conducted only in accordance with sub-rule (1).

80B.44 Grade 4 rapids

- (1) The commercial raft operator must ensure that a sole-guided commercial raft trip may only be conducted on grade 4 rapids if—
 - (a) the approved safe operational plan of that commercial raft operation provides for that type of raft trip; and
 - (b) a senior national raft guide of at least grade 4 is guiding the raft throughout the trip.
- (2) The guide of a sole-guided commercial raft trip must ensure that any trip on grade 4 rapids is conducted only in accordance with sub-rule (1).

80B.45 No sole-guided raft trip on grade 5 rapids

- (1) The commercial raft operator must ensure that no sole-guided commercial raft trip is conducted on grade 5 rapids.
- (2) The guide of a sole-guided commercial raft trip must ensure that the raft trip is not conducted on grade 5 rapids.

Multiple raft trips

80B.46 Trip leader guide: grade 1 rapids or grade 2 rapids

The commercial raft operator must ensure that commercial multiple-raft trips on grade 1 or grade 2 rapids are led by a guide who holds either –

- (a) a national raft guide grade 2 award; and
 - (i) has passed an assessment against the national standard for river rescue; and
 - (ii) meets the requirements specified in that commercial raft operation’s approved safe operational plan for staff selection, training, and supervision; or
- (b) a national raft guide grade 2 award; and
 - (i) has passed an assessment against a standard for river rescue that the Director is satisfied is equivalent to the national standard for the specific river sections being rafted; and
 - (ii) meets the requirements specified in that commercial raft operation’s approved safe operational plan for staff selection, training, and supervision; or
- (c) a national raft guide grade 3 award, and meets the requirements specified in that commercial raft operation’s approved safe operational plan for staff selection, training, and supervision; or
- (d) a senior national raft guide grade 3 award or higher.

80B.47 Other guides: grade 1 or grade 2 rapids

Subject to rule 80B.50, an commercial raft operator must ensure that every raft taking part in a commercial multiple-raft trip on grade 1 or grade 2 rapids has on board a guide who holds a national raft guide grade 2 award or higher.

80B.48 Grade 3 rapids

A commercial raft operator must ensure that commercial multiple-raft trips on grade 3 rapids –

- (a) are led by a guide who holds a senior national raft guide grade 3 award or higher; and
- (b) subject to rule 80B.50, have on board every commercial raft a guide who holds a national raft guide grade 3 award or higher.

80B.49 Grade 4 or grade 5 rapids

A commercial raft operator must ensure that commercial multiple-raft trips on grade 4 or grade 5 rapids –

- (a) are led by a guide who holds a senior national raft guide grade 4/5 award; and
- (b) have on board every commercial raft a guide who holds a national raft guide grade 4/5 award.

80B.50 Trip leader guides

- (1) The trip leader guide required under rule 80B.46 or rule 80B.49(a) may be 1 of the on-board guides required under rule 80B.47 or rule 80B.49(b).
- (2) The trip leader guide on multiple raft trips involving rafts of more than 1 commercial raft operation must be identified in accordance with arrangements set out in the respective commercial raft operation's safe operational plan.

Group-guided raft trips

80B.51 No group guided trips on grade 4 rapids or higher

No person may permit a group guided raft trip to take place on rapids of grade 4 or higher.

80B.52 Grade 1 or grade 2 rapids

- (1) Subject to rule 80B.53, a commercial raft operator must ensure that group-guided commercial rafting is conducted only on grade 1 or grade 2 rapids.
- (2) An commercial raft operator must ensure that, for group guiding on grade 1 and grade 2 rapids, –
 - (a) there is at least 1 guide for the following:
 - (i) every 3 rafts;
 - (ii) 12 passengers; and
 - (b) if only 1 guide is required, that guide must –
 - (i) hold a national raft guide grade 2 award; and
 - (ii) meets the requirements of rule 80B.42; or
 - (iii) hold a national raft guide grade 3 award or higher.

80B.53 Grade 3 rapids

- (1) A commercial raft operator must ensure that group-guided commercial rafting is conducted on grade 3 rapids only if the approved safe operational plan of that commercial raft operation provides for that type of rafting.

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- (2) A guide of a group-guided commercial raft trip must ensure that the raft trip on grade 3 rapids is conducted only in accordance with sub-rule (1).
- (3) A commercial raft operator must ensure that, for group guiding on grade 3 rapids,—
 - (a) there is at least 1 guide, who holds either a national raft guide award or senior national raft guide award, for every 6 passengers; and
 - (b) if only 1 guide is required, that guide must hold a senior national raft guide grade 3 award or higher.

80B.54 Position of guides

- (1) Guides undertaking group-guided commercial rafting trips must maintain visual contact with the other rafts and raft guides undertaking the same trip.
- (2) A guide on a group-guided raft trip must be positioned so that they can address any safety matters, and where necessary, must be positioned as a precaution taken under rule 80B. 55, in respect of rapids with difficult passage.

80B.55 Rapids with difficult passage

A guide of a commercial raft must ensure, for rapids whose passage may be difficult to recognise from the water, or because specific manoeuvring to negotiate the rapid is required, or because the rapid presents a significant hazard, that—

- (a) every rapid is observed and analysed before running; and
- (b) a route through the rapid is described to every passenger before running the rapid; and
- (c) any additional safety precautions are in place before running the rapid, including, as appropriate,—
 - (i) a running strategy; and
 - (ii) providing a guide in a position and with the means to recover a person from the river; and
 - (iii) instructing passengers on self-rescue techniques; and
 - (iv) portage options.

Classification of rapids

80B.56 Information about classification of rapids²

- (1) The Director may, after consulting with groups and individuals that the Director considers appropriate, allocate or reallocate a grade of rapids to a particular river or section of river, taking into account the classification of rapids as set out in Schedule 2 of this Part.

² The classification of rapids in Schedule 2 is based on a rapids grading system. The grade of each rapid is approximate. The difficulty and seriousness of a section of river can alter dramatically within a short space of time through factors such as increased or decreased flow, new obstacles, and changes in riverbed topography.

Vocational Training for Trainee Guides

80B.57 Organisations providing vocational training

- (1) Any “training organisation” providing vocational training for trainee guides, other than a commercial raft operator, must be –
 - (a) accredited by an award-issuing organisation and audited at least once in every three year period by that award-issuing organisation against its accreditation review checklist for those awards; or
 - (b) audited at least once in every three year period by the Director³ against a checklist that the Director considers is equivalent to the award-issuing organisation’s accreditation review checklist for those awards.
- (2) Every commercial raft operator that provides vocational training for trainee guides must ensure that the requirements of rule 80B.58 are included in the safe operational plan.

Comment [RLM1]: These organisations will be able to audit themselves, is this what we want – refer to definition of award-issuing organisation.

80B.58 Supervision of trainee guides

- (1) An organisation that provides vocational training for raft guides and any commercial raft operator conducting training for raft guides, must provide the following –
 - (a) parameters in which trainee guides may undertake trips without on-river supervision where the only other persons on the raft are trainee guides;
 - (b) parameters in which trainee guides may be carried on a commercial raft when river conditions exceed those specified in the commercial raft operation’s approved safe operational plan for the carriage of passengers;
 - (c) procedures for permitting a trainee guide to control a raft trip or part of a raft trip without a guide on board;
 - (d) procedures to be followed when trainee guides participate in simulated incidents and mishaps to test rescue, recovery, and emergency response skills;
 - (e) procedures to ensure the necessary equipment is carried or worn by trainee guides as specified in the safe operational plan.
- (2) If trainee guides and passengers are carried on a raft –
 - (a) a senior raft guide must be on board that raft;
 - (b) no incidents and mishaps may be simulated unless the passengers are advised of the risks, and consent to being involved prior to embarking on the raft trip.
- (3) A trainee guide must wear the clothing specified in rule 80B. 20.

³ The Director may, with the consent of the Minister of Transport, delegate this audit to a person outside Maritime NZ selected after consultation with the award-issuing organisation and any group considered representative of commercial raft operators.

Sub-Part 2

Hire of Rafts

80B.59 No commercial raft hire without current approval

- (1) A person (**person A**) must not hire a commercial raft to a person (**person B**) unless person A holds a current raft hire approval .
- (2) A person (**person A**) must only hire out rafts in accordance with the terms of the raft hire approval.
- (3) Sub-rule (1) does not apply if person B is a commercial rafting operator.

80B.60 Information about raft hire approvals

- (1) Any person who hires commercial rafts must hold a **raft hire approval** issued by the Director under Part 5 of the Act.
- (2) A raft hire approval may be issued for a period of no more than 1 year.
- (3) A raft hire approval —
 - (a) is personal to the holder of the approval and is not transferable; and
 - (b) ceases to have effect immediately on the change of ownership or control of the raft hire operation.
- (4) A holder of a raft hire approval must immediately inform the Director of any change to that holder’s details as recorded on the raft hire approval, including:
 - (a) a change of name;
 - (b) a change of address;
 - (c) a change of contact details.

80B.61 Requirements for issue of raft hire approval

Before issuing a raft hire approval, the Director must—

- (a) carry out an inspection of all commercial rafts offered for hire by that operator, and the fittings and equipment for those rafts, and be satisfied that the rafts, equipment and fittings are fit for purpose; and
- (b) approve the conditions and operating parameters for the hire of the raft, including, as a minimum, the arrangements for the following:
 - (i) screening customers for knowledge and skills in relation to the intended raft trip;
 - (ii) briefing customers on river hazards and other environmental factors that could influence the safety of the intended trip;
 - (iii) trip reporting, communications, and emergency plans.

80B.62 Renewal of raft hire approval

- (1) A raft hire approval may be renewed for up to 1 year provided the Director is satisfied, following an inspection of all commercial rafts offered for hire by that operator, including the fittings and equipment for those rafts, remain fit for purpose.
- (2) A raft hire approval may be renewed only if the Director is satisfied that the conditions and operating parameters, as set out in rule 80B.61(b), remain appropriate for the raft hire operation.

80B.63 Review of conditions and operating parameters

- (1) The holder of a raft hire approval must review the conditions and operating parameters of hire at least once within every 12 month period, and take into account operational experience and lessons learnt from analysis of any accidents and incidents, and make any appropriate adjustments.
- (2) The holder of a raft hire approval must keep a record of all reviews carried out and any adjustments made in accordance with sub-rule (1).

Miscellaneous

80B.64 Existing certificates of compliance

A certificate of compliance issued under Section 2 of Part 80 that was valid on the day immediately before the commencement of this Part remains in force until the earlier occurrence of—

- (a) the expiry date noted on the certificate of compliance; or
- (b) 12 months after the day on which this Part comes into force.

80B.65 Revocations

Section 2 and Appendix 2 of Part 80 are revoked.

Schedule 1

Information to be included in safe operational plan

Rule 80B.4

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13	Enabling passengers to book suitable raft trip	26	Recording and reporting procedures
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Areas of commercial rafting operations

1 Areas of commercial rafting operations

Maps or plans detailing the areas of commercial rafting operations and their environs showing at least the following information:

- (a) raft and passenger drop-off points:
- (b) trip finish points:
- (c) access/egress points to the river in emergencies such as roads, tracks and helicopter landing areas:
- (d) camp and stopover points:
- (e) pick up routes for shuttle drivers:
- (f) significant rapids:
- (g) significant hazards on the river:
- (h) notable features like bridges, power lines, and gorges:
- (i) reception areas for mobile telephone, radio, other communication devices, and position systems:
- (j) grid references for important locations.

Commercial rafts

2 Design specifications and types of commercial rafts

- (1) The design specifications for, and types of, commercial rafts required to safely negotiate the rivers on which the commercial rafts are to operate.
- (2) The policies for ensuring that only the commercial rafts referred to in sub-clause (1), and approved in the safe operational plan, are operated.

3 Ensuring no sub-standard commercial raft is operated

How the operator ensures that no commercial raft is operated in a sub-standard condition (for example, a schedule of inspection, and maintenance, retirement policy for rafts, and out of service procedures).

Equipment

4 Design specifications and types of equipment and clothing

- (1) The design specifications for, and types of equipment and clothing required for persons to ensure that they are properly equipped to lead and participate in commercial rafting operations on the rivers rafted by the commercial raft operation.
- (2) The operator's policies to ensure provision of all equipment and clothing is of a type specified in sub-clause (1), (for example, paddles, personal flotation devices, helmets, throw-lines, wetsuits, footwear, repair equipment, spare clothing and first-aid kits).

5 Ensuring all equipment and clothing is up to standard

How the operator ensures that all equipment and clothing used for the commercial rafting operation is –

- (a) kept in good condition; and
- (b) supplied in sufficient quantity; and
- (c) available in an adequate range of sizes; and
- (d) kept separate from equipment that is not in use.

6 Equipment carried by guides

Procedures to ensure that guides carry or wear, appropriate, personal rescue equipment appropriate to the river being rafted, (for example, a knife suitable for cutting raft fabric and material, a whistle, a minimum of 2 karabiners, a minimum of 2 prussic cords, a flip line, a throw bag.)

7 Clothing

- (1) Specify the clothing to be worn by guides and passengers to ensure compliance with this Part.
- (2) Where clothing requirements may differ between rivers or types of trips, specify the clothing requirements, and procedures for ensuring compliance with this Part.

Guides

8 Skills and experience required by guides

- (1) The skills and experience required by guides who are to participate in the commercial rafting operations.
- (2) The policies for employing persons who have the skills and experience referred to in sub-clause (1).

9 Ensuring guides can safely lead raft trips

- (1) How the commercial raft operator ensures that every person they employ as a guide can safely lead raft trips on the rivers rafted by that commercial raft operation.
- (2) The ways in which the commercial raft operator ensures that their guides can safely lead raft trips, including for example, the following:
 - (a) training required:
 - (b) assessments:
 - (c) qualifications:
 - (d) supervision:
 - (e) limitations on the use of guides holding certain awards:
 - (f) reviews:

- (g) induction training:
- (h) skill development:
- (i) minimum trips.

10 Job descriptions of guides

The job descriptions of the guides that the commercial raft operator employs, including, in relation to safety, the principal tasks and responsibilities of the guides and the commercial raft operator.

11 Ensuring guides are medically and physically fit to work as guides

How the operator will ensure that guides are medically and physically fit to work as guides, including arrangements the operator has in place to ensure that guides do not take part in any raft trip where, in the opinion of the operator, a guide is impaired by the effects, including after-effects, of alcohol or other drug use.

Procedures for a guide to follow where, in the opinion of the guide, it is not longer safe to permit another guide to take part, or continue to take part, in a raft trip because that guide is affected by alcohol or other drug use.

12 Procedure for refusing to work as guide on safety grounds

The procedure to be followed should a guide refuse to work on the grounds of compromised safety to themselves, other rafting guides, or passengers, including identification in the procedure of the situations to which it applies.

Passengers

13 Enabling passengers to book suitable raft trip

How the commercial raft operator provides all passengers with enough information to enable them to book a raft trip that is suitable to their needs and abilities.

14 Screening of passengers for safety reasons

How the commercial raft operator screens each passenger for a raft trip to ensure that the safety of the passenger and other passengers on the raft trip will not be compromised.

15 Effective communication with passengers

How the operator ensures that all passengers receive and understand the information they need to participate safely in the raft trip.⁴

16 Passenger safety when sole guide becomes incapacitated or separated from passengers

How the commercial operator will ensure passenger safety if a sole guide is incapacitated or becomes separated from the passengers.

On-river management

17 Communication systems

- (1) The communication systems used, including those between on-river guides and off-river support personnel for both operational and emergency support.
- (2) At least 1 means of effective emergency communication at all times.⁵
- (3) Back-up arrangements in case the primary means of emergency communication fails, including actions to be taken in the event of non-arrival of a rafting group at a pre-arranged time and place.

18 Ensuring raft trips are safe in all operating conditions

How the commercial raft operator ensures that each raft trip is carried out safely in all operating situations.⁶

19 Mandatory information

The requirement referred to in clause 18 is to include the following information:

- (a) passenger to guide ratios:
- (b) number of guides on each trip:
- (c) types of raft:
- (d) weather:
- (e) passenger screening:
- (f) safety briefings:
- (g) communications:

⁴ For example, safety briefings, demonstrations, and information to passengers who are not English-speaking.

⁵ For example, a locator beacon or radio (VHF, HF or UHF as appropriate to the river); or cell phone or satellite phone. To be effective, arrangements need to ensure communications in the area in which the raft trip is taking place (e.g. a cell-phone will not be effective if the area being rafted has no cell-phone coverage).

⁶ The details may vary from operation to operation and river to river. The commercial raft operator may also place different emphasis on various areas, but only if overall safety is maintained.

- (h) ages of passengers:
- (i) raft departure times.

20 Additional information

Additional information to be included where safety practices applying to a particular river require certain equipment to be provided or carried, including the specification of, if necessary,

- (a) the provision of safety boats:
- (b) ways of dealing with specific hazards:
- (c) inspection of sections of the river during a raft trip:
- (d) responsibilities of any person driving a support motor vehicle.

21 Changes to commercial rafting operations

How the commercial rafting operation deals with changed or changing circumstances such as the following:

- (a) rafting infrequently rafted rivers:
- (b) new passenger groups:
- (c) increased river traffic:
- (d) alterations to riverbed topography.

Safe river flows and weather conditions

22 Safe river flows

- (1) Information about the river flows that are safe for the commercial rafting operation.
- (2) The sources of the information referred to in sub-clause (1).
- (3) The requirements to operate within those safe river flows.

23 Safe weather conditions

- (1) Information about what weather conditions are safe for the commercial rafting operation.
- (2) The sources of information referred to in sub-clause (1).
- (3) The requirements to operate within those safe weather conditions.

Health and safety responsibilities

24 Managing hazards

How the commercial raft operator intends to commit themselves and their employees to meet their health and safety responsibilities under this Schedule and the Health and Safety in Employment Act 1992, including, but not limited to,—

- (a) the process used by the commercial raft operator to identify the operational hazards that may cause harm to a person; and
- (b) how the operator will review operational hazards and how they are dealt with, including how raft guides are made aware of new hazards before guides and passengers are exposed to them, (for example, day-to-day changes in river conditions); and
- (c) how the operator ensures involvement of raft guides in the process of identification, control, and review of operational hazards, including –
 - (i) following instructions given by the employer relating to health and safety; and
 - (ii) providing, and making accessible, appropriate personal protective clothing and equipment and instructions for correct use by raft guides; and
 - (iii) not misusing or damaging equipment; and
 - (iv) reporting accidents and significant hazards and mishaps to the operator; and
 - (v) the monitoring system that the commercial raft operator uses to ensure that the safe operational plan is adhered to in day-to-day operations.

Emergencies

25 Emergency plans

An emergency plan that –

- (a) identifies potential emergencies; and
- (b) outlines procedures to minimise the adverse consequences of these events; and
- (c) includes procedures for –
 - (i) situation management; and
 - (ii) call-out; and
 - (iii) evacuation; and
 - (iv) identification and allocation of resources; and
 - (v) procedures for notification of police and rescue services (including responsibility for notification and the use of standardised terminology within the commercial raft operation’s organisation and with police and rescue services).
- (d) specifies training and exercises to ensure the effectiveness of the plan and prepare employees before any emergency.

Accidents, incidents, and mishaps

26 Recording and reporting procedures

The recording and reporting procedures for accidents, incidents, and mishaps, which must comply with sections 30 and 31 of the Act.

27 Investigation procedures

The procedures for investigating accidents, incidents, and mishaps.

28 Reviews

The procedures for reviewing accidents, incidents, and mishaps for causes and trends.

Rule 80B.56

Schedule 2

Classification of Rapids

Grade 1 rapids

Grade 1 rapids have –

- (a) small regular waves; and
- (b) a clear passage that is easy to recognise and negotiate, although care may be needed with obstacles such as fallen trees and bridge piers.

Grade 2 rapids

Grade 2 rapids have –

- (a) regular medium sized waves of less than 1 metre; and
- (b) low ledges or drops, easy eddies, and gradual bends; and
- (c) a passage that is –
 - (i) easy to recognise; and
 - (ii) generally unobstructed, although there may be rocks in the main current, overhanging branches, or log jams.

Grade 3 rapids

Grade 3 rapids –

- (a) have fairly high waves of 1 to 2 metres; and
- (b) have broken water, stoppers and strong eddies, exposed rocks, and small falls; and
- (c) have a passage that may be difficult to recognise from the river; and
- (d) require manoeuvring to negotiate the rapids.

Grade 4 rapids

Grade 4 rapids are difficult rapids that –

- (a) have high, powerful, irregular waves, broken water, often boiling eddies, strong stoppers, ledges, drops, and dangerous exposed rocks; and
- (b) have a passage that is often difficult to recognise; and
- (c) require precise and sequential manoeuvring to negotiate the rapids.

Grade 5 rapids

Grade 5 rapids are very powerful rapids that –

- (a) have very confused and broken water, large drops, violent and fast currents, abrupt turns, difficult powerful stoppers, and fast boiling eddies; and
- (b) have numerous obstacles in the main current; and
- (c) require complex, precise, powerful, and sequential manoeuvring to negotiate the rapids; and
- (d) pose a definite risk to personal safety.

Grade 6 rapids

Maritime Rules

Grade 6 rapids—

- (a) are significantly life threatening if swum; and
- (b) are unrunnable by all but a few experts; and
- (c) have impracticable difficulties and obstacles; and
- (d) have very confused and violent water, which make controlled navigation by raft virtually impossible.

Draft Advisory Circular

ISSUE NO 80B-1, 18 DECEMBER 2008

PART 80B - COMMERCIAL RAFTING OPERATIONS

1.1 Purpose of circular

This circular provides information that may be used to assist those working with the rules for commercial rafting operations.

1.2 Definitions

Commercial raft operator – Rule 80B.2

The definition of commercial raft operator excludes a person who is a guide in order to distinguish between the requirements that apply to operators and guides. It is acknowledged that in some operations, an operator will also be a guide and thus these separate requirements will apply to the one person.

Type 406 specialist PFD – equivalence with amended type 408 in previous NZ standards – Rules 80B.2 and 80B.28

The rule defines a type 406 specialist PFD with reference to NZS 5823:2005. A type 406 is equivalent to an amended type 408 in NZS 5823:1989 or NZS 5823:2001. Devices labelled in this manner continue to be acceptable under Part 80B.

Consultative process concerning safety practices – Rule 80B.4(3)

The consultative process for river-specific safety practices reflected in safe operational plan may be initiated by any one of the following parties: commercial raft operators or raft guides or the Director of Maritime New Zealand.

Contact details – Rule 80B.12(5)

Contact details to be advised include a change of name or address (email or postal), or telephone/fax number.

Safety briefing cards – Rule 80B.25

It is recommended that safety cards be made available in English, German, Mandarin, Japanese and Korean, while recognising that the nationality mix of tourist groups may change over time. The cards should use clear and simple diagrams and be effective in communicating safety procedures to passengers.

Back-up for sole guides – Rule 80B.39

Back-up may be provided on-river by a safety kayaker or other safety craft. Off-river back-up may be provided by a driver of a vehicle accompanying the trip, or by another person adjacent to the river with direct communication with the guide on the raft.

Rapids classification – Rule 80B.56

The allocation of a grade of rapids to particular rivers or sections of rivers may be limited by time, area, prevailing conditions, including the flow regime of the river and any combination of these.

Draft Prescribed Form of Commercial Rafting Operation Certificate of Compliance

Name and address of commercial raft operator:

This is to certify that a safe operational plan has been approved for the commercial rafting operation of the commercial raft operator. Further, the commercial rafting operation has been satisfactorily audited for compliance with the safe operational plan and the requirements of Part 80B of the Maritime Rules.

Details of commercial rafting operation:

Additional remarks about commercial rafting operation:

Approved River(s):

Rafts approved for use:
(type and/or model)

Issue date:	Anniversary*/Expiry date:
Name:	Signature:

[Note: The operator must notify the Director of Maritime New Zealand of any change to the details in this certificate.]

***Anniversary date: For any renewals the anniversary date (day/month) will remain the same as the date of issue of the initial certificate of compliance.**



Draft Prescribed Form of Raft Hire Approval

Name and address of raft hire operator:

This is to certify that an inspection of the raft(s) and equipment covered by this approval has determined the raft(s) are fit for the intended purpose. Further, the conditions and operating parameters for the hire of the raft(s) have been approved as meeting the requirements of Part 80B of the Maritime Rules.

Details of raft hire operation:

Additional remarks about raft hire operation:

Issue date:	Expiry date:
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Name:	Signature:
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[Note: The raft hire operator must notify the Director of Maritime New Zealand of any change to the details in this certificate.]
