

Recreational vessel activity in New Zealand

FACT SHEET, October 2009

REGULATION

All recreational boating activity in New Zealand is regulated under the Maritime Transport Act 1994. The Act sets out the safety requirements that all recreational vessel skippers must follow, which are contained in maritime rules – the equivalent of ‘rules of the road’ on the water.

The Act puts the onus on skippers of all vessels to act responsibly, which includes observing all maritime rules, such as maintaining a proper lookout at all times, complying with speed limits, keeping a safe distance from other vessels and ensuring that lifejackets are provided for all on board. At all times, the skipper is ultimately responsible for the safety of the vessel and all persons on board. This is no different from drivers on our roads.

The Act also allows regulatory agencies such as Maritime New Zealand (MNZ), the New Zealand Police and regional authorities to take enforcement action against any skipper or person who breaches maritime rules. Such action may range from issuing infringement notices and fines, up to criminal prosecution for serious breaches of the law.

MARITIME NEW ZEALAND'S ROLE

In addition to its regulatory and enforcement role, Maritime New Zealand (MNZ) has a strong educational focus and leads the promotion of safety to recreational boaters on our lakes, rivers and seas. Its leadership involves the coordination of many government and non-governmental groups and organisations to promote fundamental safety messages.

MNZ employs a recreational boating safety team, whose principal role is to raise awareness of safe boating and manage navigation safety in areas where MNZ has responsibility. They are supported by a national network of volunteer safe boating advisors, who work in their own communities at boat ramps, boat clubs and at other venues, to inform and educate boaters. MNZ also carries out education and publicity campaigns promoting safe boating through various media channels, supported by widespread distribution of free educational resources.

THE NATIONAL PLEASURE BOAT SAFETY FORUM

The National Pleasure Boat Safety Forum is a group of 16 water safety agencies (including MNZ) whose role it is to promote recreational boating safety and develop strategies for reducing the number of injuries and fatalities in the sector. This has included the development and implementation of the *National Pleasure Boat Safety Strategy*, which has led to a 35% reduction in recreational boating fatalities in recent years. The strategy has involved using a combination of education and targeted legislation to tackle the four key risk factors identified in recreational boating fatalities, which are:

- failure to wear lifejackets,
- lack of reliable communications,
- failure to check the weather, and
- consumption of alcohol.

A 2007 review of the strategy led the Forum to make a series of recommendations aimed at further reducing these accidents and fatalities, including a proposed amendment to current maritime rules to make lifejacket wearing compulsory in all vessels under 6m and compulsory carriage of communications equipment to signal distress.

PROPOSED AMENDMENT TO LIFEJACKET RULE

Currently, under Section 4 of Maritime Rule Part 91, all skippers must ensure they carry enough lifejackets of the right size and type for all on board. However, it is only compulsory to wear the lifejackets in situations of increased safety risk – for example in rough weather, or when crossing a bar.

The Forum is proposing an amendment to this part of the rule to make it compulsory for all on board boats under 6m to wear their lifejacket at all times – unless expressly given permission by the skipper to take them off. The recommendation is one of a series made by the Forum following a comprehensive review of all fatal pleasure boat accidents between 2000 and 2006 – during which 130 people died.

The review found that the vast majority of these fatal accidents occurred in boats under 6m, usually through capsize or swamping. Of this number, about 80 lives would likely have been saved had the victims been wearing a lifejacket.

A 2-month public consultation period on the proposed rule change will begin on 17 October 2009. MNZ is inviting all interested parties to make a submission. These can be mailed to: PO Box 27006, Wellington 6141, faxed to (04) 494 8901 or emailed to: rules.coordinator@maritimenz.govt.nz. The consultation documents are also available online at: www.maritimenz.govt.nz or directly from MNZ – phone 0508 22 55 22.

NEW LIFEJACKET SAFETY CAMPAIGN

To coincide with consultation on the amendment to section 4 of Maritime Rule Part 91 and the traditional start of the summer boating season at Labour Weekend (24-26 October 2009), MNZ will begin airing a new television commercial focusing on the importance of boaties wearing their lifejackets. The key message of the campaign is that putting on a lifejacket when going out on the water should be as automatic as putting on a seatbelt when travelling in a car. The campaign will also feature communications across a range of other media.

LICENSING AND REGISTRATION

Currently, recreational vessel skippers do not have to be licensed or their vessels registered. However, all skippers are required to act responsibly on the water and ignorance of maritime rules or regional navigation safety bylaws is no excuse. In cases where there are serious breaches of maritime rules, MNZ, Police and other agencies can and do take enforcement action.

Extensive research carried out by the National Pleasure Boat Safety Forum shows that licensing of boaties and vessel registration does not equate to better boating behaviour and fewer accidents. This is borne out by examination of accident and fatality rates in overseas jurisdictions where licensing and registration are in place.

The Forum's analysis of recreational boating accidents in New Zealand shows that lack of basic safety precautions – in particular, not wearing lifejackets, not carrying reliable communications, failing to check the weather, and alcohol use – are still by far the biggest causes of fatalities and not a lack of knowledge of maritime rules. Further analysis also shows that these accidents and fatalities are often caused by experienced boaties, indicating that attitude and behaviour are key factors, not a lack of knowledge or awareness.

USEFUL FACTS AND FIGURES

There are currently an estimated 450,000 recreational pleasure craft in New Zealand. This represents one boat for every 8 people and is around double the number of boats (240,000) recorded 12 years ago.

From 1998-2008, 179 people died in recreational boating accidents in New Zealand. The lowest recorded number of fatalities was in 2006, with 6 deaths. The highest fatality rate was in 2000, with 25 deaths.

Analysis of fatal accidents by the National Pleasure Boat Safety Forum shows that not following basic safety precautions is the prime cause of recreational boating fatalities. Failing to wear a lifejacket is the leading cause and is a factor in 66% of deaths. This is followed by failure to carry reliable communications equipment (a factor in 58% of fatalities); failing to check the weather conditions (a factor in 47% of fatalities); and consumption of alcohol (a factor in around 18% of fatalities). In many cases, more than one of these factors are present.

FURTHER INFORMATION

Boating Safety Strategy: 2007 Review of the New Zealand Pleasure Boat Safety Strategy, Maritime New Zealand, 2008.