

# Yachting New Zealand Yacht Inspectors Manual

(Incorporating the Director’s Guidelines for the application of section 21 of the Maritime Transport Act 1994)

November 2022 (Version 08)

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## Preamble

The Yachting New Zealand Yacht Inspectors Manual (Incorporating the Director’s Guidelines for the application of section 21 of the Maritime Transport Act 1994), from herein referred to as the “Director’s Guidelines”, is a guidance document to the exercise of the discretionary power under section 21 of the Maritime Transport Act 1994.

The Director’s Guidelines are divided into two parts:

- **Part I** covers both legal and operational considerations when conducting section 21 inspections, under delegation from the Director of Maritime NZ;
- **Part II** covers the technical maritime criteria to be applied when conducting those inspections.

The Director’s Guidelines are complementary to, and must be considered alongside, any guidance provided by Yachting New Zealand with regard to these inspections (including the current Yachting New Zealand Safety Regulations of Sailing). They are intended to be used by:

- Yachting New Zealand (Yachting NZ),
- Yachting New Zealand Yacht Inspectors, (Yacht Inspectors), and
- Maritime New Zealand (Maritime NZ).

## Part I

### 1. Introduction

- 1.1. As an isolated island nation, with one of the largest search and rescue areas in the world, it is imperative that New Zealand ensures that vessels leaving its shores are safe, both to operate, and to reach their final destination. New Zealand authorities have a critical role to play in ensuring this happens. New Zealand has always had a safety inspection process using Yachting NZ Yacht Inspectors for yachts departing for overseas and Yachting NZ has also conducted inspections for yachts that race along the New Zealand coastline. Inspections are carried out to ensure all levels of yacht operations are as safe as possible. Inspections have saved many lives, not only by preventing unsafe vessels and/or crew from sailing, but because sound advice has been given to sailors. This advisory role is a key part of the inspection process.
- 1.2. Section 21 of the Maritime Transport Act 1994 (the MTA) requires masters of pleasure craft departing from any port in New Zealand for overseas to notify the Director of Maritime New Zealand (the Director, Maritime NZ) of their proposed voyage. The Director must be satisfied that the pleasure craft and its safety equipment and crew are adequate for the proposed voyage. A certificate of clearance from Customs is also a prerequisite for departure under section 21.
- 1.3. In practice, the Director has delegated this statutory power to Yachting NZ. Sub-delegation from Yachting NZ to Yacht Inspectors mean that the Yacht Inspectors carry out these inspections to Category 1 standards. The standard is intended to ensure that the vessel and its crew are fit to safely undertake a planned voyage. It considers design, condition of vessel, equipment and crewing requirements.
- 1.4. These updated Director's Guidelines replace the previous "Yacht Safety Inspectors' Manual", August 2009. Yacht Inspectors will continue to make decisions using their knowledge and experience as they always have. The purpose of these updated Director's Guidelines is to:
  - a. Identify clearly how these Director's Guidelines fit together with any guidance provided by Yachting NZ (e.g. the Yachting New Zealand Safety Regulations of Sailing).

- b. Provide the legal statutory context in which these inspections take place, including where the lines of accountability are placed.
  - c. Assist Yacht Inspectors with their inspections and the decisions to be made in those inspections.
  - d. Provide for guidance when Yacht Inspectors must make difficult decisions.
  - e. Ensure Yacht Inspectors understand the importance of not only carefully making properly considered decisions, but also of recording accurately the basis on which such decisions are made.
  - f. Ensure that, by applying these guidelines, Yachting Inspectors will be in a position to respond effectively to any unjustified criticism or comment.
- 1.5. In this way, these updated Director’s Guidelines provide a guidance document to the exercise of the overall discretionary section 21 power. They are to be read in conjunction with the Yachting NZ Safety Regulations of Sailing 2021 – 2024 (as updated from time to time) (the Sailing Regulations).
- 1.6. In respect of inspections, all relevant parties (including Maritime NZ, Yachting NZ and individual Yacht Inspectors) are bound by agreements, delegated instruments and legislation that require each party to take responsibility for those actions within his, her or its control.
- 1.7. All inquiries in respect of these Director’s Guidelines are required to be made to Maritime NZ (Principal Advisor Recreational Craft) or Yachting NZ (Safety and Technical Officer).
- 1.8. In these Director’s Guidelines, the terms “pleasure craft”, “vessel” and “yacht” are used interchangeably.

## 2. The statutory requirements and the delegation (and sub-delegation)

- 2.1. Section 21 of the MTA has certain requirements which must be fulfilled by the master of a pleasure craft before it departs from any port in New Zealand for any place outside New Zealand:
- a. The master must notify the Director in writing that he or she intends to make the trip in question, giving the Director the full name of whoever is in command.

- b. The Director must satisfy him or herself that the ship, its safety equipment and its crew are adequate for the trip as notified to him or her. He or she must also ensure that the ship and the master are in compliance with any relevant maritime rules.
- 2.2. Who constitutes a “master” for the above requirements is set out in the MTA as meaning any person (except a pilot) having command or charge of any ship.
- 2.3. If these requirements are not fulfilled, the master of the yacht is not entitled to a Customs clearance certificate, which enables the voyage to be made. The onus is on the master of the yacht to ensure that the requirements are met.
- 2.4. Further, in requiring the yacht, its safety equipment and its crew to be adequate to the satisfaction of the Director makes such analysis by the Director discretionary and liable to legal challenge if the discretion is wrongly or unlawfully exercised.
- 2.5. The Director has the power under the MTA to delegate some of his or her functions and powers under the MTA. In turn, the person to whom the Director has delegated, may delegate to another person those functions or powers (if approved by the Minister of Transport).
- 2.6. There is, currently, a delegation of the Director’s section 21 powers dated 29 March 2019 in force to the Chief Executive of Yachting NZ. The Minister of Transport has also given approval to the Chief Executive of Yachting NZ to sub-delegate the section 21 powers to the Yacht Inspectors. The powers delegated are:
  - a. The ability to decide if a pleasure craft and its safety equipment and crew are adequate for an overseas voyage.
  - b. The power to carry out and require inspections and audits in the interests of maritime safety.
- 2.7. The delegated powers may only be sub-delegated to persons appointed as Yacht Inspectors under the following conditions and criteria:
  - a. Yachting NZ must be satisfied that there is a need for an additional or replacement Yacht Inspector in the area.
  - b. The application must be submitted to Yachting NZ containing specified technical and experience details.

- c. Yachting NZ must assess each application and, if the applicant is not assessed as suitably qualified, the application must be rejected and the applicant must be informed accordingly.
  - d. If Yachting NZ is satisfied that an applicant is suitably qualified and experienced, it will require the applicant to attend an interview in Auckland, or any other place agreed, at the applicant's expense. The criteria used to assess applicants includes experience of ocean sailing and navigation, knowledge or experience of good boatbuilding, equipping, and rigging practice.
  - e. The interview of applicants must be conducted by a panel of three persons appointed by Yachting NZ, one of which must be an experienced Yacht Inspector appointed by Yachting NZ and one of which will be a person approved by the Director.
  - f. Yachting NZ may place additional restrictions on the powers and functions sub-delegated, however, the specific terms of appointment of Yacht Inspectors must be determined in consultation with the Director.
- 2.8. The delegated powers may only be exercised in respect of yachts departing on an international voyage from any port in New Zealand, and the audit and inspection powers may only be exercised in relation to this.
- 2.9. The delegated powers must not be exercised in any case where the delegate has a personal or financial interest in the operation or ownership of the yacht (i.e. conflict of interest).
- 2.10. The delegation, in effect, means that each Yacht Inspector is "standing in the Director's shoes" when undertaking an inspection.
- 2.11. In exercising the delegated powers, Yachting NZ and the Yacht Inspectors must comply with the Maritime NZ Service Charter (as updated from time to time). The Maritime NZ Service Charter is a publicly accessible document which describes the standards of service the public can expect from Maritime NZ and the complaints process to follow if a member of the public thinks Maritime NZ has not met the stated standards. The most up to date version of the Maritime NZ Service Charter will be available on the Maritime NZ website. The current version is attached to these Director's Guidelines (Appendix 2).

### 3. Roles and responsibilities

#### 3.1. Masters

- a. The responsibilities of the Master are laid out in the MTA and in the Yachting NZ Safety Regulations of Sailing.

#### 3.2. Yacht Inspectors

- a. Undertake inspections and provide copies of the inspection reports (Check List for New Zealand Pleasure Craft), MNZ12409 and Yachting NZ Safety Certificates to Yachting NZ immediately following an inspection.
- b. Ensure masters understand their responsibilities under section 21 and the application of maritime rules and regulations, including:
  - i. International Regulations for the Prevention of Collisions at Sea
  - ii. Navigation Safety Rules (Maritime Rules Part 91)
  - iii. Ship Registration Act 1992
  - iv. International Convention for the Prevention of Pollution from Ships
  - v. Regulations and requirements set by Customs regarding outward and inward clearance of vessels
- c. Undertake required meetings, training or upskilling as requested by Yachting NZ
- d. Carry out duties in line with the responsibilities and conditions of the instrument of sub-delegation

#### 3.3. Yachting New Zealand

- a. Oversee the Yacht Inspectors, including:
  - i. Appointment of inspectors
    - A. Yachting NZ reserves the right to appoint Yacht Inspectors for undertaking inspections of vessels making ocean voyages, and/or coastal voyages. Categories 0 and 1 and section 21 of the MTA apply to ocean racing and cruising vessels, while Categories 2 and 3 apply to coastal racing yachts.

- B. Yachting NZ appoints as Yacht Inspectors persons it considers suitably qualified. The criteria used to assess applicants includes, but is not limited to experience of ocean sailing and navigation, knowledge or experience of good boatbuilding, equipping, and rigging practice. More detail on the appointment of Yacht Inspectors can be found in the Yachting NZ policy for the appointment of Yacht Inspectors.
  - ii. Issuing sub-delegations to Yacht Inspectors
  - iii. Ensuring Yacht Inspectors exercise their duties in line with the responsibilities and conditions of the sub-delegation (quality assurance and consistency)
  - iv. Ensuring Yacht Inspectors are competent to undertake their duties, including providing training and upskilling
  - v. Removing sub-delegations as required
- b. Administer the inspection process (including inspections, issuing of certificates, record keeping, approving extensions to Yachting NZ Safety Certificates and MNZ12409 certificates and undertaking reviews of inspection decisions)
- c. Carry out duties in line with the responsibilities and conditions of the instrument of delegation
- d. Participate in the monitoring and oversight of the delegation and sub-delegations
- e. Regularly review and update the Yachting NZ Safety Regulations of Sailing

#### **3.4. Maritime New Zealand**

- a. Leads the monitoring and oversight of the delegation
- b. Leads the renewal of the delegation
- c. Supports inspections and inspection decisions where required
- d. Undertakes reviews of inspections escalated by Yachting NZ, or of inspections Maritime NZ are directly involved with
- e. Ensures Maritime NZ's responsibilities are well understood internally for those involved in section 21 matters

- f. Ensures Maritime NZ staff are competent to undertake their duties

### **3.5. New Zealand Customs**

- a. Collects pre-departure information from masters
- b. Clears vessels departing New Zealand
- c. Sends departure notification to [maritime@kordia.co.nz](mailto:maritime@kordia.co.nz)

## **4. Yacht Inspectors' immunity**

- 4.1. Under the Crown Entities Act 2004, the Director of Maritime NZ is immune from civil liability for acts or omissions done in good faith in performance of Maritime NZ's functions. That protection extends to Yacht Inspectors in respect of their exercise of the delegated section 21 inspection power.
- 4.2. While the immunity provides protection from civil liability, it does not provide any protection against criticism from any source. It is very important for Yachting Inspectors to engage professionally, in accordance with section 6 below, and to make sure all paperwork is completed thoroughly, the relevant copies forwarded immediately to Yachting NZ, and all conditions of the delegation and sub-delegation are complied with in order to manage and respond effectively to any unjustified comment or criticism.
- 4.3. If an incident or accident involving an inspected yacht occurs, the Yacht Inspector shall contact the CEO of Yachting NZ immediately. Yachting NZ should inform Maritime NZ as soon as practically possible. A Yacht Inspector shall not make any statement to the media or other members of the public without the prior approval of the CEO at Yachting NZ.

## **5. Key legal principles of exercise of discretionary power**

- 5.1. The section 21 MTA power for the Director is a discretionary one. The Director is required to be "satisfied" that the yacht, safety equipment and crew are "adequate" for the proposed journey before the necessary certificate of clearance can be obtained allowing the yacht to depart. There is nothing in section 21 which expressly guides the Director (and, through delegation, Yachting NZ and the Yacht Inspectors) in determining whether he or she is so satisfied. This means there is no duty to exercise the requirement to be satisfied of certain things in any particular way. However, the discretionary power must be exercised in accordance with any applicable legal

requirements, reasonably, impartially, and avoiding perceived or apparent injustice or improper discrimination.

- 5.2. Yachting NZ and the Yacht Inspectors exercise the delegated, or sub-delegated, powers subject to the same restrictions, and with the same effect, as the Director. The delegation does not, however, take away the responsibility of the Director for the actions of the delegate. In other words, the delegate (here, Yachting NZ and (ultimately) the Yacht Inspectors as sub-delegates of Yachting NZ) stand in the shoes of the Director when conducting an inspection of yacht, safety and crew.
- 5.3. It is the Director who is ultimately responsible for the consequences of any decision by a Yacht Inspector that a yacht, its safety equipment and/or its crew, is adequate or inadequate for the intended voyage. This is a statutory discretion, which can be challenged by any person affected by it. Yachting NZ and the Yacht Inspectors have the responsibility of conducting inspections on the Director's behalf. That means that Yachting NZ and the Yacht Inspectors may have their decisions subject to legal challenge for inappropriate administrative processes. Yachting NZ and the Yacht Inspectors are therefore required to exercise their responsibilities in accordance with the law as it would have applied to the Director if he or she was conducting the inspection.
- 5.4. The delegation does not detract from the power of the Director to decide the section 21 test him or herself. Accordingly, decisions that appear to Yachting NZ or the Yacht Inspectors to be of particular difficulty, sensitivity or importance should be referred to Maritime New Zealand (via the Principal Advisor Recreational Craft) for determination. The exercise of this judgement should be such that decisions should be so referred if Yachting NZ or the Yacht Inspectors have any doubts about the decision to be made.
- 5.5. Policies such as these Director's Guidelines are a guide to decision-making when conducting inspections, and they should not be applied inflexibly. If there is ever cause for Yacht Inspectors to have doubts as to what decision to make, they should raise their doubts within Yachting NZ (via the Yachting NZ Safety and Technical Officer) in the first instance. If necessary, a difficult decision can be deferred by Yachting NZ to Maritime NZ (i.e. an internal delegate or the Director), in which case guidance is taken only in the form of a report from the Yacht Inspector or from Yachting NZ.

## 6. Exercising discretionary powers

- 6.1. In accordance with public law obligations, Yacht Inspectors must ensure they exercise their discretionary powers reasonably, impartially and avoiding perceived or apparent injustice or improper discrimination. Yacht Inspectors must therefore ensure they conduct section 21 inspections:
- a. consistently from case to case, unless the merits of any particular case justify a different approach.
  - b. in good faith and for a proper purpose (i.e. honestly and only within the scope and purpose of section 21)
  - c. based on logical reasons and reliable information and evidence
  - d. taking into account only relevant considerations, and not irrelevant considerations
  - e. independently and not act under the dictation or at the behest of any third person or body
  - f. giving proper, genuine and realistic consideration to the merits of the particular case, and not by the application of inflexible policy; and
  - g. in observation of the basic rules of procedural fairness (i.e. natural justice). This means a decision must be without bias, cannot be pre-determined and, if an adverse decision is proposed to be made, the person affected must be given the opportunity to be heard. The extent to which the principles of natural justice must be applied in a particular situation vary but all decisions must be made fairly, consistently, and without bias.
- 6.2. Objective criteria must be used in decision-making to help ensure that all relevant legal requirements are complied with, all relevant factors are considered, there is consistency in decision-making, and the decision-making process is transparent and accountable. Policies should never be applied so emphatically they ignore the particular circumstances and merits of an individual case. There may well be occasions where there are justifiable grounds for not following these Directors Guidelines, but these must be carefully considered and well recorded. If in doubt, consult with Yachting NZ over the matter, if Yachting NZ needs to, they can refer to Maritime NZ.

## 7. Communication

- 7.1. These Director's Guidelines are available to all Yacht Inspectors, Yachting NZ and Maritime NZ staff and are publicly available on the Yachting NZ and Maritime NZ website.
- 7.2. All queries from Yachting NZ regarding these Director's Guidelines, or regarding an individual section 21 inspections, are to be directed in the first instance to the Maritime NZ contact person (Principal Advisor Recreational Craft).
- 7.3. All yacht masters intending to undertake overseas voyages from any New Zealand port are required to notify Maritime NZ (this includes foreign flagged vessels). This is done via an online web form on the Maritime NZ website.
- 7.4. Below are set out the avenues of communication for specific queries or matters:

### a. Between Yacht Inspectors and Yachting NZ

- i. Queries and reporting of issues related to inspections (including requesting a second opinion or assistance with an inspection)
  - ⇒ Direct to Yachting NZ Safety and Technical Officer
- ii. Administrative matters: Appointment, training, upskilling, code of conduct, fees, matters regarding the delegation and maintaining accreditation
  - ⇒ Direct to Yachting NZ Safety and Technical Officer

### b. Between Yachting NZ and Maritime NZ

- i. Arranging Maritime NZ to support an inspection, or inspection decision
  - ⇒ Yachting NZ Safety and Technical Officer to contact Maritime NZ Principal Advisor Recreational Craft requesting assistance
  - ⇒ Maritime NZ Principal Advisor Recreational Craft to coordinate with the relevant internal staff depending on the support required
  - ⇒ **Note:** Yacht Inspectors may require Maritime NZ assistance, typically because:
    - A. The Yacht Inspector needs support working with the vessel owner/master on issues including the Authority, regulations, power to decline or other similar issues.

- B. The vessel is complex, and/or is of a size where certain International convention requirements may apply (generally >24m or >400GT) i.e. SOLAS, MARPOL, COLREG, MLC, etc.
  - ⇒ The Yacht Inspector remains responsible (as the sub-delegate) for making the final decision in relation to the inspection, unless the final decision is deferred to Maritime NZ in accordance with these Guidelines.
  - ⇒ Maritime NZ may periodically send a representative to accompany the Yacht Inspectors for the purpose of the Director’s oversight and assurance.
- ii. In relation to the following matters, the Yachting NZ Safety and Technical Officer is to contact the Maritime NZ Principal Advisor Recreational Craft directly:
  - ⇒ Reporting an inspection request for a vessel in, or previously in, MOSS
  - ⇒ Reporting a failed inspection
  - ⇒ Reporting a request for review of an inspection decision
  - ⇒ Passing a request for review on to Maritime NZ (in which case the Maritime NZ Principal Advisor Recreational Craft will manage the internal Maritime NZ review process).
  - ⇒ Reporting an incident or accident involving an inspected yacht
- iii. Formal annual meeting to review, monitor and maintain oversight of the delegation (as per standing agenda items – Appendix 4)
  - ⇒ Maritime NZ group (Principal Advisor Recreational Craft and Deputy Director Communication and Stakeholder Engagement) and Yachting NZ Group (Safety and Technical Officer, National Sport Development Director and Chief Executive)

## 8. Operational processes and procedures

### 8.1. Category 0 and 1 inspections (subject to s21 of the MTA)

- a. The definition of Category 0 (SRS 4.1) is as follows: Major trans–ocean races, where yachts must be completely self-sufficient for very extended periods of time, capable of withstanding heavy storms and prepared to meet serious emergencies without the expectation of outside assistance. Will pass through

areas in which air or sea temperatures are likely to be less than 5 degrees Celsius other than temporarily.

- b. The definition of Category 1 (SRS 4.2) is as follows: Passage or races of long distances and well offshore, where yachts must be completely self-sufficient for extended periods of time, capable of withstanding storms and prepared to meet serious emergencies without the expectation of outside assistance.
- c. NZ registered cruising vessels heading overseas are to be inspected. All racing vessels, regardless of flag, are to be inspected.
- d. Inspections are valid for one voyage only. Category 0 and 1 certificates then revert to Category 2 for two years.
- e. Category 0 and 1 inspections require the vessel to be out of the water prior to anti foul paint being applied. Once the vessel is effectively ready for sea it must be inspected in the water.

8.2. Category 2 and 3 inspections (not subject to s21 of the MTA)

- a. These categories apply to vessels participating in coastal racing conducted by a club affiliated to Yachting NZ. All are to be inspected.
- b. The definition of Category 2 (SRS 4.3) is as follows; Race of extended duration along or not far removed from the shorelines or in large unprotected bays or lakes, where a high degree of self – sufficiency is required of the yachts but with the reasonable probability that outside assistance could be called upon for aid in event of serious emergencies.
- c. The definition of Category 3 (SRS 4.4) is as follows: Races across open water, most of which is relatively protected or close to shorelines and not rounding major capes.

8.3. In almost all cases, the Yacht Inspector will be contacted by telephone by the skipper or owner of the vessel directly. An up to date list of Yacht Inspectors and their contact details can be found on the Yachting NZ website.

8.4. Each Yacht Inspector has the right to refuse to inspect a craft, or to discontinue an inspection.

8.5. When first approached, the Yacht Inspector should:

- a. Establish the type of vessel, safety category required, age, material, and indicate to the owner whether it is likely that a second Yacht Inspector, and/or a Maritime NZ staff member, will assist with the inspection. In the case of more difficult vessels, e.g. Ferro-cement, older vessels, multihulls etc., a Yacht Inspector should not hesitate to utilise a second Yacht Inspector for all or part of an inspection.
  - b. In the case of non-racing vessels seeking a Category 1 inspection, ascertain whether the vessel is, or has recently been, in the Maritime Operator Safety System (MOSS). If so, Yachting NZ and Maritime NZ must be contacted before proceeding with the inspection. (Yachting NZ should contact the Maritime NZ Principal Advisor Recreational Craft).
  - c. Yacht Inspectors may also require Maritime NZ assistance because the vessel is complex, and/or is of a size where certain international convention requirements may apply (generally >24m or >400GT) i.e. SOLAS, MARPOL, COLREG, MLC, etc. If the Yacht Inspector requires assistance, this should be arranged via Yachting NZ (Yachting NZ should contact the Maritime NZ Principal Advisor Recreational Craft). Maritime NZ may periodically send a representative to accompany the Yacht Inspector for the purpose of Director's oversight and assurance.
  - d. Check that the owner has prepared the vessel using as reference the current Yachting NZ Safety Regulations of Sailing.
  - e. Check whether a recent survey (e.g. pre-purchase) has been done. Reference to such a document is entirely appropriate in most circumstances.
  - f. Inform the owner of the fees for the inspection, including the cost of each visit.
  - g. Agree as to the time and place of inspection, and whether the vessel is required to be out of the water.
  - h. Indicate to the owner the preparations that are to be made with regard to the vessel, its equipment, and any information regarding the abilities and qualifications of the master and crew.
- 8.6. Yacht Inspectors acting under delegation from the Director must conduct inspections in light of the criteria set out in Part II of this updated "Director's Guidelines". They must

also conduct inspections in accordance with the Yachting New Zealand Safety Regulations of Sailing. These two documents are complementary.

- 8.7. Sometimes Yacht Inspectors will be faced with a situation where a vessel, equipment or crew fail the required standards as set out in Part II (and/or the Yachting New Zealand Safety Regulations of Sailing). The Yacht Inspector may decline to inspect the vessel, or may tell the master that the vessel does not comply.
- 8.8. If an inspection fails any of the criteria set out in Part II, that failure is to be fully recorded with reasons for the failure clearly stated and the report forwarded promptly to Yachting NZ.
- 8.9. Yachting NZ will forward all failure of inspection reports to other Yacht Inspectors, and Maritime NZ (the Principal Advisor Recreational Craft) immediately upon receipt of the report by Yachting NZ.

## 9. Validity of certificates and issuing extensions

- 9.1. Yachting NZ Safety Certificates are valid from the day they are signed, for a period of 60 days from the signed date on the certificate.
- 9.2. Masters can apply for a 30 day extension directly to the Yachting NZ Safety and Technical Officer stating the reasons for requesting an extension, provided there are no changes to the vessel, its equipment or crew as originally inspected. An extension must be granted within the 60 day period of validity.
- 9.3. Beyond this timeframe, the Yachting NZ Safety Certificate is considered expired (invalid).
- 9.4. During this 60 (or 90) day period, the Yachting NZ Safety Certificate remains valid, providing:
  - a. There are no crew changes,
  - b. The safety equipment on board remains in date until the estimated destination arrival date
  - c. No significant alterations to the vessel have been made (including the hull, rig or equipment)
  - d. No damage has occurred to the yacht (e.g. as a result of grounding)

9.5. The following would be reasons for needing re-issue of the certificate:

- a. Notification to Yacht Inspector only:
  - Crew change
- b. Supply of photo(s) or other evidence to Yacht Inspector:
  - safety equipment change (out of date refreshing),
  - minor equipment change
- c. Re-inspection required:
  - major equipment change or alteration to the yacht
  - skipper change
  - if the safety certificate expires

## 10. Fees

10.1. Fees to be paid include:

- a. The administration fee charged by Yachting NZ
- b. The fee to the Yacht Inspector

10.2. The administration fees charged by Yachting NZ are set from time to time by Yachting NZ, in consultation with Maritime NZ and communicated to Yacht Inspectors in writing.

10.3. As per section 444 of the MTA, delegated Yacht Inspectors can charge a reasonable fee in respect of the exercise of their function (i.e. undertaking an inspection).

10.4. If two Yacht Inspectors are required, the fee is to be on a 'per Yacht Inspector' basis. Only one Yachting NZ administration fee is charged per certificate.

10.5. Fees for subsequent visits, and charges for mileage travelled (at the current IRD rate), are at the discretion of the Yacht Inspector who is entitled to make reasonable charges in accordance with the fees set from time to time by Yachting NZ in consultation with Maritime NZ.

## 11. Documentation

- 11.1. In exercising the delegated powers, Yachting NZ and the Yacht Inspectors must record each inspection in the form prescribed by the Director.
- 11.2. As soon as the inspection has been completed:
  - a. The Yacht Inspector is to give the white copy of Check List for New Zealand Pleasure Craft and the white copy of MNZ 12409 when applicable, to the master.
  - b. The Yacht Inspector is to send the green copy of Check List for New Zealand Pleasure Craft, and the green copy of MNZ 12409 and the Yachting NZ copy of the Yachting NZ Safety Certificate to Yachting NZ. This is to be posted immediately in the Freepost envelope provided.
  - c. The Yacht Inspector is to retain the yellow copy of Check List for New Zealand Pleasure Craft and MNZ 12409.
- 11.3. In exercising the delegated powers, Yachting NZ and the Yacht Inspectors must only collect and store information sufficient to record the exercise of the delegated powers and must ensure compliance with all statutory obligations, including those under the Official Information Act 1982, the Privacy Act 2020, and the Public Records Act 2005.
- 11.4. The information collected and stored is, and remains, the property of the Director and must be made available to the Director when required, in a form acceptable to the Director.
- 11.5. If a Yacht Inspector has any queries in relation to the collection, storage or other issues in connection with the documentation, he or she must raise it in the first instance with Yachting NZ (Yachting NZ Safety and Technical Officer) who will, if necessary, raise the query in turn with Maritime NZ (Principal Advisor Recreational Craft).

## 12. Review of the Director's Guidelines

- 12.1. These Director's Guidelines shall be reviewed and updated every four years to ensure consistency with Yachting NZ practice and regulations, and to reflect current industry "best practice".
- 12.2. The next updated version of these guidelines should be completed and published by the 1st of January 2025.

## 13. Contact details

13.1 Any Yacht Inspector who has any difficulty or query should never hesitate to contact Yachting New Zealand at any time. With the use of mobile phones contact is available with staff at all times.

13.2 Please note the following contact details:

### Yachting New Zealand

Chief Executive: David Abercrombie

Phone: (09) 361 1471

Mobile: 021 489 121

Email: [dabercrombie@yachtingnz.org.nz](mailto:dabercrombie@yachtingnz.org.nz)

National Sport Development Director: Raynor Haagh

Phone: (09) 361 1471

Mobile: 021 577 422

Email: [raynor@yachtingnz.org.nz](mailto:raynor@yachtingnz.org.nz)

Safety and Technical Officer: Angus Willison

Phone: (09) 361 1471

Mobile: 021 560011

Email: [angus@yachtingnz.org.nz](mailto:angus@yachtingnz.org.nz)

### Maritime New Zealand

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### 14. The vessel

- 14.1. An inspection is not intended to be a survey. It is a careful visual examination only (including a hull inspection out of the water), whereas a survey takes much longer, involves aural checking of the entire hull and decks, and possibly involves some sampling. Given that vessels may be fully stored at inspection time and being lived aboard, gaining access to every part may well be impractical. Yacht Inspectors are required to use careful judgement in making an assessment based on the parts of the vessel accessible at the time.
- 14.2. Yachting New Zealand Safety Regulations of Sailing (SRS) are included as Appendix 1 of this manual.
- 14.3. This Directors Guidelines is to provide additional guidance for Yacht Inspectors who will be well aware of the substantial difference between inspecting a well-found, well-travelled, yacht with an experienced crew, and a yacht departing on its first offshore voyage with a master and crew whose experience is limited.
- 14.4. While the focus of any inspection is to encourage a skipper and crew to be self-reliant on a seaworthy, properly equipped vessel, even the best sailors may find themselves in circumstances where outside help is required.

#### 14.5. Preparations

- a. Upon arrival at the vessel the first few minutes spent can indicate a great deal to a Yacht Inspector. While the question “Would I sail on this vessel for the intended voyage?” can be an oversimplification, it is still a very useful guide. The first view also indicates important impressions about how the vessel is managed and maintained. An owner who takes pride in a vessel is likely to be far more professional about standards regarding safety and maintenance.

#### **14.6. Structure (SRS section 5)**

- a. Indications of structural problems may show as an irregular sheerline, cracking, corrosion, water ingress and distortions in the hull shape. These are far more easily seen from the marina or hardstand.
- b. Yacht Inspectors are appointed because they have experience and knowledge to use practical judgement to assess the vessel's design and structure, and therefore its suitability to make voyages as safely as possible.

#### **14.7. Stability (SRS section 6)**

- a. Some difficulty may occur from time to time regarding stability with power vessels, unusual designs, and vessels with little freeboard.
- b. All Category 1 keel yachts are required to have minimum stability levels defined under section 6.2 of the SRS. In some cases, (e.g. long-keel cruising yachts) this calculation may not have been made. However, the yacht may be of a type or class which has a history of successful ocean voyaging. In such cases the Yacht Inspector is required to use discretion but if any doubt exists in a Yacht Inspector's mind, calculations by a naval architect or similarly qualified person must be provided by the owner. (Refer section 6.0 of the current SRS)
- c. Powerboats on offshore voyages may need additional fuel supplies in temporary tankage not originally envisaged by the designer (Refer SRS Part IV Section 1). The master in this case shall provide stability data with the vessel fully loaded. Fuel consumption curves demonstrating 20% redundancy at the end of the voyage are strongly recommended.

#### **14.8. Destination**

- a. The voyage destination must also be considered.
- b. Where the intention of the master is to undertake a voyage to more demanding places such as the Southern Ocean, or perhaps the tropics in the cyclone season, it is appropriate to provide advice in writing recommending against such a course of action, depending upon the circumstances.

#### **14.9. Hull and Keel**

- a. It is always better to examine the hull out of the water whenever possible. This is a requirement for Categories 0, 1, and 2. An out of water and the inspection should be done prior to the application of new anti-fouling paint. Anodic protection and all appendages should be inspected.
- b. The out of water inspection should be no longer than 6 months before the final signed date on the safety certificate and the skipper should be advised accordingly to ensure that they allow sufficient time in case of delay in other areas of the inspection process.
- c. In the case of keels that rely on welding (refer SRS 9.2), a check on welding and appropriate certification is required. All yachts whose construction started after June 2009 are required to meet ISO specifications and certifications must be provided. It is acknowledged that modern racing keels have a 'life' particularly in the case of canting keels therefore if there is any doubt the Yacht Inspector should ask for engineering and construction details justifying ongoing use of the keel.
- d. In the case of conventional keel structures on non-racing yachts built after June 2009, the Yacht Inspector may use discretion when issuing a Form MNZ12409. However, if any doubt at all exists, the Yacht Inspector must require ISO certification from the owner.
- e. The use of exotic materials has resulted in hull thickness, scantlings, and weight being reduced to a degree that makes a judgement very difficult. Owners of such vessels should be advised that a certificate from both the designer and builder attesting to the strength of the structure and building procedure may be required at the time of inspection.

#### **14.10. Deck and Windows (Refer SRS section 13.11)**

- a. Deck lay out and structures vary greatly between types of vessels. Where a coach house is fitted attention must be given to ensuring there is sufficient support provided from through-bolts or hanging knees to ensure the structure is as strong as the deck itself. Again sufficient knees or gussets or similar reinforcing must be fitted to prevent working at the deck to hull join.

- b. Hatches must be open outward if forward of maximum beam, and all hatches must be clear of the water of the vessel is heeled 90°.
- c. More and more vessels are being fitted with large reinforced windows. While the window material itself has considerable strength, the method of fastening often relies on no more than sealant. If flexing of the area occurs in a seaway the failure of the sealant could lead to loss of the entire window. This practice needs careful evaluation in each case before providing an inspection certificate for vessels heading offshore.
- d. Where a method of retaining such windows is required, fastening may be in the form of a metal plate at each corner of the window, through-bolted and crossing the corner of the glass. In all cases a certificate from both builder and designer stating that the window structure and fastening is adequate for the vessel to make ocean voyages is acceptable.
- e. The deck and cockpit structure must be assessed with the possibility of a 180° capsize in mind. While some leakage is inevitable, the washboards, lockers, and deck openings have to be able to withstand the resulting pressure as well as that of heavily breaking seas.
- f. Windows with an area near or over 1858cm<sup>2</sup> (2sq ft) must have shutters fitted or knees that reduce the size of the window. Relying on an international classification agency to determine whether a vessel is suitable for the voyage intended must not be relied upon especially as the vessel gets older.

#### **14.11. Deck Safety Equipment**

##### **a. Lifelines: (Refer SRS 17.17)**

- i. Lifelines and terminals have proven to be a greater problem than pulpits and pushpits. Some countries have banned plastic covering since corrosion of stainless steel wire has been a problem inside the plastic tube with water and lack of oxygen. Stanchions need to be bolted and strong enough to withstand a substantial load. Alloy stanchions need careful evaluation; fibreglass may be acceptable but carbon fibre is not.

- ii. Yacht Inspector discretion is required when deciding whether to allow continuous lifelines.

**b. Jacklines: (Refer SRS Section 17.23)**

- i. Eye-bolts are not acceptable for jackstays or harness securing points. U-bolts, or fittings with multiple bolts, must be used.
- ii. Polyester tape, rope and wire are acceptable for use as jacklines.

**c. Life rafts: (Refer SRS Section 17.11)**

- i. While it is best to have a life raft stowed on deck or in the cockpit, it must be securely fastened with substantial through-bolted fittings. The painter must be secured to a substantial through-bolted fitting. There have been numerous occasions when life rafts have been swept away either through a fitting failure or because a hydrostatic release has operated during a knockdown or roll.
- ii. The stowage of the raft should take into account not only foundering, but an uncontrollable fire as well. A life raft must be able to be at the rail within 15 seconds of the decision being made to deploy.
- iii. Time expired life rafts on vessels are not acceptable and all must be serviced in accordance with the manufacturers' requirements and in date at the time of departure. The raft should be examined for deterioration of the seal and any signs of water ingress. In this case a raft should be rejected even if it is in date.
- iv. Skippers should be reminded that rafts with a capacity significantly larger than the number of crew are unsuitable in heavy seas. In multihulls, the raft should still be accessible when capsized.
- v. Dinghies (Category 3) must be carefully assessed as to their suitability to provide support and protection for the crew in a variety of conditions. The manufacturer's certification regarding the number of person a dinghy can carry must not be exceeded.

**d. Drogues and Sea Anchors (Refer sections 17.31 and 17.32)**

- i. The skipper must be able to demonstrate knowledge of how their vessel performs with a drogue and have actually practiced with it.
- ii. A vessel must have a method of steering that does not include the rudder and a drogue provides one option.
- iii. Sea anchors have proven to be problematic for conventional yachts however if one is carried it must have been deployed as practice and at the time of the Inspection the sea anchor is rigged ready for deployment.
- iv. Sea anchors are required on motor yachts for Category 1.

**e. Lights (Refer SRS section 19.07)**

- i. Lights must comply with the International Regulations for the Prevention of Collisions at Sea. When undertaking the Inspection ensure that the lights are operational.

**f. Man Overboard Equipment (Refer SRS section 17.13)**

- i. Man overboard equipment should be checked to see that lights operate, and that all is in good order and able to be deployed quickly. The inflatable equipment must be in date. Any equipment must be yellow or orange with reflective tape. White life rings are not acceptable.

**g. Ground Tackle (Refer SRS sections 17.29 and 17.30)**

- i. It is not seamanlike to have less than two anchors and most cruising vessels carry more. The use of high tensile chain in order to save weight has become practice on racing yachts, but for any anchor to work the chain must have sufficient weight, and where high tensile chain is employed additional length will be needed to achieve a similar weight to that required by the Safety Regulations. Aluminium anchors of the same dimensions, but lighter weight, are acceptable. One anchor should be stowed ready for immediate use, and the stowage system must be secure in bad weather or a knockdown.

**14.12. Rig, Spars (Refer SRS section 15.0) and Sails (Refer SRS sections 15.14 – 15.18)**

- a. A visual inspection cannot be expected to find every possible defect. Professional riggers are also unable to assess a swage fully without x-ray equipment. However, it is possible to make a careful visual check, and ensure that all locking devices and

pins are in place at deck level, and that no obvious faults exist. Assessment of above deck fittings can only be done from aloft, and this is not usual at an inspection. The rig must have been inspected recently either by a rigger or the skipper.

- b. Working sails that are obviously tired after long exposure to UV will need to be examined more thoroughly. It is important that storm sails be hoisted and sheeted. Particular attention should be given to the gooseneck.

**14.13. Cockpit and Companionway Structure (Refer SRS section 11)**

- a. Very large volume cockpits will need to be carefully assessed. Drains may appear adequate but sometimes the hoses are linked below with no increase in hose diameter.
- b. Sufficient bracing, especially in wide cockpits, is necessary. With weight saving a priority in racing vessels, wash boards and the rails they slot into are sometimes barely adequate. A roll could well force such washboards inwards. The same applies to the moulded hatches in some yachts. Light displacement vessels are frequently beamy, and this area must be assessed allowing for the yacht to be fully inverted for many seconds.

**14.14. Gas installation (Refer SRS section 16.09)**

- a. Gas bottle installations require the bottle to be in a locker that drains overboard and that is accessible only from on deck. Hoses must be of an approved type, and only metal tubing should be used where a gas line passes through an engine room area.

**14.15. Steering (Refer SRS section 8.5 and 8.6)**

- a. Emergency steering systems need to be understood by both the skipper and crew. Loss of a rudder on an ocean voyage will necessitate more than just an intention to use a spar over the stern with an attached blade. The use of a small drogue or similar, either from the quarters or rigged out further, is an option. The skipper must be able to demonstrate that the crew has practiced with their system.

**14.16. Pumps**

- a. Bilge pumps need to be of sufficient capacity, and a crew using buckets will often be more effective. Consideration must be given to of how a crew of two persons

will be able to cope. Although electric pumps have problems, it may be that large capacity electric or engine-driven pumps could provide a vessel-saving option when sailing short-handed.

**14.17. Structural Below**

- a. Often the inspection below will reveal more about a vessel's condition than is apparent outside. Scantlings are more readily observed, chain plates (Refer SRS section 14.2) and fastenings are usually inside, workmanship, signs of leaks, rot, and so on are more evident. Aside from the condition of the vessel, the various means of spreading loads to avoid stress areas will need to be assessed. Particular attention must be given to the mast-step (Refer SRS Section 14.1), chain plates, keel, rudder, and steering.
- b. Keel bolts are often difficult since knowledge of groundings is not normally available. If the bolts have recently been tightened, this usually will discover a broken bolt. Careful attention must be given to tanks, engines, internal ballast, and other heavy items bearing in mind the possibility of capsize. Multihulls must have a means of escape if inverted. Category 0 yachts and multihulls are required to have watertight bulkheads.

**14.18. Galley (Refer SRS sections 16.08 – 16.11)**

- a. The stove must be secured and the correct gas hose in good condition. In case of a knock down sufficient thought should have been given to ensuring that equipment and supplies are secured in place as far as possible.
- b. A sign requiring gas to be turned off at the bottle must be obvious, and all vessels over 12 metres long must also display a garbage disposal sign.

**14.19. Navigation Equipment (Refer SRS sections 19.0 – 19.04)**

- a. All Yacht Inspectors are faced with the difficult question of whether to approve out of date charts and publications. Electronic charts are carried on most craft, but there also need to be sufficient paper charts to provide a safe back-up in case of electronic/electrical failure.
- b. In many vessels, a deviation card is either non-existent or out of date. On wooden and GRP vessels a significant problem is unlikely provided ferrous metal objects, wiring, and electronics are kept well away (1 metre is usually safe). It is a

requirement that steel and ferro vessels have a deviation card made by a qualified compass adjuster within the previous 12 months and a second compass is required.

**14.20. Ability to Navigate**

- a. Virtually all vessels rely on electronic systems, but lack of understanding of the system has resulted in many groundings. A GPS is not an alternative to a compass or log for any category.
- b. Skippers must demonstrate a fundamental understanding of the principles of navigation for coastal and ocean voyaging.
- c. Although a lead-line is allowed as an alternative to a depth sounder, very few vessels would be so equipped. In reality a depth sounder is necessary to assure a ship's safe navigation in coastal waters.
- d. When radar is fitted, the skipper should have had some tuition in radar use. If radar is fitted its use is mandatory in keeping a lookout in poor visibility.

**14.21. Weather**

- a. The skipper should have a good understanding of meteorology; particularly the seasons, behaviour, and destructive power of tropical revolving storms as well as the principles for avoiding them at sea.
- b. When undertaking the Inspection a discussion with the skipper and crew as to their knowledge of weather forecasting whilst underway to ensure that they fully understand the requirements.

**14.22. EPIRBS**

- a. A 406 MHz EPIRB is mandatory on all vessels and a copy of the Beacon Registration certificate should be sighted. Its battery must be checked for date, and it should be tested and the 15 digit number recorded.
- b. For Category 3 certificates, a 406 MHz PLB (personal locator beacon) is acceptable.

**14.23. Radios (Refer SRS section 18.0)**

- a. VHF marine radio must be carried on all vessels. Most rely on the mast to provide an aerial mounting, and a waterproof hand-held unit is required for all categories. Many vessels also carry HF equipment such as single sideband or ham. Appropriate operator and station licences are required. All Category 1 vessels must carry long

range communication equipment (such as Iridium or Inmarsat). The Yacht Inspector should be satisfied that the skipper and crew are familiar with the use of the equipment on board.

- b. A sign displaying instructions for distress transmissions must be displayed near the radio.
- c. The ability to receive weather forecasts at sea is required and a variety of means are acceptable. The source of forecasts for areas of the voyage is to be carried.

**14.24. Sound signals**

- a. All must have a “foghorn”, and skippers should be aware that the use of manoeuvring sound signals is mandatory.

**14.25. Flares (Refer SRS section 18.7)**

- a. Visual signals include the requirement for an orange “rescue sheet” and pyrotechnics.

**14.26. Time Expired Safety Equipment**

- a. It is the responsibility of the skipper to ensure that any equipment that carries a date (life raft, flares, EPIRB/PLB, fire extinguishers, inflatable lifejackets, inflatable man overboard equipment) are kept in date at all times.

***Any out of date equipment renders a safety certificate invalid***

**14.27. Emergency equipment**

**a. Harnesses (Refer SRS sections 17.08 – 17.09)**

- i. They must be strong and in good condition, have a clip at each end of the tether and fit the intended wearer.
- ii. The vessel or wearer’s name is required on harnesses and lifejackets.

**b. Lifejackets – PFD’s (Refer SRS section 17.08 – 17.09)**

- i. Lifejackets and PFDs should be checked as to availability and condition. Service certificates should be sighted as well as ensuring that there are crotch straps and lights fitted.

**c. Emergency navigation lights**

- i. Emergency navigation lights are to be carried.

**d. Firefighting (Refer SRS sections 17.01 – 17.04)**

- i. Fire extinguishers should be recently serviced, tested and tagged and free from corrosion. They must be checked and the location must be suitable to deal with fires in engine or galley. There is a minimum for offshore yachts, and they must be big enough not only to put a fire out, but also to prevent re-ignition (size specified in the SRS). Below decks, CO2 is suitable, and dry powder, AFFF (foam) are all acceptable. CO2 extinguishers should not be stowed where accidental leakage of gas could accumulate in the accommodation. BCF and halon are permitted to be carried.
- ii. A fire blanket is to be installed in an obvious location near the galley and the skipper must ensure the crew fully understand how to operate extinguishers and where they are stowed.

**e. First Aid**

- i. A comprehensive tool kit with specialist tools as necessary for the individual vessel is required as is the demonstrated ability to use them.

**f. Grab Bag (Refer SRS Appendix 2)**

- i. The grab bag must be stowed where it is accessible in an emergency. Both the grab bag and emergency water container need to have lanyards to secure them to the inflated life raft should abandoning become a reality.

**14.28. Engine Installation**

- a. The areas to check include the mountings which must hold the engine in place during a capsize. Many flexible mounts do not, and a wire or polyester strop around engine mounts may be needed.
- b. The fuel supply should have a shut off valve at the tank and should be routed away from sources of heat and sparks from electrical shorts. If a sight glass is fitted it must have a shut off valve at the bottom. The tank must be ventilated to a place outside and protected from water ingress.
- c. Batteries must be secured in acid resistant boxes and ventilated, unless totally sealed gel, AGM or Li-Ion batteries are carried. Wiring should be neat and tidy and secured.

- d. Spares carried should include fuel filters, impellers, belts and oil. Longer voyages require much more, as well as tool and manuals.
- e. The coupling should be checked and the shaft for signs of corrosion or excessive leaking at the stuffing box.

**14.29. Yacht Manual (Refer SRS Appendix 5)**

- a. All vessels must produce a Yacht Manual and the skipper must ensure that the crew have access to the manual.

## 15. Crewing

- 15.1. This is a very difficult area to judge, and one good crew member can make the difference between a voyage ending in success or disaster.
- 15.2. All Yacht Inspectors are faced with single-handers on one hand, and a family including young children on the other. No vessel is permitted to leave on an offshore voyage without at least one person who has appropriate experience of ocean or offshore sailing on board. It is important to understand the role that people have held on previous ocean or offshore voyages i.e. if they were a passenger on a large yacht whereas you are trying to assess their capability for a two-handed vessel.
- 15.3. Where a crew contains someone with no experience, or young children, a person who can take over as skipper must be aboard.
- 15.4. Master and crew abilities can in most cases be judged upon information provided by the master or owner. Qualifications claimed must, if doubt exists, be supported with documentation.
- 15.5. The Yacht Inspector should be satisfied with a crew that has experience of ocean or offshore sailing, but those departing for the first time need careful evaluation both in terms of numbers and ability, and whether this ability comes from training or experience.
- 15.6. A Yacht Inspector is not required to conduct an examination to decide whether a skipper and crew is aware of every aspect of the collision rules, can navigate adequately, or make stability calculations. He is required to ascertain whether the skipper's preparations have included taking full account of these requirements including informing the crew of what is expected from them. When the skipper is unaware of

his/her responsibilities in these matters, or is not willing to comply with these requirements, then it is not appropriate to issue a safety certificate on the grounds that preparations for the voyage are incomplete at that time.

15.7. The master should provide information as to when crew training such as 'manoverboard' practice has been done. All vessels on ocean voyages should have a written action-plan for emergencies such as abandon ship.

**15.8. The Master (Skipper)**

- a. The master's ability to lead is difficult to assess, but his or her organisational skills are often apparent when inspecting the vessel. The skipper's sailing history and experience must be checked and whether the vessel and crew have been prepared for the voyage in a methodical way.
- b. Qualifications have a value. No countries issue a certificate such as Ocean Yachtmaster unless a person has been tested in knowledge of navigation, meteorology, rules and regulations, and legal requirements that apply. Knowledge in these areas is a requirement for vessels going overseas.

**15.9. The Crew**

- a. A mix of experience and inexperience is common. If young children are included it is necessary that there are sufficient adults to look after the vessel in stormy conditions as well as tend to the youngsters' needs in difficult and perhaps frightening circumstances.
- b. The skipper should be able to confirm that the crew are capable by day or night of the tasks as required by the Director in his interpretation of Section 21 of the Maritime Transport Act.

**15.10. Crew Training**

- a. The ability of the crew to cope in an emergency may well depend on training and practice, even for very experienced hands. Man-over-board drill, and an action plan for emergencies such as fire and abandon ship should be considered minimum requirements. **The skipper must be able to demonstrate that the crew have undertaken drills and practiced or reviewed the equipment on board.**

### **15.11. Familiarity with safety systems and equipment**

- a. Section 54 of Maritime Transport Act allows a Yacht Inspector to require the master and/or crew of a vessel to demonstrate familiarity with essential shipboard procedures and maintenance for the safe operation of the ship. A Yacht Inspector could require the skipper to demonstrate how they would operate electronic equipment, deploy man-overboard equipment, set storm sails, rig emergency steering gear, or any other aspect that the Yacht Inspector felt was necessary in the circumstances.
- b. If this requirement cannot be met, Yacht Inspectors should decline to issue a safety certificate until this requirement is demonstrated.

## **16. Yacht Inspector's recommendations**

### **Verbal and written**

- 16.1. If a Yacht Inspector believes that guidance should be given to enable the skipper to comply with section 21, this can be done either verbally, or in writing.
- 16.2. There is a section on the inspection check list to record this, and whether the Yacht Inspector has requested that any advice be passed on to crew. It is not appropriate for a Yacht Inspector to advise a crew directly without the permission of the master or owner.
- 16.3. Even experienced skippers appreciate the advice and comments that a Yacht Inspector is able to provide, while the opportunity to help the less experienced with helpful comments should not be missed.
- 16.4. From time to time every Yacht Inspector is faced with difficult judgements about whether the requirements of Section 21 are met and that a second opinion from another Yacht Inspector is recommended in cases where doubt exists. In this situation the inspector should contact the Yachting NZ Safety and Technical Officer.

## **17. Reports to Yachting New Zealand**

- 17.1. Sometimes Yacht Inspectors will be faced with a situation where a vessel or crew clearly falls short of the required standard. The Yacht Inspector may decline to inspect the vessel, or tell the skipper the vessel does not comply. Unless there is a clear intention

on the part of the owner to comply willingly with the Yacht Inspector's requirements, a report using the checklist should be forwarded promptly to Yachting NZ. There have been several cases where such skippers have sought an "easier" Yacht Inspector. Yachting NZ views this practice as unacceptable. A report concerning a vessel that has been refused a certificate will be forwarded promptly to other Yacht Inspectors upon receipt at Yachting NZ.

- 17.2. Notwithstanding that the minimum equipment requirements and/or Category 1 requirements may be satisfied, a Yacht Inspectors has the right to withhold his certificate of inspection on the grounds that any other equipment or the rig or structure of the vessel is inadequate and may compromise the safety of the crew and vessel.
- 17.3. The two-page Check List for New Zealand Pleasure Craft provided by Yachting New Zealand is to be used on all inspected vessels.
- 17.4. In the case where a vessel does not pass inspection, evidence of remedial work can be provided to Yachting NZ (the Yacht Inspector) electronically (i.e. emailed photographs, receipts or statements from contractors) if the Yacht Inspector deems it appropriate, therefore not necessarily requiring a physical re-inspection.
- 17.5. As soon as the passed inspection has been completed:
  - a. The Yacht Inspector is to give the white copy of Check List for New Zealand Pleasure Craft, and the white copy of MNZ 12409 when applicable, to the master.
  - b. The Yacht Inspector is to send the green copy of Check List for New Zealand Pleasure Craft, and the green copy of MNZ 12409 and the Yachting NZ copy of the Yachting NZ Safety Certificate to Yachting NZ. This is to be posted immediately in the Freepost envelope provided.
  - c. The Yacht Inspector is to retain the yellow copy of Check List for New Zealand Pleasure Craft and MNZ12409.
- 17.6. Note: In the past, some Yacht Inspectors have waited many months before posting their documents. A delay breaches the agreement between the Yacht Inspector and Yachting NZ and, accordingly, Yacht Inspectors are urged to operate within the spirit and requirements of the reporting process.

17.7. In the case of a search and rescue situation, the inspection sheet provides valuable information to the Rescue Coordination Centre (RCCNZ), and any delay getting the information Yachting NZ Is unhelpful.

17.8. Any queries, should in the first instance be directed to Yachting NZ Safety and Technical Officer Angus Willison:

Phone: (09) 361 1471

Mobile: 021 560011

Email: [angus@yachtingnz.org.nz](mailto:angus@yachtingnz.org.nz)