

# Maritime Rules

## Part 81: Commercial Rafting Operations

MNZ Consolidation

*1 January 2015*

***Maritime Rules***

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## Part objective

The objective of this part is to provide for the management of safety in rafting on rivers. The rules cover safety aspects of commercial operations where the focus is on the tourist experience of travelling on a river. The rules also cover safety management of raft guide training, both in educational settings and on-the-job training in tourist rafting operations.

The rules provide that commercial operations must have a safe operational plan that details how it will manage safety in its operation. This plan is approved by the Director of Maritime NZ following a satisfactory initial inspection of an operator's rafts and equipment and an audit of its safety system. The operation is subject to ongoing periodic inspections and audits by the Director to ensure that the rafting operation is continuing to meet the standards prescribed in the rules.

The rules require guides to be qualified by holding a national raft guide award, a current first aid certificate, and, depending on the nature of the operation and any trip leader responsibilities, currency in river rescue skills. The raft guide award required depends on the grade of rapids being rafted, with that grade being determined from the international system for the classification of rapids from grades 1 to 6, with commercial operations permitted on river sections up to grade 5.

Part 81 revokes and supersedes the commercial rafting provisions currently found in 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 authority for making Part 81 is found in sections 34(1), 36(1)(b), (c), (g), (i), (j), (p), (q), (v), and (w), and 36(2) of the Maritime Transport Act 1994.

Maritime rules are subject to the Regulations (Disallowance) Act 1989. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.

### Disclaimer:

This document is the current consolidated version of Maritime Rules Part 81 produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be downloaded from the Maritime New Zealand website. [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz)

## **History of Part 81**

Part 81 first came into force on 1 April 2011 and now incorporates the following amendments:

<b>Amendment</b>	<b>Effective date</b>
Amendment 1	1 January 2015

### **Summary of amendments**

#### **Amendment 1**

Maritime Rules Various Amendments 2014

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All signed rules can be found on our website:

<http://www.maritimenz.govt.nz/Rules/List-of-all-rules/Part81-maritime-rule.asp>

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## General

### 81.1 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 81.12; and
- (c) has had any subsequent modifications approved by the Director:

**award-issuing organisation** means an industry training organisation that the Director may recognise under this Part:

**certificate of compliance** has the meaning set out in rule 81.18(1):

**commercial raft** means a raft that is used to transport fare paying passengers or trainee guides on rivers:

**commercial rafting operation** means a business that carries passengers or trainee guides on a commercial raft on a river:

**commercial raft operator** or **operator** means—

- (a) the person who is, for the time being, responsible for the 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 person whose only involvement in a commercial rafting operation is as 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 commercial rafting** means rafting involving—

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

**guide** means a person who holds a national raft guide award:

**impaired** means affected by fatigue, injury, medical condition, or by the consumption of alcohol or other drugs to such a degree that the person may be a risk to the safety of himself or herself or of any other person on a raft:

**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 commercial raft, other than a guide, a trainee guide, or any other employee of the commercial raft operator:

**raft** means an inflatable craft manoeuvred by—

- (a) oars or paddles; or
- (b) a combination of oars and paddles,

but does not include inflatable kayaks, inflatable canoes, river bugs, tyre tubes, or tyre tube rafts:

**raft trip** means a journey on a river using a raft:

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

**safety boat** means a kayak, river sledge, or a raft used to support the safety management of a raft trip, that meets the requirements of rule 81.74:

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

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

**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:

**trip leader** means a guide in overall control of a raft trip:

**type 402 personal flotation device** or **type 402** means a buoyancy aid that complies with section 402 of the New Zealand standard for buoyancy aids (NZS: 5823:2005):

**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).<sup>1</sup>

## **81.2 Application of this Part**

- (1) This Part does not apply to a sporting event that involves rafting on a river.
- (2) Subparts A to D inclusive applies to any commercial raft.
- (3) Subpart E of this Part applies to any commercial raft used for the vocational training of guides.
- (4) Subpart F of this Part applies to the hire of a raft to a person who is not a commercial raft operator.

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<sup>1</sup> NZS 5823:2005. A type 406 is equivalent to an amended type 408 in NZS 5823:1989 or NZS 5823:2001.



## Subpart A: Safe operational plans and certificates of compliance

### Safe operational plan

#### 81.11 Commercial raft operator must prepare safe operational plan

- (1) A commercial raft operator must prepare a safe operational plan for each commercial rafting operation it manages.
- (2) The safe operational plan must—
  - (a) include the information prescribed in Appendix 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 or rivers on which the rafting operation is to be carried out.
- (3) The safety practices referred to in subrule (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.

#### 81.12 Requirements for approval of safe operational plan

- (1) A safe operational plan must be approved by the Director before a commercial rafting operation begins.
- (2) 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 any inspection and audit of the commercial rafting operation to which the safe operational plan relates are satisfactory.
- (3) 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 reasons for declining to approve the plan; and
  - (b) specify the time within which the commercial raft operator must re-submit the plan.
- (4) The Director may require—
  - (a) any additional information that the Director considers necessary to support the approval of a safe operational plan; and
  - (b) the commercial raft operator to make such amendments to the safe operational plan as the Director considers necessary in the interests of safety.

#### 81.13 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.
- (2) A commercial raft operator must ensure that every review of its approved safe operational plan is recorded in writing, and includes—
  - (a) a summary of conclusions; and
  - (b) every action taken as a result of the review.
- (3) A commercial raft operator must make its approved safe operational plan available to the Director at all reasonable times.

#### 81.14 Modification of approved safe operational plan

- (1) Except as provided for in subrule (3), the commercial raft operator must apply to the Director for approval before making any modification to an approved safe operational plan, including a modification to—

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- (a) extend the area of rafting operations; or
  - (b) change on-river communications or back-up arrangements.
- (2) Subrules 81.11(2)(a) and 81.11(3) apply to an application for a modification to an approved safe operational plan.
- (3) The commercial raft operator may make the following changes to an approved safe operational plan without the prior approval of the Director:
- (a) changes to the contact list for emergency call-outs;
  - (b) reassignment of personnel responsibilities;
  - (c) changes to systems and procedures used for identification, control, and review of operational hazards.

### **81.15 Notification of termination of operations**

A commercial raft operator that terminates a commercial rafting operation must notify the Director, in writing, of the termination within 30 days of the date of termination.

## **Inspection and audit of commercial rafts and rafting operation**

### **81.16 Inspection and audit of commercial rafting operation**

The Director may require a commercial raft operator and its commercial rafting operation to undergo such inspections and audits as the Director considers necessary in the interests of safety.

## **Certificates of compliance**

### **81.17 Commercial raft operator must hold current certificate of compliance**

A commercial raft operator must hold a current certificate of compliance issued in accordance with this Part.

### **81.18 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 remains in force for 4 years, but may be suspended or revoked by the Director in accordance with Part 5 of the Act.
- (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 its 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.

### **81.19 Requirements for issue of a certificate of compliance**

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

- (a) the commercial raft operator must make an application for the certificate of compliance in accordance with Section 35 of the Act and rule 81.20, and include a safe operational plan as described at rule 81.11; and
- (b) the Director must be satisfied with the results of any audit and inspection of the commercial rafting operation.

**81.20 Additional information for application for a certificate of compliance**

- (1) In addition to the requirements of section 35 of the Act, an applicant must include the following information with its 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 postal address, and email address (if applicable):
  - (e) the name and section of every river included in the safe operational plan that is to be noted on the certificate of compliance.
- (2) The Director may require any additional information he or she considers necessary to support an application for a certificate

## Subpart B: Guides

### Key requirements

**81.31 Responsibilities of commercial raft operators 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 81.33 to 81.35.

**81.32 Guides to comply with approved safe operational plan**

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

### Qualifications and guide fitness for work

**81.33 Guide to be medically and physically fit**

- (1) A guide of a commercial raft must demonstrate to their employer that he or she is physically fit to work as a guide.
- (2) A guide of a commercial raft must disclose to their employer any medical condition or injury which may affect their ability to work as a guide.
- (3) A commercial raft operator must not allow a raft trip to proceed if, in the opinion of that operator, the guide for that raft trip is impaired.

**81.34 Guide to hold relevant qualification**

- (1) A person must not act as a guide of a commercial raft trip unless that person holds the national raft guide award of an equivalent or higher grade to the grade of river being rafted.
- (2) A guide who carries out trip leader 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 raft guide award; and
  - (b) evidence that the training requirements have been met must be confirmed by—
    - (i) a certificate of completion of a course of training in river rescue skills; or
    - (ii) completion of a course of training in river rescue skills, verified in writing by a national rafting assessor.
- (3) The evidence required in subrule (2)(b) must be kept with the safe operational plan, or the safe operational plan must state the location of the evidence.

**81.35 Guides to hold current first aid certificate**

- (1) A guide who carries out guide duties must hold a current first aid certificate in accordance with the following NZQA unit standards:

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- (a) for a guide who holds a national raft guide grade 2, 3, or 4/5 award, NZQA unit standard 6400:
  - (b) for a guide who holds a senior national raft guide award, or a guide who carries out trip leader duties on grade 1 and 2 rapids, NZQA unit standard 424.
- (2) The Director may accept an alternative first aid certificate as meeting the requirements of subrule (1) if satisfied that the holder has received training to an equivalent or higher standard than the standard required in subrule (1).

## **Guide clothing**

### **81.36 Clothing**

A guide or trainee guide on board a commercial raft must wear the following:

- (a) a fit for purpose 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 thermal wear and footwear.

## **Award-issuing organisations**

### **81.37 Recognition of award-issuing organisation**

- (1) The Director may recognise an award-issuing organisation for the purposes of issuing national raft guide and senior national raft guide awards.
- (2) The Director may, at any time, revoke his or her recognition of an award-issuing organisation.

### **81.38 Audit of recognised award-issuing organisation**

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

## **Subpart C: Passengers**

### **81.51 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 which increases with the grade of rapids. Participants should be aware that the commercial raft operator cannot guarantee your safety.”**

### **81.52 Additional information for passengers on group-guided commercial raft trips**

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

- (a) the raft 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.

### **81.53 Instruction in river awareness and raft handling procedures**

Before each raft trip, the guide must ensure passengers are adequately instructed in river awareness and raft handling procedures, commensurate to the nature of the rapids encountered, including as appropriate—

- (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.

**81.54 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.

**81.55 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.

**81.56 Personal flotation devices**

- (1) A commercial raft operator must provide every passenger on board a commercial raft with a personal flotation device.
- (2) Subject to subrule (7), 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 the operator's safe operational plan, that personal flotation devices need not be worn.
- (3) Unless subrule (4) or (5) applies, the personal flotation device must be a type 406 specialist personal flotation device designed for use in white water rafting.
- (4) The personal flotation device for use by children or by any passengers involved in oar raft fishing may be either a type 402 or a type 406.
- (5) The Director may accept other types of personal flotation device if the Director is satisfied that the personal flotation device complies with a national or international standard as verified by a recognised authority and is designed for use in white water rafting.
- (6) A guide of a commercial raft must ensure that passengers are correctly fitted with personal flotation devices before passengers board the raft.
- (7) A guide of a commercial raft must ensure that every passenger on board the raft wears a personal flotation device while transiting rapids, and that the device is worn properly throughout such transit.

**81.57 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) Subject to subrule (1), 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.

**81.58 Clothing and footwear**

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

## Subpart D: Raft trips

### Commercial rafts and their equipment

#### 81.71 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.

#### 81.72 Other safety requirements for commercial rafts

A 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 inside the raft to allow the guide to control the raft.

#### 81.73 Equipment carried on commercial rafts

- (1) Subject to subrules (2) and (3), a commercial raft operator must ensure that the following equipment is carried on every commercial raft:
  - (a) in all cases, this includes—
    - (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); and
    - (v) a first aid kit consistent with the Department of Labour's First Aid for Workplaces – A Good Practice Guide (September 2009):
  - (b) in the case of a raft with a rowing frame, this includes—
    - (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 at least 1 raft repair kit, capable of repairing punctures in buoyancy chambers, 1 topping up pump, and at least 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) if provided for in the operator's approved safe operational plan, readily available from an accompanying support vehicle, or from a cache at a location accessible by guides.
- (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 or 35 passengers is maintained for the duration of the rafting trip.
- (4) In the case of a group-guided commercial raft trip, subrules (1)(a)(i), (1)(a)(iv), and (1)(a)(v) do not apply to rafts that do not have an on-board guide.

- (5) In the case of a group-guided commercial raft trip using only rafts less than 3 metres in length—
- (a) subrule (1)(a)(ii) does not apply; and
  - (b) each raft may have only one securing line.

**81.74 Safety boat requirements**

- (1) A commercial raft operator must ensure that—
- (a) a kayak or river sledge functioning as a safety boat is under the control of a person who is appropriately skilled, experienced, and equipped to be able to safely navigate in support of the commercial rafting trip; and
  - (b) a raft functioning as a safety boat must be under the control of a guide who has been assessed as capable of carrying trainee guides, other guides, or employees of the operator on the river and performing the required safety functions; and
  - (c) a raft functioning as a safety boat does not carry passengers.
- (2) The use of a river sledge as a safety boat must be approved by the Director.

**All raft trips**

**81.75 No commercial rafting operations on grade 6 rapids**

A commercial raft operator may not operate a commercial raft on grade 6 rapids.

**81.76 Hours of operation**

A commercial raft operator may only carry out commercial rafting operations between sunrise and half an hour before sunset, unless rafting outside of those hours—

- (a) is the specific purpose of the trip; and
- (b) is provided for in the operator's approved safe operational plan.

**81.77 River and weather conditions**

A 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 a raft trip.

**81.78 Other checks before trip**

Before a commercial raft is operated on a river, a guide must—

- (a) inspect the raft for wear, damage, and proper inflation; and
- (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.

**81.79 Responsible person off-river**

A commercial raft operator and each 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 operator's approved safe operational plan.

**81.80 Sole-guides must always have adequate back-up**

A commercial raft operator must ensure, in the case of sole-guided commercial raft trips, that the responsible person off-river referred to in rule 81.79 is able to be provided as back-up, and is able to be contacted by the guide, passengers, or emergency services, if—

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- (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.

### **81.81 Persons on board commercial raft not to be a risk to safety**

- (1) A commercial raft operator must ensure that procedures are in place to prevent any person from taking part in a raft trip where, in the opinion of the operator, that person is impaired.
- (2) A 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 impaired.

### **81.82 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 belonging to the commercial rafting 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 the 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;
  - (g) qualifications held and training completed by guides in accordance with rule 81.34.
- (2) A commercial raft operator must retain, and make available to the Director at all reasonable times if requested, the information specified in—
  - (a) subrule (1)(a) to (c), for 12 months after the trips;
  - (b) subrule (1)(d), permanently;
  - (c) subrule (1)(e) to (g), for the period of each guide's employment with the operator.

## **Sole-guided commercial raft trips**

### **81.83 Grade 1 or 2 rapids**

- (1) A 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 at least 1 of the following—
  - (a) a national raft guide grade 2 award, and—
    - (i) has passed an assessment against the national standard for river rescue as identified by the award-issuing organisation; and
    - (ii) meets the requirements specified in the operator'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 the operator'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 the operator'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 subrule (1).

**81.84 Grade 3 rapids**

- (1) A commercial operator 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) A guide of a sole-guided commercial raft trip must ensure that any trip on grade 3 rapids is conducted only in accordance with subrule (1).

**81.85 Grade 4 rapids**

- (1) A commercial raft operator must ensure that a sole-guided commercial raft trip is only conducted on grade 4 rapids if—
  - (a) the operator's approved safe operational plan provides for that type of raft trip; and
  - (b) a senior guide grade 4/5 is guiding the raft throughout the trip.
- (2) A guide of a sole-guided commercial raft trip must ensure that any trip on grade 4 rapids is conducted only in accordance with subrule (1).

**81.86 No sole-guided raft trip on grade 5 rapids**

- (1) A commercial raft operator must ensure that a sole-guided commercial raft trip is not conducted on grade 5 rapids.
- (2) A guide of a sole-guided commercial raft trip must ensure that the raft trip is not conducted on grade 5 rapids.

**Multiple raft trips**

**81.87 Trip leader guide: grade 1 or 2 rapids**

- (1) A commercial raft operator must ensure that commercial multiple raft trips on grade 1 or 2 rapids are led by a guide who holds at least 1 of the following—
  - (a) a national raft guide grade 2 award, and—
    - (i) has passed an assessment against the national standard for river rescue as identified by the award-issuing organisation; and
    - (ii) meets the requirements specified in the operator'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 the operator'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 the operator'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 trip-leader of a commercial raft trip must ensure that any trip on grade 1 and 2 rapids is conducted only in accordance with subrule (1).

**81.88 Trip leader guide: grade 3, 4, or 5 rapids**

- (1) A commercial raft operator must ensure that commercial multiple raft trips—
  - (a) on grade 3 rapids are led by a guide who holds a senior national raft guide grade 3 award or higher; and
  - (b) on grade 4 or 5 rapids are led by a guide who holds a senior national raft guide grade 4/5 award.

## **Maritime Rules**

- (2) The trip-leader of a commercial raft trip must ensure that any trip on grade 3, 4 or 5 rapids is conducted only in accordance with subrule (1).

### **81.89 Other guides: grade 1 or 2 rapids**

Subject to rule 81.87, a 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.

### **81.90 Other guides: grade 3, 4, or 5 rapids**

Subject to rule 81.88, a commercial raft operator must ensure that commercial multiple raft trips—

- (a) on grade 3 rapids, have on board every commercial raft a guide who holds a national raft guide grade 3 award or higher; and
- (b) on grade 4 or grade 5 rapids, have on board every commercial raft a guide who holds a national raft guide grade 4/5 award or higher.

### **81.91 Multiple operator raft trips**

A trip leader on multiple raft trips involving rafts of more than 1 commercial rafting operation must be identified in accordance with arrangements set out in the respective operator's safe operational plan.

## **Group-guided raft trips**

### **81.92 Grade 1 or 2 rapids**

- (1) Except as provided for in rule 81.93, a commercial raft operator must ensure that group-guided commercial rafting is conducted only on grade 1 or grade 2 rapids.
- (2) A commercial raft operator must ensure that, for group-guided commercial rafting on grade 1 and 2 rapids—
  - (a) there is at least 1 guide for every 3 rafts; and
  - (b) there is at least 1 guide for every 12 passengers; and
  - (c) if only 1 guide is required, that guide—
    - (i) holds a national raft guide grade 2 award and meets the requirements of rule 81.83(1)(a); or
    - (ii) holds a national raft guide grade 3 award or higher.

### **81.93 Grade 3 rapids**

- (1) A commercial raft operator must ensure that group-guided commercial rafting is conducted on grade 3 rapids only if the operator's approved safe operational plan provides for that type of rafting.
- (2) A guide of a group-guided commercial raft trip on grade 3 rapids must ensure that the raft trip is conducted only in accordance with subrule (1).
- (3) A commercial raft operator must ensure that, for group-guided commercial raft trips on grade 3 rapids—
  - (a) there is at least 1 guide for every 6 passengers; and
  - (b) if only 1 guide is required, that guide holds a senior national raft guide grade 3 award or higher.

### **81.94 No group-guided trips on grade 4 rapids or higher**

A commercial raft operator must not permit a group-guided commercial raft trip to take place on rapids of grade 4 or higher.

### **81.95 Position of guides**

- (1) Guides undertaking group-guided commercial raft trips must maintain visual contact with the other rafts and raft guides undertaking the same trip.

- (2) A guide on a group-guided commercial raft trip must be positioned so that he or she can address any safety matters when navigating rapids.

**81.96 Rapids with difficult passage**

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

- (a) the 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**

**81.97 Information about classification of rapids<sup>2</sup>**

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 Appendix 2 of this Part.

**Subpart E: Vocational training for trainee guides**

**81.111 Organisations providing vocational training**

- (1) The Director may require an organisation that provides vocational training for trainee guides, to undergo such inspections and audits as the Director considers necessary in the interests of safety.
- (2) Subrule (1) does not apply to a commercial rafting operation.
- (3) Every commercial raft operator that provides vocational training for trainee guides must ensure that the parameters and procedures referred to in rule 81.112 are included in the operator's approved safe operational plan, if the activities to which they relate are undertaken.

**81.112 Supervision of trainee guides**

- (1) An organisation that provides vocational training for trainee guides must define—
  - (a) parameters within which trainee guides may undertake trips without on-river supervision where the only other persons on the raft are trainee guides; and
  - (b) parameters within which trainee guides may be carried on a commercial raft when river conditions exceed those specified in the commercial raft operator's approved safe operational plan for the carriage of passengers; and
  - (c) procedures for permitting a trainee guide to control a raft without a guide on board; and
  - (d) procedures to be followed when trainee guides participate in simulated incidents and mishaps to test rescue, recovery, and emergency response skills; and
  - (e) procedures to ensure the necessary equipment is carried or worn by trainee guides.
- (2) If a trainee guide is guiding a raft carrying passengers—

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<sup>2</sup> 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.

- (a) a senior guide or a guide (who, to the satisfaction of the operator, has sufficient experience) must also be on board to manage the trainee and maintain overall control of the raft; and
- (b) an incident or mishap must not be simulated unless the passengers are advised of the risks, and consent is given to being involved before embarking on the raft trip.

## **Subpart F: Hire of rafts**

### **81.121 No raft hire without current approval**

- (1) A person must not hire out a raft unless that person holds a current raft hire approval issued by the Director under Part 5 of the Act.
- (2) A raft may only be hired out in accordance with the terms of the raft hire approval.

### **81.122 Information about raft hire approvals**

- (1) A raft hire approval may be issued or renewed for a period of no more than 24 months.
- (2) 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.
- (3) 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.

### **81.123 Requirements for issue and renewal of raft hire approval**

- (1) Before issuing or renewing a raft hire approval, the Director must—
  - (a) carry out an inspection of all rafts offered for hire, and the fittings and equipment for those rafts, and be satisfied that the rafts, equipment and fittings are, or remain, fit for purpose; and
  - (b) be satisfied that the conditions and operating parameters for the hire of the raft, as required by subrule (2), are satisfactory.
- (2) An application for the issue, or renewal, of a raft hire approval must include any conditions and operating parameters for the hire of the raft that include, as a minimum, arrangements for the following:
  - (a) screening customers for knowledge and skills in relation to the intended raft trip; and
  - (b) briefing customers on river hazards and other environmental factors that could influence the safety of the intended trip; and
  - (c) trip reporting, communications, and emergency plans.

### **81.124 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 in every 12 month period, and take into account operational experience and lessons learnt from analysis of any accidents, mishaps 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 subrule (1).

## Subpart G: Revocation and transitional provisions

### 81.141 Revocations

Section 2 and Appendix 2 of Part 80 are revoked.

### 81.142 Transitional and savings provision

- (1) A certificate of compliance that—
  - (a) was validly issued in accordance with Section 2 of Part 80 before 1 April 2011; and
  - (b) was in force before 1 April 2011;is deemed to be a certificate of compliance issued in accordance with this Part.
- (2) A certificate of compliance deemed to be issued in accordance with this Part in subrule (1) is valid until the earlier of the following:
  - (a) 1 April 2012; or
  - (b) the expiry date noted on the certificate of compliance.
- (3) A safe operational plan that—
  - (a) was approved in accordance with Section 2 of Part 80 before 1 April 2011; and
  - (b) was in force before 1 April 2011,is deemed to be an approved safe operational plan under this Part.
- (4) A safe operational plan deemed to be an approved safe operational plan under subrule (3) is valid until 1 April 2012.

## **Appendix 1: Information to be included in safe operational plan**

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27. Reviews

## Commercial rafting operations

### 1 Commercial raft operator and areas of commercial rafting operations

- (1) Commercial raft operator
  - (a) Legal owner name and contact details.
  - (b) Trading name of commercial rafting operation.
  - (c) Name of person responsible for the approved safe operational plan.
- (2) 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) river trip start points:
  - (b) river 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) reception areas for cellular telephone, radio, other communication devices, and position indicating systems.

## 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 subclause (1), and approved in the safe operational plan, are operated.

### 3 Ensuring no sub-standard commercial raft is operated

A description of how the commercial raft operator will ensure that a commercial raft is not operated in a sub-standard condition (for example, a schedule of inspection and maintenance, a retirement policy for rafts, and a procedure for taking rafts out of service).

## Equipment

### 4 Design specifications and types of equipment and clothing

The design specifications and types of equipment and clothing that are required to ensure that persons are properly equipped to lead and participate in commercial rafting operations on the rivers rafted by the commercial rafting operation.

The operator's policies to ensure provision of all equipment and clothing is of a type specified in subclause (1), (for example, paddles, personal flotation devices, helmets, throw-lines, wetsuits, thermal wear, footwear, repair equipment, and first-aid kits).

### 5 Ensuring all equipment and clothing is up to standard

A description of how the commercial raft operator will ensure 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**

The procedures for ensuring that guides carry or wear personal rescue equipment appropriate to the river being rafted, (for example, a knife suitable for cutting rafts, a whistle, at least 2 karabiners, at least 2 prussic cords, a flip line, a throw bag.)

**7 Clothing**

- (1) A description of the clothing to be worn by guides, trainee guides and passengers to ensure compliance with this Part.
- (2) Where clothing requirements may differ between rivers or types of trips, a description of 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 subclause (1).

**9 Ensuring guides can safely lead raft trips**

- (1) A description of how the commercial raft operator will ensure that every person they employ as a guide can safely lead raft trips on the rivers rafted by that commercial rafting operation.
- (2) The ways in which the commercial raft operator ensures that their guides can safely lead raft trips including, for example, its arrangements for 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 Position descriptions of guides**

The position 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**

A description of how the commercial raft 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.

The procedures for a guide to follow where, in the opinion of the guide, it is no longer safe to permit another guide to take part, or continue to take part, in a raft trip because that guide is impaired.

**12 Procedure for refusing to work as guide on safety grounds**

The procedure to be followed if a guide refuses to work on the grounds of compromised safety to themselves, other rafting guides, or passengers, including how to recognise a situation to which the procedure applies.



## Passengers

### 13 Enabling passengers to book a suitable raft trip

A description of how the commercial raft operator will provide 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

A description of how the commercial raft operator will screen each passenger on 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

A description of how the commercial raft operator will ensure that all passengers receive and understand the information they need to participate safely in the raft trip.<sup>3</sup>

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

A description of how the commercial raft operator will manage 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) The arrangements in place to ensure that there is at least 1 means of effective emergency communication at all times.<sup>4</sup>
- (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

A description of how the commercial raft operator will ensure that each raft trip is carried out safely in all operating situations,<sup>5</sup> including how the commercial raft operator intends to manage—

- (a) passenger to guide ratios;
- (b) number of guides on each trip;
- (c) safety briefings;
- (d) ages of passengers;
- (e) raft departure times.

### 19 Additional information

If safety practices applying to a particular river require certain equipment to be provided or carried, a description of the following must also be included, as appropriate:

- (a) the provision of safety boats; and
- (b) ways of dealing with specific hazards; and
- (c) inspection of sections of the river during a raft trip; and

<sup>3</sup> For example, safety briefings, demonstrations, and information to passengers who are not English-speaking.

<sup>4</sup> For example, a distress 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).

<sup>5</sup> 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.

## **Maritime Rules**

- (d) responsibilities of any person driving a support motor vehicle.

### **20 Changes to commercial rafting operations**

A description of how the commercial rafting operation deals with changed or changing circumstances including 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**

### **21 Safe river flows**

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

### **22 Safe weather conditions**

- (1) The types of weather conditions that are safe for the commercial rafting operation.
- (2) The sources of information referred to in subclause (1).
- (3) The requirements to operate within those safe weather conditions.

## **Health and safety responsibilities**

### **23 Managing hazards**

A description of how the commercial raft operator intends to meet its health and safety responsibilities under 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) the way in which the commercial raft 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) a description of how the commercial raft operator will ensure participation of 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) using appropriate personal protective clothing and equipment and following instructions for its correct use; and
  - (iii) not misusing or damaging rafts and their equipment; and
  - (iv) reporting accidents and significant hazards and mishaps to the operator; and
  - (v) complying with 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**

### **24 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; and
- (d) specifies training and exercises to ensure the effectiveness of the plan and prepares employees for any emergency.

## **Accidents, incidents, and mishaps**

### **25 Recording and reporting procedures**

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

### **26 Investigation procedures**

The procedures for investigating accidents, incidents, and mishaps.

### **27 Reviews**

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

## **Appendix 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**

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.