

Advisory Circular

ISSUE NO 1. RULE PART 82- AC VERSION NO.1, 2 AUGUST 2012

PART 82: COMMERCIAL JET BOAT OPERATIONS – RIVER

GENERAL

Purpose of advisory circulars

Maritime New Zealand (MNZ) advisory circulars are designed to give assistance and explanations about the standards and requirements set out in the maritime rules. However, the notes contained in advisory circulars should not be treated as a substitute for the rules themselves, which are the law.

If an advisory circular sets out how a rule can be satisfied, then compliance with that advice ensures compliance with the rule. Other methods for complying with the rule may also be possible. Where there is doubt about how to comply with a particular clause of a rule, contact MNZ or your safety auditor for advice.

Advisory circulars may be amended from time to time or new advisory circulars issued. Any changes to advisory circulars will be notified to operators via email and will be available on the MNZ website.

This advisory circular supports Maritime Rules Part 82: Commercial Jet Boat Operations - River. When a number reference (such as Rule 82.27) is used it relates to a specific rule within Part 82.

The numbering of rules in Part 82 follows a new convention, based on a new block of numbers for each subpart. Subpart A starts at Rule 82.22, Subpart B starts at Rule 82.41, and Subpart C at Rule 81.61, etc.

Application of the rule

Maritime Rules Part 82 applies to operators and drivers of commercial jet boats that:

- operate on rivers; and
- carry passengers; and
- are less than nine metres in length; and
- are designed to carry no more than 34 people.

Part 82 does not apply to:

- any jet boat that operates at sea; or
- any jet boat that operates on a lake, unless in accordance with the lake transit provisions in Part 82; or
- amusement devices registered under section 21A of the Machinery Act 1950; or
- personal water craft such as jet skis; or
- jet sprint boats operated on lakes or man-made courses.

Purpose and overview of the rule

Part 82 is intended to limit the likelihood and consequences of serious harm to people on board commercial jet boats operating on rivers. It sets minimum standards that must be met, and requires each commercial jet boat operator (operator) to develop and maintain a safe operational plan (SOP) that adequately manages risks and hazards specific to their operation.

To achieve this, Part 82 requires that no operator may carry passengers unless they hold a Commercial Jet Boat Operator Certificate. A commercial jet boat operation (operation) will be issued with a Commercial Jet Boat Operator Certificate when the Director of MNZ is satisfied that:

- the operation's jet boats and equipment meet the minimum safety standards required under Part 82; and
- the operator is a fit and proper person; and
- the Commercial Jet Boat Safe Operational Plan (SOP) satisfactorily identifies and manages risks and hazards associated with an operation.

Summary of the rule

Subpart A – Operator certification

Subpart A outlines the requirements for issuing and retaining a Commercial Jet Boat Operator Certificate. This certificate may be issued for up to four years. However, the Director will require an operation to be audited and inspected to ensure it continues to comply with rule requirements and the approved SOP.

A Commercial Jet Boat Operator Certificate is a maritime document issued in accordance with Section 41 of the Maritime Transport Act 1994 (the Act). Rule 82.22 requires the Director to issue a Commercial Jet Boat Operator Certificate if satisfied the applicant meets the requirements of Sections 35 and 41 of the Act. Section 41 also requires the Director to undertake a 'fit and proper person' assessment of people likely to have control over the exercise of the privileges of a maritime document. Fit and proper person forms may be requested from MNZ and can also be found at www.maritimenz.govt.nz.

Under rule 82.27, operators are required to hold an SOP. The SOP must be approved by the Director and include the content specified in Appendix 1 of Part 82. Rule 82.27 also requires every SOP to include a driver competency programme that satisfies the driver competency requirements described in Rule 82.68. This means that the driver competency programme must be sufficient to ensure that drivers, both new and experienced, are adequately trained, current and proficient for each area, type of jet boat and nature of the operation they work in. For example, an operation that includes lake time must have a programme in place to ensure drivers are adequately trained and proficient for this part of the trip. Part 82 requires an operator to appoint an assessor to conduct initial and ongoing driver competency checks. The SOP must state the criteria for becoming an assessor as well as the frequency in which the checks will occur. A driver licence holder must not drive for an operation until they satisfy the competency requirements of that operation. Any changes to the driver competency programme must be approved by your safety auditor (acting under delegation from the Director) before being implemented.

The requirement to identify a training instructor is only applicable to operations that train persons for the New Zealand Commercial Jet Boat Driver (River) Licence. An operation that wishes to train new drivers for the licence must include in its SOP a structured training programme in which the trainee driver has at least 50 hours' experience under the supervision of an instructor. The SOP must also specify the criteria used for selecting training instructors. Changes to the training programme must be approved by the safety auditor (acting under delegation from the Director) before being implemented.

Rule 82.28 outlines the operator's obligations after the SOP is approved by the Director. This includes ensuring that all jet boats being used continue to comply with Part 82 and that the SOP is up to date

and implemented effectively. Rule 82.28 also requires the operator to ensure that any changes to the SOP are approved before being made. It is important to note that the operator may not make changes, without prior approval from the Director, to the competency and training programmes or the SOP content required under Appendix 1.1. Operators wishing to change this content should contact their safety auditor. All other changes may be authorised directly by the operator by signing and dating the changes. To effectively control the SOP, MNZ recommends that each SOP has an index, that each page is numbered, and provides the SOP version number and the date the version was made.

Operators must conduct a review of their SOP at least every 12 months and after every incident, accident or mishap.

Subpart B – Commercial jet boat requirements

Rule 82.41 requires operators to ensure the jet boats used in their operation comply with the jet boat standards prescribed in Appendix 2. Jet boats must not carry passengers unless they continue to comply with Part 82 requirements.

Rule 82.42 prohibits operators from carrying passengers in a jet boat that has had a major alteration or modification until the Director's approval has been obtained. Operators may carry out their own testing of alterations and modifications prior to re-inspection providing that no passengers are carried.

Operators should refer to the definition of major alteration or modification in Rule 82.2. Examples of major alterations or modifications include:

- changing the type of jet unit; or
- changing the engine make and/or horsepower; or
- changing seating arrangements; or
- changing the emergency exit structure.

Operators should consult their safety auditor or liaison person before any changes are made if they have any doubt about whether an alteration or modification would be considered 'major' for the purposes of this rule. MNZ recommends that operators, where possible, plan major alterations or modifications so that inspection can occur as part of the usual audit and inspection cycle.

Subpart C – Commercial jet boat drivers

Subpart C outlines the requirements for issuing and retaining a New Zealand Commercial Jet Boat Driver (River) Licence. The licence is a maritime document issued in accordance with Section 41 of the Maritime Transport Act 1994.

Rule 82.61 prohibits any person from carrying passengers in a commercial jet boat operation unless they hold the New Zealand Commercial Jet Boat Driver (River) Licence. The definition of "passenger" for the purposes of Part 82 does not include a person carried by an unlicensed driver for the purposes of driver training. This definition is intended to accommodate the longstanding practice in the sector to carry friends and family towards the end of a driver's training in order to replicate normal driving conditions (e.g. boat handling characteristics and delivering passenger safety briefings). It is important to note that this practice is only permissible when undertaken under the control of an approved training programme.

A non-licensed person (for example, a mechanic) may also drive a jet boat in a commercial operation without passengers, providing this is done according to an approved SOP.

Rule 82.62 outlines requirements for applying for a New Zealand Commercial Jet Boat Driver (River) Licence.

For the purposes of rule 82.62(b), a colour photocopy of a New Zealand Driver Licence or the identification pages of any valid passport will be acceptable evidence, providing the copies are signed as a true and correct by:

- a commercial jet boat operator holding a valid certificate of compliance under either Part 80 or Part 82, or
- a person holding a delegation to audit and inspect jet boat operations under Part 80 or Part 82, or
- a person holding delegations to test drivers for the award of the New Zealand Commercial Jet Boat Driver (River) Licence, or
- a Maritime Safety Inspector, or
- a person authorised to witness statutory declarations.

For the purposes of rule 82.62(c), a recent passport style photograph of the applicant's head and shoulders only, with a neutral facial expression and taken in front of a plain background, will be considered satisfactory evidence. The photograph should be provided in digital and hardcopy form, with the hard copy version being signed as a true likeness of the applicant by:

- a commercial jet boat operator holding a valid certificate of compliance under either Part 80 or Part 82, or
- a person holding a delegation to audit and inspect jet boat operations under Part 80 or Part 82, or
- a person holding delegations to test drivers for the award of the New Zealand Commercial Jet Boat Driver (River) Licence, or
- a Maritime Safety Inspector, or
- a person authorised to witness statutory declarations.

For the purposes of 82.62(d) and (e), the following will be considered satisfactory evidence:

1. A signed statement from a commercial jet boat operator holding a valid certificate of compliance under either Part 80 or 82. This statement must confirm:
 - that the applicant holds the medical and first aid certificates required in Rules 82.65 (b) and (c); and
 - the issue and expiry date of the certificates; and
 - that the operator will keep a copy of the certificates to be verified at next audit.
2. A copy of the required medical and first aid certificates that have been signed as true and correct by:
 - a commercial jet boat operator holding a valid certificate of compliance under either Part 80 or Part 82, or
 - a person holding a current delegation to audit and inspect jet boat operations under Part 80 or Part 82, or
 - a person holding a current delegation to test drivers for the award of the New Zealand Commercial Jet Boat Driver (River) Licence, or
 - a Maritime Safety Inspector, or
 - a person authorised to witness statutory declarations.

Rule 82.63 allows the Director to issue a jet boat driver licence if satisfied the applicant meets the requirements of sections 35 and 41 of the Act. Section 41 requires the Director to undertake a 'fit and proper person' assessment of any applicant for a jet boat driver licence. Fit and proper person forms may be requested from MNZ and can also be downloaded from www.maritimenz.govt.nz

Rule 82.65 specifies that a jet boat driver licence will remain current if a commercial jet boat driver meets the requirements of Part 82 and the operation's SOP, which includes the driver competency requirements. The jet boat driver licence is not valid if the holder:

- ceases to be a fit and proper person, or
- does not hold a medical certificate (as specified by Rule 82.65(1)(c)) issued within the previous five years, or

- becomes aware of any medical condition that may interfere with their ability to safely undertake their driving duties (in which case they should contact a general practitioner to confirm their fitness to hold the medical certificate), or
- does not have a current first aid certificate, as required by the rule.

Rule 82.65(c) requires the licence holder to comply with the requirements of the medical certificate prescribed in the rule. This means for example, that drivers must wear corrective lenses when this is required. Drivers must also not drive if they become aware of a change in their medical condition since the certificate was issued that may interfere with their ability to drive a boat.

Rule 82.67 requires each jet boat driver to maintain a driver log book. The log book must be verified as accurate by the operator or other person nominated in the SOP, at least every six months if permanently employed or annually if seasonally employed. An approved driver log book template is attached to this Advisory Circular (see Annex A) and may be photocopied for use.

The following figure is an example of a satisfactorily completed driver logbook:

COMMERCIAL JET BOAT DRIVER LOG							
YEAR: 2012		DRIVER NAME: JOE HAMILTON			HOURS BROUGHT FORWARD: 1060		
MONTH	DAY	JET BOAT TYPE	JET BOAT NAME	NUMBER OF TRIPS	HOURS DRIVING	COMMENTS	TOTAL
May	6	Twin	No 1	4	@1	—	4
	7	Twin	No 1	3	@1	—	3
	12	Single	No 2	6	@1	—	6
	16	Twin	No 1	1	1	Driver famil.	1
	18	Single	No 2	4	@1	—	4
	23	Twin	No 1	1	2	—	2
	28	Single	No 2	2	@1	—	2
	28	Twin	No 1	1	1	Comp. check	1
						ACCRUED HOURS:	23
						TOTAL BALANCE:	1083
OPERATOR VERIFICATION							
NAME: MIKE JET		SIGNATURE: M. Jet			DATE: 2/6/12		

Subpart D – Revocation, transition, and consequential provisions

Subpart D establishes the provisions for transitioning commercial jet boat operations and commercial jet boat drivers from Part 80 to Part 82.

Rule 82.102 allows a grace period for any operations that may need to make adjustments to meet the requirements of Part 82. The effect of this provision is that Part 80 continues to apply in respect of an operation until the earliest date of:

- the expiry date noted on your certificate of compliance under Part 80, or
- 2 August 2013.

This means that an operator who holds a certificate of compliance issued under Part 80 within the 12-month period prior to Part 82 coming into force will not be required to comply with Part 82 until the earliest date of either the expiry date noted on the Part 80 certificate of compliance, or 12 months after the day the Part comes into force. It is important to note that this grace period does not apply to the training requirements for the award of the New Zealand Commercial Jet Boat Driver (River) Licence. Operators who wish to train new drivers for the licence must contact their safety auditor to have their structured training programmes approved.

Under rule 82.103, commercial jet boat drivers who have driven commercially under Part 80 in the 12 months before 2 August 2012 are deemed to hold the New Zealand Commercial Jet Boat Driver (River) Licence until 2 August 2013. It is important to note that drivers who qualify under this provision will not

be permitted to carry passengers from 2 August 2013 unless they have been issued the physical licence. Drivers who wish to apply for a licence under the transitional provision must apply for a licence renewal under rule 82.66. This application must also be accompanied with a statement from a commercial jet boat operator confirming that the applicant has driven under Part 80 in the 12 months before 2 August 2012 and has demonstrated safe driving ability, competence, and experience as a driver.

Appendix 1 – Operating details, procedures and programmes to be included in the Commercial Jet Boat Safe Operational Plan

Appendix 1 outlines the operating details, procedures and programmes that must be included in the SOP.

Appendix 1, clause 1.1 – Operating details

Clause 1.1 of Appendix 1 outlines the commercial jet boat operator details. Any changes to this section must be approved by the Director before being implemented. This requirement may be satisfied by your safety auditor approving the change by email or in other signed and dated written form. All other changes to the information required by clauses 1.2 to 1.23 of Appendix 1 may be directly approved by the operator signing and dating those changes.

Appendix 1, clause 1.2 - Commercial jet boat operating details

Clause 1.2.2 of Appendix 1 requires any operation that wishes to transit lakes in order to access its river of operation to demonstrate in its SOP how it satisfies the equivalent safety requirements of Maritime Rules Part 40A. Part 82 only allows lake time where this is necessary for a jet boat to access the river of operation and where the Director is satisfied that the jet boat design, construction, and materials of construction are adequate for the intended trip. Operations that do not meet Part 40A requirements must demonstrate that an equivalent level of safety is achieved during the trip. The circumstances for showing this will be different for each operation, but factors to be considered should include the length of time on a lake, the safe operational parameters (for example weather and lake conditions), safety procedures, and distance from shore.

Clause 1.2.3 of Appendix 1 outlines the process for advising the Director of any non-commercial use of your operation's jet boat. To minimise effort, one notification may cover multiple dates. One notification may also cover any period where multiple non-commercial trips are taken, provided that no *commercial* trips are undertaken within that period. The prior notification of non-commercial use of a jet boat should include the:

- name and MNZ number of the jet boat to be used non-commercially; and
- intended dates of the trip(s); and
- areas of the trip(s).

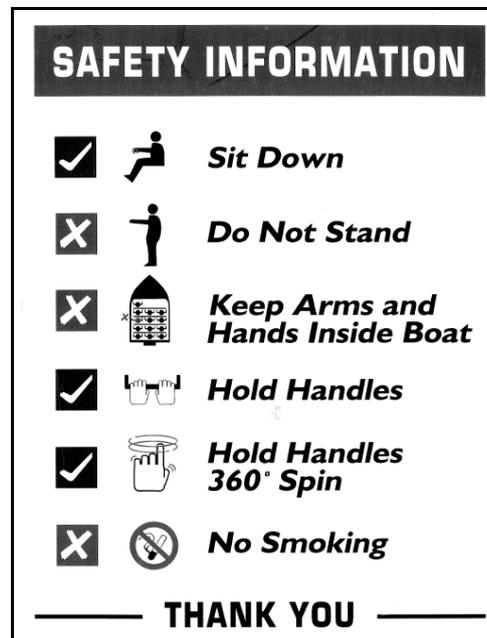
Sending an email to Part82ncu@maritimenz.govt.nz, copying in your safety auditor's email address, is an acceptable form of prior notification. Operators without access to email may make alternative notification arrangements with their safety auditor.

Appendix 1, clause 1.9 – Passenger screening and safety information

Operators are required to develop procedures to ensure that all passengers receive the safety information they need before participating in a trip. Passengers must not board the boat if they are impaired to such an extent that they are a hazard to themselves or any other person on board the boat.

Safety information must be provided in a form that can be understood by any non-English speaking passengers. MNZ considers this safety information card example is suitable for many operations. We recommend the briefing card is made available to passengers in English, Japanese, Korean, Mandarin and German, as appropriate.

Passengers must be advised of any specific risks they may face during the trip. MNZ recommends operators include at least the following minimum risk warning: “Jet boating is an adventure activity and does include an element of risk.”



Appendix 1, clause 1.10 – Communications

Clause 1.10.1 of Appendix 1 requires drivers to maintain contact with a shore base, as well as other commercial jet boat drivers on the same river. MNZ recommends that different operators sharing the same river use single channel radio communication as the primary form of communication between boats.

Clause 1.10.2 requires back up arrangements to be in place in case the primary means of communication fails. MNZ recommends that the back up communication on rivers with multiple operators should have immediate response and operate on the same frequency.

Appendix 1, clause 1.11 – Personal flotation devices

Clause 1.11.1 of Appendix 1 requires personal flotation devices to be correctly fitted on passengers before they board the jet boat. It is essential that personal flotation devices are adequately fitted to keep the wearer’s head above water. Personal flotation devices should therefore not be too large and should be close enough fitting so as not to ride up over the passenger’s chin or ears if they are overboard. MNZ recommends that devices for children be fitted with a crotch strap.

Appendix 1, clause 1.12 – Navigation safety

Clause 1.12 of Appendix 1 outlines the general navigation safety requirements that must be followed. It is important to note that this is not an exhaustive list and operators must also comply with any other applicable maritime rules navigation safety by-laws (for example Part 22: Collision Prevention), any resource consent requirements, and other relevant statutory requirements.

Appendix 1, clause 1.15 – Hours of operation

Generally trips must be scheduled to finish half an hour before sunset. Sunset times for the various regions of New Zealand are available from the annual *New Zealand Nautical Almanac* available

electronically at <http://www.linz.govt.nz/hydro/nautical-info/astronomical-info>. It is the responsibility of the operator and drivers to ensure that sufficient time is provided to run the trip safely and finish within the required timeframe. During winter months trip departure times may need to be modified to allow for shorter daylight hours.

Night driving may be permitted if it is a purpose of the trip and where it is identified in the approved SOP.

Drivers should be familiar with the river to such an extent that the reduced night vision has no impact on awareness of the location of any potential hazards. Generally, night driving would only be suitable for easily navigable river sections.

Appendix 1, clause 1.18 – River, lake and weather conditions

River, lake (if applicable) and weather conditions must be assessed before each trip. There is no single prescription for sources of weather information but operators should take all practicable steps to ensure that they stay abreast of any forecasts which may adversely affect their trips.

Along with monitoring weather forecasts, subscribing to the MetService severe weather warning is one way to identify potential weather threats.

Where electronic flow gauges are available, these should be used in determining safe flow levels and records should be maintained over time to enable operators to learn from any historic trends in flow patterns and rainfall intensity.

Appendix 1, clause 1.19 – Carriage of cargo

The provision for cargo is intended to accommodate jet boats under Part 82 that on occasion carry items other than passengers. Other provisions of Part 82 still apply while carrying cargo, including the requirement that the jet boat's freeboard must not be exceeded at any time. A jet boat that is not intended to carry passengers must comply with Maritime Rules Parts 21 and 40C.

Appendix 1, clause 1.20 – Managing hazards

Operators must establish processes to identify and manage all of the possible hazards and emergencies that could reasonably be anticipated for their operation.

Operators are strongly encouraged to raise (and resolve) the following issues when developing or revising their processes:

1. Have I identified all of the possible hazards and emergencies that could reasonably be anticipated for my operation?
2. Are my emergency prevention and response procedures relevant to my operation?
3. Do these procedures represent an effective means for preventing or responding to an emergency?
4. Are the procedures easy to communicate and understand?
5. Do drivers and other relevant staff have a working knowledge of the processes as they relate to them?
6. Have I provided adequate training and supervision for the SOP to be effectively implemented?

An example of effective hazard management would be having a procedure in place to ensure that drivers are not impaired when in control of a jet boat. Impairment includes being affected by fatigue or by the consumption of alcohol and other drugs to such an extent that the driver would pose a risk to themselves or other persons. SOPs should have procedures in place to address these potential sources of harm. Appropriate measures may include limiting driver hours (to address fatigue) and having a policy and procedure for the workplace testing of drivers for alcohol and other drugs.

It is important to note that commercial jet boat operations are also regulated by the Health and Safety in Employment Act 1992. This is particularly relevant for identifying and managing occupational and workplace (including on board commercial jet boats) health hazards. Operators are referred to

<http://www.osh.govt.nz/> for further information on hazard management, and to www.maritimenz.govt.nz for information on specific emergency prevention and response procedures.

Appendix 1, clause 1.22 – Accident, incident and mishap procedures

Commercial jet boat drivers and operators are legally required to report any accident, incident or serious harm injury as soon as practicable after it occurs. This means as soon as the safety of people, the boat or the environment have been secured and communication is available.

A specific jet boating accident form can be downloaded from www.maritimenz.govt.nz and should be included in all SOPs.

In brief, the following types of accidents, incidents, or mishaps must be reported:

Accidents include damage to a jet boat that may affect its structural integrity or performance, a risk posed to the safety of passengers, groundings, collisions, machinery failures and steering loss.

Incidents include a near collision or a near grounding.

Serious harm injuries (legally defined in the Act as mishaps) include, but are not limited to, death, amputation of a body part, burns, loss of consciousness and any harm that causes a person to be hospitalised for a period of 48 hours or more. In the case of a serious harm injury on board a jet boat, there is a further legal requirement for reporting under section 25 of the Health and Safety in Employment Act 1992. In such a case, the boat owner must also complete an additional form.

Minor injuries, such as a small cut or sprain, do not have to be reported to MNZ. Please contact your safety auditor if you are in any doubt about whether you need to report an event.

Appendix 2 – Commercial jet boat standards

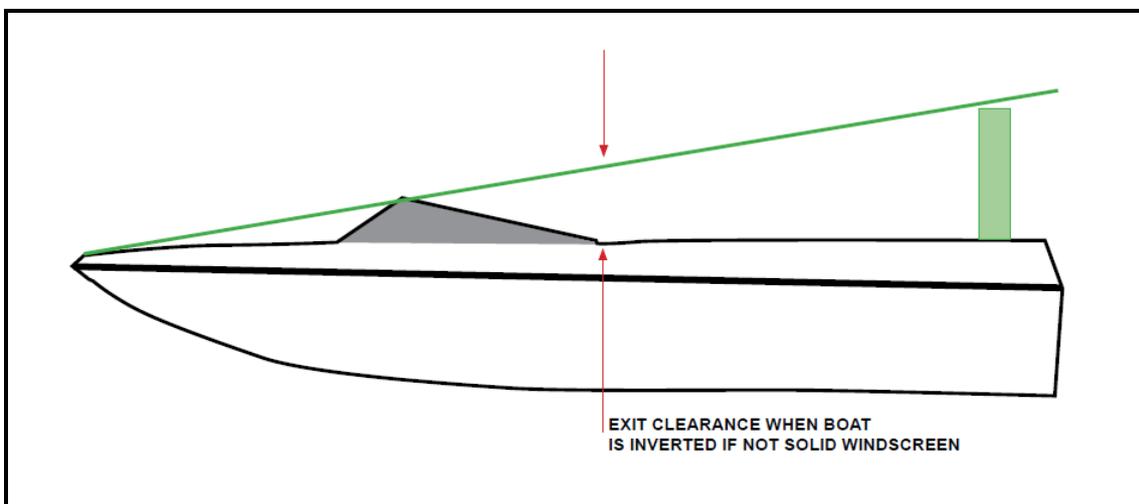
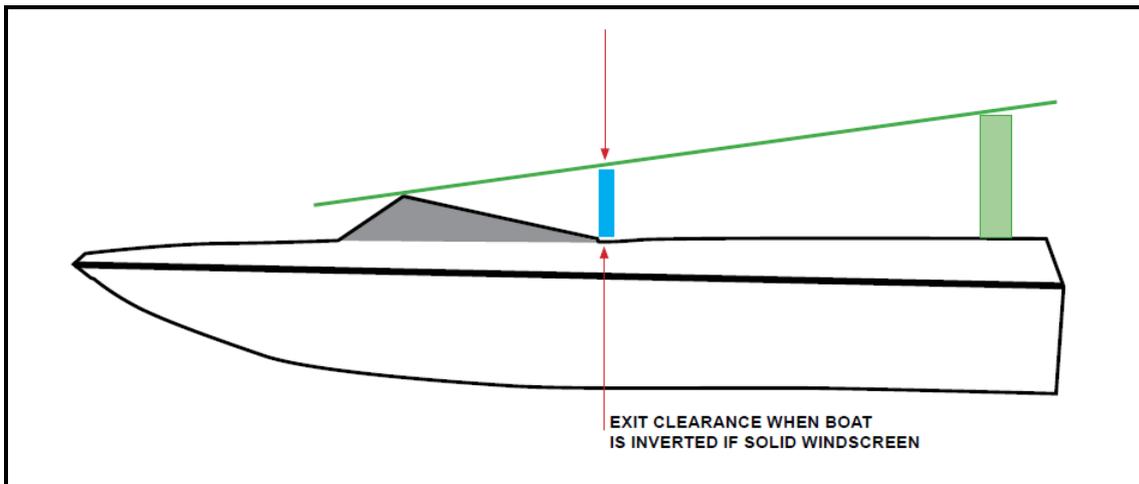
Appendix 2 outlines the jet boat and equipment standards that must be met. Operators must ensure all jet boats used in their operation comply with these standards. They must not use a jet boat that has undergone a major modification until it has been approved by the Director.

Appendix 2, clause 2.2 – Provision for emergency exit

Clause 2.2.1 of Appendix 2 requires commercial jet boats operating on braided sections of rivers to be fitted with an exit structure that will allow emergency exit by all persons on board if the jet boat overturns. Part 82 defines a braided section as a section of a river where the main channel is braided with multiple channels separated by temporary bars or shoals. This requirement will apply to new jet boats from 2 August 2012. Existing jet boats have until 2 August 2016 to comply with this requirement.

Operators should obtain a fit for purpose statement from the boat builder, installer of the exit structure or appropriately qualified third party stating that the emergency exit structure meets the requirements of clause 2.2.1 of Appendix 2.

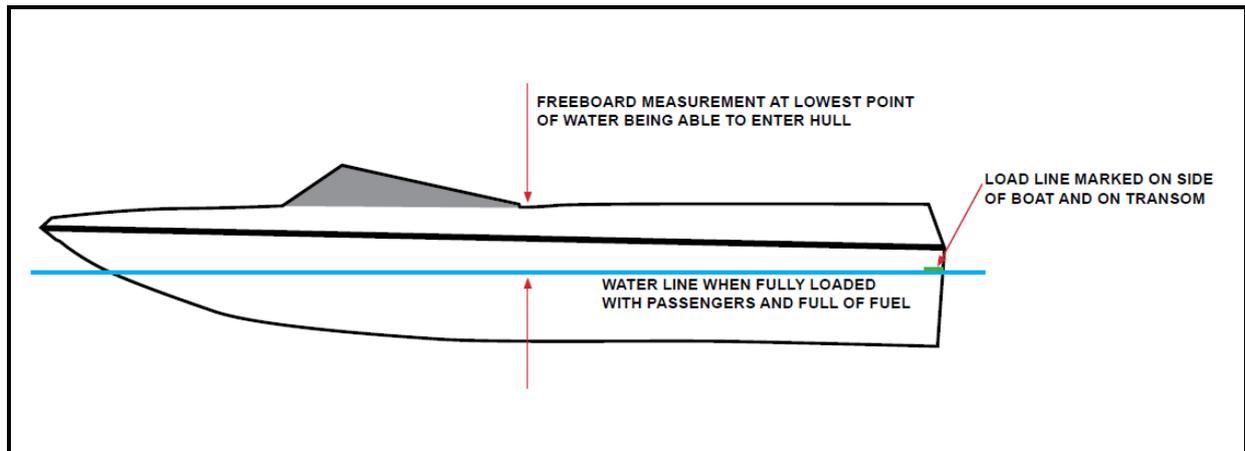
MNZ recommends the exit structure should be high enough to ensure the minimum exit clearance for the passengers and driver is at least 400 millimetres. The red arrows in the following diagrams show the minimum exit clearance:



Appendix 2, clause 2.3 – Freeboard

Clause 2.3 of Appendix 2 requires the freeboard line to be marked on the transom of every jet boat operating under Part 82. Jet boats that begin operation after Part 82 comes into force must have a freeboard load line of not less than 450 millimetres. Existing jet boats must have a freeboard of not less than 300 millimetres.

The purpose of the freeboard line is to enable operators and drivers to easily check the loading of the vessel in relation to the number of passengers. The line should be marked at the waterline on the rear and sides of the jet boat. It must be measured from the lowest point of entry of water into the jet boat and calculated on the basis of the full load, as described in clause 2.3.4 of Appendix 2.



Appendix 2, clause 2.11 – Petrol installation

Testing petrol tanks to a pressure of 3.412 PSI will meet the requirements for pressure testing described in clause 2.11.1(d) of Appendix 2.

Appendix 2, clause 2.14 – Fixed fire extinguishing systems

Clause 2.14 of Appendix 2 provides that jet boats with petrol and LPG installations must be fitted with a fixed fire extinguishing system. Fixed fire extinguishing systems should be inspected and signed off by an appropriately qualified fire extinguisher technician

General enquiries

If you have a general enquiry about this rule, please contact MNZ's Wellington office:

Freephone 0508 22 55 22 (New Zealand only)

Ph (64 4) 473 0111
Fax (64 4) 494 1263

Email enquiries@maritimenz.govt.nz

All of MNZ's current rules and advisory circulars can be found and are available for purchase on our website at www.maritimenz.govt.nz.

ISBN 000-0-000-0000 (See IMO & Rules Coordinator)

Published by
Maritime New Zealand, PO Box 27 006, Wellington 6141, New Zealand

Copyright © Maritime New Zealand 2012

