



Ministry of **Transport**
TE MANATŪ WAKA

Maritime Transport Act 1994

Maritime Rules

PART 82: Commercial Jet Boat Operations – River

Pursuant to sections 34 and 36 of the Maritime Transport Act 1994 I, Maurice Williamson, Acting Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

This

3

day of

July

2012

By HON MAURICE WILLIAMSON

Acting Minister of Transport

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Part objective

The objective of Part 82 is to preserve the health and safety of those on board commercial jet boats by limiting the likelihood and consequences of serious harm.

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.

Extent of consultation

On 21 August 2010, Maritime New Zealand published in each of the daily newspapers in seven main centres of New Zealand a notice inviting comments on the proposed draft rules. A notice was also published in the *New Zealand Gazette* on 19 August 2010. In addition, copies of the draft rules and consultation documents were sent to interested parties (including commercial jet boat operators subject to Part 80) and made publicly available on the web. Approximately 100 RSS feed subscribers also received a consultation notification by email. Comments on Part 82 were requested to be made by 6 October 2010. During the submission period, MNZ also hosted regional seminars in Taupo, Christchurch and Queenstown for commercial jet boat operators and drivers subject to Part 80. A total of 25 submissions were received, all of which were reviewed before further targeted consultation was undertaken with the New Zealand Commercial Jet Boating Association. Where appropriate, the draft rules were amended to take into account comments from the submitters and the New Zealand Commercial Jet Boating Association.

Entry into force

This Part enters into force on 2 August 2012.

General

82.1 Application

This Part applies to every operator and driver of a commercial jet boat who is operating or driving a commercial jet boat on a river.

82.2 Definitions

In this Part, unless the context otherwise requires,—

Act means the Maritime Transport Act 1994:

assessor means a person specified in the Commercial Jet Boat Safe Operational Plan who undertakes an assessment of a licensed commercial jet boat driver's competency:

braided section, in relation to a river, means the section of a river where the main channel is braided with multiple channels separated by temporary bars or shoals:

cargo means any goods being carried on a commercial jet boat other than—

- (a) the personal belongings of a passenger that weigh 7 kilograms or less; or
- (b) the equipment of the commercial jet boat:

commercial jet boat means a commercial ship with water jet propulsion that—

- (a) is less than nine metres in length overall; and
- (b) is designed to carry no more than 34 persons:

commercial jet boat operation means the operation of a commercial jet boat that—

- (a) involves the carriage of a passenger or passengers at planing speed in a commercial jet boat; and
- (b) is undertaken primarily on a river, so that the whole or majority of the trip is undertaken on a river, and may include travel on a lake for the purpose of travelling to or from that river:

commercial jet boat operator means a person who holds a Commercial Jet Boat Operator Certificate:

Commercial Jet Boat Operator Certificate means a certificate issued by the Director under section 41 of the Act in accordance with rule 82.22:

Commercial Jet Boat Safe Operational Plan means a safe operational plan required by rule 82.27:

current, in respect of a certificate or licence, means that the document is valid, and that the document holder has satisfied all currency requirements for the exercise of the privileges of that document:

driver—

- (a) means the person in command or charge of a commercial jet boat; and
- (b) is the master of the boat:

existing commercial jet boat means a commercial jet boat that is not a new commercial jet boat:

freeboard means the lowest point of the upper edge of the hull at which water can enter the commercial jet boat when the jet boat is in still water and carrying a full load:

length overall means the length of the boat measured from the foreside of the head of the stem to the aftermost part of the transom or stern of the boat, but does not include fittings

(such as beltings, bowsprits, trim tabs or jet drive units) that project beyond those terminal points:

master has the same meaning as in section 2 of the Act:

major alteration or modification means an alteration or modification of a commercial jet boat, including the replacement, removal, or addition of—

- (a) any part of the boat that is likely to—
 - (i) significantly affect the structural integrity, freeboard, cargo or passenger capacity, water tightness, or stability of the boat;
 - (ii) result in significant changes to the propulsion machinery, auxiliary machinery, or steering; and
- (b) any safety equipment; not including direct replacement:

mishap has the same meaning as in section 2 of the Act:

new commercial jet boat means a boat that commences commercial jet boat operations on or after 2 August 2012:

non-commercial use, in relation to a commercial jet boat, means the use of the boat for a period, and exclusively during that period, for the owner's or operator's pleasure:

New Zealand Commercial Jet Boat Driver (River) Licence means a licence issued by the Director under section 41 of the Act in accordance with rule 82.63:

passenger, in relation to a commercial jet boat, has the same meaning as in section 2(1) of the Act, and does not include any person on board a commercial jet boat driven by an unlicensed driver for the purposes of driver training:

river means a stream of flowing inland water following a defined path that contains one or more navigable channels:

thrill-type trip means a commercial jet boat operation in which spins, extreme turns, and similar manoeuvres are undertaken:

training instructor means a person specified in the Commercial Jet Boat Safe Operational Plan who provides driver training:

type 401 personal flotation device or **type 401** means a buoyancy aid that complies with section 401 of the New Zealand standard for buoyancy aids (NZS 5823:2005):

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).

82.3 Requirement to hold Commercial Jet Boat Operator Certificate

A person must not perform a commercial jet boat operation except under the authority of, and in accordance with, a current Commercial Jet Boat Operator Certificate issued under section 41 of the Act and in accordance with this Part.

Subpart A Operator certification

82.21 Application for Commercial Jet Boat Operator Certificate

- (1) The applicant for a Commercial Jet Boat Operator Certificate must make an application in accordance with section 35 of the Act, and include, in a form required by the Director,—
 - (a) a Commercial Jet Boat Safe Operational Plan required by rule 82.27; and

(b) such further particulars relating to the applicant as may be required by the Director.

- (2) Every application must be submitted to the Director, with a payment of the appropriate application fee prescribed by regulations made under the Act.

82.22 Issue of certificate

The Director must issue a Commercial Jet Boat Operator Certificate if satisfied that the applicant meets the requirements of section 35 and section 41 of the Act, including the applicable requirements of this Part.

82.23 Display of certificate

Each commercial jet boat operator must display a copy of its Commercial Jet Boat Operator Certificate, in a form acceptable to the Director, in a prominent position at its normal place of business at all times.

82.24 Privileges of certificate holder

The Commercial Jet Boat Operator Certificate entitles the holder to conduct a commercial jet boat operation subject to the conditions specified on the certificate.

82.25 Duration of certificate

A Commercial Jet Boat Operator Certificate may be issued for any period not exceeding four years.

82.26 Currency of Commercial Jet Boat Operator Certificate

A Commercial Jet Boat Operator Certificate remains current if the holder continues to—

- (a) comply with all operating requirements in this subpart; and
- (b) comply with the applicable Commercial Jet Boat Safe Operational Plan; and
- (c) meet the fit and proper person requirements under section 41 of the Act; and
- (d) satisfy any conditions imposed on the certificate by the Director.

82.27 Requirement for Commercial Jet Boat Safe Operational Plan

- (1) Each application for a Commercial Jet Boat Operator Certificate must include a Commercial Jet Boat Safe Operational Plan that is acceptable to the Director and contain—
- (a) the operating details prescribed in clauses 1.1 to 1.5 of Appendix 1; and
 - (b) the operating procedures and programmes prescribed in clauses 1.7 to 1.23 of Appendix 1; and
 - (c) the driver training programme required by subrule (2) and rule 82.62(f)(i), if applicable; and
 - (d) the criteria used to select training instructors for the driver training programme, if applicable; and
 - (e) the competency programme required by subrule (3); and
 - (f) the criteria used to select the assessors described in subrule (3)(b).
- (2) A commercial jet boat operator who intends to train drivers for the New Zealand Commercial Jet Boat Driver (River) Licence must establish a driver training programme in the Commercial Jet Boat Safe Operational Plan to ensure that each driver is adequately and properly trained for the New Zealand Commercial Jet Boat Driver (River) Licence.
- (3) Each commercial jet boat operator must establish a competency programme to ensure that—
- (a) each driver meets the standard of competence prescribed in rule 82.68; and
 - (b) an assessor carries out initial and ongoing assessments of each driver's competence to undertake the driving duties required for that operation; and
 - (c) no driver carries out a self-assessment.

82.28 Operating requirements

A commercial jet boat operator must—

- (a) ensure the Commercial Jet Boat Safe Operational Plan—
 - (i) remains consistent with the commercial jet boat operation; and
 - (ii) continues to be applied; and
 - (iii) continues to meet the applicable requirements of this Part; and
- (b) gain prior approval from the Director for any changes to the following before the change is recorded and implemented:
 - (i) the commercial jet boat operator details as required by clause 1.1 of Appendix 1, that are contained in the Commercial Jet Boat Safe Operational Plan,; and
 - (ii) the driver training programme referred to in rule 82.27(2); and
 - (iii) the competency programme referred to in rule 82.27(3); and
- (c) authorise, by signing and dating, any change to the Commercial Jet Boat Safe Operational Plan, as prescribed in clauses 1.2 to 1.23 of Appendix 1, prior to the change being made; and
- (d) amend the Commercial Jet Boat Safe Operational Plan as required from time to time by the Director; and
- (e) keep in a secure place a current and complete copy of the Commercial Jet Boat Safe Operational Plan; and
- (f) ensure that all commercial jet boats used in the commercial jet boat operation comply with the requirements of Subpart B; and
- (g) conduct a review of the Commercial Jet Boat Safe Operational Plan at least every 12 months and after every incident, accident, or mishap to ensure the commercial jet boat operation, including each on-river commercial jet boat activity conducted under that operation, remains consistent with the Commercial Jet Boat Safe Operational Plan; and
- (h) comply with all the procedures and programmes in the Commercial Jet Boat Safe Operational Plan.

Subpart B Commercial jet boat requirements

82.41 General requirement for commercial jet boats

- (1) Subject to subrule (2), a commercial jet boat operator must ensure that all commercial jet boats used in the commercial jet boat operation comply with the standards prescribed in Appendix 2.
- (2) Subclause 2.2.1 of Appendix 2 applies to commercial jet boats that are—
 - (a) new commercial jet boats;
 - (b) existing commercial jet boats on and from 2 August 2016.

82.42 New commercial jet boats or those with major alteration or modification

A commercial jet boat operator must ensure that a new commercial jet boat, or an existing commercial jet boat that has had a major alteration or modification, is not used in a commercial jet boat operation until approval of the boat is obtained from the Director.

Subpart C Commercial jet boat drivers

82.61 Requirement to hold New Zealand Commercial Jet Boat Driver (River) Licence

- (1) No person may carry a passenger on a commercial jet boat unless he or she holds a current New Zealand Commercial Jet Boat Driver (River) Licence issued under section 41 of the Act and in accordance with this Part, except as provided in subrule (3).
- (2) No person may operate a commercial jet boat unless he or she holds a current New Zealand Commercial Jet Boat Driver (River) Licence.

- (3) A person is not required to hold a current New Zealand Commercial Jet Boat Driver (River) Licence for the purposes of and in accordance with a driver training programme accepted by the Director.

82.62 Application for New Zealand Commercial Jet Boat Driver (River) Licence

An applicant for a New Zealand Commercial Jet Boat Driver (River) Licence must—

- (a) apply in accordance with sections 35 and 41 of the Act in a form required by the Director; and
- (b) be at least 18 years of age; and
- (c) provide a recent photograph of the applicant; and
- (d) provide evidence of holding a current first aid certificate required by rule 82.65(1)(b); and
- (e) provide evidence of having been issued with a DL9 medical certificate and having passed the medical examination required by rule 82.65(1)(c); and
- (f) provide evidence of having, in the last 12 months,—
 - (i) completed a structured driver training programme acceptable to the Director under which the driver has not less than 50 hours experience as a commercial jet boat driver, under the supervision of a training instructor; and
 - (ii) where required by the Director, passed an oral test conducted by the Director, which tests knowledge of the subject matter defined in the structured driver training programme; and
 - (iii) passed a commercial jet boat driving test of the structured driver training programme required by paragraph (i) conducted by the Director.

82.63 Issue of New Zealand Commercial Jet Boat Driver (River) Licence

The Director must issue a New Zealand Commercial Jet Boat Driver (River) Licence if satisfied that the applicant meets the requirements of section 35 and 41 of the Act, and the applicable requirements of this Part.

82.64 Duration of New Zealand Commercial Jet Boat Driver (River) Licence

A New Zealand Commercial Jet Boat Driver (River) Licence is valid for 10 years from the date of issue.

82.65 Currency of New Zealand Commercial Jet Boat Driver (River) Licence

- (1) A New Zealand Commercial Jet Boat Driver (River) Licence remains current if the holder—
- (a) complies with all applicable operating requirements in this subpart; and
 - (b) except as provided in subrule (2), holds a current first aid certificate that certifies that the driver has received training and is competent to provide first aid in accordance with NZQA unit standard 6400; and
 - (c) subject to subrule (3), has been issued and complies with a medical certificate within the previous five years in accordance with clause 44 of the Land Transport (Driver Licensing) Rule 1999 in respect of a Class 2 to 5 driver licence with a passenger endorsement; and
 - (d) undergoes and passes a competency assessment in accordance with the standards and procedures in the applicable Commercial Jet Boat Safe Operational Plan; and
 - (e) continues to meet the fit and proper person requirements under section 41 of the Act; and
 - (f) continues to satisfy any conditions imposed on the licence by the Director.
- (2) The Director may accept an alternative current first aid certificate if satisfied that the holder has received training to a standard equivalent to, or higher than, the standard required by subrule (1)(b).

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- (3) If a driver is aware of, or has reasonable grounds to suspect, any change in his or her medical condition or the existence of any previously undetected medical condition that may interfere with the ability to drive a commercial jet boat, the driver must not drive a commercial jet boat unless a medical practitioner confirms the driver is fit to hold the medical certificate referred to in subrule (1)(c).

82.66 Licence renewal

- (1) The holder of a New Zealand Commercial Jet Boat Driver (River) Licence may apply to the Director to have his or her licence renewed under section 35 of the Act.
- (2) An applicant for licence renewal may apply to the Director for renewal before the current licence expires or within two years of the date of its expiry.
- (3) The Director must renew a Commercial Jet Boat (River) Licence if satisfied that the applicant meets the requirements of section 35 and 41 of the Act, and the applicable requirements of this Part, if the applicant—
 - (a) provides a recent photograph for the issue of a new licence; and
 - (b) holds a current first aid certificate required by rule 82.65 (1)(b); and
 - (c) has been issued with a medical certificate required by rule 82.65(1)(c).

82.67 Driver log

- (1) Each driver must maintain his or her own current and accurate log book.
- (2) The driver's log book must be in a form acceptable to the Director.

82.68 Driver competency requirement

Each driver must be competent to drive in a commercial jet boat operation to the extent that the driver is adequately and properly trained, current, and proficient for each area, type of jet boat, and nature of operation in which the driver serves.

Subpart D Revocation, transition, and consequential provisions

82.101 Revocation

Section 1 and Appendix 1 of Part 80 are revoked.

82.102 Transition for existing commercial jet boat operation

Section 1 and Appendix 1 of Part 80 continue to apply to a commercial jet boat operator who holds a certificate of compliance that was issued under that section within the 12 month period prior to this Part coming into force until the earlier of—

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

82.103 Transition for existing New Zealand drivers

- (1) Subject to subrule (2), a person who is a New Zealand commercial jet driver under Part 80 before 2 August 2012 is deemed to hold a New Zealand Commercial Jet Boat Driver (River) Licence issued in accordance with this Part if that person provides satisfactory evidence that he or she—
 - (a) has driven as a New Zealand commercial jet boat driver within 12 months of 2 August 2012; and
 - (b) has demonstrated safe driving ability, competence, and experience as a driver; and
 - (c) holds a current first aid certificate required by rule 82.65(1)(b); and
 - (d) has been issued with the medical certificate required by rule 82.65(1)(c).
- (2) A New Zealand Commercial Jet Boat Driver (River) Licence deemed to be issued in accordance with this Part under subrule (1) is—
 - (a) valid until 2 August 2013; and

- (b) subject to the currency requirements set out in rule 82.65.
- (3) The holder of a New Zealand Commercial Jet Boat Driver (River) Licence that is renewed on or before 2 August 2013 may be required to sit a test if the Director is not satisfied that the holder satisfies the requirements of this Part or section 41 of the Act.

82.104 Consequential amendments

- (1) Maritime Rule 40A.3(3) is amended by omitting paragraph (c), and substituting the following:
"(c) a commercial jet boat to which Part 80 or Part 82 applies; or".
- (2) Maritime Rule 40G.3 is amended by omitting the expression "and 80", and substituting the expression ", 80 and 82".

Appendix 1

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

Operating details

1.1 Commercial jet boat operator details

- 1.1.1 The full name of the commercial jet boat operator.
- 1.1.2 The legal owner of the commercial jet boat operation.
- 1.1.3 The business or legal trading name of the commercial jet boat operation.
- 1.1.4 For the purpose of determining who has or is likely to have control over the exercise of privileges under the Commercial Jet Boat Safe Operational Plan, the full name of the person or persons responsible for the following functions:
 - (a) the commercial jet boat operation:
 - (b) resource allocation:
 - (c) crew training and competency assessments:
 - (d) operational decisions including the control and scheduling of maintenance and internal quality assurance:
- 1.1.5 The name of each training instructor, where applicable.
- 1.1.6 The name of each assessor.
- 1.1.7 The postal address and address for service of the commercial jet boat operation.
- 1.1.8 The name and the sections of river on which the commercial jet boat operation is to be conducted.
- 1.1.9 The route taken on a lake for the purpose of travelling to or from a river, where applicable.

1.2 Commercial jet boat operating details

- 1.2.1 Maps or plans detailing the areas of commercial jet boating operations and their environs.
- 1.2.2 If the commercial jet boat operation includes travel on a lake for the purpose of travelling to or from a river, details of how the commercial jet boat operation, and each commercial jet boat within that operation, satisfies the equivalent relevant safety requirements of Part 40A as applicable to the operation and each boat.
- 1.2.3 The process for notifying the Director of any non-commercial use, which must include the intended period of non-commercial use.

1.3 Commercial jet boat details

- 1.3.1 The MSA/MNZ identification number.
- 1.3.2 The engine make and model.
- 1.3.3 The jet unit make and model.
- 1.3.4 The name of the commercial jet boat.
- 1.3.5 A written record of—
 - (a) inspections of the commercial jet boat required by the Director; and
 - (b) the maintenance of the commercial jet boat and propulsion unit; and

- (c) the maintenance, testing, inspection, and replacement of the equipment required under this Part and any equipment required to be listed under clause 1.16.

1.4 Driver details

1.4.1 The names of all drivers involved in the commercial jet boat operation.

1.4.2 A copy of each driver's—

- (a) New Zealand Commercial Jet Boat Driver (River) Licence; and
- (b) competency assessments required under rule 82.27(3)(b); and
- (c) current medical and first aid certificates; and
- (d) log book that has been verified by the operator or person nominated in the Commercial Jet Boat Safe Operational Plan at least every six months (if permanently employed) or annually (if seasonally employed).

1.5 Operating details

A written record of the following information:

- (a) every commercial jet boat trip undertaken;
- (b) the names of the drivers on every commercial jet boat trip;
- (c) the number of passengers; and
- (d) the name and address of each passenger on a commercial jet boat who is involved in an accident, incident, or mishap required to be reported;
- (e) every accident, incident, or mishap on board or involving a commercial jet boat in the commercial jet boat operation.

1.6 Reserved

Operating procedures and programmes

1.7 Operation of a commercial jet boat

Each driver must operate a commercial jet boat in accordance with this Part and the Commercial Jet Boat Safe Operational Plan.

1.8 Pre-operational checks

Each commercial jet boat operation must provide for the following operating procedures before departing on a trip:

- (a) passengers must not be on board the commercial jet boat during re-fuelling;
- (b) if a commercial jet boat's grade of fuel has been changed, its engine must be correctly tuned and its performance tested under normal operating conditions before any passengers are carried;
- (c) if starting an engine from cold and following refuelling—
 - (i) the engine space for commercial jet boats with petrol or LPG installations must be adequately ventilated before the engine is started to ensure that there is no build up of explosive gases; and
 - (ii) the possibility of the build up of explosive gases in the engine space must be checked.

1.9 Passenger screening and safety information

Each commercial jet boat operation must provide for the following passenger screening and safety information procedures both verbally and in a form that can be understood by non-English speakers (if any):

- (a) before passengers board a commercial jet boat,—
 - (i) no person may board the boat if his or her impairment is, or may cause, a hazard to him or herself or any other person on the boat;
 - (ii) passengers must be advised of the risks involved with commercial jet boating; and

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- (b) before the commercial jet boat commences the trip, passengers must be—
 - (i) briefed on the safety features of the boat and its equipment;
 - (ii) advised to remain seated with their arms inside the boat when it is underway;
 - (iii) on thrill-type trips,—
 - (aa) advised that spins, extreme turns, and other manoeuvres will be undertaken; and
 - (bb) given adequate warning before any spins, extreme turns, or other manoeuvres are undertaken.

1.10 Communications

- 1.10.1 Each driver must maintain contact, using either radio or other means of communication acceptable to the Director, with a shore base and with drivers of other commercial jet boats operating in the same area.
- 1.10.2 Back-up arrangements must be in place in case the primary means of emergency communication fails, including the actions to be taken in the event of non-arrival of a jet boating group at a pre-arranged time and place.

1.11 Personal flotation devices

- 1.11.1 Every passenger must be correctly fitted with a personal flotation device, of a type prescribed in clause 2.17 of Appendix 2, before they board the commercial jet boat.
- 1.11.2 Every person on board a commercial jet boat must wear his or her personal flotation device when the boat is on the river.

1.12 Navigation safety

Commercial jet boats—

- (a) must only be operated in river, lake (if applicable), and weather conditions that permit a boat to be operated safely; and
- (b) must not undertake trips in poor visibility; and
- (c) must keep to the right unless safety otherwise dictates; and
- (d) going upstream must give way to those coming downstream unless safety otherwise dictates.

1.13 Freeboard load line not exceeded

A commercial jet boat's freeboard load line must not be exceeded at any time.

1.14 Off-river contact

Throughout each commercial jet boat trip, there must be a responsible person off river who is—

- (a) aware of the commercial jet boat trip details including—
 - (i) the full name of the driver; and
 - (ii) the number of passengers; and
 - (iii) the river and sections of river being driven; and
 - (iv) the estimated time of return; and
- (b) able to initiate any emergency action in accordance with the Commercial Jet Boat Safe Operational Plan.

1.15 Hours of operation

A commercial jet boat operation may only be carried out between sunrise and 30 minutes before sunset, unless—

- (a) the specific purpose of the trip is to operate outside of those hours; and
- (b) the trip outside of those hours is provided for in the Commercial Jet Boat Safe Operational Plan.

1.16 Additional equipment

Where safety practices applying to a specific river require additional equipment, that equipment must be listed.

1.17 Changes to commercial jet boat operations

The commercial jet boat operator must have procedures to deal with changed or changing circumstances, including—

- (a) jet boating on rivers that are infrequently used for jet boating;
- (b) travelling on a lake for the purpose of getting to or from a river;
- (c) increased river traffic;
- (d) alterations to riverbed topography.

1.18 River, lake, and weather conditions

1.18.1 Information must be available to drivers about the river flows, weather conditions, and lake conditions (if applicable) that are safe for the commercial jet boating operation.

1.18.2 The sources of the information referred to in subclause 1.18.1 must be provided to drivers.

1.18.3 The requirement for drivers to operate within those safe river flows, weather conditions, and lake conditions (if applicable).

1.19 Carriage of cargo

Where commercial jet boats carry cargo, a commercial jet boat operator must have and implement cargo procedures to ensure that—

- (a) thrill-type trips are not undertaken;
- (b) safe speeds are defined and followed;
- (c) cargo remains secure;
- (d) cargo does not present a safety risk to the commercial jet boat's stability or handling characteristics.

1.20 Managing hazards

1.20.1 A commercial jet boat operator must meet its health and safety responsibilities under the Health and Safety in Employment Act 1992, by including, without being limited to, the following:

- (a) the process used by the operator to identify the operational hazards that may cause harm to a person; and
- (b) the process used by the operator to review operational hazards and how they are to be controlled, including how drivers are made aware of new hazards before drivers and passengers are exposed to them (for example, the day-to-day changes in river conditions); and
- (c) the process of how the operator will ensure participation of drivers in the process of identification, control, and review of operational hazards, including the way in which the operator will ensure that the safe operational plan is complied with in day-to-day operations; and
- (d) the process for reporting significant hazards, accidents, incidents, and mishaps; and
- (e) the process for complying with the monitoring system that the operator uses to ensure that the safe operational plan is adhered to in day-to-day operations.

1.20.2 For the purposes of this clause,—

- (a) **operational hazard** has the same meaning as the term **hazard** in section 2(1) of the Health and Safety in Employment Act 1992;
- (b) **significant hazard** has the same meaning as that term in section 2(1) of the Health and Safety in Employment Act 1992.

1.21 Emergency plans

The commercial jet boat operator must have 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) notification of police and rescue services (including responsibility for notification and the use of standardised terminology within the commercial jet boat operation's organisation and with police and rescue services); and
- (d) specifies training and exercises to ensure the effectiveness of the plan and prepare employees before any emergency.

1.22 Accident, incident, and mishap procedures

The commercial jet boat operator must have—

- (a) procedures for recording and reporting all accidents, incidents, and mishaps to the Director ; and
- (b) procedures for investigating accidents, incidents, and mishaps; and
- (c) procedures for reviewing accidents, incidents, and mishaps for causes and trends.

1.23 Maintenance

A commercial jet boat operator must have, and apply, a maintenance programme for every commercial jet boat and propulsion unit.

Appendix 2

Commercial jet boat standards

2.1 Commercial jet boat design and construction

- 2.1.1 A commercial jet boat's design, construction, and materials of construction must be adequate for the nature of the intended commercial jet boat operation, including any extreme manoeuvres undertaken in that operation.
- 2.1.2 The inside of the passenger compartment must be free from projections and sharp edges with which a passenger's body may come into contact as a result of any motion or sudden stopping of the boat. Where practicable, hard surfaces that might come into body contact, must be padded.

2.2 Provision for emergency exit

- 2.2.1 A commercial jet boat operating on a braided section of a river must be fitted with an exit structure that—
- (a) allows emergency exit for all persons when the boat is inverted on solid level ground; and
 - (b) is of sufficient strength to support the loads applied from a fully loaded commercial jet boat impacting on the embankment and rolling.
- 2.2.2 Commercial jet boats with enclosed canopies must be fitted with adequate means of emergency exits that are clearly marked.

2.3 Freeboard

- 2.3.1 The freeboard load line must be marked on the commercial jet boat transom.
- 2.3.2 An existing commercial jet boat's freeboard must not be less than 300 millimetres.
- 2.3.3 A new commercial jet boat's freeboard must not be less than 450 millimetres.
- 2.3.4 For the purpose of subclause 2.3.3, a full load includes—
- (a) full fuel tanks; and
 - (b) the maximum number of occupants the boat is designed to carry allowing for 75 kilograms for each person; and
 - (c) all equipment required under this Part.

2.4 Seating

- 2.4.1 Seating for commercial jet boats must be—
- (a) securely fixed; and
 - (b) fitted with back rests; and
 - (c) constructed without sharp edges with which a passenger could come into contact as the result of any motion or sudden stopping of the boat; and
 - (d) for existing commercial jet boats, placed so that the upper thighs of a seated person are below the level of the side deck or coaming of the commercial jet boat; and
 - (e) for new commercial jet boats, placed so that the base of the seat is 300 millimetres below the level of the side deck or coaming of the commercial jet boat.
- 2.4.2 Seating for commercial jet boats undertaking a thrill-type trip must also—
- (a) face forward; and
 - (b) be adequately upholstered.

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2.5 Handholds and footrests

- 2.5.1 Commercial jet boats must provide handholds for all passengers on board.
- 2.5.2 Handholds must be—
 - (a) adequately strong; and
 - (b) placed appropriately.
- 2.5.3 New commercial jet boats that undertake thrill-type trips must provide footrests for all persons on board except the driver.
- 2.5.4 Footrests must be—
 - (a) adequately strong; and
 - (b) placed appropriately; and
 - (c) fixed inclined.

2.6 Towing eye

- 2.6.1 A commercial jet boat must have a towing eye fixed.
- 2.6.2 Towing eyes must be—
 - (a) adequately strong; and
 - (b) fixed forward of the commercial jet boat; and
 - (c) placed so that the commercial jet boat can be towed up river in normal river operating conditions.

2.7 Windscreens

Windscreens, where fitted, must be securely fixed and be made of safety toughened glass, aluminium, or suitable plastic.

2.8 Propulsion unit

- 2.8.1 The jet unit and drive shaft must be compatible with the engine's torque and revolution limits.
- 2.8.2 Drive shaft couplings more than 250 millimetres long must be fitted with flail guards.
- 2.8.3 Flail guards must not prevent visual inspection and maintenance of the coupling.
- 2.8.4 Engines must—
 - (a) be adequately secured to the engine beds; and
 - (b) be provided with collision chocks or other means to prevent the engine moving forward in a sudden stop; and
 - (c) have adequate natural ventilation; and
 - (d) if resilient mounts are fitted, be connected to the jet unit through a flexible coupling; and
 - (e) be fitted with an engine cover that is—
 - (i) fire retardant; and
 - (ii) adequately secured.
- 2.8.5 Any insulation of the engine must be of fire retardant material.
- 2.8.6 All fuel, water, and exhaust hoses must be flexible.
- 2.8.7 Batteries must have the minimum capacity determined and recommended by the jet boat manufacturer or the engine manufacturer, and must be placed in a dry and well ventilated position as close to the starter motor as practicable.

2.9 Bilge pumps

- 2.9.1 A permanent bilge pump of at least 4100 litres capacity per hour must be fitted.
- 2.9.2 If submerged electric bilge pumps are used, at least two must be fitted.
- 2.9.3 Each electric bilge pump must—
 - (a) be independently wired and switched; and
 - (b) have at least 4100 litres capacity per hour.
- 2.9.4 Switches and activation lights for bilge pumps must be clearly identified.

2.10 Steering gear

- 2.10.1 Steering gear must be reliable, effective and robust.
- 2.10.2 Where the actuating mechanism is of a wire and pulley type—
 - (a) all wires, terminal connections, and adjustment devices must be of adequate strength and securely locked where appropriate; and
 - (b) threaded fittings in particular must have effective locking devices; and
 - (c) all pulleys must be of adequate diameter with ample depth of groove; and
 - (d) all pulley assemblies must be securely attached to the commercial jet boat.
- 2.10.3 Wood or non-reinforced plastic steering wheels must not be used.
- 2.10.4 Commercial jet boats fitted with Hamilton HJ212 water jets must have tiller stops fitted.

2.11 Petrol installation

- 2.11.1 Petrol tanks must—
 - (a) be vented overboard; and
 - (b) be adequately secured; and
 - (c) be constructed of mild steel, stainless steel, aluminium alloy, or other materials acceptable to the Director; and
 - (d) be tested to a pressure equivalent of at least 2.4 metre head of water and evidence of the test must be made available to the Director; and
 - (e) have a valve located in an accessible position that is capable of stopping the flow of fuel from the tank.
- 2.11.2 Petrol tanks and pipe connections must be drip proof and covered or otherwise protected where any fire hazard is likely to exist.
- 2.11.3 The engine induction must be fitted with an air filter or a flame arrester.
- 2.11.4 The petrol tank filling connection must be located so that when it is in use any spillage will not enter the boat.
- 2.11.5 Petrol lines must be—
 - (a) taken from the top of the petrol tank; and
 - (b) made of acceptable material; and
 - (c) resistant to petrol.
- 2.11.6 A petrol filter must be fitted.
- 2.11.7 Petrol lines and filters must not be fixed directly above exhaust systems.

2.12 Diesel installation

- Diesel tanks must be—
 - (a) adequately secured; and

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- (b) constructed of mild steel, stainless steel, aluminium alloy, or fibre reinforced plastic; and
- (c) tested to a pressure equivalent of at least 2.4 metre head of water and evidence of the test must be made available to the Director.

2.13 LPG installation

If LPG is used either wholly or in part as a fuel, the installation, operation, maintenance, and fuelling of LPG systems must be acceptable to the Director.

2.14 Fixed fire extinguishing systems

- 2.14.1 A commercial jet boat with petrol and LPG installations must be fitted with a fixed fire extinguishing system.
- 2.14.2 The fixed fire extinguishing system must be—
 - (a) capable of extinguishing fires in the engine space without moving the engine cover; and
 - (b) readily accessible to the driver.
- 2.14.3 CO₂ fire extinguishing systems must be—
 - (a) capable of discharging into the engine space 1 kilogram of CO₂ per 0.8 cubic metres of net engine space; and
 - (b) provided with a minimum of 2 kilograms of CO₂.
- 2.14.4 AFFF fire extinguishing systems must be—
 - (a) capable of discharging into the engine space 1.5 litres, per nozzle, per 1.5 cubic metres of net engine space; and
 - (b) provided with a minimum of 4 litres of AFFF and a minimum of 2 nozzles.
- 2.14.5 If an alternative type of fixed extinguishing system is used, the system must—
 - (a) not be halon based; and
 - (b) be acceptable to the Director.

2.15 Portable fire extinguishers

- 2.15.1 Commercial jet boats must carry at least 1 CO₂ fire extinguisher of 2 kilogram minimum capacity or at least 1 AFFF fire extinguisher of 2 litres minimum capacity.
- 2.15.2 All portable fire extinguishers must be—
 - (a) suitable for extinguishing oil fires; and
 - (b) safely stowed away from engine and fuel tanks; and
 - (c) readily available to the driver; and
 - (d) manufactured and maintained in accordance with maritime rule 42B.57.

2.16 Communications equipment

Each commercial jet boat must have a transceiver radio or other means of communication acceptable to the Director.

2.17 Personal flotation devices

- 2.17.1 Each person on board a commercial jet boat must be provided with a personal flotation device that complies with subclause 2.17.2 or 2.17.3.
- 2.17.2 Except as provided in subclause 2.17.3, the personal flotation device must be of a type 401, type 402, or type 406 specialist personal flotation device except that the device does not need to—
 - (a) be fitted with light retro-reflective tape; or
 - (b) meet the colour requirements of the New Zealand standard that would otherwise apply to the device.

2.17.3 The Director may, in any particular case, accept the use of another type of personal flotation device if satisfied that the device complies with a national standard certified by a recognised authority and substantially complies with type 401, type 402, or type 406.

2.18 Other equipment to be carried on commercial jet boats

2.18.1 The following equipment must be carried whenever a commercial jet boat is on the water:

- (a) a rope, which can be used to pull and secure the boat safely to the embankment if its engine fails, that is:
 - (i) no less than 12 millimetres in diameter; and
 - (ii) no less than four metres in length; and
 - (iii) permanently attached to a bow eye; and
 - (iv) stowed so that it cannot enter the water and foul the jet unit; and
- (b) a spare plug for any drain hole; and
- (c) an order of St John first aid kit or a Red Cross first aid kit in a waterproof container, or an equivalent acceptable to the Director, in sufficient quantities for the number of passengers carried; and
- (d) at least three hand-held flares complying with maritime rule 42A.23, or an alternative acceptable to the Director.

2.18.2 Commercial jet boats undertaking thrill-type trips must carry a throw bag with a minimum of 10 metres of buoyant line.

2.19 General equipment and clothing

All equipment and clothing used for the commercial jet boating operation must be—

- (a) kept in good condition; and
- (b) supplied in sufficient quantity; and
- (c) available in an adequate range of sizes.