



Ministry of Transport
TE MANATŪ WAKA

Maritime Transport Act 1994

MARITIME RULES

PART 81: COMMERCIAL RAFTING OPERATIONS

Pursuant to sections 34(1), 36(1)(b), (c), (g), (i), (j), (p), (q), (v), (w), and 36(2) of the Maritime Transport Act 1994, I, Steven Joyce, Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

This *18th* day of *September* 2010

By STEVEN JOYCE

Minster of Transport

Part 81: Commercial Rafting Operations

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Part Objective

The objective of Part 81: Commercial Rafting Operations 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.

Rules subject to Regulations (Disallowance) Act 1989

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 20 December 2008, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed, then titled, Part 80B – Commercial Rafting Operations. A notice was also published in the *New Zealand Gazette* on 18 December 2008. The invitation to comment and draft rules were sent on 19 December to 53 identified organisations – comprising all active rafting operations (24 in the North Island and 18 in the South Island); two currently inactive rafting operations; Skills Active (the rafting industry training organisation); Watersafety New Zealand; the Tourism Industry Association; the Queenstown Lakes District Council; Environment Bay of Plenty; the three polytechnics involved in raft guide training (Nelson Marlborough Institute of Technology, Christchurch Polytechnic Institute of Technology, Tai Poutini Polytechnic); and the industry's peak body, the New Zealand Rafting Association. The proposed rules were also made available to the public on the MNZ website. Comments on the draft were requested by 31 March 2009.

Fifteen submissions were received. All submissions were reviewed and amendments made to the draft rules as appropriate.

Entry into force

This Part comes into force on 1 April 2011.

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):¹

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).¹

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.

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

- (4) Subpart F of this Part applies to the hire of a raft to a person who is not a commercial raft operator.

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—
 - (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:
 - (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—

- (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.
- (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 rapids²

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.

² 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.

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—
 - (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—

Part 81: Commercial Rafting Operations

- (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

Contents

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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
 - (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.³

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.⁴

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

⁴ 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).

- (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,⁵ 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
- (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.

⁵ 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.

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.

Rule 81.97

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.

Maritime Rules

PART 81

Consultation Details

(This text does not form part of the rules contained in Part 81.⁶ It provides details of the consultation undertaken in making the rules. Fourteen submissions came from organisations, and their names, rather than the individuals involved, are used in this summary. The one submission received from an individual raft guide in his private capacity is referred to as “a raft guide.”)

General

The New Zealand Rafting Association fully supported the new rule and considered it accurately reflected the feedback given to Maritime New Zealand (MNZ) from the New Zealand rafting industry.

Wild West Adventure Company agreed with all other parts of Part 80B not specified by the company in its submission.

Pioneer Rafting noted agreement with the introductory statement in the invitation to comment on the draft rules that the stringency of certain of the safety provisions (for guide qualifications, and safety equipment) imposes operational and economic burdens on lower risk rafting operations that are not justified on safety grounds.

Mangaweka Adventure Company welcomed the recognition given to the lower risk associated with grade 2 rafting but considered it fell short in fully acknowledging that such rafting is in a different category to white water activities and that, considered on the basis of risk, it is over-regulated.

Thrill Seekers Canyon considered that the document created an imbalance in costs and benefits and that the rules, having a white water bias, did not give due consideration to eco-scenic grade 2 rafting. Nor, in this company’s view, had there been a lot of consultation with smaller operators. The paperwork that will be imposed was considered “ridiculous.” There are inconsistencies in the rule with regard to pleasure rafting versus commercial rafting, sporting events, hiring rafts, sole guiding, multi-guiding and group guiding.

Thrill Seekers Canyon was also concerned that the new national grade 2 award is different than the current aspirant guide and that aspirant guides have been left out. Furthermore the new award should be assessed by Skill Active Aotearoa, given that most raft guide assessors own their own competitive rafting companies. In the company’s view, guide assessors need to be either independent from rafting companies or each company has their own assessor.

MNZ comment—The submitter refers to Part 80 defining an aspirant guide by minimum hours of experience and number of trips. At the time Part 80 was made, the New Zealand Rafting Association offered a competency-based aspirant guide award. Holders of this award were able to “trade up” to a national raft guide grade 2 award when this was introduced in 2006. The removal of aspirant guide from the rules is, therefore, a necessary measure of alignment with the national award structure. It has also enabled the development of requirements for trip leaders on grade 1 and 2 river sections in the new rules to be built around the national grade 2 award – in contrast the Part 80 requirement that leaders must hold as a minimum a national raft guide grade 3 award. This will enable better use of the industry’s and individuals’ investment in raft guide training.

MNZ would note that senior raft guides can be used as evidence verifiers by rafting assessors for the issue of national raft guide grade 2 awards. Assessors are required only to oversee the process and undertake the credit reporting to Skills Active.

⁶ References to rule numbers in the consultation details are those appearing in the consultation version, which was issued as Part 80B. Cross-references between the numbering of the consultation and final versions of the rules are set out in a table at the end of these details.

Invitation to comment – policy

Wild West Adventure Company considered it unnecessary to require periodic audits of the integrity of a training organisation's raft guide training programme. If a teaching programme is not delivering the proper skills, then candidates would not pass their unit standards and hence would not enter the industry as a guide. It was suggested an outside assessor be used for a candidate's final skills check and that this would in turn provide assurance of the effectiveness of the programme. The company supported MNZ auditing the operational systems of training organisations and having the legislative ability to carry it out.

Skills Active queried using NZQA audits (focussed on educational matters) to check on operational safety systems.

MNZ comment—The purpose of the audits is assurance of the safety of operational systems, not to check on the delivery of the training outcomes. The policy position was clumsily expressed in the MNZ's invitation to comment and the interpretation put on these comments by the submitter is understandable.

The rule in question has been substantially amended as discussions with Skills Active (the award-issuing organisation) has indicated that their accreditation audits would not be a reliable means of verifying the safety performance of operational systems. The amendment also reflects proposed amendments to the scheme of audits under the Part as a whole (as detailed in rule 81, 8).

Wild West Adventure Company requested clarification of policy statement "calibrating competency requirements for sole guides and lead guides on multi-raft trips on grade 1 and 2 rapids..."

Skills Active noted concerns over defining the spare skill capacity for grade 2 leaders.

MNZ comment—This policy statement refers to rules enabling different skills and training pathways to enable a national raft guide grade 2 to progress to be becoming a trip leader on grade 1 and 2 river sections.

The progressions outlined under these rules require that a trip leader is a national raft guide grade 2, has passed an assessment against a national standard for river rescue, or, in specific cases, has undergone a river rescue assessment relevant for a particular river. In addition to the national qualification and assessment in appropriate river rescue skills, the rafting operator will be required to identify in the safe operating plan appropriate selection, training and supervision requirements to demonstrate that the guide has appropriate experience to be a trip leader. This will be addressed through the SOP and these guides will be required to be identified to MNZ prior to being in the position of trip leader.

Queenstown Lakes District Council did not support the rules providing the Director the sole discretion to determine regulatory arrangements in the district. The council noted that the current MoU between the council and MNZ (formally MSA) requires decisions on this matter to be made jointly. The key detriments of the proposed change were identified as:

- potential duplication in services between the council appointed harbourmaster and the MNZ appointed "person"
 - loss of potential synergies and savings between two organisations
 - removal of the local face for commercial waterways activity
 - potential loss of on the spot response ability for commercial incidents
 - loss of the educative role of the regulator with local commercial operators.
- It was the council's submission that, generally considered, throughout the district, the current system is the best model. The council noted its commitment to ensuring that it has an ongoing role in the regulation of activities in the district.

MNZ comment —While acknowledging the council's interest in this matter, MNZ continues to propose the amendment to the rule for the reason set out in the invitation to comment: the need to bring the rule into line with the scheme of the Maritime Transport Act 1994.

MNZ is open to discussing possible arrangements that would enable the council to continue to play a role in overseeing the safety performance of rafting in the district, with the benefits identified in their submission.

Invitation to comment – vocational training

Wild West Adventure Company considered that training rationale need not be justified by the Director as neither the Director nor MNZ staff are education specialists. They should focus on ensuring outcomes are reached, not on how they are reached. It agreed that “all training organisations should be subject to the same operational safety auditing irrespective of the reason for training”.

MNZ comment—As noted above under the heading “TTC policy”, the rules are proposed to apply only to safety performance of operational systems.

Wild West Adventure Company further submitted that the current method of safety management in some polytechnics is not providing the same level of operational safety management that is achieved through the MNZ audit system that commercial raft operators use. River safety would improve in educational settings if they were under the same audit system as raft operators. MNZ has auditors who see many systems, and they bring this knowledge with them to each audit. This is knowledge that organisations, not part of this system, are missing out on.

MNZ comment—The amendments proposed to the rules for vocational training will ensure that this knowledge is shared.

Queenstown Lakes District Council stated that the council believes that training organisations should be required to fully comply with the requirements of Part 80B. This view is taken due to the council's experience with polytechnic kayaking groups coming into the district with no safety plan, no communications and no off-river support available. The council considered that the Director should approve the safety plans of training organisations as generic external accreditation agencies lack the detailed knowledge of the requirements of a safe water-based operating system.

MNZ comment—As above, the amended rules will require the Director to take responsibility for the audit of the safety performance of polytechnics' operational systems used in guide training.

80B.2 Definitions

A raft guide considered the definition of “raft” should also include tubes either singly or tied together collectively to form a “raft”, as he has witnessed, and is aware of, a variety of safety issues to do with “tubing” activities on rivers.

MNZ comment—MNZ does not support amending the definition. Tyre tube rafting is a separate activity to commercial river rafting. Mindful of concerns about the safety of commercial tyre tube rafting, it is MNZ's intention to consider developing a safety guideline for this activity.

80B.8 Subsequent audits of commercial rafting operation

Mangaweka Adventure Company considered that there is little need for an annual audit of operations on grade 2 river sections as long as there have been no incidents.

MNZ comment—It is proposed to remove the detailed inspection and audit provisions from Part 81 and elaborate the surveillance regime in the advisory circular to the rules, after consulting with industry. This approach will enable consideration to be given to possibly differentiating audit requirements on the basis of the probability and consequence of failures in particular grades of rapid and in particular operations.

80B.17 Guide to be medically and physically fit

Wild West Adventure Company considered that the statement in subrule (2) should stop after the word “impaired”, as at the moment it excludes impairment for a variety of other reasons such as fatigue, medical conditions etc...

MNZ comment—MNZ agrees that this rule should include other considerations which may impair a guide’s ability to perform work functions safely. The final rule provides for this.

80B.18(2) Guide to hold relevant qualification

Pioneer Rafting noted that its operation has already implemented training for senior guides across the board, but did not agree that guides working on grade 1 and 2 sections should be required to meet the same level of skills currency as guides working on grades 3-5, given the low level of risk.

MNZ comment—MNZ acknowledges that the lesser risks associated with rafting on grade 1 and 2 river sections. However, MNZ is mindful that a number of incidents have occurred on grade 1 and 2 river sections. There is a need for all raft guides who are in the position of overseeing a rafting trip to maintain currency of rescue skills at the level at which they are operating. Due to the unlikelihood that rescue skills will be required on grade 1 and 2 rapids MNZ considers that is important for the trip leader guides to maintain currency of rescue skills at intervals of 36 months to be able to respond effectively in the unlikely event of a rescue. The level of training must be consistent with the grade of river section rafted.

River Rats observed that it is unclear whether subrule (2)(c) requires staff qualifications, course certificates etc...to be kept in the safe operational plan or just in the same office. Keeping them in the SOP would needlessly clutter the plan.

MNZ comment—MNZ agrees that these records may be located separately from the SOP. In this case, the location of the records must be clearly advised in the SOP. The draft rules are amended accordingly.

80B.19 Guides to hold current first aid certificate

Three raft guides with Kaituna Cascades submitted extensively on first aid training standards in rule 80B.19(1), which sets out the requirements for senior national raft guides. They questioned the need for the change, arguing that the current first aid training requirements are sufficient for their operations as they do not operate in areas where access to any incident is limited or obstructed. They also considered that the new unit standard 424 course “has limited instructors within NZ who are capable of teaching the higher level of first aid”.

The chief executive of Kaituna Cascades considered that the current standards of first aid training are completely adequate for raft guides of all grades. He also noted that, in his experience, it is very difficult to find a provider who teaches unit standard 424. Since most rafting operations are able to get professional help within short times, putting these restrictions on senior guides is unnecessary and may result in senior guides not wanting to stay in the industry. He was also concerned about the employment of overseas guides with first aid certificates and whether the Director will accept their qualifications. If not it may take too long to get guides qualified and in turn see a drop in employment of foreign guides.

Concerns about the availability of training were echoed by Queenstown Rafting, who noted that they have been unable to find a local provider who offers the unit 424 course and if this was to become a mandatory requirement it would be a real struggle to keep senior guides current with the unit 424 standard in the area. To bring in an outside provider may mean considerable cost to operators.

Wild West Adventure Company, on the other hand, concurred with the proposal that all guides should hold unit 424, as the unit relates to group management in an accident situation, something all guides need to be able to do.

River Rats noted that the reference to the unit standards was removed from the raft guide award due to the difficulty of obtaining unit standards, in particular the onerous task that foreign guides would need to establish equivalency to the New Zealand unit standards. While

acknowledging the need to have consistency in quality, it was proposed that trip leaders hold the listed unit standards and all other guides hold a current first certificate without the need for them to be checked for equivalency with the New Zealand unit standard. This would ensure that trips are led by a qualified trip leader and all other guides would have sufficient qualifications to assist the senior guide.

Thrill Seekers Canyon considered that first aid certificate qualifications should deal with areas and types of rafting trips that are run not guide qualifications.

MNZ comment—MNZ has revisited the question of first aid certificates for raft guide and has concluded that requiring senior guides and trip leaders to have achieved NZQA unit standard 424 is appropriate. We have further concluded that all other national raft guides should be required hold a higher grade of certificate (unit standard 6400) than that proposed in the invitation to comment draft of Part 80B (unit standards 6401 and 6402 only in the case of holders of grade 2 awards). Our reasoning is set out below. The rule would also permit foreign first aid certification provided it is equivalent to or higher than the New Zealand standard.

In the national raft guide award from 1996-2005 the first aid requirements for guides were as follows:

- national senior raft guide award – NZQA unit 424 – manage first aid in an outdoor activity
- national raft guide award – NZQA unit 6401– Provide first aid, and NZQA unit 6402- Provide resuscitation Level 2

In 2005 when the national raft guide awards were reviewed the specific reference to the first aid unit standards was removed from the award and replaced with the requirement for a current first aid certificate. The unit standards reference was removed because most rafting assessors were not qualified to assess first aid units under their scope of assessment. The units are linked to the health domain and to be eligible to assess these units, assessors were required to meet the minimum assessor requirements for that domain. Rafting assessors who were eligible to do so, however, could continue to do first aid assessments. There was no reference in the original national rafting award for currency in first aid. Nor was currency for first aid addressed in Part 80. Unit standard 424 – Respond to an emergency care situation for an outdoor activity Version 7 lies within the outdoor recreation domain. This unit lies within the Skills Active suite of NZQA unit standards. The prerequisite for unit 424 is unit 6400 – Manage first aid in emergency situations.

Requirements for first aid training in the workplace are detailed in: Department of Labour – First aid for workplaces September 2009

Relevant information from the DOL guide includes:

- it is recommended that training of workplace first aiders is carried out by people who work for an organisation accredited by NZQA
- first aid certification issued by a trainer is valid for 2 years
- A refresher course is required every 2 years to maintain currency of certification
- where a certificate has lapsed for more than 3 calendar months from anniversary date of issue, the certificate holder should complete a full first aid course

Appendix 2 of the DOL guide provides for additional training to the basic first aid training and applies to workplaces where there is a need for additional skills. Additional training should be designed to meet learning outcomes relative to specific hazards. A summary of the additional performance criteria includes: description of the nature of hazards and methods of preventing effects; description of signs symptoms and treatment of conditions in response to exposure to specific hazards; demonstrate use of appropriate specialist equipment and methods of applying first aid treatment; and maintaining records of treatment where additional methods were used.

MNZ considers that the first aid qualifications proposed in rule 80B.19(1)(a) in the consultation version of draft Part 80B fall below the level of first aid qualifications required as a prerequisite

for Unit 424 and the guidance provided by the DOL first aid for workplaces guide and proposes that all national raft guides grades 2,3, 4/5 will be required to hold NZQA unit 6400.

MNZ considers that the proposal under rule 80B.19(1)(c) is also consistent with Appendix 2 of the DOL first aid for workplaces guide which promotes additional specialist training to address specific hazards. This is relevant in the rafting sector recognising that on any grade of river the raft guides must manage first aid evacuations to the point of extraction either by stabilizing a casualty on the raft and evacuating via river if this is not a safety concern, or evacuating from the river to tracks accessible to ambulance personnel, or via aerial extractions, involving the guides managing the extraction site.

MNZ considers that NZQA unit standard 424 is appropriate to provide a minimum level of qualification for senior guides and trip leaders to manage first aid situations in river environments. MNZ also considers that because unit 424 lies within the Skills Active suite of units this will enable Skills Active, the award issuing organisation, the ability to ensure the provision of this unit for the rafting industry.

MNZ recognises the problems of first aid provision due to approved first aid trainers and providers not registering the required unit standards on the national qualifications framework. In recognising that Part 81 relies on third party first aid trainers and providers, MNZ has included provision for the Director to accept alternate first aid certification provided the training is equivalent or higher than what is proposed in the rule. This will allow raft guides who hold recognized first aid qualifications as being compliant under the rule even though the first aid training provider may not yet have registered the units on the framework. This provision will also allow the recognition of first aid qualifications which may be based on higher unit standards or international qualifications which are equivalent. The onus for establishing equivalence for international qualifications will be the responsibility of the rafting operator or the guide who wishes the international first aid qualification to be recognized by the Director. The onus is on the guide and the operator to verify the validity of the foreign first aid certificate. MNZ proposes to work with the New Zealand Rafting Association to identify which international first qualifications will be recognised, and to publish this information in the advisory circular to Part 81.

MNZ has been assured by Skills Active that unit 424 providers will be promoted within the rafting sector. Skills Active has acknowledged the potential for rafting assessors, who hold higher level first aid qualifications, such as pre-hospital emergency care, to become eligible to assess unit 424.

MNZ proposes to elaborate on the refresher requirements for currency in first aid qualifications in the advisory circular to Part 81.

The draft rule is amended accordingly.

80B.20 Clothing

A raft guide considered that “guides should wear all required equipment while on the water”. Changing the law to make it so that grade 1 and 2 rapid guides don’t necessarily need to wear helmets is seen as a retrograde step. There are still hazards in these types of rapids where a helmet may prevent an injury.

MNZ comment—See comment under rule 80B.27 below.

Queenstown Lakes District Council proposed that subrule (a) refer to a “type 406 specialist personal flotation device”.

MNZ comment—Rule 80B.20 (a) refers to the personal flotation device used by raft guides. Recognising the diversity of PFDs used by raft guides, a specific type of PFD has not been prescribed. A type 406 specialist PFD, as defined by NZSS5823:2005, covers devices used by raft passengers. Because this standard gives no recognition to a rescue-type PFD, prescribing a type 406 would run counter to the preference of most raft guides.

80B.23 Additional information for passengers on group-guided trips

Mangaweka Adventure Company stated that when a booking is made it's hard to ensure that passengers, other than the one making the booking, are aware of details relating to their guided trip. Also details of a trip may change after greeting guests and getting a better sense of their needs. He suggests that the rule read "before departure" as opposed to "before booking".

MNZ comment—Rule 80B.22 relates to group-guided rafting trips where there may be a raft without an on-board guide. MNZ considers that it is important that this arrangement is acknowledged at the time of booking to ensure that passengers are aware that there may not be an on-board guide.

80B.24 Instruction in survival and raft handling procedures

Mangaweka Adventure Company considered that "paragraph (a) negated paragraph (c), especially as (c) includes hazards that are not present on every river. There are sections of river that do not require discussion regarding wrapping (or capsizing), and it will not be discussed, so this should not be in the rule".

MNZ comment—MNZ recognises that some of the detail prescribed in this rule may not be as relevant on grade 1 and 2 river sections as it is on grade 3 and higher.

The rule is amended accordingly, and will be titled instruction in river awareness and raft handling procedures.

80B.27 Unsafe persons not to board commercial raft

Queenstown Lakes District Council suggested that this rule is very similar to rule 80B.40. QLDC recommended consolidating rule 80B.27 into rule 80B.40 as an additional subrule.

MNZ comment—MNZ agrees. It is proposed to consolidate and provide reference to injury and medical conditions in rule Part 81.39.

80B.28 Specialist personal flotation devices

A raft guide submitted that "all people should wear personal flotation devices when on the water", noting that letting rafting operations relax the wearing of PFDs may risk operators exploiting a loophole to cut costs. It also appears to contradict the message from MNZ that all water users should wear PFDs.

MNZ comment—Rule 80B.28 (2) requires that all rafting passengers must wear a PFD when the raft is on the water unless the guide or trip leader expressly directs, in accordance with the approved SOP, that the PFD need not be worn. Departures from wearing PFDs at all times is subject to rule 80B.28(6), which requires that a properly fitted PFD is worn by all passengers when the raft is transiting rapids. Subject to approval in the SOP, the trip leader or guide may allow a passenger to remove their PFD only at times when the raft is not transiting rapids. MNZ considers the requirement to wear a properly fitted PFD when transiting rapids is essential to ensure safety of passengers. MNZ also considers that overall safety will not be compromised if, at times when the raft is not transiting rapids, and subject to approval in the SOP, passengers may remove their PFD. This is consistent with proposals under maritime rule Part 91, whereby passengers must wear their PFD unless it is deemed reasonable by the skipper to remove the PFD. Presently under Part 80, a PFD must be worn at all times that the raft is on the water. Under the present rule it is not permissible to remove the PFD to adjust thermal layering or for any other reason unless the raft and passengers are off the water.

Wild West Adventure Company registered concern about the lack of children's PFDs that are certified as type 406. He had previously submitted to the Director to have a non-406 type of PFD approved but did not receive a response.

MNZ comment—MNZ acknowledges that NZ Standard 5823:2005 neglects to address manufacturing requirements for a children's type 406 device. MNZ proposes to amend the rule to provide that children may use fit-for-purpose type 402 PFDs, as also passengers of all ages involved in oar raft fishing.

River Rats noted that, in its experience, reflective tape on lifejackets for night rafting is ineffective at identifying someone who has fallen out of the raft, due to the tape's placement and durability. The company has countered this problem by placing a glow stick on the top of clients' helmets, so they are readily seen in the dark without the need for a torch. It suggested removing subrule 80B.28 (3)(a) and amending rule 80B.35 to provide that the safe operational plan must set out a method of clearly identifying participants in the event that they are separated from the raft in the dark.

MNZ comment—MNZ supports removal of this subrule and considers that the rules' general provision requiring any night rafting to be explicitly addressed in the safe operational plan is sufficient to cover methods of enhancing participant visibility.

80B.29 Helmets

Thrill Seekers Canyon did not agree that helmets need not be required on grade 1 or 2.

A raft guide submitted that grade 1 and 2 water is just as dangerous if not more so for head injuries. There are also risks associated with falling onto slippery rocks in shallow water, and potential problems of operators engaging in a race to the bottom in order to save money and, possibly, also cultivate a rugged, "right stuff" image.

MNZ comment—There are a number of rafting operations offering scenic and oar raft fishing trips on grade 1 and 2 river sections where helmets have been identified by the operators as unnecessary due to the very limited risk of passengers falling from the raft. Since Part 80 was made, MSA/MNZ has issued a number of exemptions for operators from the requirement to wear helmets on grade 1 and 2 sections. There have been no head injuries reported in rafting operations that have these exemptions.

MNZ has also been approached by operators on multiday trips who want to provide the option of not wearing a helmet when conditions are suitable. It will always be the responsibility of the operator and the guide to ensure that helmets are worn on grade 3 rapids and above and on lower grades if there are times of increased risk (i.e. river play, paddle water fights). Operators will be required to identify in the SOP the times when removal of the helmet is acceptable based on minimal risk of falling out, or injury.

Under Part 80, a helmet must be worn at all times when the raft is on the water. This means, strictly speaking, that it is not permissible to take a helmet off to adjust thermal layering or for any other reason unless the raft and passengers are off the water. MNZ considers that the proposed wording mitigates the risk by requiring helmets to be worn except for times on grade 1 and 2 river sections where it is approved in the SOP. If helmets are removed, and this is not provided for in the SOP, the operator will be in breach of the rule.

80B.33 Equipment carried on commercial rafts

The equipment required to be carried on board attracted a number of comments.

Proposals, concerns and the MNZ response are summarised below.

There is no need to carry a rescue throw bag, rescue kit and first aid kit on each raft, especially in group guiding situations where only students not trained in the use of the equipment are on board. (TSB TOPEC)

MNZ comment—MNZ accepts that in group guided rafting that only one first aid kit and rescue kit is required for the trip. MNZ also accepts that the general equipment required for a guided raft may not be required by a group guided raft.

Clarification was sought on the ratio of first aid kits to rafts/passenger numbers, in situations where there is up to 8 small rafts per trip. (TSB TOPEC) A minimum of 1 rescue kit and first aid kit for every 6 boats is considered adequate. (River Rats)

MNZ comment—In the case of multiple raft trips, MNZ proposes that 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.

Certain first aid kit contents were queried: the “space type” blankets were considered inadequate while the legal implications of using analgesics were considered problematic if the first aider recommends use and the patient has adverse reactions or hides symptoms that impair the first aider’s ability to determine further medical attention. (Wild West Adventure Company) Some contents are considered over the top for a single day raft trip. It was suggested that MNZ should research into what individual operators feel is necessary as a minimum requirement for a river first aid kit. (River Rats)

MNZ comment—MNZ proposes to remove the prescribed contents of a first aid kit. Instead first aid kits must be consistent with the guidance detailed in the DOL first aid for workplaces – a good practice guide September 2009.

Repair kits should not be required to be carried on all rafting trips due to the unlikelihood of puncture and, should this occur, it is usually an option to raft out without stopping for repair. (Mangaweka Adventure Company)

MNZ comment—MNZ recognises that on-river repairs for day trip rafting are rare. It is proposed to provide for flexibility in the SOP, allowing a repair kit to be available in a manner appropriate to the operation.

The rule is amended to give effect to the proposed changes to rule 80B.33 described above.

80B.39 Sole guides must always have adequate back-up

A number of concerns were raised with the draft’s requirements for back-up for sole guides, as summarised below.

It is not feasible to have a backup as required by the rule due to the limited number of qualified raft guides. He suggested that a backup should be able to be provided by a person at the operational base. (Pioneer Rafting)

“Fully qualified guides should not be mandatorily available/on standby to cover all sole guided rafting trips” as it would place a significant cost on small operators. An unqualified person is capable of providing back-up on grade 1 and 2 river sections where there is easy access along the river being rafted. It is observed that the need for back-up guides on grades 1 and 2 appears to conflict with the proposed relaxation of the rules for wearing of PFDs on these grades on the grounds that such river section present low risk. Back-up guides for grade 3 and 4 rapids are considered entirely appropriate. (A raft guide)

Sole guides always having adequate backup is definitely unworkable in many situations. The rule requires further discussion. (Mangaweka Adventure Company)

In appropriate circumstances, a support vehicle driver can ensure adequate backup and the rule should include this. (Wild West Adventure Company)

It is ridiculous to have 2 guides, one to sit at base waiting for the other to complete the trip. It is noted that jet boats are not recognised as a backup. (Thrill Seekers Canyon)

MNZ comment—MNZ accepts that the back-up requirements in the draft are excessive. It is proposed to amend the rule to provide that sole guided raft trips are required to be monitored by a responsible person.

80B.40 Alcohol and other drugs not to be consumed on commercial operations

Persons onboard commercial raft not be risk to safety

Wild West Adventure Company submitted that this rule should not be limited to safety risk from alcohol and drugs.

MNZ comment—MNZ agrees that other factors should be considered, and the rule is amended accordingly.

80B.41 Record-keeping

Mangaweka Adventure Company proposes a 7 year time span for storing records.

MNZ comment—MNZ proposes the following retention schedule be incorporated in the rule:

- *accidents and incident records - retain permanently, enabling patterns and trends to be monitored and analysed*
- *guide qualifications/training records – retain for the period of employment with the operator*
- *records of trips and names of passengers and guides – retain for 12 months after the trip.*

80B.44 Grade 4 rapids & 80B.45 No sole-guided raft trip on grade 5 rapids

Wild West Adventure Company suggested the rule is too prescriptive to cover all situations and that it would be better for safety measures to be specified in SOPs. The company instanced a trip involving a certified senior guide and a safety kayaker who is not a 4/5 guide on a grade 4 river with one grade 5 rapid and asked whether the rule would require the party to portage the class 5 rapid or prevent them running the river at all.

MNZ comment—A raft trip of this nature requires a trip leader who is a senior raft guide grade 4/5. There is no prescription for the qualification required of the safety kayaker, although it is noted that there is now explicit provision for a safety boat. MNZ, after consulting with NZRA, will develop and issue advice on the experience of personnel controlling safety boats.

Queenstown Lakes District Council stated that it had been advised by local commercial rafting operators that sole-guided trips on grade 4 rapids compromise safety, and recommended that no sole-guided raft trips be permitted on such rapids and the rules set out in rule 80B.45 are applied to rule 80B.44.

MNZ comment—Sole-guided raft trips would not be appropriate on all grade 4 rivers, and only a limited number of rivers are so rafted. Rule 80B 44(1)(a) recognises that there is increased risk. For this reason a single raft trip must be approved in the safe operational plan.

The operating parameters for single guide raft trips are identified in the SOP and are subject to the requirement of Rule 80B.4(3) where safety practices must be determined by the Director after consulting with persons or organisations that the Director considers appropriate to ensure commercial rafting operations can be safely carried out on that river.

By way of example, a single raft trip on the Rangitai River, where there is only a national senior raft guide grade 4/5 and no other accompanying raft guide or safety boat, must meet the following minimum requirements:

- *maximum river level is 6 on gauge*
- *national senior raft guide grade 4/5 must have 5 years experience as a qualified raft guide*
- *national senior raft guide grade 4/5 to have done a minimum of 50 raft trips on the Rangitai River*
- *driver to sight rafts through rock a and b and through the straight to fantail rapid.*
- *driver goes to flat section to sight raft*
- *driver proceeds to takeout*
- *timings to be documented on trip monitoring sheet*
- *telecommunications capable of notifying emergency services from the river, including instructions for use to be carried on raft and explained to passengers*
- *telecommunication to be maintained between driver and the raft.*

80B.47 Other guides: grade 1 or grade 2 rapids

TSB TOPEC considered that there is no need for a guide to be on every raft for group guiding.

Wild West Adventure Company submitted that this rule should include the wording, “unless it is to be a group guided trip which meets specifications for operating group guided trips”.

MNZ comment—Rule 80B.47 relates to multiple raft trips on grade 1 and 2 rapids. This subrule does not apply to group guided rafting. Group guided rafting is detailed under 80B.51 through 80B.55.

80B.50 Trip leader guides

A raft guide considered that reference to rule 80B.48 should be included in rule 80B.50 (1).

MNZ comment—MNZ has reordered the sequence and content of this set of rules to make them easier to follow.

80B.51 No group guided trips on grade 4 rapids or higher & 80B.52 Grade 1 or grade 2 rapids

Wild West Adventure Company submitted that these two rules are contradictory as rule 80B.52 indicates that group guiding is only permitted on grades 1 and 2, while rule 80B.53 provides that group guiding may be permitted on grade 3 where this is specified in the operator's SOP.

MNZ comment—It is proposed to clarify the position by making rule 80B.52 subject to the exception provided for in rule 80B.53.

Group guided rafting on grade 3 requires a separate and considered approval in the operator's SOP. By contrast, the operating procedures for grade 1 and 2 group guiding would be similar to those required under normal guided trips.

80B.53 Grade 3 rapids

A raft guide submitted that “this section has more to do with controlling new and small operators than it does about safety.” He considered that if companies have appropriate SOP requirements in place that the guide passes, they should be able to run group guided trips with less restrictive measures of 1 guide per 6 people which is a full raft.

MNZ is satisfied that this rule imposes a safety standard that is reasonable and appropriate. At the 1:6 ratio, a multiple raft trip is primarily aimed at providing an opportunity for passenger to experience controlling their own raft. The competitive element is in providing passengers with this opportunity, which is open to all operators, including new and small operators.

80B.57 Organisations providing vocational training

Skills Active raised concerns about NZQA auditing providers as they do not focus on rafting operations.

MNZ comment—See comments under “TTC policy”.

80B.58 Supervision of trainee guides

TSB TOPEC considered that requiring a senior raft guide to be on board if trainee guides and passengers are carried (subrule 2(a)) is not necessary [for group guiding situations.]

The NZRA would prefer this rule is amended to allow “guides who are equally experienced as a senior guide, but who have not received the award”, to be able to have trainees and passengers on board. This would include overseas guides who have come to New Zealand but are not necessarily going to “trip lead”. These people would have a lot of offer trainees and may be as qualified as those holding senior guide awards.

Kaituna Cascades submitted that a guide that has the experience and knowledge of a senior guide but not yet “awarded”, could adequately fulfil this role. This could be covered in a company's operational plan by having a list of approved “guide trainers” that could also be approved by the Director.

Queenstown Rafting considered that this rule is sound in general but the company has both New Zealand and foreign guides that are experienced but have not gained the New Zealand senior guide award. It was considered that there should be provision in the rule for guides with a certain amount of experience to supervise trainees with clients in a raft.

River Rats submitted that it is not necessary for a senior guide to be in every raft. It was noted that the company has plenty of guides who do not have the senior guide award but are more than capable of teaching a trainee and taking overall responsibility for ensuring the safe passage of the raft. This requirement takes away the flexibility required to manage day-to-day situations. Trip leaders and company owners need the discretion to assign crews and trainees as they see fit to manage the safety of a trip in any given situation.

MNZ comment—On reflection, MNZ accepts that the wording in the draft rule is too stringent. Amendments have been made.

80B.59 No commercial raft hire without current approval

A raft guide considered raft hire should be regulated but he wanted more clarity on who may or may not guide a raft. Any changes introduced should be part of a general strengthening of controls on boating in order to reduce the number of accidents. He noted that raft hire may attract operators who find guided rafting controls too onerous and could find a ready market among those of the public who like to do things without involving experts.

MNZ comment—MNZ considers it unlikely that these new provisions will lead to diversion of guided passengers to unguided trips on board hired rafts. It is more likely that it would be an extension to an existing safe operational plan. In any case, the Director must be satisfied that the raft hire operation has systems to ensure that clients are properly screened and have sufficient skills to undertake a self-guided trip before issuing or renewing an approval.

Schedule 1

Queenstown Lakes District Council recommended that the SOP commences with:

- a company brief
- full contact details of the company and key staff
- maps of areas or rivers where the company operates, showing key access points.

QLDC also proposed that clause 25, concerned with emergency plans, is relocated to follow the company details.

MNZ comment—MNZ supports inclusion of details of the rafting operation at the start of schedule 1 to include details of the legal owner name and contact details, trading name of commercial rafting operation, and name of person responsible for the approved safe operational plan – which is the information specified in rule 80B.14 in relation to certificates of compliance.

In terms of information about the rivers being rafted, MNZ considers that the details required in clause 1 of the schedule are generally sufficient. It is proposed to amend descriptions “raft and passenger drop-off points” and “trip finish points” to “river trip start points” and “river trip finish points.”

MNZ considers that the information on emergency plans required by the schedule sits well enough at clause 25. The focus of the schedule is safety planning, including planning for emergencies and reporting accidents. MNZ has found in the field that it is not uncommon for an SOP emergency planning section to be a set of stand alone procedures readily accessible to the person responsible for monitoring the rafting trip.

Inspection and audit requirements

Subsequent to the consultation on the draft Part 80B, MNZ has removed the detailed provisions for inspection and audit. The rules simply require that a commercial raft operator undergoes such audits and inspections as the Director considers appropriate in the interests of safety. It is intended that details of the surveillance regime will be elaborated in advisory circular to Part 81, providing the flexibility to base the timing of inspections and audits on assessments of the risk of failure and consequences of failure in the case of any particular operator, or class of operators.

Part 81: Commercial Rafting Operations

Number of rule in consultation Part 80B	Number of rule in final Part 81
1	deleted
2	1
3	2
4	11
5	12
6	13
	14 new rule
7	deleted
8	deleted
9	deleted
10	deleted
	15 new rule
	16 new rule
11	17
12	18
13	19
14	20
15	31
16	32
17	33
18	34
19	35
20	36
	37 new rule
21	38
22	51
23	52
24	53
25	24

Number of rule in consultation Part 80B	Number of rule in final Part 81
26	55
27	Deleted
28	56
29	57
30	58
31	71
32	72
33	73
	74 new rule
34	75
35	76
36	77
37	78
38	79
39	80
40	81
41	82
42	83
43	84
44	85
45	86
46	87
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Maritime Rules

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