

JET BOATING UPDATE

Welcome to the fourth issue of this update.

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This update on safety related issues is for commercial jet boat operators and drivers operating under Maritime Rule Part 80 – Marine Craft used for Adventure Tourism.

Introduction

Welcome to the August 2009 jet boating adventure tourism update.

It's fair to say that the industry's success rises and falls on its reputation for safely managing the jet boat experience of its passengers.

New Zealand can be proud of leading the world in commercial jet boating, but the low margin available for any error and the unforgiving consequences of high speed accidents mean that we must always be on top of our game to ensure that our operations are conducted safely.

Your safe operational plan (SOP) remains the key tool for ensuring that your operation continues to identify and manage existing and new safety risks.

This newsletter updates some requirements related to the management of your SOP and also brings your attention to some areas of concern from audits that have been undertaken.

It's been encouraging to see that safety hazard identification is improving, but please note the comments in the audit news about the need to ensure that fire extinguishers, medical and first aid certificates and flares are kept in date.

This newsletter also highlights a number of areas of concern identified in recent accidents. I have generally been pleased with an increased openness from operators and drivers in reporting accidents, but there is still room for improvement.

If you don't report your accidents, incidents and serious injuries you are breaking the law, but more importantly you are preventing us from identifying accident trends and helping to educate and raise standards.

Potential passengers will not distinguish between operations in the event of a tragedy. It is in the common interest of all involved in the industry to share information and work together to continually improve safety performance.

Sadly, since the last newsletter, the industry has experienced the death of a Chinese tourist following an accident in September 2008. This is the first death since a Japanese tourist died in 1999.

The earlier fatality was one of a number of high profile accidents that led to changes being proposed to Part 80. A draft rule including these changes was first released for public consultation in 2003.

Following feedback to the 2003 draft rule and further targeted consultation, a new draft has now been prepared. It will be put out for public consultation once it has been reviewed by the Ministry of Transport.

There are a number of changes proposed, including a proposal for the introduction of a commercial jet boat driver licence.

I encourage all of you to read the draft rule when it is released and take the opportunity to comment. It is in both your and Maritime New Zealand's interests to ensure that your views are known and fully understood before the rule is made final.

I hope you find this newsletter helpful and informative. If you have any questions about it or anything else relating to Part 80, please do not hesitate to contact me.

I look forward to continuing to work with you all.

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Audit news

Fit and proper person checks

The Maritime Transport Act 1994 requires the Director of Maritime New Zealand (MNZ) to undertake a fit and proper person assessment for everyone who wishes to hold a maritime document (such as a certificate of compliance).

All operators **and anyone else responsible for key financial and fleet operational decisions relating to the operation** must complete and submit a fit and proper person questionnaire as part of the approval process for the issue (or reissue) of your Certificate of Compliance.

Consideration of the application may take up to a month or more if further information is required, so you are advised to make the application up to 2 months prior.

It is important to note that disclosing a criminal conviction will not necessarily mean that you fail the fit and person check. People with previous criminal convictions have made an honest declaration to MNZ and gone on to make a great contribution to the maritime industry. It will depend on whether a conviction (or history of offending) is relevant to an applicant's safe participation in the maritime system.

For more information on the fit and proper person check please see: www.maritimenz.govt.nz/Commercial/Safety-management-systems/Fit-and-proper-person-check.asp

Fit and proper person forms may be requested from MNZ and can also be found on our website at:

www.maritimenz.govt.nz/Publications-and-forms/Commercial-operations/Seafarer-licensing/Fit-and-Proper-Person-Questionnaire-MNZ-form.pdf

Operator responsibility to arrange an audit

Operators please remember that it is your responsibility to contact Jeff to conduct your annual audit well in advance of the expiry of your certificate of compliance. This allows him to coordinate visits geographically and therefore keeps your costs down.

Audit and inspection costs (outside of Queenstown)

Over the years the calculation of costs has varied from a flat charge to full cost recovery. The following charging structure now applies in accordance with the Shipping (Charges) Regulations 2000:

- \$101 per hour for time at the operation, and the actual and reasonable costs incurred in travelling.
- All South Island audits are charged for travel time from Christchurch. All North Island audits are charged for travel time from Wellington.
- Full cost recovery if the safety auditor is required to return to audit or re-inspect a non-complying operation.

Liaison visits are free of charge.

Expired certification

It is clear that operators need to pay extra attention to ensuring that such things as medical and first aid certificates, fire extinguishers and flares remain current.

You need to ensure that your management procedures notify you well in advance of expiry or service dates.

Jeff will be checking these during audit and liaison visits and where necessary will impose conditions on non-compliant operations.

In particular, please note:

- First aid certificates should have an issue and an expiry date. If they do not have an expiry date, then certificates are considered expired 2 years after the date of issue.
- We recommend that medical certificates are redone every 5 years.

Safe operational plan management

It is a rule requirement that SOPs be reviewed and updated regularly. To assist the control of this process, each SOP needs an index, and each page in your plan needs to have:

- a page number
- a version number
- the date the version was made.

MNZ also needs to hold a copy of the latest version of your SOP, and Jeff will be contacting operators who haven't sent him their current versions.

Please note this requirement applies to all operations throughout the country, not just the ones that he audits.

Emergency codes

Each SOP has a section on emergency procedures – these include codes from one to three, and in some cases four.

After a recent incident a driver commented that all he had to do is dial 111 for a code three (or code one in some areas).

Many SOPs held by MNZ reflect this sorry state by just requiring "Dial 111 and police will respond".

Please all have a look at your emergency codes and make sure they state what you would actually do, ie, detail the steps you need to take for each code (eg who you call for external help, what action you take on the spot) for:

- code one: personal safety
- code two: scene assessment
- code three: contact base/Police/MNZ.

Accidents and incidents

Twenty eight accidents have been reported to MNZ since the last newsletter.

These include:

- The rollover of a jet boat causing one fatality. This accident remains under investigation.
- A contact with a previously submerged object in the river.
- Sudden engine shutdown following an alternator snapping.
- Grounding of jet boat after a loss of thrust caused by reverse crank being stripped out.
- Jet boat striking a rock after steering failure. Five passengers injured.
- Jet boat striking a rock and then grounding. The driver radioed for assistance but received no initial response. Subsequently phoned an ambulance. Two passengers received spinal injuries and were treated in hospital.
- Contact with canyon wall after driver buzzed rock for too long.
- A contact with a rock in bar under the surface.
- Collision with rock owing to driver running a poor line.
- Failure of steering cable.
- Grounding caused by fault with throttle system.
- A near miss and a collision with private jet boat.
- Broken collarbone to a non-English speaking passenger who did not hold the safety rail during a spin.
- Minor cut to passenger who did not hold on to safety rail correctly.

In general we have been pleased with an overall decrease in the number of mechanical failures, but these will still occur, and it remains imperative that all jet boats are well serviced and maintained.

A number of accidents have also been the result of drivers either running the wrong lines or not being aware of new safety hazards, highlighting the need for drivers to exercise caution and for operators and drivers to continually monitor changes in the river to ensure that all navigation safety hazards are identified.

Given the high number of non-English speaking passengers carried, it is also imperative that you are sure they understand the pre-trip safety briefing before you set off.

Reporting accidents

There is a specific jet boating accident form, which can be downloaded from the MNZ website and should be included in all SOPs. This can be found at:

www.maritimenz.govt.nz/Publications-and-forms/Accidents-and-investigations/MAR-AI-7.pdf

It is a legal requirement that commercial jet boat drivers or operators report any accident, incident or serious harm injury as soon as practicable after it occurs.

This means you must do so as soon as you have secured the safety of people, your boat and the environment, and when you have communication available. Some of you don't know what is reportable. In brief, the following types of accidents, incidents or mishaps should be reported:

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

Incidents eg a near collision or a near grounding.

Serious harm injuries (legally defined as mishaps) include, but are not limited to, death, amputation of a body part, burns, loss of consciousness, and any harm that causes a person to be hospitalised for a period of 48 hours or more.

In the case of a **serious harm injury** on board a vessel, there is a further legal requirement for reporting under section 25 of the Health and Safety in Employment Act 1992. In this case, there is an additional form that the boat owner must complete.

Minor injuries, such as a small cut or sprain do not have to be reported to MNZ. Please ask if you are in any doubt.



Before you
get on board
get online

Stay safe on the water, visit
www.maritimenz.govt.nz

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Part 80A update

The revised Part 80, called “Part 80A – Commercial Jet Boat Operations” is with the Ministry of Transport for review prior to being released for public consultation.

A key policy change in the new rule is the introduction of a New Zealand Commercial Jet Boat Driver Licence (River).

Many of you will be aware that the push toward a driver licence resulted from accident investigations by both the Transport Accident Investigation Commission and the former Maritime Safety Authority.

A revised rule released for public consultation in 2003 proposed separate categories of licence for adventure or non-adventure drivers, as well as an increase in driver training hours for adventure drivers and a system of endorsements for drivers transferring rivers or types of jet boats.

Submissions to that rule made clear that this raised very significant compliance issues for many operators, and that the system of endorsements was of limited use in a relatively small sector that is characterised by a wide variety of operations.

Following consideration of these submissions and further targeted consultation, the driver licence that is proposed in the draft rule has the following features:

1. One licence type, called the “New Zealand Commercial Jet Boat Driver Licence (River)”. There will not be separate licences for adventure or non-adventure drivers.
2. A requirement that new jet boat drivers sit and pass a driver test with an independent person before being awarded the licence and being permitted to carry passengers.
3. Existing drivers will not be required to sit a test and will be eligible for the licence under special transitional provisions.
4. Retention of a 50-hour minimum for driver training. There will not be a national increase in driver training hours. Where increased hours are necessary to ensure a driver is competent for a particular operation, this will be dealt with via an operation’s SOP.
5. No national syllabus (initially at least). Different opinions within industry make it difficult to determine whether a national syllabus is either achievable or desirable. The proposed rule is expected to be drafted in such a way as to allow this to occur at a future date should this position change.
6. No endorsements. There will be no centralised system of endorsements as previously proposed. Responsibility for ensuring that drivers are competent to drive in new jet boats or areas of operation will be retained by operators.

The new licence is designed to minimise compliance costs as far as possible while ensuring that safety risks are adequately targeted.

The proposal for competency checks is not intended to be heavily prescriptive and is intended to allow for flexible implementation according to the needs and resources of each operation.

Other key changes include:

- The introduction of a driver log to record driving hours.

- A requirement that jet boats operating on braided rivers be fitted with an exit structure to protect passengers in the event the boat upturns.
- A requirement that all new jet boats to have 450 mm of freeboard.
- Removing the provision for an authorised person. Any future arrangements involving safety audits by non-MNZ staff, such as exist in Queenstown Lakes District, would be accommodated through delegation of powers under the Maritime Transport Act 1994.

The rule will be subject to formal consultation once it is released, but any enquiries in the meantime are very welcome and may be addressed to either Jeff Horne or Liam Brennan at 0508 22 55 22 (or email: liam.brennan@maritimenz.govt.nz).

Safety bulletins

Please take note of the following safety bulletins that have been released since the last newsletter:

Hamilton Jet steering nozzle pivot check (Safety Bulletin No.15)

This safety bulletin alerts owners and operators of Hamilton Jet models HJ-212, HJ-203 and HJ-214 of a steering nozzle pivot failure (top or bottom) that will lead to complete steering failure, potentially without warning.

Small craft wire cable steering controls (Safety Bulletin No.17)

This safety bulletin followed a steering gear cable failure.

The key issue is ensuring that the pulley diameter is within acceptable limits. If the pulley diameter is too small for the cable then the risk of fatigue failure is extremely high and the service life of the cable is dramatically reduced.

Please note that all operators are required to:

- have a fit-for-purpose certificate from either the manufacturer or supplier of the steering system
- ensure that safe operational plans have a steering specific maintenance section to show that cables are inspected and replaced as appropriate.

Passenger safety briefing – Maritime Rule Part 80 (Safety Bulletin No.18)

This safety bulletin highlights the importance of ensuring that all passengers understand the pre-trip safety briefing.

Put simply, if there is any doubt that a passenger understands the briefing, that passenger must not be carried on the trip.

Dangerous use of mobile phones while a vessel is underway (Safety Bulletin No.20)

Three people have been killed in recent collisions as a result of skippers being distracted by their use of mobile phones and a number of serious injuries have also occurred.

All New Zealand masters and skippers are reminded of their legal responsibility under Maritime Rule Part 22.5 to ensure their vessel maintains a proper lookout by sight and hearing as well as by all available means in the prevailing circumstances and

conditions, so as to make a full appraisal of the situation and the risk of collision.

Obtaining safety bulletins

Please see the MNZ website for these safety bulletins or contact MNZ on 0508 22 55 22 for a hard copy.

You can join up to our free email safety update service to receive all safety bulletins and guidance notices. Email: publications@maritimenz.govt.nz.

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JOIN OUR EMAIL MAILING LIST

Maritime New Zealand puts out a range of free safety information updates (including safety bulletins and marine guidance notices) targeted at the needs of different audiences in the maritime industry.

To join our mailing list, please email your details to:

▶ publications@maritimenz.govt.nz

This safety information is also available on our website:

▶ www.maritimenz.govt.nz

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Communications are a must

Effective communications are essential both in avoiding accidents and in ensuring that emergency services are alerted as soon as possible should an accident occur. In particular:

Communications between operators

Remember it is a legal requirement that operators on the same stretch of river communicate by radio.

This isn't to say that communication has to be limited to radio or merely focused on each other's movements!

As common users of the river MNZ expects operators to share "intelligence" about safety hazards that have been identified in their area of operation, eg private river users or changed river conditions.

Communication between drivers and base

All operations must have an effective system for drivers and base to communicate with each other at all time during the trip.

Time is of the essence in a rescue situation and MNZ expects a responsible person at base to be in contact with the boat and able to initiate an appropriate emergency response should the jet boat not return by the scheduled time. Jeff will be testing this during his liaison visits over the next 12 months.

Feedback and queries

Your feedback and ideas for this newsletter are very welcome. If you'd like a particular issue covered, further copies of this newsletter, or to subscribe to this newsletter please get in touch with our publications team at:

publications@maritimenz.govt.nz.

If you have any queries about the content of this newsletter please contact Jeff Horne (Safety Auditor – Adventure Jet Boating) on 027 534 6082 or email:

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