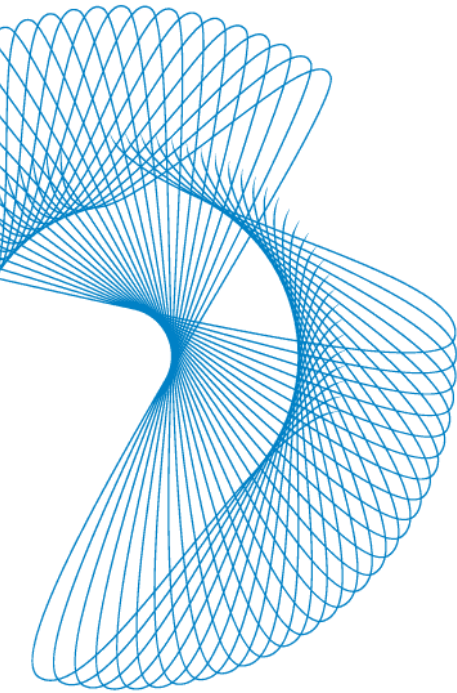


Advice to the reader

The health and safety guidance in this document is sound but it has not been updated to reflect the new Health and Safety at Work Act effective 4 April 2016.



Safety Guidelines

Paddle craft rental activities –
lakes, flat-water rivers and
sheltered coastal areas

August 2010



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Introduction

These safety guidelines are for commercial operators who hire or provide paddle craft and equipment for public use that is not directly supervised on the water by a guide or instructor. The free use of canoes or kayaks as part of an accommodation incentive is also covered by these guidelines.

The guidelines provide advice on commercial paddle craft rental activities, including legal requirements and good safety practice. Maritime New Zealand (MNZ) expects that the guidelines will be followed by businesses involved in rental operations.

This resource is specific to the rental sector and complements MNZ safety guidelines for commercial kayaking and canoeing operations published in September 2009 (available from www.maritimenz.govt.nz). A specific set of guidelines has been developed for paddle craft rental operations on the Whanganui River.

MNZ does not intend to produce guidelines for rental operations on rivers with rapids, other than the Whanganui River. Due to the general hazards involved in operating on rivers with rapids, any operator considering this type of activity is encouraged to communicate directly with MNZ first.

Definitions

Paddle craft rentals mean the provision of canoes, kayaks and equipment for participants who are not directly supervised by a qualified guide or paddle craft instructor while on the water. (Note: closed-deck kayaks are only suitable for use by persons who have undergone appropriate wet-exit and self-rescue training).

Supervised paddle craft rental activities involve using paddle craft and equipment in a defined area where participants are directly monitored by a responsible person ashore who is equipped to assist the participant if required.

Remotely supervised paddle craft rental activities involve using paddle craft and equipment in defined areas, but out of direct sight of the responsible person onshore. The person supervising knows the details of the participant, the area of their paddle craft activity and their estimated time of return. (Most rental activities by accommodation providers fall within this definition.)

Non-supervised paddle craft rental activities are not covered in these guidelines. These are activities where participants rent paddle craft and equipment for use in areas at the discretion of the participant. In these circumstances, operators hiring or lending the paddle craft and equipment should establish whether the participant's skill level is consistent with the anticipated activity and whether the type of paddle craft they are intending to use is suitable for their intended plans. This would include kayak shop rentals, where a craft is taken on hire for an extended period to be used at various, often widely separated, areas.

Legal requirements

While there is no specific maritime rule for paddle craft activities, they are covered by the general requirements of Maritime Rule Part 91 for navigational responsibilities, the carriage and wearing of personal flotation devices (PFDs), and safe operation of craft.

Regional and district councils and the Department of Internal Affairs may also have navigation and safety bylaws that set licensing requirements for kayaking operations under the Local Government Act 1974.

All commercial paddle craft operations involving employment (including self-employment) are also covered by provisions of the Maritime Transport Act 1994 (MTA) and the Health and Safety in Employment Act 1992 (HSEA).

MNZ administers the MTA and is the designated agency under the HSEA for activities conducted on board vessels. (The Department of Labour administers the HSEA for work-related activities on land.)

Under the HSEA, employers must take all practicable steps to ensure the safety of employees and other people in their place of work. This includes managing hazards and providing appropriate training and personal protective equipment to employees.

The HSEA and MTA have requirements for the reporting of incidents and accidents to MNZ. Any case of 'serious harm' to a person must be reported under the HSEA, while under the MTA, *all* accidents and incidents (including serious harm) must be reported. Reporting forms and more information is available from the website: www.maritimenz.govt.nz.

MNZ has the legal authority to investigate incidents and accidents involving paddle craft, and aims to do so in cases involving serious injury or loss of life. In some cases, it can also undertake prosecutions where there is evidence of serious breaches of maritime or health and safety rules. An archive of past MNZ investigations into paddle craft accidents can be viewed on the MNZ website. Studying accident reports can be useful in developing safety management plans for paddle craft activity.

The two provisions in the MTA dealing with the responsibilities of the skipper for safe operation of a craft (s.19) and the offence of causing unnecessary danger (s.65) are both applicable to paddle craft operations.

Participant screening

Paddle craft rental operators should screen all participants to assess whether they will be able to cope with the responsibilities, challenges and risks they may encounter.

Screening should include questions about the participant's skills and experience. They should be given information about the responsibilities, challenges and risks involved and statements about the skills and experience that are needed.

Evaluating participants' suitability for independent paddling should include:

- previous paddling experience
- swimming abilities
- physical coordination for paddling
- general health and fitness.

If an operator considers that a person is not suitable for rental activities, they should not allow them to participate. In this situation, the operator should instruct the person to participate under the supervision of a qualified guide or instructor instead.

Safety briefings and training

Operators should give participants involved in supervised and remotely supervised paddling clear and thorough verbal instructions about:

- any geographic or defined limits where the paddle craft can be safely used
- hazard avoidance strategies
- main storage hatches not being removed when the paddle craft is on the water
- maritime rules for avoiding collisions
- any relevant local navigational safety bylaws
- interactions with other boats and powered craft
- location of boat ramps, jetties, water ski areas and high traffic areas that may require additional awareness and care from the paddle craft user.

All participants on remotely supervised paddle craft activities should be given waterproof maps that are legible and detail any significant hazards. Operators should check that participants are familiar with the map.

Safety instructions

The safety briefing at the start of a trip should be given by a guide or paddle craft instructor who holds a national or nationally recognised paddle craft qualification or equivalent in-house competencies,¹ and who has detailed knowledge and experience of paddling on those stretches of water.

Operators should ensure that paddlers understand all the instructions, emergency procedures and briefings about the following topics:

- local weather patterns, the forecast, tide times, tidal ranges and the likely effects on their intended activity
- how to use emergency equipment such as bailing devices, spare paddles and safety equipment
- how to raise outside assistance in an emergency, or to contact the person responsible for monitoring the trip
- how to use, fit or adjust canoes or kayaks and equipment such as rudder pedals and PFDs
- techniques for capsize and wet exit, self rescue and deep-water re-entry methods
- specific hazards such as exposed logs, reefs or bluffs with no landing potential
- dealing with strong winds
- launching and landing
- appropriate paddling and steering for the particular craft (such as forward paddling, reverse paddling, forward and reverse sweep strokes, support bracing strokes, emergency stops and edging)
- suitable personal clothing
- facilities available in the area (such as boat ramps, safe landings, commercial boat operators, road ends, radios, telephones and water supplies)
- environmental care.

When participants are experienced canoeists or kayakers or have previously rented paddle craft from the provider, some of the safety briefing requirements may be reduced.

Equipment

Every paddler in a group should be provided with the following:

- a well-maintained canoe or kayak with operator identification and a unique identification number
- equipment that is properly adjusted for the user.

The canoes or kayaks should be equipped as follows:

- for open-deck canoes, either permanent flotation foam or airbags fitted in the bow and stern
- for small recreational kayaks with large cockpits and no fore and aft bulkheads, either permanent flotation foam or fitted airbags
- for touring or sea kayaks, fore and aft bulkheads, but kayaks with only an aft bulkhead should have bow flotation of either permanent foam or a fitted airbag

¹ In-house competencies should be verified as equivalent to national qualifications by an auditor registered with the Register of Outdoor Safety Auditors (ROSA). Where accommodation providers allow guests to use paddle craft (in low risk settings only), it may be acceptable for responsible staff without equivalent competencies to provide a briefing covering key safety points, provided these are reinforced by simple written or pictorial information.

- fitted bow and stern grab loops, deck lines or similar arrangements
- at least one paddle per person
- a well-maintained and correctly fitting PFD suitable for paddling for each person, which should be worn properly when the paddle craft is on the water²
- a whistle per person
- a bailing device unless the cockpit is of a self-draining design
- emergency and/or evacuation instructions
- a spare paddle (for remotely supervised activities)
- a waterproof map (for remotely supervised activities).

A first aid kit should be available at the point of hire. For remotely supervised activities, participants should be advised to carry a first aid kit.

Communication

For remotely supervised activities (those that are unguided or not in visual contact), two reliable forms of marine communication should be carried (such as a distress beacon, waterproof VHF hand-held radio, satellite phone, flares and/or whistle).

If cell phones, satellite phones or any other form of non-waterproof communication are to be carried, they should be placed inside a plastic bag or waterproof container so that they can still be operated or accessed during an emergency on the water.

It is also important that operators providing paddle craft for use clearly explain the limitations of any communications equipment carried – for example, cell phone coverage may be inconsistent in some regions and may not be able to be relied upon in an emergency on the water. It should also be noted that VHF radio coverage is very limited on inland waterways.

At least one of the communication devices should be carried on the person.

Operator records

An identified responsible person on shore should have a written and signed trip plan (intentions form) recording the following:

- the names and addresses of rental participants
- details of the canoes or kayaks and equipment provided, including operator identification, and a unique identification number on the paddle craft to enable the craft to be easily recognised
- the intended paddling area and time and date of return
- a documented emergency plan for what happens if the hirer does not return at the agreed time or place.

The operator should maintain records of appropriate skills for solo participation in remotely supervised activities.

Operators should not rent canoes or kayaks to solo paddlers for remotely supervised activities, unless they are joining other experienced canoeists or kayakers, or the operator has first-hand knowledge of their canoeing or kayaking skills and experience. The operator must also be satisfied with the participant's ability to undertake the proposed trip safely.

2 PFD for paddle craft must meet: New Zealand Standard 5823: 2005 Type 406 or Maritime Rule Part 91 Amendment No. 2 2007, or an equivalent national or international standard acceptable to the Director of MNZ.

Further information

Contact the MNZ Safety Advisor Recreational and Small Craft on 0508 225 522 or email enquiries@maritimenz.govt.nz.

Acknowledgment

These safety guidelines are based on the Sea Kayak Operators' Association of New Zealand (SKOANZ) guidelines for commercial sea kayak rentals.