



# New Zealand Trailer Boat Federation Inc.

Representing Moored and Trailered Pleasure Craft Clubs  
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15<sup>th</sup> March 2002  
Maritime Safety Authority  
Attention: Standards Manager

## Re: MARITIME RULES Part 91 Water Recreational Rules Draft Rules

**This is the submission of the New Zealand Trailer Boat Federation Inc.**

The New Zealand Trailer Boat Federation represents approximately 3000 recreational boat users and was formed in 1961. It is a national organisation representing boat clubs New Zealand wide. As such we have a mandate to make submissions to local and central Government on legislation that could be detrimental to what is considered fair and proper. This is such a submission.

In general we agree with most of the sections of the draft rule. We welcome common sense approaches to safety on the water. We do however have some comments which are shown below. The relevant section from the draft rule shown first with our comments shown after this in bold.

### **91.4 Personal Flotation Devices**

- (1) No person in charge of a recreational craft may use it unless there are on board at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board.
- (2) Rule 91.4(1) and (5) shall not apply to –
  - (a) any surfboard or similar unpowered craft; and
  - (b) any sailboarder or windsurfer, if a wetsuit is worn.

**Kids paddling a '2 person' The Warehouse inflatable dinghy are not likely to wear or carry PFDs, neither will yachties rowing their dogs ashore. Is it practical to cover these situations?**

- (3) Rule 91.4(1) shall not apply in respect of any sporting event, training activity or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the recreational craft and the recreational craft or support vessel or both carry buoyancy aids of an appropriate size for each person on board the recreational craft.

**This means that a ceremonial waka (or dragon boat) with 50 paddlers either carries a life jacket for all 50 OR the support craft has PFDs for all 50. Is this practical?**

- (5) No person in charge of a recreational craft may use that craft in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations cause danger or a risk to the safety of persons on board, unless every person on board is wearing a personal flotation device of an appropriate size for that person.

**'Danger' and 'Risk' may need some formal definition mentioned in section '91.2 Definitions' so that the skippers subjective interpretation is less relevant.**

**The NZTBF have been lobbying for and recommend that there be an additional requirement for children's PFDs to have crutch straps. This means that there needs to be a size/age where the PFD has to have such a strap to prevent the wearer from falling through the jacket and drowning. RFD children's jackets already do have straps. The Warehouse Ltd have committed to selling children's PFDs with straps.**

## **91.6 Speed of vessels**

- (1) No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding 5 knots:
  - (b) within 200 metres of the shore or of any structure; or

**This technically means that a recreational craft must slow to 5 knots whilst passing under bridges such as the Auckland harbour bridge because of the bridge support structures. This clearly is impractical in many cases and there really should be some better definition to allow it if the structure is the only obstacle.**

- (2) No person may propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person is sitting at or on the fore part or bow of that vessel with any portion of their body extending over the fore part, bow, or side of that vessel.

**There could be provision for bow riding on larger vessels where standing on the bow is actually safe provided there is adequate bow railing to support them. The bow rails often extend in front of the actual vessel bow structure, which technically makes standing there at speeds greater than 5 knots illegal.**

- (5) Rule 91.6 shall not apply to:
  - (d) a vessel solely powered by sail participating in a yacht race or training administered by a club affiliated to Yachting New Zealand in relation to any other vessel solely powered by sail participating in such an activity; or
  - (e) a craft training for or participating in competitive rowing; or

**The above 2 points (d) and (e) should still be subject to (c) below**

- (c) within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (divers flag).
  
- (f) a tug, *port authority* pilot vessel, harbourmaster vessel or police vessel when the vessel's duties cannot be performed in compliance with this clause.

**Point (f) could have the insert shown in bold to prevent false claims by offenders of acting as a pilot for another vessel.**

### **91.15 Distance from oil tankers or other vessels showing flag B**

Where possible, the master of a vessel must not allow that vessel to approach within 200 metres of an oil tanker or a ship carrying explosives that is showing flag B by day or a red light by night.

**Perhaps the proper navigation light arrangement for these specific vessels should be used here as there are many vessels which show a 'red light by night'.**

### **91.16 Duty of master of a vessel under 500 gross tonnage**

- (1) The master of a vessel under 500 gross tonnage must not impede the navigation of any vessel of 500 gross tonnage or more if the vessels are in an area defined for the purpose of this rule by bylaws.

**The following line needs a bit of clarification**

...defined for the purpose of this rule by bylaws. ....

### **91.18 Temporary events**

*MSA also seeks comment on the new power to reserve an area exclusively for the notified activity. In the past there has been no power to exclude the public from areas subject to a temporary uplifting.*

**Many public parks have picnic areas which have to be booked in advance. Why can't this be extended to tracts of water ?**

*Several regional councils have suggested that the uplifting process is out of date. Such councils consider the speed limit and any exemptions should be dealt with entirely at a local level through navigation bylaws and in conjunction with use and amenity considerations under the Resource Management Act. Comment is particularly sought on this issue.*

**Many regional councils don't like threats to their empires and can have objectivity and jealousy problems especially in the case of smaller councils. The RMA has been used as a weapon by many councils for less than honourable reasons. This is no secret.**

## **91.20 Appointment of Safe Boating Advisors**

- (2) The Director may revoke the appointment of a person under rule 91.20(1) at will.

**Perhaps the words "at will" should be replaced with "on written reasonable grounds"**

### **End of Submission**

Please direct all correspondence to the secretary. Contact details above.