

31 March 2023

Mike Andrews
fyi-request-21913-f427c033@requests.fyi.org.nz

Our ref: F32201
By email

Dear Mike

Official Information Act request: information regarding Surf Life Saving NZ (SLSNZ) approval

Thank you for your email of 25 February 2023, in which you requested the following:

“Can you supply a copy of the current document/s that:

- 1. Authorizes Surf Life Saving NZ to operate motorized craft (i.e. IRB) outside of patrolled beaches including on any other water ways (inland or otherwise).*
- 2. Provides an exemption to Surf Lifes Saving NZ to have a Maritime Operator Safety System (MOSS), outlining any caveats for such (i.e. Directors Exemption/MOU/Agreement etc).*

This is to establish any regulatory conditions imposed on Surf Life Saving New Zealand in operating IRBs for purposes other than patrolling beaches and related recreational life saving competitions.”

We have considered your request in accordance with the Official Information Act 1982 (the Act).

Response

In regard to question 1, we do not hold a document that specifically authorises SLSNZ to operate motorised craft outside of patrolled beaches, including other waterways, therefore we are refusing this part of your request pursuant to section 18(e) of the Act on the grounds that the requested information does not exist. However, we note that circumstances such as the recent emergencies associated with flooding events might occur that require SLSNZ to operate outside their specified limits. In addition, in the event SLSNZ IRBs (or jetskis) are required for a specific event outside the prescribed limits of the SLSNZ's Safety Case document, such as for SLSNZ internal events, or as a support vessel for an aquatic event etc, an exemption must be applied for and issued, in order for the IRBs to be used for this purpose.

Other circumstances where SLSNZ may travel out of a marked patrol area or the immediate surrounding area (zone bounded/marked by flags) are:

- That SLSNZ have specific concerns/want to ensure safety for swimmers further down the beach.
- As part of a response or placing the IRB/RWC in a position for more effective observation of activities.

Maritime Rule (MR) Part 91.6(1) does not allow for any vessel, without reasonable excuse, to exceed 5 knots within 50m of another vessel or person in the water, 200m of the shore or any structure, however there are exceptions to this:

- MR 91.6(5)(d) allows certain vessels (e.g. emergency response craft) to exceed those speed requirements if their duties cannot be performed in compliance with those speed requirements.
- MR 91.6(6)(e) allows the abovementioned types of vessels to travel within 200m from shore or any structure in emergency situations.

In regard to SLSNZ, duties would include the action of breaking through surf, rescue, and also rapidly moving from one position to another to better observe a specific concern. These aspects of their duties can be considered as reasonable excuse not to comply with 91.6(1).

Attached is the document you requested at question 2, which exempts SLSNZ from the following:

- *The requirements in Maritime Rules 19.3, 19.41, 19.42, 19.43, 19.45, 19.62 (Maritime Operator Safety System), 40G.5(1)(2)(3) and 40G.6(1)*

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this response (with your personal details removed) may be published on Maritime New Zealand's website.

If you wish to discuss this decision with us, please feel free to email government.services@maritimenz.govt.nz

Yours sincerely



Anna Dwen
Senior Advisor, Ministerial Services

EXEMPTION FROM THE REQUIREMENTS IN MARITIME RULE 19.3, 19.41, 19.42, 19.43, 19.45, 19.62; 40G.5(1)(2)(3) AND 40G.6(1)

PURSUANT TO Section 47 of the Maritime Transport Act 1994,

I, **STEPHEN PETERS**, Assistant Manager Certification team, acting under delegated authority, being satisfied that –

- (a) the granting of the exemption will not breach New Zealand's obligations under any convention; and
- (b) the action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the requirement; and
- (ba) the risk of harm to the marine environment will not be significantly increased by the granting of the exemption; and
- (c) the risk to safety will not be significantly increased by the granting of the exemption.

HEREBY EXEMPT:

THE OWNER and OPERATOR of vessels that are:

- ***IRB Inflatable Rescue Boats and RWC Rescue Water Craft***
- ***being used as patrol vessels by Surf Life Saving Clubs in New Zealand***
- ***not otherwise operating as commercial vessels***

FROM:

The requirements in Maritime Rules 19.3, 19.41, 19.42, 19.43, 19.45, 19.62 (Maritime Operator Safety System), 40G.5(1)(2)(3) and 40G.6(1)

PROVIDED THAT

- a) The vessels remain in the ownership of Surf Life Saving of New Zealand and incorporating clubs; and
- b) The vessels are used only for in-house racing, patrolling and to respond to on water emergencies; and
- c) The vessels continue to be operated in accordance with its approved Safety Case SOP Unique Number S1516; and
- d) The vessels are deployed within the parameters as set down in the Standard Operational polices and don't exceed 2 kilometres off shore; and
- e) The vessels are operated by qualified crew only during in-house racing, lifeguard operations or search and rescue operations; and
- f) Rescue Water Craft (RWC) are serviced by a qualified mechanic from a licenced dealership twice a year; and
- g) The vessels are subject to periodic maintenance checks completed by a competent person; and
- h) Periodic patrol audits and maintenance checks are subject to inspection by the Director of MNZ as necessary.

This exemption shall be valid until **18 October 2023**, unless withdrawn earlier in writing by the Director.

SIGNED at Wellington on this 19th day of October 2018.

Stephen Peters
Assistant Manager, Certification team
Maritime New Zealand,
Acting under Delegated Authority