

16 August 2022

Hon Michael Wood
Minister of Transport
Email to: m.wood@ministers.govt.nz

Kia ora Minister Wood

Re: Proposed review of Maritime Rule Part 91

I am writing as convenor of the Navigation Safety Group. This is a nationwide sector interest group comprised of Harbourmasters and their teams from Councils around the country. Within our regions we have navigation safety bylaws, made under the Maritime Transport Act 1994 to regulate boating activities in our regions. These all have a strong safety focus and receive public input using the special Consultative Process of the Local Government Act 2002 prior to councils approving them. The Director of Maritime New Zealand is required to be consulted with as part of this process and bylaws cannot be inconsistent with Part 91 of the Maritime Rules. Part 91 sets out minimum safety and behavioural guidelines for recreational boating in New Zealand.

There is a high degree of similarity between regional bylaws, and within our Group we work collaboratively and with peer reviews to improve this consistency. However, there are local variations for a variety of reasons, some due to region-specific issues and some because of changes introduced through the consultation process or the views of councils at that time. The Part 91 review provides an opportunity to streamline potentially divergent regional rules, which cover essentially the same topics, by providing a national rule for these matters.

We are fully supportive of the Part 91 review and have already provided initial input to its preparatory stages. The existing rule has arguably fallen behind current boating safety expectations – both in the view of Harbourmasters, as regulators, and the many public boating sector groups we engage with. The review is seen as long overdue. Our view is that a national rule should be providing the lead and set the standards to follow in the development of regional bylaws, so they in turn can provide nationally consistent safety outcomes.

Two key points are the lack of a consistent, single, national rule requiring the wearing of lifejackets on small craft and, similarly, requirements to carry any means of communication. There are many more points where Part 91 is seen as lagging current best practice and we are very keen to have the consultation document released so we can collectively and consistently lift safety standards on the water across the country.

Regional bylaws are required to be reviewed at least every 10 years. Several councils have started those reviews but are waiting for direction on likely changes to Part 91 through its review process so these may be taken into account when considering possible bylaw amendments. If this work is done without the benefit of an updated Part 91, bylaw variances around the country will remain. Amending rules and bylaws is a significant undertaking and we want to ensure the result is a set of bylaws as nationally consistent and coherent as possible. A revised Part 91 should go a long way to achieve this.

We look forward to receiving the consultation document and welcome any opportunity to work constructively with the Ministry of Transport and Maritime NZ in terms of regulatory guardianship to improve boating safety across Aotearoa.

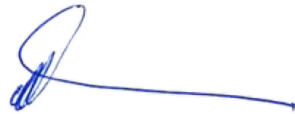
If there are areas of concern regarding matters in the draft consultation document, or questions on how they may relate to regional regulations, we are happy to provide a representation to meet with you or your staff to discuss these.

Nga mihi



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