



Ture ā-Rohe Mahi Urungi Āhuru | Navigation Safety Bylaw 2025

Submissions Book

Submitter: Perry Hughes

Submission No: 1

These changes make sense and I agree with all. Specifically with the lifting of the ban on wind powered sports in estuaries, that is a nonsense law.

Submitter: John Kensington

Submission No: 2

Removal of an exemption to wear PFD (lifejackets) on board a vessel under six metres when tendering to shore.

I do not agree with this proposed change.

When tendering to shore or between boats in an anchorage there should be no requirement to wear a lifejacket. These activities are being conducted by people who can swim and should something happen there is help close by from other boats and the tender itself can in the majority of cases provide floatation. This policy change is an overreach and indicative of a nanny state approach - people need to be given the right to accept or not a relatively low amount of risk. There is nothing to stop people from wearing PFD but don't make them

If you are going to legislate like this (and please don't) how does it reconcile with swimmers in the same area not being required to wear a PFD, this change seeks to put a higher requirement on those not swimming and not in the water and safely on a boat then those swimming from boat to boat or to the beach

a person swimming boat to boat or to the beach has less obligation than one on a boat

1. Removal of a clause prohibiting swimming or diving around wharves.

this change brings with it a whole new level of danger and places a very heavy burden on skippers of vessels approaching a wharf.

A wharf is a structure designed for vessels to approach tie up to and board or disembark passengers and goods. It is also typically done under motor. A wharf's primary use is for berthing boats and as such it is incompatible to have people swimming in the area where small medium and large vessels are seeking to arrive, tie up, and eventually leave and deliberately mismatch people boats and propellers

Swimming can be (more) safely conducted from the beach nearby and diving from floating platforms purpose built for the purpose. The unwise nature of this suggested change is that it will be legal to swim at a wharf where boats are trying to approach and berth while it won't be in a ski lane

One only has to visit Russell or Paihia wharves (as I did on numerous occasions over summer), on a busy afternoon as charter vessels of all kinds - sail, motor, and private vessels, and ferries come and go using the purpose designed structure to do so. The area is congested enough and without putting swimmers in the mix. In addition the purpose designed and built areas for vessels to berth, tie up, load and unload passengers and goods will be used for swimming giving boats less space to berth, tie up, load and unload passengers and goods and put their skippers under more risk

for specific events such as birdman or a harbour swim for example an exemption could be used

Submitter: Neal Foote

Submission No: 3

I don't think it necessary to wear a life jacket when using a vessel under 6m as a tender between the shore and your boat. I think that it should be personal choice.

Submitter: Alan Merry

Submission No: 4

I think the compulsory use of flotation devices on a dinghy while going ashore from a larger boat at anchor or on a mooring is sensible in some circumstances but not necessary in others. For example, if one is within easy swimming distance of the shore and the conditions are good, it would be legal to dive into the water and swim ashore without a flotation device but the law would make it necessary to wear a flotation device in a dingy doing the same journey. On the other hand I always wear a lifejacket going to or from my yacht on its mooring in the Tamaki river - the distance (about a kilometer) is at the outer limits of what I could swim easily, and conditions are often not perfect, so I would support making this compulsory under these and similar circumstances. I wonder whether the central idea that some flexibility and judgement is appropriate in this matter could be captured in some way? I would be interested in the cases that have prompted this change.

I am disappointed that there is still no requirement for compulsory licensing of people in charge of boats, as there is in many other countries. In a way, this might go further than the above change to reduce tragic deaths. There would be more point in having rules if people are allowed to be in charge of boats had to demonstrate that they were aware of them!

Submitter: Hilton Ward

Submission No: 5

Removing the exemption for wearing a lifejacket in vessels under 6m when tendering to and from shore is unrealistic.

I would like to see this suggested change deleted.

Cruising folk very often commute ashore for extra adventures that may be a short turnaround or may be for up to a week or more while on an extended excursion ashore. The dinghy may be padlocked to a dock or tree but leaving or taking bulky life jackets is not an option on a shopping expedition, hike or even a flight out of the country.

In my experience most drownings are at sea where they are caused by an accidental sinking or misadventure. More drownings are by people washed off rocks while fishing than by commuting ashore from vessels. In fact, commuting ashore drownings are a very rare event. indeed.

After extensive research I have only found one death occurrence in New Zealand & Australia while transferring ashore and that was caused by being run over by another larger vessel. The death was caused by the collision and not by drowning.

Submitter: Steven Gorrie

Submission No: 6

The only change I disagree with is two forms of communication. You don't currently have enough patrols on the water to monitor the current regulations and so passing a law that you won't monitor is pointless. Also most boats around the country don't have 2 forms of communication so you would be passing a law that has a high non-compliance rate which won't be enforced and when it is randomly enforced will be very unfair.

I am a volunteer at Coastguard and while this is a personal opinion it is based on years of boating experience. All the other changes make lots of sense.

Submitter: Alex Petraska

Submission No: 7

Has anyone drowned while tendering to and from shore? Making people wear lifejackets in this scenario is stupid and people won't do it. It's changing a law for no reason, other than to piss people off.

Submitter: Guy Wilson

Submission No: 8

I object to proposal 8 on several grounds. I am not aware of a spate of drownings related to use of a dinghy as a tender while not wearing a pfd, changes should be evidence based not feels good or because other people do it. It is a practical exemption applicable to the northland environment, notable for its sheltered anchorages. I do encourage lifejacket use in less than ideal conditions in the same situation.

I would seek clarification on Proposal 12 or 13, there are two twelves in the list, while using a dinghy as a tender nearshore I believe hand and voice signals would be more than sufficient to signal for help, would this qualify as 2 recognised and appropriate methods for attracting attention?

Both of these amendments may significantly affect the practical use of a dinghy as a nearshore tender with, I believe, little or zero net benefit. There is an added issue of security of this additional equipment when a dinghy is left unattended, a known problem in Northland.

Submitter: John Mills

Submission No: 9

for a small pleasure craft like my 12ft 6inch boat used solely for private fishing to have fixed communication is ridiculous.

I always carry a flare pack and cell phone kept in a waterproof container.

I also only fish in Whangarei Harbour.

Submitter: Aksel Bech

Submission No: 10

I am in broad agreement or neutral on most proposed changes however I submit AGAINST the proposed change of "Removal of an exemption to wear PFD (lifejackets) on board a vessel under six metres when tendering to shore".

I have a registered mooring in Opito Bay and have used this for some 20 years without incident; the main moored vessel is 12m length and accessing by tender in a sheltered bay where I can almost stand on the bottom at low tide for three quarters of the distance to be covered from shore to the moored vessel. I acknowledge that every situation varies -but I am not aware of the evidence that demonstrates significant numbers of safety incidents, drownings or near misses for tender craft accessing shore to or from a moored vessel.

Put another way, I suggest this may be a solution looking for a problem not evidenced. I urge that this change NOT be adopted unless it is specifically evidence based rather than be a more generic behavior change or philosophical driven recommendation.

Submitter: Glenn Edney

Submission No: 11

I do not agree with removing the exemption for wearing a life jacket on a vessel under 6m while tendering to or from the shore. I am a commercial skipper and sailor of 40 years experience and have been tendering out to my various vessels at anchor or on moorings perfectly safely and without incident during that time. There have only been a handful of times where I have deemed it necessary to don a PFD because of the conditions. There are many situations within Northland harbours and bays where either the moorings or vessels at anchor are close to shore and in very sheltered waters. In my opinion I do not believe removing this exemption is necessary in those situations and I believe it should be the responsibility of the person in the situation to make a judgement as to whether it is necessary to wear a PFD. I believe it is very important that people are able to make good judgement calls for themselves, rather than having blanket rules, which remove the sense of personal responsibility and hinder people in assessing risk for themselves. Cultivating good risk assessment skills is of the utmost importance for seafarers and I believe having blanket rules such as this reduce the opportunities for people to develop good risk assessment skills. I suggest a better option is to include a clause along these lines. For example. Any person using a small vessel (e.g., rowing dingy or paddle craft) to tender to and from an anchored or moored vessel should assess the distance and sea conditions and should wear a life jacket or other PFD if there is significant risk of that craft being swamped or capsized due to those conditions.

Submitter: Harry Moloney

Submission No: 12

2.1.3 Wearing of properly secured personal flotation devices:

Strongly disagree - this is unnecessary and impractical. The decision to wear a lifejacket for the short trip to shore needs to be decided by the person in charge of the tender dependent on weather conditions or state of himself or passengers.

3.16.1 Every personal water craft being used must clearly display a unique number on each side of the craft, such number being a minimum height of 90 millimetres and each digit having a minimum width of 80 millimetres.

3.16.2 This number must be registered with a council or its agent together with the name and address of the owner.

Strongly disagree - This adds more cost and maintenance to an already spiraling cost of vessel ownership. This needs to be voluntary.

Submitter: Richard Foster

Submission No: 14

1. As regards the removal of the exemption to the wearing of floatation devices in tenders, I do not think this is necessary or appropriate. The ubiquitous rubber dinghy powered by a small outboard or oars is intrinsically very stable and safe - in effect the dinghy is itself a liferaft. I have used these craft very frequently for 60 years without once falling into the water or having anyone with me get into trouble. The proposed change would only be justified if the drowning statistics showed that this activity was really dangerous. In fact, I would go further and not even require the carrying of floatation devices in such tenders - if left in the dinghy while one is ashore they are liable to damage or theft. Of course I am referring to the use of tenders under normal circumstances - calm water, close to shore - in really adverse conditions byelaw 2.1.1 would apply.

2. While on the subject of floatation devices, wearing one while using a Stand Up Paddle board should not be required, SUPs should be treated like surfboards and byelaw 2.1.4 should apply, subject to the same proviso about using a leash. I fell off my SUP recently and feel it was probably easier to get back on without a lifejacket than had I been wearing one.

3. Requiring two means of communication (byelaw 3.3.1) is probably reasonable in the case of seagoing yachts, motor cruisers and recreational fishing boats. For example on my yacht I carry cellphone, VHF radio, flares and an EPIRB. However when it comes to small craft used close inshore this seems impracticable. To go back to my SUP for example, there is nowhere to stow such equipment, and the same would be true of sit on top kayaks, windsurfers and the new small foiling boards. Conceivably, one could carry one cellphone in a pouch or a personal locator beacon (PLB) on your person but certainly not two, and even then the conditions to which it was exposed would militate against it ever working in an emergency.

As a suggestion, 3.3.1 could be limited to vessels operating more than (say) 1 nautical mile from shore.

4. I find the wording of 3.3.1 rather unclear as to what equipment would be acceptable. What about distress flares? What about PLBs and EPIRBs which only communicate one-way to the distress centre? As I read it at the moment, the requirement of 3.1.1 could be met by simply carrying two cellphones, which would probably be totally useless in the case of a capsize or swamping due to their not being waterproof.

Sorry to say it, but 3.1.1 is simply not fit for purpose and it is a case of "back to the drawing board" to devise something that is realistic and some practical guidance to boaties, taking into account the points I have mentioned.

Submitter: Mike Smith

Submission No: 15

8. Removal of an exemption to wear PFD (lifejackets) on board a vessel under six metres when tendering to shore.

The current situation is: that if it is safe, and within 200m of shore you can 'tender' ashore without a compulsory lifejacket. The new proposal is to remove this

'exemption'. Do you want to have to wear a lifejacket to tender to and from your boat?

In many situations and many individuals it is appropriate to wear a lifejacket, but often it is calm, and a distance one could easily swim, so a lifejacket seems unnecessary. The existing exemption seems sensible.

9. Amendment of exemption to wear PFD for any board sport to only exempt wind powered and surfing board sports while physically involved in riding breaking waves towards shore.

The current situation is that a 'board' that is appropriately tethered to you is considered a flotation device. Eg a leg rope on a paddleboard. The proposed change would mean that unless you are actually "surfing in breaking waves" you must wear a lifejacket.

I enjoy many board sports, and make a call every time to wear a lifejacket or not. A calm evening paddleboard in a sheltered bay? Not required in my opinion. Again, the existing bylaw seems sensible.

12. New provision requiring the carriage of at least two forms of appropriate means of communication on board vessels.

Again, it seems that this is being applied in a non-common-sense

manner – generally it is sensible and practical to have two forms of communication on a boat (eg a fixed VHF and your cell phone). But rowing out in a dingy? Paddleboarding? In <6m vessels one form will need to be waterproof so we'll need to all go buy a waterproof VHF to kayak up the river. I will be opposing this change also.

Hearings – would you like to be heard in support of your feedback? Yes, I would like to present my feedback in person. Please contact me on the email or phone number provided to arrange a time. No, I would not like to speak to my feedback. (It will still be considered formally as part of this process). Would you like to be notified of future projects, plans or policies open for public feedback? Yes – please subscribe me to your email list. No – please do not add me to your email list.

Submitter: Carolyn Moloney

Submission No: 16

Clause 2.1.3 is ridiculous

Clause 3.16.1 and .2 these are unnecessary steps and costs. I see no benefit to anyone but council.

Please don't make over onerous and excessive changes to boating rules. The Bay of Islands needs to remain accessible to all. I've witnessed FNDC enforcers in the bay diving on boats. On one occasion a harbour master scolded and berated a young man on a paddleboard for not attaching the leash to his ankle. He pursued the boy and his father back to their boat in a very authoritative and aggressive manner. And the scolding continued. It was embarrassing. We had overseas visitors that asked when New Zealand turned into a police state. Don't ruin it.

Submitter: Benjamin Tombs

Submission No: 17

I find the bilaw suggestion to wear lifejackets to and from an anchored yacht to be overly dictatorial. Yes, I understand that this is an area where accidents often happen, but I believe the responsibility should lay with the skipper of the vessel, and the money spent trying to police this bilaw should be diverted into skipper training.

Submitter: Stephen Hansen

Submission No: 19

They are sensible changes and will improve safety.

**Submitter: Rachel Kennedy
Northland Ferries**

Submission No: 20

Northland Ferries has concerns in respect of the proposed change to bylaw 11.

1. Removal of a clause prohibiting swimming or diving around wharves.

With the many vessels operating around Paihia, Russell, Opuā and Waitangi wharves, swimmers will be at risk while vessels are maneuvering in these busy and confined areas.

Submitter: David Austin

Submission No: 21

1. I do not support allowing people to swim near wharves
2. I don't support wearing of lifejackets for tenders from shore to vessel

Submitter: John Baran

Submission No: 22

First off - I broadly support the review.

BUT: I _oppose_ the removal of the lifejacket exemption for vessels under 6m when tendering to or from shore. The overwhelming majority of those situations are in sheltered waters very close to shore - and a lifejacket will simply impede anyone's ability to swim the short distance to safety.

Submitter: Steve Dawson

Submission No: 23

I note that the new draft rule (p.29) requiring all vessels to carry two forms of communication allows only one exemption (for surfing). This implies that the rule would apply also to small vessels such as sailing dinghies, small racing yachts [eg. lasers, optimists], dinghies/tenders, windsurfers, kite surfers, etc. Such vessels usually do not have a safe (or dry) space to store a cellphone or VHF.

Respectfully I suggest that this rule would meet very limited compliance, on the grounds of impracticality.

Submitter: David Blackley

Submission No: 24

To remove restrictions around allowing persons to jump and swim around wharfs will create conflict and safety issues with boats. It is dangerous to have boats and swimmer in close proximity and often those jumping and swimming around wharfs have no respect for nor knowledge of the operation of vessels both large and small.

It creates a further security issue for boat owner as swimmers often climb on duckboard to rest or jump.

It also creates a wet zone for boats that when at rest are then showered with water from those jumping.

All in all a very bad proposal.

Removing lifejacket exemptions for tendering boats is unnecessary and just creates yet another set of rules that are not necessary nor is there any justification from accidents.

Many larger vessels who have tenders to transport guests from vessel to shore or shops etc do not have sufficient storage on board their tenders, leaving life jackets exposed then leads to theft. See notes above re vessels getting showered by people jumping of wharfs as this will result in guests returning to their tenders to have to don wet lifejackets.

There is no evidence that supports the change.

Large vessels operating tenders, are generally experienced skippers who do not speed, create dangerous situations or act recklessly.

A further need not covered.

Further speed restrictions need to be brought in place for commercial vessels operating within the Bay of Islands. Wakes are becoming dangerous to those anchored in the few available bays remaining. Commercial boats are often operation at speeds well in excess of 8 Knots within both the shore and other boats at anchor. Wakes travel considerable distances and pose a significant danger to anchored boats.

Submitter: Alan Dawn

Submission No: 25

I agree with all of the proposed changes and that the Bylaw should be updated in line with what is proposed in the Draft Navigation Safety Bylaw.

Submitter: Ross McInnes

Submission No: 26

I disagree with the proposal to require 2 forms of communication on a vessel. For most small vessels a mobile phone is sufficient if not going out beyond the coverage range.

I do not agree with the proposal to remove the exemption for those on vessels less than 6 meters wearing life jackets when tendering to and from shore. I believe that the wearing of life jackets when tendering to and from shore should remain at the discretion of the skipper.

I have no opinion or not enough knowledge on the other proposed changes to comment.

Submitter: Ian Goodison

Submission No: 27

I have been a recreational boater for 65 years, including bluewater cruising. I have also been a professional white-water river boatman for 10 years and spent 12 years as a professional alpine rescue practitioner. I have empathy for those involved at the sharp end of search and rescue. However, it is all too easy for legislators to impose regulations aimed at the lowest common denominator, resulting in undue and irksome restrictions on those who are capable of making their own decisions about their own welfare and safety; some refer to this as the nanny state approach.

My experience leads me to believe that individuals should be expected and encouraged to take responsibility for their own actions, including safety on the water and at sea, albeit within a baseline framework of regulation.

Education is generally preferable to regulation. Imposing a blanket requirement disregards the nuanced decision-making capabilities of experienced boaters and may lead to decreased compliance. Overregulation can foster resentment and reduce the perceived legitimacy of safety rules, potentially undermining overall safety objectives.

I am opposed to the following 3 proposals by NRC:

8. Removal of an exemption to wear PFD (lifejackets) on board a vessel under six metres when tendering to shore.

- The proposal lacks data demonstrating that tendering without PFDs within 200 metres of shore significantly contributes to drowning incidents in Northland. Without clear evidence of a problem, the necessity of this regulatory change is questionable. If enacted, this would impact nearly all users of vessels in NZ that require tenders.
 - Skippers of vessels that anchor off and carry tenders are sufficiently knowledgeable and experienced to make prudent decisions about safety while tendering, and to wear PFD's when appropriate. i.e. transporting non-swimmers.
 - Anchorages are generally sheltered water (or they wouldn't be used), and the likelihood of capsize or swamping incidents is very low.
 - Nowadays, most tenders of 6m or less are inflatables with much buoyancy. These are an inherent buoyancy aid for several people.
 - Once on shore the person(s) must attend to the security of their PFD; either securing them to their tender somehow or carrying them around while ashore, either way another irksome chore for the sake of the lowest common denominator.
 - It is ludicrous that a person could legally swim to shore in an anchorage without a PFD, or swim and tow a dinghy to shore without a PFD, but it would be illegal for a person accompanying them in a dinghy to not wear a PFD.
 - The existing exemption is sensible. The current bylaw mandates PFD usage on vessels under six metres when underway, with exemptions for tendering within 200 metres of shore, provided the person in charge assesses conditions and deems it safe for occupants to remove PFDs. This approach balances safety with practical discretion, allowing for situational judgment based on real-time conditions.
-

9. Amendment of exemption to wear PFD for any board sport to only exempt wind powered and surfing board sports while physically involved in riding breaking waves towards shore.

- A board is an intrinsic flotation device available for the rider/user when tethered by a leg rope, as is a wet suit when worn.
- Boards are used in a wide variety of conditions and water environments, ranging from wild and windy onshore conditions to still glassy conditions within a sheltered bay or anchorage: not all these conditions require a PFD
- If enacted this provision to impose compulsory donning of a PFD in those conditions that do not warrant it is an irksome imposition on many users for the sake of the lowest common denominator.
- Users should be empowered to take responsibility for their own safety and make their own decisions about wearing of PFDs.
- The existing exemption is sensible.

10. New provision requiring the carriage of at least two forms of appropriate means of communication on board vessels.

- On vessels used for voyages, passages and trips some distance away from shore the carriage of an appropriate communication device is prudent and practical, and 2 forms of communication are even better.
 - However, if enacted would result in some irksome and impractical requirements for some users of vessels; for small open craft such as tenders and boards on which the carriage of 2 devices is impractical and irksome. Secure stowage and waterproofing is almost impossible.
 - In many scenarios where small open craft and boards are used, such as sheltered anchorages and close to shore, it is not necessary to have a communication device at all. e.g. rowing to shore in a tender, or paddleboarding boat to boat, or kayaking on the upper reaches of an estuary.
 - Destinations favoured by cruising boats equipped with tenders do not necessarily have cellphone coverage or VHF coverage. In these scenarios users must operate self-sufficiently and not depend on rescue arriving when summoned by a communication device
 - Users should be empowered to take responsibility for their own safety and make their own decisions about carriage of appropriate communication devices. e.g. sea kayaking on open water or at sea it would be prudent.
 - As a blanket rule across all forms of vessel and boat use, the proposed regulation is impractical, unworkable and invasive.
-

Submitter: Dr Mere Kepa

Submission No: 28

The statement of proposal in our Draft Navigation Safety Bylaw 2025 outlines all the changes we are proposing to make. Some of the key changes include:

New requirement to carry two forms of communication on a vessel.

Removing the exemption for wearing a lifejacket in vessels under 6m when tendering to and

Tena koe

The true range of obstacles in the way of unlocking Māori and non-Māori people's and organisation's potential was accurately acknowledged by the German sociologist Max Weber when in his essay "Science as a Vocation" (1918), he described healthy and creative individuals as somebody "who appears once in a thousand years". Most of us stand poised at the edge of brilliance, our reality undermined by a range of minor yet critical psychological flaws ¾ a little too much optimism, an unprocessed rebelliousness, a fatal impatience or sentimentality. Hence, I am left newly aware of the magnanimous technocratic assurance that everyone will be safer, therefore happier, with the:

... limited scope to navigational safety and covering [sic] items such as boating, moorings, board sports, jet skis, diving and other activities in our region's harbours, inlets, estuaries, and along our coast.

Held up against the subtlety of the critical psychological flaws, the review feels like it is written by a computer. Consequently, my doubts about people's future enjoyment of the North's harbours, inlets, estuaries, and coast is neither hopeful nor quelled. The review has struck me as strange and regrettable that in New Zealand's society something as life altering as the determination of a person's safety has been for the most part abandoned to more technology, diminished safety, more risk of harm by people to the wildlife habitats in the estuaries at Ruakaka and Waipu, permission to swim in the contaminated water around wharves, more rules and reporting, and less grammar or rules of language, thereby muddling people's understanding of the bylaw's intent to improve our safety in the water, and consequently our happiness.

No reira, ka mihi na Mere

(Dr) T. Mere. A. Kepa

Te Parāwhau Hapu & Te Patuharakeke o Te Parāwhau

Kaitiaki, Project Jonah volunteer 14815, 2025

Kaitiaki, voluntary Pest Strategy: Takahiwai Hills and Forest. Est. 2017

Chair, Kopuawaiwaha 2B2 Ahu Whenua Trust. Est. 1949

Chair, Takahiwai Māori Committee. Est. 1977

Submitter: Ken Kiddie

Submission No: 29

Thoughts? Greetings. The idea of removing the exemption for wearing lifejackets when tendering to and from shore makes boating less enjoyable as jackets are uncomfortable to row in on those nice hot days. The decision should be up to the skipper not "Big Brother".

No doubt "Big Brother" doesn't care but us happier ordinary sailors. Do you?

Thank you for your consideration.

Submitter: Andrew Kelly

Submission No: 30

Thanks for your email

I think all of those are good other than the 6m vessels requiring life jackets proposed change

That works well already as the cut off at 6m length boats

Submitter: Robin & Teresa Lilley

Submission No: 31

Thoughts? licensing of boat operators. Registration of vessel to the licensed operator using trailer Registration, would, I think, also help with boat and trailer theft.

Submitter: Daniel Westwood

Submission No: 32

One size does not fit all.

I have a catamaran. It is moored in shallow water. It is 50m from shore.

Under this proposed new law, I would need 2 forms of communication and life jackets to get to mother ship.

This proposed new law is a waste of time, effort and money. Who will police it? I am against it.

Submitter: Peter Schouten

Submission No: 33

Clause 2 additional reporting for transit of Te Matau a Pohe bridge is excessive and unnecessary as the current system of VHF and phone communication is adequate. There is a lack of VHF coverage when close to the bridge when using a handheld device and this should be addressed. Calling on the phone works very well and I transit the bridge regularly. I fail to see what other requirements would achieve other than further restricting our freedom of navigation.

Clause 8 wearing pfd when tendering.

As a skipper with over 50 years experience including 2 circumnavigations I feel qualified to make the following comment.

The responsibility for crew safety is and should be with the skipper or operator of the vessel in the first instance. Any additional measures from local authority should be clear and not overly restrictive. The current exemption reflects just that. Any enhanced safety awareness should be in the form of education. It is a nonsense when in the height of summer and with warm waters you need to wear a pfd when ferrying to a nearby shore or a boat close by in the Anchorage for socializing. Especially when only lightly dressed in either swimming tire or other light clothing. Stepped up safety measures in adverse weather when dressed in heavy foul weather gear are self evident. Common sense must be allowed and self responsibility respected.

Clause 12 (or is it 13) 2 forms of communication.

First of all the documents do not spell out what an acceptable form of communication is. It is completely over the top to require electronic communication devices when using a dinghy, kayak, SUP or other such small vessels, especially when operated in sheltered waters in bays and or on streams typically within hailing distance. There are too many gaps in network coverage and or range restrictions for ordinary daily use devices to work all of the time. The only electronic device to work anywhere at all times to my knowledge is a satellite phone and to require this for all vessels is overshooting the intent of the safety bylaw and would be overly restrictive.

As stated before clear definitions need to be published before any changes or additions are made in this regard.

Submitter: Scott Gavin

Submission No: 34

New requirement to carry two forms of communication on a vessel. - makes no sense for small vessels, dinghies, paddleboards, etc

Removing the exemption for wearing a lifejacket in vessels under 6m when tendering to and from shore. -

This is ridiculous - leave exemption as is!

Adjusting the wording to effectively remove the paddle boarding/kayaking lifejacket exception, is also ridiculous.

Submitter: Scott Gavin

Submission No: 35

As Commodore of the largest boat club in Northland, we are very concerned about some of the proposed changes, specifically:

1. Removing non-surfing board sports from lifejacket exemption
2. Removing 200m 'tendering' from lifejacket exemption

Both of these existing exemptions make sense and are workable by everyday, sensible boat users. Of course we are able to make our individual decisions based on the conditions at all times. If these exemptions are removed then they will be flouted by most boat users at most times - you will be very busy enforcing this!

Addition of ridiculous bylaws like this simply encourages boat users to disregard all of the safety by-laws (even the sensible ones).

1. 2 forms of communication for all activities

Two forms of communication is common sense and happens by default in most larger boat situations - however strictly speaking the way this is worded any boat (dingy, paddleboard etc) would need two forms of communication - again a ridiculous concept in most cases.

Submitter: Derek Brown

Submission No: 37

3.3 means of communication.

There is no definition of the means of communication listed. eg does this include the waving of arms or yelling out to someone on shore? If not, someone like myself who uses a sit on top kayak and a paddle board within sheltered waters, that is never more than 1-200m from shore will have to carry 2 means of communication, which I presume means a cell phone plus a water proof VHF (as my water craft is under 6 m). Or 2 vhf's.

This seems completely over the top. Why can't there be a distance from shore before you need comms. eg 200m seems appropriate.

Submitter: Vern Dark
Mangawhai Harbour Restoration Society Inc

Submission No: 38

The Mangawhai Harbour Restoration Society (MHRS) was established as an Incorporated Society in 1994 following the "big dig" in the Mangawhai Harbour in 1991. The Society's purpose is "to take any legal action it deems necessary to restore, protect and enhance the Harbour and its surroundings for the benefit of the local Community". Obviously safety is a major factor in its deliberations. It is funded by a special levy on the Ratepayers of Mangawhai.

Generally the MHRS supports the proposed changes to the Northland Regional Council Navigation Safety Bylaw and applauds the NRC for the review. It should have a positive effect on safety in our Harbour providing the rules are followed.

MHRS has mainly two safety issues at the present time, the first is the speeding of jet skis outside of the designated ski lane. Speed signs are in place but mainly ignored, particularly in the Upper Harbour. Recently the NRC commissioned a Deputy Harbourmaster and boat to patrol the Harbour but this only occurred from November to February 2025 and the patrols had to be shared with other Northland harbours. The rules are in place but improved means of monitoring and enforcing are required.

The second issue is the repainting of a Port marker in the entrance to the Harbour from red to yellow and being used as a 5 knot speed marker. Shifting of sand on the sandspit and wind blown sand from the north side of the entrance groin has meant the previous port marker was no longer a buoy that could be relied upon. The groin which was installed we think in the late 19th century has sunk and needs refurbishment. Rather than changing the role of the marker buoy, the Society is of the view that it should have been moved to a position where it could be used for navigating the Harbour entrance. The prevailing Harbour Master's view is that it is up to the skipper to ensure safe entry to the Harbour, whilst correct, marker buoys are there to assist in doing so.

Submitter: Robert Cross

Submission No: 39

As someone who is a local boatie and also sells sailing holidays around the world I strongly oppose your approach to this issue.

I have completed your Word document but the tick boxes are not active.

I strongly suggest you do not limit responses only from people with a Microsoft subscription. Enforcing the use of one supplier in this manner is not ethical or practical for people such as myself who would rather not pay for a subscription to this monopolistic parasite.

Making people wear a life jacket in perfect weather or when in a tender transferring ashore does not work and no one is going to do this. If you were to regulate this I would just jump off the boat, now I am swimming and the law does not apply.

What purpose does putting ugly numbers all over my boat serve when visiting boats do not need to comply?

You can see by my URL I organise sailing holidays for a living and I can tell you this council has the emphasis on the wrong people. You charge local boats an environmental tax and now wish to monitor us when in almost all cases you have our details via our marina or mooring.

This neither aligns rules around regions and nor does it look at international best practice.

Charge visiting boats a Cruising tax and leave us locals who pay in other ways alone.

Submitter: Jonny Bannister
Coastguard NZ

Submission No: 40

Thank you providing the opportunity to provide input into this important piece of work. As way of introduction I work for Coastguard New Zealand and would therefore like to provide our organisational perspective on the proposed changes.

Firstly, we welcome the intent to standardise the bylaws as this will make it much simpler for those out on the water to know what they have to do in every area of the country. We also welcome your intent to remove the exemption for the wearing of a life jacket when transiting between the shore and a vessel on a mooring. Coastguard New Zealand advocates for the mandatory wearing of a life jacket on vessels of 6m or less. This view is based on analysis of a number of fatalities over the past 10 years, particularly in 2023 when 70% of the preventable drownings had life jackets available but where not available. We therefore support your revision to the bylaws.

The one area of the draft bylaws we do not support is section 3.3.1.b regarding the carriage of communications devices. We welcome the requirement to carry two forms of communication, but we feel for national consistency, the bylaws should follow the Maritime New Zealand led safer boating code which advocates for 'two forms of water proof communication' no matter the size of vessel. We would welcome you to reconsider this section so there is a consistent approach. Otherwise we would like to recognise the proactive approach the Council takes to water safety.

Submitter: James Payne

Submission No: 41

Please write to me in English

Submitter: Stephen Holland

Submission No: 42

The use or otherwise of life jackets when a vessel is being used as a tender in protected waters should remain at the discretion of the captain/ skipper for the following reasons.

1. The vast majority of tenders are of multi-chambered buoyancy construction and as such are in, themselves, a safety device.
2. The number of occupants often varies and the point of origin of a passage also changes which results in difficulties in providing life jackets in sufficient numbers and at the commencement of the trip.
3. Few tenders have appropriate storage for a full complement of life jackets and most yachtsmen will keep theirs on board for use when cruising.
4. My yacht is on a mooring which necessitates accessing by tender. Under the proposed changes my wife and I would wear our life jackets out to the moored yacht, go cruising, then reverse the process going back to shore.

But on next trip out we have unexpected company

and our spare life jackets are on the yacht out on the mooring.

5. In all my 60 years and over 40,000 ocean miles I have only voluntarily worn a life jacket in conditions of thick fog. It is vastly more important not to go overboard and to that end I wear a tether when conditions dictate.
6. In my opinion, ensuring that tenders are unsinkable and have adequate hand holds would contribute far more to safety than compulsory life jackets.

Submitter: Malcolm Leman

Submission No: 43

The statement of proposal in our Draft Navigation Safety Bylaw 2025 outlines all the changes we are proposing to make. Some of the key changes include:

New requirement to carry two forms of communication on a vessel. **Agree**

Removing the exemption for wearing a lifejacket in vessels under 6m when tendering to and from shore.

Not sure. Can be dangerous with a dingy that is overloaded.

Removing restrictions on wind-powered board sports in Ruakākā and Waipūāestuaries. **But should include something about keeping away from swimmers etc.**

New reporting requirements for the Te Matau ā Pohe bridge (Whangārei).

Removing restrictions on swimming or diving around wharves. **No I don't believe that these restrictions should be removed. Also included in the restrictions if not already, should be boat ramps. It's extremely dangerous with people swimming around ramps with boats being launched or retrieved.**

Amendments to mooring design specifications must be approved by the council.

Re-structuring the bylaw to make it easier to understand. **Always good**

Submitter: Gregory Lister

Submission No: 44

Removing the exemption for wearing lifejackets on a vessel under 6m when tendering to and from shore.

I can understand this with a non inflatable dinghy, but with an inflatable dinghy this seems ridiculous - stop applying more red tape to everything.

Can you please provide data that supports drownings from tenders from vessel to shore and vice versa when not wearing PFDs.

Submitter: Richard Brown

Submission No: 45

The requirement to wear lifejackets in boats tendering to the shore (including RIBs) is not justified by historical data.

In a previous life I was the secretary of the Auckland Yacht and Boat Association (AYBA) a regional arm of Yachting New Zealand. In that role I was asked to respond to an Auckland Council proposal to make the wearing of life jackets compulsory at all times in boats under 6.0m. This was a response to a drowning when a badly overloaded aluminium dinghy was swamped under the Mangere bridge and was witnessed by a Councillor

In the process I did quite a lot of research, particularly into the statistics around this topic. In brief what I found was that the majority of drownings in small boats occurred whilst the owners were fishing and almost 100% were in boats other than inflatables, ie RIBs

It proved somewhat difficult to obtain complete statistics as, for example, it was not always recorded what the construction of the dinghy was. However it became clear that RIBs were significantly safer than Open boats and we submitted that these should be exempted, and this was agreed to by the By Law committee's staff secretary.

In the end the Council's By Law committee went further and simply made the wearing of life jackets compulsory unless the skipper decided there was negligible risk. As far as I know this is how it remains.

The main point is that from this research there was no record over 12 years of any drownings from RIBs being used as tenders between boat and shore. It is pure speculation on my behalf that the proposed change to your by laws is as a result of perhaps only one incident which is being used to now affect all the good sensible people who use RIBs. If that is the case I would ask you to review the situation taking into account the information I have supplied. I would suggest that if there is still concern a bylaw requiring life jackets to be worn in boats accessing the shore could be restricted to:-

1 Non inflatable craft

2 At night

3 In rough conditions

4 When traveling single handed

Or alternatively exempting:-

Inflatable boats being used in sheltered water during daylight hours.

I am attaching a copy of a report I did at the time which, although, touching on other aspects of life jacket wearing, concentrates mainly on the very low level of accidents involving RIBs.

A friend once pointed out to me the irony that if his wife chose to jump in the water and swim ashore from their keelboat and he decided to row their inflatable dinghy alongside of her, she would not have to wear a life jacket but he would. I hope that your committee agrees and makes the appropriate adjustment to your proposal



"...Closed boats being used at 5.0 kts or less in sheltered waters during the hours of daylight"

Report into Statistics supplied by Maritime New Zealand to discover whether any types of boat, 6.0m or less, are more or less represented in the accidents resulting in fatalities

Presented by Auckland Yacht and Boating Association August 2013

Report into Statistics supplied by Maritime New Zealand to discover whether any types of boat, 6.0m or less, are more or less represented in the accidents resulting in fatalities

Background

About the same time in early 2013 as Watersafe Auckland (WA) was considering a by law requiring the wearing of life jackets in boats under 6.0m, Environment Waikato (EW) advertised its draft By Laws which also contemplated compulsory wearing. AYBA was of the opinion that a blanket requirement was not appropriate and became involved in the submission process for both documents.

I attended a WA meeting called to discuss the proposal and immediately prior to the start I was told by the chairperson, in response to a direct question, that they were considering maintaining the same exemptions as currently existed for some small boat users, such as "surf boards or similar unpowered vessel". It was not completely clear if this included manually propelled dinghies, the type which are used by many boat owners to access larger craft.

During the meeting one particular attendee recommended extension to ALL boats under 6.0m at all times and this was rapidly supported by many other attendees. I spoke to say that I was not happy with that outcome as there were several situations where I considered it unnecessary and even in some circumstances, dangerous. I pointed out that there are situations where a person may jump overboard and swim ashore but if they went in a very buoyant dinghy they would have to wear a life jacket. In addition airlines require you to inflate your lifejacket once outside the aircraft and the same principle applies in a boat. Fortunately the staff from the Auckland Council by laws section, who were in attendance, stated that no such by law would be considered without wide consultation.

The EW draft by laws required the compulsory wearing of life jackets in all boats under 6.0m whilst under way. AYBA submitted by letter on this and several other technical matters and asked to be heard at the committee's public hearing. Our suggestion in relation to the compulsory wearing of lifejackets was to limit it as follows ".... a vessel sailing or a powered vessel when being operated at more than 5kts or any vessel after sunset and before sunrise...."

Shortly before this hearing it was pointed out to me by Andrew Clouston (YNZ) who had been discussing the issue with Martin Paget from the Maritime Police that no by law was allowed to be detrimental to the National Maritime Laws. I contacted Martin myself and he said whilst these were under review he did not expect the situation to change from the current one where boats are required to carry lifejackets and for them to be worn at times when in the opinion of the skipper there is increased danger.

During my verbal presentation to the EW committee I mentioned the discussion with Martin Paget. At that point a staff member who I now know to be on the New Zealand Pleasure Boat Safety Committee (NZPBSC) spoke privately to the chairman. He then said that the by law, however it ended up, would not be detrimental to the National Rules. The NZSBSC is a committee formed by Maritime NZ to seek advice from the broader pleasure boat fraternity, prior to, amongst other things, changing the maritime rules.

I then offered the committee a copy of a suggested by law which I had drafted with a view to taking it to the next AW meeting. They accepted the offer. The draft endeavoured to describe the exemption we sought for people using dinghies to access their boats and can

be seen in Appendix 1 at the end of this document. In part it excludes -:

- g) *Closed boats being used at 5.0kts or less, in sheltered water, during the hours of daylight, but not any boat sailing.*
- h) *Open boats anchored in sheltered waters during the hours of daylight.*
- i) *Persons fully inside closed in accommodation`*

Item (g) is a function carried out safely many times by cruising boaties. There were definitions of "Closed boat" "sheltered water" and a definition of "hours of daylight" already exists. The majority of tenders are now small inflatable boats being either rowed or driven by small outboards at under 5kts.

When the final EW by laws were published the wording of the relevant clause had not changed at all, and so it appeared that no weight had been given to our recommendation. This prompted me to do two things. Firstly I enquired of MNZ if such a by law was permissible under the "not detrimental to" requirement of the National Rules, given that it changed with some significance the thrust of the rule.. It was pointed out to me that basically Council are permitted to "enact a greater level of control" beyond the requirements of the Rules in the interest of Safety.

Secondly I noticed in the summary of submissions published by EW that they gave the reason for disregarding our submission on this topic as -:

The Waikato Regional Council has undertaken a range of consultation opportunities to seek public input on this matter. Of the submissions received on this by-law 75% indicated that personal flotation devices should be compulsory in some manner. From a survey of 821 boat users in 2012 indicated that 79% thought personal flotation devices / life jackets should be compulsory. In light of these responses, and in order to improve safety for all persons using and aboard vessels in the Waikato it is considered to be appropriate to take a stronger stance on wearing of personal flotation devices in vessels 6 metres or less.

Maritime New Zealand statistics state that 85% of fatalities occur in vessels 6 metres or less.

No amendments to be made to NSBylaw

Given that this appears to be a "standard" response to several submissions which did not agree with compulsory wearing of Life Jackets I enquired what research they had done to specifically address the exemption we had asked for. Their reply is as follows-:

Hi Richard

Thank you for your email.

Your question – “2) In the responses to submissions you quote MNZ statistics and have selectively chosen to focus on the statistic which says that 85% of fatalities occur in boats under 6.0m. Can you please advise what examination of this statistic you did, to see if within the 6.0m boat description, certain types of boats in certain types of situations were more or less responsible for those deaths. For example what proportion were in inflatable boats within 200m of the shore in sheltered waters. Similarly what proportion were in open boats in open waters which were anchored. I anticipate you have done no such research and yet the former is now required to wear a lifejacket and the latter is not.”

2). The statistic quoted is from the National Boating Safety Strategy refer to <http://www.maritimenz.govt.nz/Recreational-Boating/Publications/Boating-Safety-Strategy.asp>

My direct dial is [07 859 0728](tel:078590728) if you would like to discuss any matter further.

Regards

Kim

It is therefore quite clear that no research has been done to identify if certain boats are safer than others and whether the by law should be a blanket cover or should be imposed only on some craft (as was the old by law).

I then decided to do my own research and asked Watersafe for any statistics they had. They were unable to supply me with anything other than the MNZ statistic quoted in the NZPBSC report.

I then contacted MNZ and asked if they had an analysis of the statistics broken down by type of boat. They did not, which further confirms that no-one has properly examined this question but MNZ directed me to the “Report on Maritime accidents and incidents investigated by Maritime New Zealand” covering the period approximately from 2001 to 2011.

<http://www.maritimenz.govt.nz/Publications-and-forms/Accidents-and-investigations/Accident-and-investigation-reports.asp>

It is not stated whether this covers all reported marine related accidents in the period and there are some indications that maybe in some categories it does not. However it is the best information I have been able to obtain and clearly much better information than either WA or EW have obtained. There is no reason to believe that the percentage breakdown in types of boats would vary significantly if additional events were included.

There is a total of 213 reports set out under the following categories

Commercial 30

Fishing 57

Passenger 58

Non Passenger 12

Commercial Kayak/ Canoe / Rafting / Jet boats 9

Recreational 33

Recreational Kayak / Canoe / Rafting / Jet boats 16

I have read summaries and where necessary the detail of all of these reports. Many of them did not involve fatalities or boats under 6.0m. Where they involved fatalities involving

boats under 6.0m I have summarised them in the attached table. Three accidents which have been listed under the first four headings, involved boats better described within the last three categories. I have therefore shown them separately ** at the end of the summary. Only one of them proved fatal. Apart from these three there are no accidents involving boats under 6.0m in the first four categories.

These results show the following

Of 61 accidents 23 involved fatalities and 29 deaths in boats 6.0m or less.

Types of boats involved in fatal accidents

Of the 29 deaths the breakdown by boat type is as follows

Launch / Runabout 13

Kayak 9

Canoe 3

Raft 2

Jet boat 1

Non inflatable dinghy 1

Inflatable dinghy (RIB) 0

Conditions leading to people ending up in the water

Of the 23 fatal accidents the cause of people ending up in the water was as follows

White-water rafting or canoeing 10

Waves or strong winds swamping or capsizing the boat 7

Hit object 4

Poor maintenance 1

Fell out of boat which went round and hit head 1

Included in the “waves or strong winds” group are one death where a small dinghy with only one oar and no safety gear was taken out in 25kts (1 death) and a single person kayak with 3 POB capsizing in only small waves. (2 deaths) The rest do not include dinghies.

Proximity to land

There were many deaths very close to land, particularly white water rafting and canoeing deaths and by definition those where the craft hit rocks etc. With the possible exception of the single person Kayak with 3 POB there were no accidents in the conditions anticipated in our definition of “Sheltered water”

Under way or anchored

In every case the boat was technically “under way” in the sense that they were not deliberately anchored but this included boats which were just drifting, boats which were trapped as well as boats which were travelling at speed. There were no fatalities in boats which were anchored which is a surprise given the more recent examples of boats anchored and fishing in rough conditions, which have subsequently swamped or capsized.

Wearing and non wearing of Lifejackets

Of the 29 fatalities

15 people were wearing Lifejackets although in some cases they were either not appropriate for the conditions or poorly fastened

12 people were wearing no Lifejacket

For 2 people Lifejackets were irrelevant to the cause of death

Alcohol and drugs

In only 2 deaths were alcohol or drugs considered contributing factors.

Activities undertaken

Whilst the activities undertaken at the time of the accident varied considerably white water activities and poor seamanship in inclement weather conditions accounted for many of the accidents. There were no accidents involving people accessing their boat in a tender or accessing the shore from their boat in a tender. In one non fatal accident a tender under motor was run down by a ferry at night. There were injuries and both occupants were thrown in the water. They were not wearing Lifejackets and the incident could have been much worse than it was.

Blame

Although the MNZ reports almost always apportion blame and in some cases recommend prosecution only 2 accidents – the single canoe with 3 POB and the dinghy with only one oar are examples of sheer stupidity. The others could be described as poor seamanship, wrong decisions, tiredness or carelessness.

Other references

MNZ also directed me to the New Zealand Pleasure Boat Strategy report of 2007 which was referred to by EW There is no detailed analysis in this report as to the types of boat involved in fatal accidents. The summary appears to be flawed in that it includes under the category “dinghies” all boats which are not either Kayaks or Canoes. This would of course include Launches, Powerboats and Motorboats. I have asked MNZ for clarification on this point.

The “Report on Maritime accidents and incidents investigated by Maritime New Zealand” has since February 2013 been replaced by publications by the name of “Accident, Incident and Mishap reporting summaries” However these simply report the facts, without any analysis but do not appear to include any dinghy related accidents, although one fatality in Mahurangi Harbour mentions a dinghy which was found tied to a tree.

See also ## Lookout below

Conclusion

In conclusion this survey does not appear, across all 213 reports, to include any incidents involving RIBs of any size. It does not involve any incidents such as those considered in our recommendation to EW – namely to exclude “closed boats with built in buoyancy being operated at under 5.0kts in sheltered water within 200m of land during the hours of daylight.” It is unreasonable that this section of the boating community should not be given an exemption.

Whilst the survey shows no accidents involving our target group we recognise that accidents could happen even to them. Outboards might break down, oars might break, the wind or tide may prove too hard to row against, or the crew might become ill. All of these could result in the boat being blown into more dangerous waters, but almost always the boat will remain afloat and recoverable even after being swamped or capsized. These events are unlikely to happen suddenly and crews would have time to put on their lifejackets provided they are in the boat.

Like any other boat they would be susceptible to collision with a faster moving boat albeit illegally within 200m of the shore, but to require compulsory wearing of lifejackets to cover this situation may not be the right solution if the crew is diving deep to try and avoid impact

and would be analogous to requiring seatbelts in a stationary vehicle in case of another vehicle crashing into it.

Other types of boat

This report does not attempt to speak for other boat groups such as surfers, people sleeping on boats, windsurfers and skiff sailors who fear entrapment in the event of a capsized. We believe their cases should be considered separately

Post Script

Following the completion of this report my attention was brought to a publication named **“Lookout”** Since 2006 MNZ has published this magazine style document and reported many of the marine accidents, both fatal and non fatal. The detail included is not as precise as that included in the “Report on Maritime accidents and incidents investigated by Maritime New Zealand” quoted above. For example the size of the boats is not stated. Many cases appear in both publications but there are also a number of new cases. Of these a few clearly involve dinghies under 6.0m. A summary of these appears below.

- 1) March 2006 Aluminium **open dinghy one mile offshore travelling at 15kts** the boat was swamped and capsized. They put on their lifejackets whilst in the water but one member still drowned.
- 2) July 2006 Professional fishing boat crew returned **at night** to the fishing boat in an oar propelled open dinghy in **choppy waters and 30kts breeze**, after a drinking session ashore. Crewman attempted to jump to the parent boat and fell into the water. Was not wearing a life jacket and drowned.
- 3) June 2007 Waka paddling less than 200m from shore was hit by speedboat at speed. Several injuries but **not fatal**. Some were not wearing LJs
- 4) March 2008 **Open GRP dinghy** retrieving nets was swamped just 100m from shore due to fisherman who was twice “legal alcohol limit” standing on one side. He was not wearing LJ and the boat was not underway.
- 5) March 2008 Crossing harbour in **open fibreglass dinghy in 22kts and 1.5m waves**. Not wearing LJ. Drowned.
- 6) June 2009 Two men fishing in a river **at night**. Boat capsized whilst hauling nets. Tide carried them 15 miles out to sea. No LJs. Managed to right and bale the boat out and get back in. Non fatal. Possibly an RIB
- 7) Sept 2009 9.0m Coastguard RIB smashed into rocks **at speed at night and poor visibility**. Boat still floated despite damage to fibreglass hull. Several injuries but no deaths.
- 8) Dec 2009 2 men fishing and drinking at **midnight** approx 100m from shore in **2.1m open dinghy**. One started deliberately rocking the boat till it swamped and sank quickly. Neither was wearing LJ and one drowned.
- 9) June 2010 Whilst retrieving nets in **poor conditions the waves** capsized the boat and 3 pax fell into water. Skipper received head injuries and drowned. No LJ. Boat type not listed.

- 10) Dec 2010 Man who had been drinking and using cannabis borrowed a dinghy (not described) to access his boat **at night** in the marina. No LJ – drowned.
- 11) Dec 2010 Man using 4.2m RIB **at night**, whilst drunk and alone hit tree **at speed** and fell into water. No LJ - drowned
- 12) June 2011 2 Men using a RIB with known faults during a commercial operation during **rough weather** drowned despite wearing LJs. It is assumed the RIB suffered structural failure but has not been found.
- 13) Sep 2011 Man fishing in dinghy just 20m from shore and in good weather could not swim and was not wearing a LJ. For reasons unknown the dinghy capsized and the man fell in the water and drowned. Type of boat not described except 2.0m long.
- 14) Dec 2012 4 men who had been extensively drinking went into **middle of a cold lake in 16-27 kts**. Dory style boat capsized but remained afloat, and all 4 men in the water clinging to boat. No-one wore any of the 2 LJs in the boat. One drowned only 5-10m from safety

Of these 14 cases, selected because they are incidents involving dinghies only 2 (10) and (13) come close to the situation we propose be exempted. Both may have involved an RIB though this is not stated, however (10) was at night. This leave (13) which was in daylight, close to shore, in calm conditions. It is the only example in 12 years of statistics which fits this description.

It is noticeable from these later statistics that a much higher presence of alcohol is a contributory cause of the accident. Also the retrieval of heavy fishing equipment is a frequent factor. We suggest therefore that the following words be added to our draft by law – item (g) “.....but not any boat sailing or being used for retrieval of heavy fishing equipment”

It is not a coincidence that Navies, Police, Coastguard, Surf patrols, Americas Cup consortiums, Diving operators, and Yacht Clubs throughout the World together with the vast majority of recreational boat users, use inflatable boats.

Richard Brown
Ph 09 4242034
richardandclarebrown@gmail.com
On behalf AYBA
August 2013

Definitions

Closed 6.0m boat

A closed in 6.0m boat is one that is either-:

- An inflatable boat the buoyancy compartments of which occupy at least 30% of the hull volume*
- OR *A boat with built in buoyancy the buoyancy compartments of which occupy at least 30% of the hull volume*
- OR *A boat with side decks at least 150mm wide, coamings at least 100mm high, a foredeck, cabin with windscreen, side screens and roof which is designed to keep waves out of the cockpit and built in buoyancy which occupies at least 10% of the hull volume.*

An Open boat is one which is not closed in.

Sheltered waters are waters within 200m of the shore, sheltered by land from the current wind direction, and with minimal waves.

Suggested wording to include existing exemptions -:

The crew of all boats under 6.0m shall wear a life jacket at all times except as follows.

The following a) to f) are exempt from carrying a lifejacket

- a) any surfboard or similar unpowered vessel; and*
- b) any sailboarder, kite boarder or windsurfer, if a wet suit is worn at all times; and*
- c) a diver on a boat of 6.0m or less in length overall that is used for recreational diving within 5 miles of shore, if a full body suit is worn at all times; and*
- d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a sporting organisation approved by the harbourmaster under this by law, or the Director under the maritime Rule 91.4(3); and*
- e) a visiting foreign water sports representative if the person carries or wears a personal floatation device that is approved by the competent authority for use in that person's country of residence; and*
- f) a commercial raft.*

The following (g to i) are required to carry a lifejacket and shall wear it at all times unless the skipper has determined that conditions are safe enough to not require it to be worn.

- g) Closed boats being used at 5.0kts or less, in sheltered water, during the hours of daylight, but not any boat sailing. **or being used for retrieval of heavy fishing equipment***
- h) Open boats anchored in sheltered waters during the hours of daylight.*
- i) Persons fully inside closed in accommodation`*

The percentages of buoyancy are arbitrary at present.

Submitter: Max Nelson

Submission No: 46

Wearing of life jackets

The n̄law makes more sense than this proposal

It's very much the skipper's responsibility when a life jacket should be worn. If you have been on an airline, listen to the safety warning.

Don't wear a life jacket inside the cabin of a boat if it turns over; the chance of coming out alive are very slim.

I will not wear a lifejacket in a dingy when my grandkids are on board for their safety. If the dingy overturns and they are trapped under it, they will drown while I am trying to get it off, so I can't get them out. Would probably be a good idea to have a knife so I can cut them off as well.

Will I be breaking the law free diving from my dingy by being in it without a life jacket? Or getting from the water into the inflatable and sitting in the sun to dry off before boarding the boat?

I see people think they are safe wearing inflatable life jackets under wet weather clothing; if it goes off, no, they won't drown, but the chances of a collapsed chest are fairly good.

We have a lot of overseas visitors and they will not wear a life jacket, and if they go ashore to shop and sight see, what would they do with it if they leave it in the inflatable? Like I did at Coromandel from experience, I can tell you it won't be there when you come back.

Are you going to consider a law that would cover an inflatable 200 metres from shore being exempt?

How you wear a life jacket and operate a communication device in the water, I don't think many have really tried it, and it is overkill going from my mooring to shore often through people swimming.

So please count me as a big NO with what I consider good practical reasons.

Submitter: John Taylor

Submission No: 47

I object to making the wearing of life jackets mandatory while in a tender & going to a moored vessel for Adults, providing the mooring is not in open water.

I prefer the responsibility to be with the skipper/Adult operating the dinghy.

Submitter: Ken Bilyard

Submission No: 48

I own a keeler and do a lot of coastal cruising; My thoughts on your proposals .

Wearing PFD at all times even when Tending to a from shore. Very impractical and not a necessity. Most dingy are fitted with flotation. Most times there ample other vessels in vicinity. We do a lot of freediving and swimming. A bit difficult putting PDF on and off when entering and leaving water. What about when we go ashore for walks or shopping come back and jackets have been taken.

Two forms of communication; Please put your brain in gear.

Surfing .paddle boards, canoes, dingy, floating platforms to swim to.????

BACKGROUND.

I am a 79yar old active yachtsman, with offshore experience. (made it so far)

When Tending i now always carry PFD. Not worn.

As for 2 forms of coms. Get real.

One real danger on our harbour; the Parua bay public boat ramp.

Cleaning: it gets a bit of a clean but not the last two meters or more. Sometimes it is impossible to walk on the lower part. Try dragging a dingy up on this surface. Personally in my 78 years. Of sailing the only injury boating related was on this ramp.

Also the outer end of ramp has a drop off caused by prop wash when powering on trailer.

I am well aware that the ramp is administered by WDC. Yes they pay lip service to the ramp.

I may as well have another grump while I have your attention.

MOORING FEES. WE get charged for all the add ons. Trailer boats free load.

ie; navigation aids: most of us have excellent electronic nav aids.

Weed control.

As mooring or berth holders . We get targeted fees. All the trailer boats get all the perks and No charges: These target charges should be removed from mooring and berth holders.

Submitter: Blair Jones

Submission No: 49

Would there be room to add, registering every powered vessel and having a minimum of a basic day skippers or even better a boat master course for the skipper of that vessel.

Submitter: Dan Smyth

Submission No: 50

I am writing to express my strong support for lifting the 2017 ban on board sports exceeding 5 knots in the Ruakaka and Waipu estuaries, as outlined in the current consultation process

(<https://consult-nrc.objective.com/kpse/event/68FE0005-E440-4D28-8B1C-89A5D064E0E0>).

In 2017, the decision to remove the exemption for board sports, effectively banning kitesurfing in these world-class flat water locations, was met with significant public opposition. The harbour master at the time stated that the ban was neither in the interest of navigational safety nor justified for inclusion in the 2017 bylaw update. It is concerning that this change was driven by a single individual's influence, overriding the broader community's wishes.

These estuaries are vital recreational assets for kitesurfers and other water sports enthusiasts, offering safe and ideal conditions for these activities. Lifting the ban would restore access to these locations, benefiting the community, local economy, and promoting active, outdoor recreation.

I urge the Council to reverse this unjustified restriction and reinstate the exemption for board sports in the Ruakaka and Waipu estuaries. Thank you for considering this submission and the voices of those who value these exceptional waterways.

Submitter: Lorna & Phillip Mongell

Submission No: 51

As a sailboat and mooring owner I endorse all your changes.

We especially endorse allowing wharves for summer jumping and swimming. Whangaroa receives many children who love using the wharf opposite The Marlin hotel. It's a bit of a squeeze when busy in summer, so if you have a surplus..consider a swim platform.

The only issue we know little about is the Ruakaka/Waipu estuaries. Protecting wildlife should be Northlands second nature..our birds take a beating from "progress" and lack of consideration. We leave that one to you

Submitter: Scott Farrand

Submission No: 52

My feedback relates specifically to one proposed change, the removing of the exemption for wearing a lifejacket in a vessel under 6m when tendering to and from shore. I believe that this bylaw should remain as it is currently as it finds a common-sense balance between safety and what could feel like over regulation.

In our operations we regularly anchor 50m or less from the shore in a calm and well sheltered bay. Almost all of our guests have declared that they can swim and are happy to proceed on the tender run ashore or back to the boat without a lifejacket. The tender ride itself takes all of 10-15 seconds.

Should this bylaw change as proposed we would need to tell our guests that they must wear a lifejacket in order to be transferred ashore in the tender, however their alternate option is to swim ashore or paddleboard with a lanyard attached. Neither of these options, rightly, require them to wear a lifejacket.

I believe that changing this bylaw as proposed would over regulate what is a low-risk circumstance and one that is safely controlled by placing the onus of responsibility on the person in charge of the vessel.

Submitter: Mike Carere

Submission No: 53

I am a commercial operator in the Bay of Islands. I have been certified by Maritime New Zealand since 1995 and since then have operated 4800+ day trips with tourists travelling between Paihia and the inshore islands of Roberton, Moturua and Urupukapuka etc.. We have carried 60,000+ passengers and are keenly aware of risk and safety.

I believe the Navigation Safety Bylaw 2025 addresses some pressing issues in a thoughtful manner and would like to make the following points.

1) In my opinion the dangerous boat handling of high speed vessels in close proximity to others is the most pressing risk to safety. In my 30 seasons of commercial operations it has become obvious that the recreational vessels are bigger, faster and more reckless (not all but enough to make them an increased hazard). Every time a certain large black launch roars past me within metres I can only think and hope that the engineering of his steering system is of a high standard. At 30 knots this particular vessel has the ability to injure within moments. The 'choke point' of Tapeka Point is an ideal place for the NRC officers to film and charge the operators of these vessels. Speeds of 20+ knots within metres of stationary vessels is commonly seen and the tragedy of the Blue Ferry accident is only waiting to be repeated.

2) I do not agree with the requirement to be wearing lifejackets in shore bound tenders within 100 metres of shore. In our own operation we anchor within 100 metres from shore. Many of our travellers opt to swim ashore and dinghy back (our dinghy is a foam-filled unsinkable Mac). Rotating wet and sandy lifejackets and sizing will be unworkable and not the best care for the PFDs. I would suggest that a requirement for a full inventory of workable PFDs be available in those shore tenders should suffice. It may also make enforcement more workable for NRC officers. In its current form a person in a dinghy who may not be 'wearing' their PFD has only to jump in the sea for a swim to become legal!
Keep up the good work.

Submitter: Lawrence Levine

Submission No: 54

Thank you for your hard work on doing this review. Please find attached several notes regarding substantive and editorial recommendations and comments for the review.

1) The removal of the clause relating to areas where wind powered board sports are prohibited (Ruakākā and Waipū Estuaries) is welcome and correct.

2) In regard to:

3.2.3 f any board sport, carried out with due regard for the safety of other water users, and in accordance with the accepted safe practices of the individual sport. i. No wind powered or foil board may exceed five knots within 50 metres of any person in the water.

This section should be revised to change "any person" to "any person not participating in wind powered or foil board sports" because as the typical planing speed is in excess of 5 knots and participants are frequently helping each other on the water there should not be a prohibition from doing so. Making participants drop below planing speed because they are near to another participant is not sensible and could potentially make things less, rather than more, safe.

3.2.4 f really does an adequate job of indicating the need for a 'due regard for the safety of other water users' so perhaps just dropping i. removes any confusion without reducing safety.

3) In regard to the note at the end of 3.3.1:

"Clause 3.3.1 shall not apply to a person participating in any surfing board sports, while physically involved in riding breaking waves."

This 'clarification' is actually more confusing because it begs the question of all board sports and why the exemption would only apply to surfers on breaking waves. This should really apply to all board sports regardless of whether in breaking waves or not. As an example - Should someone on a standup paddleboard in the harbour (Parua Bay for example) be required to have two forms of communication on them? Should a kite boarder or Windsurfer be required to carry two forms of communication while sailing within a few hundred metres of shore? While many sports participants carry appropriate devices (EPIRBs, cellphones, smart watches, etc.) when going on extended 'journeys' it's not commonplace, or reasonable to expect those keeping relatively near shore to do so (breaking waves or not.) If the intent is to have communications devices carried by all board sports participants perhaps it would be better to put that requirement only on those either a certain distance from shore and without the support of other vessels? Similarly it is standard practice in Kiteboarding to not be going out in offshore winds. Many participants carry a whistle or other such device (I actually have affixed to my wetsuits)

but in 30+ years on the water I've only needed it once and that was a very unusual situation which actually resulted in more of a dangerous situation than if I'd not used it at all. In any case carrying two such means of communication becomes onerous and neither practicable or reasonable.

4) In regard to: 2.1.4. - I believe that the point of this section is to apply an exemption to PFD availability however the language states that "Exemptions to the compulsory carriage and wearing of personal flotation devices - clauses 2.1.2 and 2.1.3 do not apply to:" which is confusingly formed as it would indicate that "Exemptions ... do not apply". It could be reworded to read "The compulsory carriage and wearing of personal flotation devices (clauses 2.1.2 and 2.1.3) do not apply to:" or some such similar construction.

5) In regard to: 2.1.4. A - "wet suit" should read "wetsuit".

Submitter: Ronald Mossman

Submission No: 55

I am writing to formally object to the proposed bylaw amendment removing the exemption for wearing lifejackets in vessels under 6 meters when tendering to and from shore. As someone with 62 years of boating experience, I strongly believe that the decision to require lifejackets in these circumstances should remain with the adult boat owner or skipper, rather than being imposed through blanket regulation.

While safety on the water is paramount, this proposed rule fails to consider the real-world judgment and situational awareness that experienced skippers apply. There are numerous instances where wearing a lifejacket in a tender is unnecessary, and enforcing such a requirement indiscriminately is excessive. Responsible skippers assess risks based on weather, sea conditions, and the competency of those aboard—this autonomy should not be undermined by an inflexible mandate.

Additionally, I am concerned about the enforcement of such a bylaw. Regulations should empower and educate boaters, not create unnecessary conflict. I firmly believe that, as a skipper, I have the experience and responsibility to determine when lifejackets are necessary for those in my care. This proposed change disregards that expertise and imposes an impractical constraint on boating practices.

I urge the relevant authorities to reconsider this amendment and retain the exemption, trusting boat owners to make informed, situationally appropriate safety decisions.

Submitter: Carole Tilman
Te Papa Atawhai | Department of Conservation

Submission No: 56

The Department of Conservation (DOC) has serious concerns regarding the proposed removal of the prohibition on wind powered board sports at Ruakākā and Waipū estuaries and recommends the Navigational Safety Bylaw 2017 Clauses 3.2.6(g) and 3.5.2(f) are maintained for Waipū and Ruakākā Estuaries

Wildlife Context

Wind powered board sports — particularly kiteboarding — have previously posed significant threats to wildlife at these sensitive estuarine sites. In 2009–2010, investigations at Ruakākā estuary found that kiteboarding severely disrupted critical roosting times for migratory birds that rely on undisturbed rest periods to prepare for their long migrations.

Similarly, at Waipū River estuary — a wildlife refuge and important breeding ground for NZ's rarest endemic bird species, the tara-iti/New Zealand fairy tern, as well as New Zealand dotterels, and variable oystercatchers— kiteboarding activities disturbed roosting birds.

Whilst DOC acknowledges the purpose of the bylaws are to ensure public safety, the existing rules have also afforded some protection to threatened wildlife. **If the Navigational Safety Bylaw 2017 Clauses 3.2.6(g) and 3.5.2(f) at Ruakākā and Waipū are not seen to address public safety issues and are removed, DOC requests a 24-month delay, to allow for appropriate enforcement options under the Wildlife Act 1953 to be put in place to protect wildlife at Waipū and Ruakākā**

Public Safety Considerations

While DOC looked primarily at the impact of recreation including kiteboarding activity on birds, field observations made in 2009–2010 when the activity was allowed, showed that wind powered board sports, in particular kiteboarding, posed a genuine hazard to members of the public (including DOC staff and volunteers) both at Ruakākā and Waipū. **As such DOC recommends Navigational Safety Bylaw 2017 Clauses 3.2.6(g) and 3.5.2(f) are maintained for Waipū and Ruakākā Estuaries**

DOC staff witnessed the overlap between the areas used for kite boarding, other boat use swimmers and other water users. They observed that:

- kite boarders always travelled faster than 5 knots
- swimmers and other water users shared common space less than 50 m apart
- land based users also used areas that were within reach of the kites
- power craft entering or exiting the estuary may have difficulty manoeuvring from kite boarders

DOC acknowledges that 5 knot speed signs were not present at the time and that now more signs are in place now.

DOC considers it difficult for kiteboarders to realistically travel at less than 5 knots or to operate at Ruakākā more than 50 m from other water users. Before the prohibitions were in place at Ruakākā, kiteboarders operated from high tide to 3 hours after and the width of the channel constrained water users to the same area which was less than 50 m wide.

The NRC rule 3.2.6 (g) allows wind powered recreation to be exempt from the 5 knot within 200 m of the shore and rule 3.2.3(f) allows "any board sport that is carried out with due regard for the safety of other water users, and in accordance with the accepted safe practices of the individual sport" and that "No wind powered or foil board may exceed five knots within 50 metres of any person in the water". DOC does not consider that this is possible at Ruakākā during summer.

Rule 3.2.3(f) suggests that kiteboarding health and safety can be managed by the current user body code(s) of conduct. However, the NRC kiteboarding code of conduct does not require unique identifiers on kites making it hard to identify violators the 50 m rule. **DOC recommends the NRC code of conduct should require kites to be uniquely identifiable.**

At Waipu observations show that it is not always possible to remain more than 50m from other water users or people accessing the margin of the estuary (at high tide this is often in the water) Previously, Waipu has been used to train novice kite boarders immediately off the end of Johnson Point Road, where they are of greater danger to other estuary users accessing along the margin of the estuary. This is the principal access point to Waipu Estuary and **DOC does not consider that the estuary can be used for kite boarding safely.**

Submitter: Bruce Taylor

Submission No: 57

Life jackets required when commuting between shore and other boats should remain the user's discretion. I have often worn a life jacket to and from my moored or anchored boat when conditions are not favourable. There will always be people who take risks. Whether the bylaw is introduced or not. I will continue to decide for myself thank you very much.

Submitter: Grant Nalder
Navigation Safety Group -Wellington Harbourmaster

Submission No: 58

I support the changes especially around communications and removing the exemption for wearing personal flotation devices in <6m vessel. Small boats are the ones where persons in the boat are mostly likely to end up in the water with little warning and/or ability to put on a personal floatation device in the water. Without good communication someone afloat still has little chance of a successful rescue. These particular Bylaws are becoming standard around the country and we (the Harbormasters nationwide) are encouraging Central Government to make this a national requirement. If you adopt this Bylaw that would align with you with the likely new national rule.

I would appreciate the option to appear remotely, i.e by Teams or similar

Submitter: Kevin Philpott

Submission No: 60

I object to the removal of the exemption of wearing lifejackets in boats under 6 metres. Most liveaboards have rigid inflatables now which are incredibly stable and safe. To those popping ashore often and within 200m of the shore, it is an unnecessary imposition. What does one do with the jackets once tied up at the jetty? They are stolen if left in the tender and are bulky to take any distance on foot whilst away in town shopping or socialising!

Please continue the exemption, otherwise you will make all liveaboards into criminals for little gains in safety.

Submitter: Juliane Chetham
Patuharakeke Te Iwi Trust

Submission No: 61

Patuharakeke Te Iwi Trust seek a hui with NRC and DOC to discuss how we can continue to protect taonga species such as migratory and other shorebirds in the Ruakākā mātaihai area

Submitter: Darryl Henry

Submission No: 62

I don't agree with proposed changes that remove that flexibility for the skipper to decide whether it is necessary for lifejackets to be worn in vessels up to 6m in length when within 200m of shore and tendering between vessel and shore or between vessels.

I don't agree with the proposed change to require two forms of communication on all vessels. Vessels under 6m should not be required to carry two forms of communication.

Submitter: Robbie Jones

Submission No: 63

I am requesting that the 5km speed limit remains in place at the Ruakaka estuary.

Also that kite boarders are banned from using the Ruakaka estuary. There are plenty of other places for them to sail.

Submitter: Yvonne Steinemann

Submission No: 64

I oppose Ruakākā and Waipūestuaries being more available to any water borne human activity.

I am very concerned on the impacts that wind surfers, jet skis and all other waterborne vehicles have on all sea bird activity, including roosting birds in these areas.

I would far rather see and enjoy from a distance thriving natural bird life in estuaries and foreshore areas. In my opinion, birds do not have enough space to thrive in the foreshore and estuarine marine environment.

Navigation bylaws should take full account of wildlife peace and quiet and right to live and feed without interference from any water sports.

Submitter: Louise Dews

Submission No: 65

I disagree with the removal of the exemption for wearing lifejackets (PFD) in a vessel under 6m when tendering to and from shore.

It is fair enough to require lifejackets to be carried in the tender and available for use but to require the wearing of for short distances (tendering) is dictatorial in the extreme.

The lifejackets we carry in our tender are cheap and bulky. It would be unreasonable for us to be expected to wear these cheap bulky lifejackets unless there was an urgent need to do so. If we opted to wear lifejackets to tender to and from shore we would choose lightweight comfortable lifejackets. However these are expensive and cannot be left in the tender but would have to be carted around ashore to prevent theft. This would be highly inconvenient. Apart from this I find that this borders on over authoritarian governance.

Submitter: Steven Dews

Submission No: 66

I fully agree with having life jackets available for every person aboard a tender but, firstly; the compulsory wearing of one whilst traveling to and from a vessel is infringement on the personal safety choice made by of any reasonably intelligent adult.

Secondly, the practicality of this 'over protective' proposed law has not been fully thought through.

Cheap but bulky life jackets can generally be left in the tender without the expectation they will be stolen...but, of course, still able to be accessed and donned quickly if there is any obvious danger.

Comfortable and user friendly lifejackets, which may be carried around ashore are very expensive, even carrying this device, whilst ashore, shopping for supplies for example, is pretty inconvenient. ...I know from experience.

They would inevitably be stolen if left in the tender...

The rethinking of lifejacket design, by the manufacturers, may be a useful exercise first, then review any acceptable law, otherwise there will be rather a lot of resistance and resentment to it's adoption.

Submitter: Philip Cullen

Submission No: 67

We don't need more regulations, you make it harder and harder for kiwis to enjoy recreation in and on the water, we might as well live in North Korea. Just do the jobs you were elected for and stop making it harder with more rules and regulations!!!!

**Submitter: Douglas Bakke
Mangonui Cruising Club**

Submission No: 68

We are in support of the proposal to require two means of communication on vessels.

We are in support of the proposal to remove the exemption for PFD wearing in boat under 6m. Thus requiring PFD's be worn at all times when in small boats of all sizes. Including, but not limited to, while tendering to or from moored/anchored vessels. We further strongly encourage that the additional provision of a required crotch strap be added to the CO2 inflatable PFD regulatory standards and an illumination device to all PFD's used in low light conditions. If the wearer of a PFD is struggling in the water their difficulty is magnified if the device floats up over their head rendering it functionally inoperative. Likewise, at night it is extremely difficult to locate an individual in the water for rescue without a locating light source.

We are in support of the proposal to remove the clause preventing swimming or diving around wharves. This activity is and has been a common practice with no negative results and many positive ones. The current regulation against it is meaningless as well as unenforceable.

We are very interested in any amendments to mooring design specifications. Mangonui harbour has only moorings to secure vessels long term. Many club members are mooring owners as well as vessel owners.

As with other regulatory measures MCC seeks clarity about what, if any, enforcement mechanism is currently in place or proposed for these regulatory changes? Abuse or ignoring of other boating regulations is common practice. The regulations always look good on paper but what is your implementation strategy?

Submitter: Miles Bundle

Submission No: 69

(1) As the owner of several yachts and water experience from the simple punt through to clinker dinghies and of late inflatables I am opposed to the erosion of skipper's call re the wearing of life jackets. Life jackets and the wearing of them is sensible practice in adverse conditions and a prudent sailor complies.

(2) The suggestion that Two means of shore communication be mandated beggars belief as it applies to paddle boards, dinghies, surf boards but not surfing, etc etc.

(3) Generally these proposals are eroding the responsibilities of water safety that we grew up with and one fix for all will not stop the idiots amongst us.

**Submitter: Vicky Froude
BOI Maritime Park**

Submission No: 70

Bay of Islands Maritime Park has worked extensively with Northland Regional Council and hapu to help establish and contribute to managing and monitoring the Rakaumangamanga Rahui Tapu, which is protected via the Northland Regional Coastal Plan. Our submission addresses boat speeds in parts of this protected area.

We have noticed that snorkellers frequently visit White Reef while their support vessel remains out of sight, anchored in Deep Water Cove. At the same time, jet skis/personal watercraft and other small boats travel into Deep Water Cove, often at great speed. I note that White Reef is within 200m of the shore, and according to the existing and new bylaws, all vessels should travel at a maximum speed of five knots. This should be particularly true when snorkellers and divers are in the water.

The writer has been in a situation where a jet ski nearly ran her over while snorkelling on White Reef using a legitimate float and flag (as specified in the bylaws). She was later able to confront the jet ski user (in Deep Water Cove), who insisted she had not been at White Reef and that if she had the float she was towing when she was speaking to him, he would have seen her. She had the float while snorkelling on White Reef, but he did not see her. This demonstrates the problems caused by fast-travelling vessels in areas where there are snorkellers. This problem will likely increase as White Reef and nearby sites become increasingly popular snorkelling sites. The jet-ski did not have a unique number on its side, so it could not be reported to the Northland Regional Council.

Our solution to this is to make the northern side of Maunganui Bay (north of the line of buoys associated with the sunk vessel "The Canterbury") a publicised 5 knot zone. This new 5 knot zone could be combined with publicity about the no-take rules (except for kina and long-spined urchins).

We would like to see more publicity and enforcement of the five-knot rule and the situations where it applies. This rule is broken many times a day throughout the Bay of Islands. Examples include Tapeka Point, the moorings area at Opua-Tapu Point, Deep Water Cove and Maunganui Bay's northern coast, Putahataha and Motuwheke Islands, Waewaetorea and Urupukapuka channels, and Moturahurahu Island—Hat Island.

Submitter: Ian Holt

Submission No: 71

I strongly oppose the proposal to remove the exemption from the requirement to wear personal flotation devices when tendering to and from shore. The submission prepared by Mark Thomson (NAV25-79) accurately represents my views on this matter.

Submitter: Dave & Susan Kay

Submission No: 72

We are writing in support of the proposed amendment to the NRC Navigation Safety Bylaw 2025:

Ruakākā and Waipū Estuaries – Removal of Prohibition on Wind-Powered Board Sports

The clause prohibiting wind-powered board sports in these areas was added by Council in 2017 due to concerns about impacts on roosting birds. However, navigation safety bylaws are intended to address maritime safety—not wildlife management. As such, this clause is not appropriate under the Navigation Safety Bylaw.

There are no navigation safety concerns associated with the use of wind-powered board sports at these locations.

At the Ruakākā River mouth, there are approximately 25 suitable days per year for kitesurfing.

At the Waipū River mouth, there are around 12 suitable days per year.

These days typically offer a 2-hour window following high tide, requiring strong onshore winds and outgoing tides—conditions that are often unpleasant or unsafe for swimmers and other water users, resulting in minimal interaction with others.

If there are ongoing concerns about wildlife, the Department of Conservation (DOC) has the appropriate legal mechanisms to manage and restrict activities in these areas. The board sports community is prepared and willing to engage with DOC through the appropriate process, where such concerns can be properly raised, debated, and addressed.

We believe the original 2017 clause functioned as a de facto ban driven by wildlife concerns, and was inserted into the bylaw by groups with no stake in navigation safety. This resulted in a process that lacked proper consultation and engagement with affected users.

We have both been active kitesurfers for over 20 years and like others in the board sports community, we value the rare but special opportunities these estuaries provide for our sport.

**Submitter: David Lourie
Bream Bay Coastal Care Trust**

Submission No: 73

Safe Boating, An Essential Guide published by Maritime New Zealand on page 33 states Sail boards and kite boards are classified in law as sail boats, and are subject to all the normal sailing rules.

For safety reasons, they must not be used at speeds over 5 knots within 200m of the beach or 50m of other boats or swimmers.

There is nowhere in the Ruakaka or Waipu estuaries further than 200m from the shore. There is nowhere in those estuaries where a craft or sailboat may exceed 5 knots. A kiteboard or sail board need to exceed 5 knots to be able to operate. Therefore there is nowhere within those estuaries where these craft can legally operate.

Maritime New Zealand was contacted to find out if a Regional Council can make exemptions to the 5 Knot Rule. They gave an assurance that regional councils cannot make such exemptions.

We will appeal any decision related to wind powered board sports that are not consistent with Maritime law.

Submitter: Don Martin
BOI Yacht Club

Submission No: 74

The Committee at the Bay of Islands Yacht Club discussed this and overall agreed with everything presented.

Our only addition was to have a "No Wake" sign entering the Waitangi River mouth prior to the jetty, where possible. This is an ongoing problem for our sailors, haulout and moorings, where boats may be doing 5kts but do not lose their wake. It is likely that a similar situation arises at Doves and Opito Bay but I can only speak of our experiences.

Submitter: Alison Newell

Submission No: 75

I appreciate the opportunity to provide feedback on the Navigation Safety Bylaw and proposed changes to it, recognise that in large part the Bylaw is simply a repeat of the national Maritime Rules, and make the following points. I do not wish to be heard.

1. I oppose the lifting of the exemption for wearing PFD when tendering – as a captain, yacht owner and liveaboard for over 25 years (much of that time in Te Taitokerau's waters) I note the following:
 1. As captain and vessel owner, I take responsibility for deciding when someone on my yacht (which is a registered NZ vessel) and tender needs to be wearing a PFD, and in fact whether they should be going ashore in the tender at all – In my 30 years + experience on the ocean, people have got into difficulties in tenders through poor judgement of the weather/sea conditions, faulty equipment/lack of fuel, lack of experience with handling small craft/outboards – rather than requiring everyone to wear a PFD when tendering, maybe you should be requiring everyone to undertake a minimum level of training in handling small craft? Just a thought.
 2. As a liveaboard (with no vehicle or property ashore) – if we are required to wear PFDs in our tender, then we will then have to carry the PFDs when we are ashore (when we go to the supermarket, when we take our washing to the laundrette, when we catch the intercity bus to Whangarei – and given I don't own a car this means carrying everything) – or leave the PFDs in our dinghy (where there is high chance they will be "borrowed" or worse).
 3. The tenders to my yacht need to be rowed or sailed (we have no outboard motor) – wearing PFDs in both situations can restrict movement and makes for more encumbered and difficult rowing (and sailing) – we do have inflatable PFDs/harnesses but they inflate when they get wet – as they are designed to (its expensive to replace the gas cartridges).
 4. I can find no information on NRC's webpage that provides any data or research on what has caused accidents/fatalities on the water in Northland. As far as I am aware, based on my personal experience living aboard a sailing boat in Te Taitokerau, it would be more effective to enforce the speed limit and require a minimum level of training/experience in handling small craft/vessels than requiring everyone (including experienced sailors/liveaboards) to wear a PFD whilst tendering to shore. Perhaps NRC could subsidise/contribute towards the costs of the already available safe boating courses run by organisations such as Coastguard NZ.

Relief sought: retain the exemption from wearing PFDs in vessels under 6m when tendering to shore and for the vessel owner/captain to determine when PFD should be worn. Or alternatively provide an exemption for tenders to NZ registered vessels where the tender is under the control of someone with a minimum qualification such as Coastguard NZ's Day Skipper or Boatmaster certificate. Consider subsidising/running safe boating courses to help educate inexperienced boaties on safe boat handling.

2. Seaplanes – given that these clauses also cover Wing In Ground effect craft (WIGs) that are being actively promoted and developed e.g. Ocean Flyer, there need to be dedicated sea-lanes/areas for such craft – especially given the narrow navigable channel in Whangarei Harbour (e.g. by Onerahi wharf). NRC needs to identify specific area(s) of the harbour where WIGs are to be allowed to land and take-off away from the navigable channel and separate from other shipping, including sailing vessels and recreational craft. Other harbours may also require identified sea lanes/areas for WIGs e.g. Bay of Islands. The bylaw needs to include clauses around the safe use of WIGs in Northland's harbours and avoid areas popular with recreational vessels, navigable channels, anchorages, mooring areas, etc so that there is no need for other vessels to avoid them when they are landing or taking off. It is also not clear from the bylaw what areas (if any) have already been identified and reserved for seaplanes to take off and land.

Relief sought: add specific maps and clauses identifying where, how and when WIGs (and seaplanes) can land/take off in Northland's harbours, with Whangarei harbour as a priority, to ensure that they do not impede the use of other vessels, including sailing vessels and recreational craft, except in an emergency landing. Clarify which areas are identified for seaplane use.

Submitter: Kim Powell

Submission No: 76

I think it is excessive to require lifejackets to be worn when using a tender although personally I always carry them on board.

Perhaps amend to "carry on board"

Also, two forms of communication is excessive. Perhaps reduce to single form of communication or exempt altogether.

Submitter: Eddie Roberts

Submission No: 77

I write in support of the proposed amendment to the NRC Navigation Safety Bylaw 2025: Ruakākā and Waipū Estuaries – Removal of Prohibition on Wind-Powered Board Sports

The clause prohibiting wind-powered board sports in these areas should only have been added if there were valid concerns around maritime safety; there are no navigation safety concerns associated with the use of wind-powered board sports at these locations and the Prohibition on Wind-Powered Board Sports should be removed.

Submitter: Hugo Wigglesworth

Submission No: 78

I'm writing in support of the proposed amendment to the NRC Navigation Safety Bylaw 2025:

Ruakākā and Waipū Estuaries – Removal of Prohibition on Wind-Powered Board Sports

The clause prohibiting wind-powered board sports in these areas was added by Council in 2017 due to concerns about impacts on roosting birds. However, navigation safety bylaws are intended to address maritime safety—not wildlife management. As such, this clause is not appropriate under the Navigation Safety Bylaw.

There are no navigation safety concerns associated with the use of wind-powered board sports at these locations.

At the Ruakākā River mouth, there are approximately 30 suitable days per year for kitesurfing.

At the Waipū River mouth, there are also around 30 suitable days per year.

These days typically offer a 2-hour window following high tide, requiring strong onshore winds and outgoing tides—conditions that are often unpleasant or unsafe for swimmers and other water users, resulting in minimal interaction with others.

If there are ongoing concerns about wildlife, the Department of Conservation (DOC) has the appropriate legal mechanisms to manage and restrict activities in these areas. The board sports community is prepared and willing to engage with DOC through the appropriate process, where such concerns can be properly raised, debated, and addressed.

I've been an active kitesurfer for over 10 years now and like others in the board sports community, we value the rare but special opportunities these estuaries provide for our sport.

Submitter: Mark Thomson

Submission No: 79

This submission concerns Section 2.1.3 of the Draft Navigation Safety Bylaw 2025. I also have some lesser concerns about Sections 2.4.1 and 3.3.1, but time pressure has not allowed me to formulate input on those provisions.

Given that some of the concerns discussed in this submission relate to what I believe are deficiencies in your consultation process and schedule, I'll be happy to share my additional input at a later date when and if those concerns are resolved.

Section 2.1.3 of the Draft Navigation Safety Bylaw states:

"Every person on board a recreational craft of six metres or less in length overall when underway, must wear a properly secured personal flotation device of an appropriate size for that person at all times."

followed in Section 2.1.4 by several exemptions.

It is proposed that the existing exemption from the requirement to wear a personal floatation device when tendering to and from shore be removed. In particular, the following rule from the existing 2017 Bylaw will no longer apply:

"Clause 2.1.3a does not apply when the vessel is within 200 metres of the shore, being used as a tender, and if the person in charge of the vessel, after assessing all circumstances and determining there would be no significant reduction in safety, expressly authorises any person on board to remove a personal flotation device."

The wearing of personal flotation devices (PFDs) is in many circumstances a fundamentally sound practice and one that I personally follow in many situations. For example, when I am sailing my 5 metre Formula 16 catamaran or participating in youth sailing education, I would *never* contemplate leaving shore without wearing one.

However, the proposed change to the rule for tendering is problematic for several reasons.

Failure to Properly Comply With the Requirements of the Local Government Act 2002 You state that your Statement of Proposal is issued "In accordance with the provisions of Sections 83 and 86 of the Local Government Act 2002," that it includes "an analysis of options and a determination of whether a bylaw is an appropriate way of addressing navigation safety issues" as required by Section 155, and that the consultation process to be followed is set out in Section 156.

Although you don't mention it, I note that the use of the special consultative procedure under Sections 156, 83 and 86 does not relieve you of responsibility to also comply with Section 82 (Principles of consultation) and Section 82A (Information requirements for consultation).

I draw your attention to the following specific requirements.

The period in which views about the proposal may be provided to the Council must be no less than one month after the Statement of Proposal is made available (LGA Section 83(1)(b)(iii)).

The Statement of Proposal itself is undated, as is the webpage for the review at

<https://consult-nrc.objective.com/kpse/event/68FE0005-E440-4D28-8B1C-89A5D064E0E0>. There is, however, a news release about the review on your website at <https://www.nrc.govt.nz/news/2025/may/have-your-say-on-navigation-safety-bylaw/> that is timestamped 5 May, 2025, 10:09am.

Of the people in my circle of acquaintances who have an interest in this matter, I have found very few who have received any direct notification about the review (more on that shortly), but the small number I am aware of who have all received notification by email on 5 May.

Since the Statement of Proposal states that input may be provided only until 30 May, unless I am misconstruing something, it *appears* that you have deliberately truncated the period in which input may be provided, in violation of your obligations under the Local Government Act.

It is not clear to me that this can be remedied simply by extending the deadline. The Act requires that you provide:

"a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued)"

My reading of this is that you need to reissue a statement and that feedback must be accepted for at least one month *from the date that you do so*.

You are required to encourage persons *"who will or may be affected by, or have an interest in"* the review to present their views (LGA Section 82(1)(b)).

This requires that you actively make some attempt to reach out to relevant persons. Of course, no one would expect you to know or to be able to contact everyone who might have an interest in the issue. However, there should at least be clear evidence of a good faith effort on your part to make the proposed change to the PFD requirement as widely known among affected individuals as reasonably practicable (See also LGA 83(1)(c)).

I find such evidence to be starkly lacking. I myself am a mooring lessee in the Bay of Islands. My contact information is known to the NRC harbourmaster. Yet I received no notification from the Council at all about this change and found out about it purely by chance (and later than 5 May) from someone else.

In the last few days, I have spoken to numerous other mooring holders. Almost none of them knew *anything* about the proposal, and those I have spoken with have expressed extreme concern about it when I have described it to them. These people include owners of local moorings as well as lessees like myself.

There have been no notices posted at local boat ramps or jetties that I am aware of. It also seems that you have made no attempt to contact local boating clubs to help publicise your review, even though boating club members ought to be the primary target audience for this effort. Clubs regularly send newsletters to their members to inform them of notable news items and also maintain active social media accounts. My own club, the Russell Boating Club, sends their newsletter to over 400 people every month. The Club's Facebook group has over 1400 members. The Club also regularly posts important notices in the window of the clubhouse directly facing the dozens of people who walk up the jetty every week.

I do not believe that you have contacted RBC to make them aware of the review or to encourage their members to give feedback. There has been nothing about it in the Club newsletter or Facebook group. What efforts have you made with other clubs?

Given all of the foregoing, I found it a little ironic to read the following under the heading "Analysis of options" on p7 of the Statement of Proposal: *"This process allows the community to be involved, ensuring that the resulting bylaw is the most appropriate for the communities it will serve."* To which I have to ask: *Are you serious???*

You are required to make known your reasons for making the bylaw (LGA Section 82A(2)(a) and 86(2)(b)), and to provide an analysis of the reasonably practicable options (82A(2)(b)), access to relevant information (82(1)(a)), and explanatory material related to relevant decisions (82(1)(f)). You are also required to *"before*

commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem" (155(1)). I note that this element presupposes that a clear, well-defined problem is in view and that the need to address it is supported by some meaningful

The material contained in the Statement of Proposal that is responsive to these requirements, particularly as it applies to the proposed removal of the flotation device tendering exemption, is scarce.

You claim (pp 6,7) that your review of the 2017 bylaw has found that, in general, amendments to it are required in order to:

"improve coherence, remove unnecessary duplications and make the Bylaw easier to read and understand; better align navigation safety bylaws between regions; incorporate safety improvements following analysis of maritime incidents that have occurred during previous years; and make procedural changes where these have been found warranted by incidents and feedback received by various users and user "

With respect to the tendering exemption, the first point is clearly not relevant.

Concerning the second point, the document goes on to say *"Most regions, including Auckland, use bylaws as a way of ensuring maritime safety, and aligning with the process as much as possible ensures consistency and reduces public confusion..."*

However, by itself, this cannot by any means be considered a satisfactory rationale for removing the tendering exemption. First, within the limits set by the Local Government Act and other legislation, the Northland Regional Council is responsible to the residents of *Northland*. Any bylaw must be justified by reference to *their* interests, rights and concerns. Alignment with other regions to reduce *"public confusion"* could have merit in circumstances where a nearby region had a *less* restrictive regulation, in which case there *could* be a reasonable concern that Northland residents or visitors might mistakenly think that those more permissive rules apply here and inadvertently violate our bylaw. In that case alignment *might* be a worthwhile goal.

But in a case where Northland has a less restrictive rule, such *"confusion"* carries no weight whatsoever. There is no 'danger' in someone accidentally thinking that they have to wear a PFD if they don't. In this case, making our bylaw more restrictive, whether in alignment with another region or not, must be justified fully *on its own merits*, which is to say that it must address an actual safety problem, beyond any reference to what other regions do.

While on the subject of consistency, I discovered by chance (well, by Google actually) that in 2022 you published another document reviewing the Navigation Safety Bylaw, one that does not appear to be referenced in the Statement of Proposal or on the review website. Interestingly, that document, which can be found here:

<https://www.nrc.govt.nz/media/ytgm22xj/navigation-safety-bylaw-review-report.pdf>, offers a *different* argument for amending the provisions controlling the use of PFDs. In that case, you claimed:

"Provisions in a Navigation Safety Bylaw must be consistent with national maritime rules. The proposed amendments will bring the bylaw provisions into line with Part 91 Maritime Rules which are currently being reviewed."

However, as I'm sure you know, two and a half years later the Part 91 Rules currently in force remain those issued in 2016, and those rules (91.4) *do not* mandate the wearing of personal flotation devices except, regardless of the size of the vessel, *"in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations cause danger or a risk to the safety of person on board"* (91.4(6)). There are no special rules for vessels under 6 metres, and so no exemption is needed for tendering. I guess the argument for consistency with Part 91 could not be sustained.

This brings us to the third and fourth of the points from the Statement of Proposal that I listed earlier, those dealing with maritime incidents and safety, which perhaps hold the promise of more substantive analysis. You reference essentially the same concerns later on p7 when you write (emphasis added):

"While public education campaigns are an effective way to address elements of maritime safety in the region, this alone is not considered sufficient. A bylaw provides a legal mechanism to set and enforce rules through infringement notices."

If the rationale for removing the tendering exemption falls within these reasons, you are required to furnish us with the "relevant information" and "explanatory material" prescribed by Section 82 of the Local Government Act demonstrating that (a) an actual safety problem exists and (b) your change to the Bylaw will address this problem.

To the best of my knowledge, you have failed to do so. To establish that there is a safety problem associated with people tendering to and from shore without PFDs, I would expect you to provide something like the following:

1. a list, or at minimum a numerical summary, of the "*maritime incidents*" referred to above involving tendering to shore that occurred without PFDs within the Northland region, together with the relevant outcomes (injury, drowning etc) and other potential contributing factors in each case, such as intoxication, time of day, type of tender and buoyancy, distance from shore, distance from other moored/anchored vessels, and prevailing weather, sea and tidal
2. the timeframe over which the identified incidents took
3. an estimate of the *total number* of tendering trips that took place anywhere within the Northland region during that
4. the *probability threshold* against which you determined that the data provided in (1) and

(3) represent a compelling case for *mandating* PFDs when tendering to or from shore under *any and all circumstances*, as you are currently insisting.

The reason I mention "other potential contributing factors" in point 1 above is that your proposal explicitly removes the right and responsibility of the person in charge of the tender to assess the circumstances and determine for themselves whether PFDs would improve the safety of those on board. In order to justify mandating PFDs in all circumstances, the data would need to show that meaningful risks exist both when the other contributing factors mentioned are present and when they are not.

The existing rule acknowledges that there *are* in fact circumstances in which a flotation device is not necessary. In other words, when flotation devices *are* necessary, it is because there are particular circumstances in which other factors present would contribute to the risk of an incident. Your proposed change on the other hand, if it is to be justified on the basis of an actual safety problem, requires you to claim either that circumstances in which PFDs are not needed now don't exist or that the person in charge cannot be relied upon to make such a determination (more on that shortly, too).

If this is the case, then please, show us the data.

One final comment on the requirements of the Local Government Act - As I've noted, Section 82A(2)(b) requires that you provide "*an analysis of the reasonably practicable options*," and indeed you have a section on p7 titled "*Analysis of options*." I quoted earlier from Point 5 in this section that seems to be your attempt to satisfy this requirement with respect to the use of PFDs:

5. *While public education campaigns are an effective way to address elements of maritime safety in the region, this alone is not considered sufficient. A bylaw provides a legal mechanism to set and enforce rules through infringement "*

I simply have to point out that "*this alone is not considered sufficient*" does not by any stretch constitute "analysis."

The concerns I have outlined in relation to your adherence to the requirements of the Local Government Act have potentially serious implications. Your proposal would lead to actual penalties for behavior that, under the current bylaw, is considered safe. It would create an incentive for the Council to treat those behaviors as a potential source of revenue. And, if at some point in the future infringement notices were to be issued pursuant to a bylaw that had not been properly enacted in compliance with the law, those notices could be challenged in court, leading to significant legal expenses for the Council (and perhaps embarrassment, I guess).

Given what I consider to be the seriousness of these concerns, I will be forwarding my submission to the Minister of Local Government, Simon Watts, the Minister of Justice, Paul Goldsmith, and the MP for Northland, Grant McCallum, to make them aware of what appears to be an effort on your part to avoid your legal obligations.

It is also my intention, separate from this submission, to submit formal requests under the Local Government Official Information and Meetings Act seeking the information relevant to your decision-making process that you have omitted from the Statement of Proposal. This will include details of your process for publicising the review, the data you have relied on, if any, in concluding that the tendering exemption needs to be removed, and any “*feedback received by various users and user groups*” that may have also been used to justify the proposal.

Inconsistency with 2.1.1(a)

I noted in the previous section that the existing bylaw grants a person in control of a tender the responsibility to determine when PFDs provide a meaningful safety benefit. Your proposed removal of the tendering exemption removes that responsibility. However, curiously, Section 2.1.1(a) of the proposal does grant a person in charge of a vessel, regardless of length but in circumstances that don't include tendering to or from shore, the responsibility to make precisely this determination based upon their assessment of the prevailing circumstances:

A person in charge of a recreational craft must not use it in circumstances where tides, river flows, visibility, rough seas, adverse weather, crossing a bar, in emergencies, or other situations that may cause danger or a risk to the safety of persons on board, unless every person on board is wearing a properly secured personal flotation device of an appropriate size for that

The curiosity here is that it seems that you do actually trust the seamanship of this individual in these situations but believe that as soon as they climb into a tender, their powers of situational analysis mysteriously disappear!

Ignoring Accumulated On-the Water Experience and Knowledge

I have focused so far mainly on procedural matters, but underlying all of this of course is a belief that in most circumstances tendering to and from shore without a PFD simply does not entail significant risk for an adult of sound mind and modest physical ability. I base this partly on my own experience.

When I first bought the boat that I keep on my mooring, I did in fact wear a lifejacket when going out to the boat or to shore in my tender. I still keep lifejackets on board and I absolutely use one if I have to go ashore in a serious storm. On at least one occasion I have put my lifejacket on while on the mooring in the middle of a bad storm at night not with the intention of going ashore, but in recognition of the fact that a circumstance may arise in which I *have* to get off the boat in a hurry, with or without the help of my tender.

However, I have also come to realise that under typical daytime conditions, there is no meaningful risk at all involved in going ashore without a lifejacket. I'm in a sheltered bay. I am quite close to shore. Even a small inflatable like the 2.3m flat-bottomed one I have has far more lateral stability than a traditional open dinghy. I am surrounded by other boats. In the event of vanishingly small probability that I were to end up in the water, it would be completely straightforward for me to swim to any of the other boats between me and the shore.

In fact I think the insanity of your proposed rule change is well illustrated by the fact that under it, I would be prohibited from going ashore in my dinghy without a PFD, but it would be perfectly fine for me to tie the painter around my waist, jump in the water without a PFD and swim to shore towing the dinghy behind me!

However, I am just one person. I've had my boat here in the Bay of Islands for just 5 years. Maybe I'm influenced partly by the people I see around me, every day. Occasionally I see people wearing lifejackets in a tender, I think typically people who are new to our bay, perhaps infrequent boaties or people with children. However, in the vast majority of cases, and I would say virtually always for people that I know personally (except for one who I know has a disability), people do not wear PFDs in their tenders under normal circumstances.

Are they just deluded? Well, part of the reason I pay attention to what I see other people around me doing is that many of them have *vastly* more experience on the water than I do. Within maybe 400 metres of my boat, not to mention within our broader community, are people who have spent their lives on the water and have between them completed literally multiple hundreds of thousands of miles of ocean sailing.

These individuals have had to deal with every kind of challenge on the water and have had to develop the practice of seamanship to a far greater degree than the average Kiwi boatie, not to mention the average local government functionary. I consider these people to be the legitimate authorities on what constitutes sound practice on the water. None of them make a regular practice of wearing a PFD in their tender in normal conditions in the bay. In conversations in recent days, many have been insistent that the idea of being forced to do so regardless of the conditions is utter nonsense.

All of this makes me wonder, before you decided that it's essential to force everyone to wear a PFD when tendering regardless of conditions, how many people like these did *you* talk to?

Postscript

Based on recent conversations with several people who would be affected by your proposal, I have the impression that there is a good chance many would simply refuse to comply - at least they believe they would refuse to comply. They would, of course, become easy pickings for your enforcement officers. No good purpose is achieved through a scenario that invites civil disobedience and that creates the impression that Council is motivated by the prospect of a new source of revenue.

On the other hand, being forced to wear a lifejacket to travel a couple of hundred metres to shore on a calm sunny summer's day would at least serve to remind us all that we are subservient to the whims of bureaucracy.

Submitter: Thomson Mark

Submission No: 105

This submission follows one that I submitted during the original consultation period on 30 May. It should be read in conjunction with that document.

In my first submission, I noted three areas in which the original consultation process violated the Council's statutory obligations under the Local Government Act.

I am grateful to the Council for acknowledging that the original process was legally defective with respect to the period during which the consultation took place.

I am also under the impression that the Council has broadened the public distribution of information about the Bylaw review. This also is commendable.

The third concern that I drew your attention to was the following:

You are required to make known your reasons for making the bylaw (LGA Section 82A(2)(a) and 86(2)(b)), and to provide an analysis of the reasonably practicable options (82A(2)(b)), access to relevant information (82(1)(a)), and explanatory material related to relevant decisions (82(1)(f)). You are also required to "before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem" (155(1)).

And I noted that:

The material contained in the Statement of Proposal that is responsive to these requirements, particularly as it applies to the proposed removal of the flotation device tendering exemption, is scarce.

The revised Statement of Proposal clearly makes some effort to remedy this deficiency. However, with respect to the proposal to make the use of personal flotation devices mandatory when tendering to shore under all circumstances, your explanation is far from satisfactory.

You state that the proposed removal of the tendering exemption is "to ensure the Bylaw is aligned with the latest safety recommendations of the national Safer Boating Forum." However, examining the Forum's position statement reveals significant flaws in the application of their recommendations to the specific issue of tendering to and from shore. Indeed, their statement does not explicitly address this issue anywhere. Instead, it makes a number of general statements about safety in vessels under 6 metres, drawing on data aggregated across all possible uses of these vessels in all possible conditions. For example, they state:

"a Fatality Review Panel reviewed 123 fatalities that occurred between 2000 and 2006, and concluded that PFDs, if worn, would have had a high likelihood of preventing a fatality"

and (as you yourself quote in your amended Statement of Proposal):

"The failure to wear PFDs in small craft that are prone to capsize was found in 2007 research to be the principal reason for loss of life in boating accidents."

The Forum does address the issue of skipper discretion. In their statement, they note that Maritime New Zealand's Part 91 Rules do permit such discretion, and they acknowledge that since "a skipper best knows their vessel, and is the best judge of their ability to manage a vessel in different situations, this discretionary approach makes sense."

Despite this, they argue against allowing discretion in local bylaws. Their rationale is interesting. They claim that skippers are not always in a good position to exercise discretion because, for example, some don't always "check the marine weather forecast before they depart on a voyage" (emphasis added).

They also state that "Given how quickly conditions can change at sea (large waves or high winds "coming out of nowhere")... [t]his leaves very little time for a skipper to respond by putting on their PFD or ensuring passengers have put on theirs" (again, emphasis added).

Plainly, these arguments (concerning departure on a voyage and conditions at sea) have little to do with a skipper's ability to exercise discretion over a 2-4 minute trip to shore by tender within a sheltered bay containing multiple nearby moored boats on a calm day. Indeed, from the way the entire position statement is worded, it's not at all clear that the Forum even contemplated the application of their recommendations to such a scenario, much less had access to any kind of data that would justify such a recommendation in these circumstances.

The Forum's statement also claims that allowing discretion is inappropriate because sometimes skippers don't carry enough PFDs for their passengers. This argument may have some merit when a vessel under 6 metres is the sole vessel in use, for example if someone is taking a couple of friends out in a runabout for a few hours fishing. But in the case of a vessel being used as a tender, the primary vessel is almost always significantly larger than 6 metres and therefore is far more likely to be equipped with a full complement of lifejackets since it has far greater capacity (and it makes no practical sense for lifejackets to be stored in the tender when not in use, e.g. when it is being towed). So the claim that skippers can't be trusted to have PFDs available in this circumstance seems completely spurious, and I'm aware of no data that has been offered to support it. Again, the way in which the recommendation has been constructed simply does not seem to reflect any serious thought about a tendering scenario.

I also note that the Forum's position statement references a "2007 Review of the Pleasure Boat Safety Strategy." I have not been able to find the full report of that review online. However an 8-page overview of the review is located at:

<https://www.gw.govt.nz/assets/Documents/2021/10/pleasureboatstratery.pdf>. It makes for interesting reading. Regarding the total annual recreational boating fatalities nationwide, it notes that (at that time): "In recent years, the annual average has been around 12 fatalities and trending downwards."

Coincidentally, 12 is also the total number of recreational boating fatalities that occurred nationwide in 2023, the most recent year for which data has been published by Maritime New Zealand, here: <https://maritimenz.govt.nz/media/xqlh4luj/recreational-fatal-accidents-2023.pdf>.

Like the Safer Boating Forum's current position statement, the 2007 Review overview only discussed aggregate data across all recreational boating, though it did note that "Very few of those fatal accidents occurred in vessels over 6 m in length." (Note that this is somewhat contradicted by the 2023 accident data referenced above which has a 7-5 split) However, it said nothing at all specifically about accidents that occurred while tendering to or from shore. However, we can certainly infer that if any fatalities do occur while tendering, they likely average significantly less than 12 per year.

Maritime New Zealand's 2023 fatal accident report that I referenced above provides some additional insight in the form of a breakdown of fatalities by vessel type over the years

2015-2023. The data indicates that approximately 30% of fatalities are attributed to dinghies and inflatables. So this would equate to 3-4 fatalities per year nationwide. While tenders fall within these categories, the data is not broken down further by the type of use (fishing, tendering, tubing, paddleboarding, river-rafting etc) or by contributing factors, such as alcohol use, time of day/night, sea-state or even whether PFDs were worn. So it seems very possible that there may be fewer than 2 fatalities nationwide a year while tendering without a PFD during daylight, and perhaps none at all.

[Side note: the 2023 data does record that in four of the 10 total fatalities not caused by sudden rigging impact, a PFD was being worn; only three fatalities were confirmed to not be wearing a PFD. So the SBF's claim that failure to wear PFDs in small craft is the principal reason for loss of life in boating accidents is possibly an oversimplification]

The very small number of fatalities (if any) when tendering is interesting considering the number of trips taken by tender in any given year. In the bay where my own boat is moored, I would estimate that there would be at least a dozen return trips per day, even in winter, and in peak season of course many more. In the course of a year, I would guess there could easily be well over 5000 return trips - in just one mooring field. I leave it to you to estimate how many trips by tender occur nationwide in a year, since this is the number that any fatalities while tendering per year needs to be compared with.

Whatever this number is exactly, I think we can conclude that compared with the number of tendering trips made nationwide in a year, the number of fatalities per year while tendering is extremely small - and may well be nil. The potential impact of removing the tendering exemption from the requirement to wear PFDs is therefore incredibly small in comparison to the scale of the change it imposes on boaties' day-to-day practice.

I also note that even though the 2007 Review (overview) only discussed aggregate data, the recommendations at that time specifically avoided mandating the wearing of lifejackets in vessels under 6 metres under all conditions. Instead it was stated only that this should be the default and that "wearing a lifejacket in a recreational vessel under 6m is required unless the skipper has decided the risk is low at the time" (emphasis added). So they accepted that skipper discretion should be maintained.

While the Safe Boating Forum's current position statement obviously takes a different view, it still claims the 2007 Review as a central part of its rationale, yet fails to offer any new data to support such a change. And as I have explained, the arguments against skipper discretion offered in the SBF's current position statement are unpersuasive and irrelevant when applied to the specific case of tendering.

Given that the justification for removing the tendering exemption for PFD use articulated in the Council's Statement of Proposal rests entirely on the Safer Boating Forum's recommendations, I do not believe that the Council has yet adequately satisfied its obligations under the Local Government Act to provide a reason to modify the current provisions.

I'm also very concerned, as I've noted before, that the proposed change creates an incentive for Council to view infringements of the proposed new bylaw as a potential source of revenue. To impose penalties for choices people make in circumstances that would almost never create an actual safety risk (as the data I've discussed shows) would be an egregious abuse of the Council's power.

I am aware of the argument that the current bylaw requires carriage of PFDs when tendering and so, as a result, requiring the wearing of PFDs under all circumstances is a minor change. However, notwithstanding the current bylaw, the reality is that currently PFDs are frequently not carried on tenders. They are carried instead on the yacht or launch. This should not come as a surprise. Most boaties realise that carrying a PFD on their tender creates a significant risk of theft if it is left there when they go ashore and accidental loss if it is left in the tender when it's being towed. And it's often simply not convenient to take a PFD away with you when you're onshore. Consider, for example, a common scenario in which someone rows ashore to buy supplies at a nearby store. Often this requires walking a significant distance, and then carrying a couple of bags of groceries by hand back to the dinghy. Taking a PFD along with you in such a situation is extremely inconvenient. So if the wearing of the PFD is not actually justified (which in reality is the norm), there's little practical value in having it with you at all.

Consequently, I believe that if Council is going to make a change to the bylaw, rather than removing the exemption from wearing a PFD when tendering, it should extend the exemption to the carriage of PFDs as well as wearing.

As in my original submission, I want to emphasise that I strongly support the wearing of PFDs on small boats. As the Safer Boating Forum has said, "PFDs save lives." When sailing my 5 metre catamaran, I would never contemplate leaving shore without my PFD. When using a tender, PFDs should be used when the conditions warrant it. Even though I routinely take my tender ashore without wearing one, in just the last 2 months since

my original submission I have twice chosen to wear a PFD, once when going ashore in rough conditions and once in calm conditions when taking my tender out of the bay I'm in to another nearby bay, a journey of 8-10 minutes.

The idea that people should not be permitted to exercise this sort of discretion is infantilising and insulting.

Submitter: Michael Lee

Submission No: 80

My comment is that when it comes to regulators of maritime safety that could apply New Zealand wide then these safety regulations should be left to central government. Eg the issue of when and who should wear life jackets.

At present if these regulations are set by regional councils, then this is a cost to each council for a regulation that is being duplicated by each council. It would save considerable time and cost if it were centralised. This would also save confusion arising out of variations to requirements as people shift from region to region.

On the other hand, regulations that are shaped by locality and local use should fall to the local regional council eg swimming and diving from wharves and jetties.

Submitter: Linda Asselbergs

Submission No: 81

This is ridiculous. You should wear one if you are unable to swim, but otherwise it is a real hassle and totally unnecessary. If you pull up your dinghy in a bay and go for a walk, you have to carry them with you or leave them on the beach where they will get stolen. You would have to keep all your life jackets at home in case you take friends out on the boat. How many people have lost their lives in a tender going from their boat to the ramp? Why don't surfers have to wear lifejackets. This is not practical and is an over the top rule!

Not everyone can afford those newer compact lifejackets, lifejackets are bulky to carry around.

Over regulation is not a solution - common sense is being deroded.

Submitter: Kris Wyatt

Submission No: 82

There's plenty enough rules already, no need for more, it's people's freedom, put an age on it like under 15 you must wear a life jacket on a boat under 12m and everyone in areas with bars but not as a blanket.

**Submitter: Grant Crombie
Marsden Yacht & Boat Club Inc**

Submission No: 83

WE don't agree with some of the changes;

2.1 the removal of the exemption to wear life jackets for tenders up to 200m from shore. It is impractical, where you store life jackets while ashore in a small tender?

3.3 two forms of communication. Unrequired for inner harbour use, when in close proximity to other boats.

4.1 Advise Harbour Master of Events. The exemption for weekly racing organised by a yacht club should be for all yacht club events. It is unrealistic to have to advise of a one off event. As a yacht club we organize a few one off events, usually just a start for a destination race or a one off class regatta for small yachts

Submitter: Terry Dawson

Submission No: 84

The present law on the wearing of lifejackets in dinghies of less than 6m should remain the same. Like most dinghies, mine has built in buoyancy and I am always close to shore. I have been rowing small boats for 75 years. (I am 81)

Submitter: Bill Dawes
NZ Stand UpPaddling Inc

Submission No: 85

While the rule regarding two forms of comms makes total sense for vessels any significant distance offshore, it's not practical for stand up paddleboards (SUP) being used as a beach toy, which is how the vast majority do get used. Families take their paddleboard to the beach, and the kids mess around on it close inshore, jumping off it, using it as a toy, never paddling more than a short distance away from the beach. The same happens around boats at anchor. The paddleboard is much more of a swimming toy than a vessel going from A to B.

It's hard enough to get these people to even use a lifejacket; there is simply no way it will ever be practical to enforce that they should be carrying a phone or some other kind of electronic communications tool as well. Nor would it make practical sense anyway. Kids messing around on a paddleboard can't be carrying a VHF or a PLB, it'll just get lost. And a phone will get wet and ruined because they'll fall on it and break the waterproof bag, or whatever. The only practical comms tool for this type of useage is a whistle. This is exactly why Wellington council have included an exemption:

Paddled craft within 1km of shore need only carry one means of communication.

in which case that person on their stand up can use the whistle on their PFD as the comms.

We'd strongly suggest that NRC follows this approach, as there's simply no practical way for the two-comms approach for inshore summer SUP paddling to be achieved, let alone enforced.

Submitter: Bruce Mitchinson

Submission No: 87

I don't agree with the proposed removal of the exemption to not wear PFD on board a vessel under 6 metres, if tendering within 200 metres of the shore. I support option 2 to keep the clause as it is in the existing bylaw.

Where conditions mean there would be no significant reduction in safety by wearing PFD's then this call, along with all the other discretionary safety calls, should be at the discretion of the Person in Charge of the vessel.

In the situation where there is an incident on the water, within 200m of the shore, and where there are vessels, under 6m length, in the vicinity to lend immediate assistance, locating a PFD to enable a rescue, may delay a response.

I support the removal of the prohibition, around swimming and diving around wharves across Northland, proposed under option 1, giving structure owners discretion around this practice.

Russell Wharf, for example, has a long tradition of locals swimming and diving from this structure, including local school and charity events. It makes sense to make this practice legal.

Submitter: Judith Ellensohn

Submission No: 88

Ruakākā, Waipū estuaries – Removing a clause relating to areas where wind powered board sports are prohibited. The clause was included by council in 2017 after concerns were raised about impacts on roosting birds in these areas. However, navigation safety bylaws are made for the purpose of maritime safety – it's not considered the appropriate legal mechanism for managing wildlife.

1. The Bylaw Is Not the Right Legal Mechanism

This restriction was added in 2017 due to concerns about roosting birds. While the protection of birdlife is important, navigation safety bylaws are **not the appropriate tool** to manage environmental conservation. These bylaws are intended to address risks to maritime safety, and there is **no documented evidence** that wind-powered board sports create such risks in these estuaries.

Internationally, environmental protection is managed through specific conservation regulations—not safety bylaws. Maintaining clarity in regulatory purposes is important for both effectiveness and fairness.

2. Kite Surfing Is Environmentally Friendly and Bird-Safe

Kite surfing is widely recognised as an **eco-conscious** water sport:

- It produces **no noise or emissions**.
- It does not require infrastructure like piers or boat ramps.
- The gear is powered solely by wind and leaves no trace.

In my personal experience—and as echoed by many in the kite surfing community—**birds often show curiosity and even fly alongside kites**. Around the world, kite surfing coexists successfully with birdlife in sensitive coastal areas, including protected national parks and marine reserves.

For example:

- In places like **Western Australia, the Netherlands, and parts of the US**, kite surfing is permitted in estuarine and coastal zones with **seasonal or zoned guidelines**, rather than total bans.
- Studies in some of these areas have shown **no significant impact** from kite surfing on bird roosting or flight behaviour when practiced respectfully.

3. No Evidence for a Year-Round Ban

If any concerns remain about potential disturbance to wildlife, a more balanced and proportionate response would be to:

- Restrict kite surfing only during **sensitive breeding or migratory seasons**, based on evidence.
- Use **signage or community education** to inform users during these periods.

A year-round ban is **unjustified** especially in the absence of clear data showing harm. Many local kite surfers are environmentally aware and would be willing to follow seasonal guidelines to protect wildlife.

4. The Estuary Is Exceptionally Safe for Beginners

Ruakākā and Waipū estuaries are **ideal training grounds** for new kite surfers:

-
- The **shallow, sheltered waters** significantly reduce risk.
 - There is **minimal boat traffic**, making it safer than open beaches.
 - The conditions offer a low-stress environment to learn safe and responsible kite handling, which is critical for both user safety and avoiding any unintentional wildlife disturbance.

Promoting such a safe location is important for encouraging active lifestyles, tourism, and water safety skills in the region.

Submitter: Gary Whatmough

Submission No: 89

Ruakākā, Waipū estuaries – Removing a clause relating to areas where wind powered board sports are prohibited. The clause was included by council in 2017 after concerns were raised about impacts on roosting birds in these areas. However, navigation safety bylaws are made for the purpose of maritime safety – it's not considered the appropriate legal mechanism for managing wildlife.

- These estuaries are naturally quiet, with **no swimmers, no boating traffic, and minimal disturbances**, making them a **perfect beginner-friendly and safe location**.
- They provide an ideal environment for people learning board sports—shallow, calm water with side-shore wind, and no conflicting water users.
- The **5-knot rule** under Northland's Navigation Safety Bylaw applies to vessels when within 200 m of shore or within 50 m of another vessel, but **board sports are exempted** from this speed rule under the regional code of conduct
- The original 2017 prohibition was aimed at protecting roosting birds, but **navigation safety bylaws are not the appropriate mechanism** for wildlife management—these belong under conservation or environmental law.
- Retaining this clause potentially criminalizes responsible users and misapplies the navigation safety framework intended for maritime safety.

In summary, Ruakākā and Waipū estuaries offer a unique, safe spot for learners, with negligible risk to other users. Removing the outdated clause clarifies that the Navigation Safety Bylaw focuses on maritime safety, not bird protection.

Submitter: Caleb Hackett

Submission No: 90

I do not agree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

Tendering to and from shore involves only a short journey, typically in a relatively sheltered anchorage, and often near other boats. In most cases this can be undertaken safely without the use of a PFD. In cases where the conditions warrant the use of a PFD, boaties are perfectly capable of making that judgment themselves. I support retaining the individual's discretion to make the decision they think is best in the circumstances. The Council's Statement of Proposal states that this change is required to align Northland's bylaw with the latest safety recommendations of the national Safer Boating Forum. However the Forum's position statement on lifejacket use that the Council has cited does not explicitly address safety concerns specifically related to tendering, and neither that statement nor the Council's Statement of Proposal provides data specifically relevant to tendering that demonstrates sufficient justification for the proposed change.

Submitter: Adrian Percival

Submission No: 91

I don't agree with all of the proposed changes.

I do not agree that lifejackets must always be required when in a tender heading to or from shore. This should be the skippers decision based on the conditions at the time.

Submitter: Randolpho Allemand

Submission No: 92

I don't agree with removing the exemption for wearing a lifejacket (PFD) in a vessel under 6m when tendering to and from shore. There are multiple cases where it is absolutely safe to do so, and this should be at the skipper's discretion to evaluate and determine.

Submitter: Stephen & Paula Pepperell

Submission No: 93

I'm writing to say we strongly disagree with the change proposed to this bylaw.

Whilst we support the use of life jackets when boating we believe that when tendering to and from the shore it should be at the discretion of the boats skipper as to whether life jackets are needed.

Up here in the BOI we have some very sheltered anchorages and this is not being taken into account. We often use paddleboards instead of our inflatable dinghy, so will they be next? I don't see the logic and one solution does not fit all.

Submitter: Ben Hackett

Submission No: 94

I do not agree with the proposal to remove the current exemption for wearing a PFD in a vessel under 6m when tendering to and from shore.

Tendering involves normally only a short journey in normally sheltered water and often in the presence of other boats. In most cases this can be done safely without the use of a PFD and if a pfd is warranted by conditions a boatie is more than capable of making that decision. I support leaving that decision up to each individual boatie.

Furthermore, this is an activity often carried out among swimmers or in a swimming environment, or where swimmers are using the tender also, and to make the use of a PFD mandatory is ludicrous.

Submitter: Joanne Wilson

Submission No: 95

We are long term owners of two moorings in Matauwhi Bay and Russell.

We do not agree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

Tendering to and from shore involves only a short journey, typically in a relatively sheltered anchorage, and often near other boats. In most cases this can be undertaken safely without the use of a PFD. In cases where the conditions warrant the use of a PFD, boaties are perfectly capable of making that judgment themselves. We support retaining the individual's discretion to make the decision they think is best in the circumstances.

The Council's Statement of Proposal states that this change is required to align Northland's bylaw with the latest safety recommendations of the national Safer Boating Forum. However the Forum's position statement on lifejacket use that the Council has cited does not explicitly address safety concerns specifically related to tendering, and neither that statement nor the Council's Statement of Proposal provides data specifically relevant to tendering that demonstrates sufficient justification for the proposed change.

We also disagree with a proposal to require at least two forms of communication during such tendering activities, as this is excessive.

Submitter: Kim Taylor

Submission No: 96

Logically, if you plan to make the wearing of lifejackets compulsory on tenders, within 200m of the shore you must also make them compulsory for swimmers and surfers (which appear to exempt for some reason even from the national rules).

The purpose of a life jacket is to support the weight of a body in the water.

1. Consider a launch anchored on a beach. According to this proposal, the people who go ashore in the dinghy, must wear a life jacket. The life jacket is no use at all to a person whilst in the boat, but is there in case they end up in the water, although the chance of that is generally small.

The people who swim from the launch to the beach are already in the water, and therefore at much greater risk from cramp, seizure, jelly fish stings, being run over by speeding craft, or perhaps their swimming skills are less than they thought, but do not have to wear a lifejacket.

That's a bit nonsensical, but that is what this proposal suggests.

2. Consider also the tender now ashore has its life jackets stolen. To get back to the launch, if this bylaw is amended as proposed, the only legal way to return to the boat is to swim which would be inherently less safe than taking the dinghy without lifejackets.

Also something of a nonsense.

3. I am trying to get from the beach at English Bay to my launch on a mooring within 200m of the shore.

I have two choices :-

A very leaky "Tinny" with a piece of 3x2 as a paddle, although I will wear a lifejacket or

A seaworthy tender with built in buoyancy, a bailer, a decent set of oars and well fitted rowlocks with lifejackets tucked under the thwart

Ignoring comms equipment for this purpose, the first option will be "legal" under the proposed bylaw but, by far the safest option, the second, will be "illegal".

That's nonsense x 3

4. All nation's maritime authorities support the principle that safety at sea is first and foremost the skipper's responsibility but then some seek to override it by legislation which enables and encourages the skipper to abdicate his responsibility to be a competent skipper with a seaworthy boat and equipment, by simply having lifejackets (and/or other rescue equipment)

5. It is the primary function of national and local government bodies to preserve the freedoms of its citizens, not take them away arbitrarily and illogically. The UK for example has a generally less "nanny state" tendency than here. eg helmets are not compulsory for pedal cyclists on the road.

It has no legislation as to recreational boat safety for vessels under 31.7 metres but has at least equally challenging boating conditions. A high latitude coastline at the edge of a large ocean.

6. There is no evidence that countries with no pleasure craft safety equipment requirements have any worse death rates than those that do. In fact there is a suggestion that the legislating countries have worse records, which I would say results from the "encourage abdication" factor mentioned above.

7. I have had regular contact with the small boating scene in the UK (unregulated) and NZ (only recently regulated and becoming more so) for approx the past 35 years and that experience/observation convinces me that the UK system produces better seamanship and results, because it does not prioritise lists of safety equipment over the more important stuff.

8. I fully appreciate and acknowledge that those proposing legislation do so with the very best possible motives but usurping skipper responsibility by legislation is bound to diminish overall boat safety .

9. In an unregulated environment the skipper has no list apparently confirming he and his crew are safe which is a very healthy state of affairs . There is no doubt that It's truly his responsibility. The danger of legislation is that having complied with the safety equipment legislation , the skipper thinks he has done enough, when you never have . It gives a false sense of security.

10. Education, education , education is the only way. Frustrating, heart breaking and even fatal as it sometimes is when the lessons are not learned.

11. If we are to continue to make the mistake of trying to legislate for boat safety, a life jacket comes way down the priority list anyway , which is approximately as follows:-

a)Skipper knowledge and experience - as to assessments of the weather and expected conditions, suitability of the boat for the intended task etc etc

b)Boat seaworthiness and ensuring a boat that does not sink , whether flooded , capsized or not, is the priority so, built in or other boat buoyancy devices. The "floating raft" then becomes the refuge either to sit on or hang on to for those who have ended up in the water which will be much more visible. Stay with the boat is the universal advice. (Presumably the national rules surfer exemption is based on this consideration namely that the board, to which the surfer is tethered, is similarly regarded as a suitable floatation device)

c)Harnesses to prevent people going overboard from a floating boat in the first place or as tethers to assist staying with a disabled but floating boat.

d)Only if all the above fails, does a lifejacket become relevant . Making it the only legislated item diminishes the greater importance of all above factors . Placing sole reliance on a life jacket may also mitigate against the "stay with the boat " advice.

12.Some perspective /proportionality is required. Life is a risky business. We all take risks all the time.

13.The existing bye laws already impinge considerably on skipper responsibility, but the proposals as to lifejackets and communications equipment only compound the problem and should not proceed.

Relevant experience

Ocean Yachtmaster with 64 years of small > large recreational boat experience, 50000+ ocean miles. 10 years of "living afloat " around the globe, hence 1000's of tender journeys to and from the shore.

Regular contributor to yachting magazines worldwide including on safety matters and author of the 1994 NZ Pacific Storm Survey which illustrated precisely the inherent dangers of attempting to legislate for yacht safety

(The only lives lost (3) had ticked all the safety equipment lists but were on an unsuitable offshore boat with a relatively inexperienced crew.)

See also the loss of the Queen Charlotte and its crew a few years later . The boat was certified fit (based on a list of safety equipment) to head into the tropics during the cyclone season. The very predictable scenario became a reality.

In both cases over reliance on their mandated safety equipment, and their safety certificate could not make up for their lack of seamanship and/or a suitable boat.

As I wrote at the time "A safety certificate means nothing to a 10m breaking wave".

I will be overseas on the hearing date so not able to attend

Submitter: Kathryn Hutton

Submission No: 97

Hi there, I have lived aboard a sailing yacht for over 25 years.

This includes an 8 year world circumnavigation, a NZ circumnavigation and trips to the islands, including the Marshall Islands...

There have been a few times prudence has suggested wearing a life jacket to and from shore. Sometimes even postponing trips.

We always wear PFD and tied on at sea, so are safety conscious. I wear a PFD when in dinghy with kids in life jackets.

I cannot see a place for this idea of mandatory life jackets when going to and from boat in dinghy, but if we go off fishing in dinghy, then yes always wearing PFD.

I am not anti safety at sea, I am also not stupid, as are most sailors....so please, leave us to do what we do best.

I would suggest that instead of having boaties wear life jackets going to and from boat in dinghy, there could be some sort of registration and boat skipper training for boaties.

So when people in fast dinghies and fizz boats go flying thru an anchorage faster than speed limit, we would have some way to identify and report them. This doesn't seem to be policed either, and is dangerous to other people.

Submitter: Susan Bowman

Submission No: 98

I would like to register my objections to the removal of the exemption for use of life jacket in under meter boats.

I prefer to make my own safety assessment and will use one if I judge the need.

I live at anchor in the Bay of Islands.

**Submitter: Tim Whelan
Ocean Surveys NZ Ltd**

Submission No: 99

I do not agree with the proposed change to the safety bylaw in regard to the use of life jackets when using a tender from ship to shore etc. The issue for safety is invariably speed and not personal flotation devices.

In my own experience speed of vessels is regularly ignored with resultant death and injury.

In Whangamata a young paddle boarder died as a direct result of speed (over ground) above the 'proper' speed nearby, not the use or not of PFD.

People in tenders have been run-down by vessels speeding, again PFD's are of little help.

My suggestion is that this is merely a revenue gathering exercise with an easily identified target.

Submitter: Suzie Wallace

Submission No: 100

I do not agree with the proposal to remove the current exemption for wearing personal floatation device in a vessel, under 6mtres,when tendering to & from shore.

Please Prove your research & statistics in regard to your by- law change.

Submitter: Mike Bennett

Submission No: 101

I believe it's Ok to just send in a quick email stating my opposition to the proposal to remove the exemption to the navigation bylaw that allows people to tender to and from shore in a vessel under 6m.

I have been boating in Northland for over 40 years and believe this a ill conceived move. There are possible variations that could be considered but as it stands I think the proposal is ill conceived and unnecessary.

Submitter: John Bowman

Submission No: 102

I do not agree with the proposed review to the current exemption for the wearing of PFD in Vessel under 6m whilst tendering to and from shore.

Living at anchour Northland Eastern Coast.

Submitter: Dan Salmon

Submission No: 103

I write to object to the "Removal of an exemption to not wear PFD (lifejackets) on board a vessel under six metres".

I would like to see "Option 2: Keep as is" continue.

I can see a number of problems with this. For a start, i think it creates a hostile relationship between people and authority. The existing situation, which is at the discretion of the skipper, already allows authorities to step in when they see unsafe behaviour, removing this exemption would be criminalising law abiding skippers for making informed safety call.

From a personal perspective, I sail and generally anchor within swimming distance of the beach. How is rowing in without a lifejacketon, any less safe than swimming? If I'm paddling a SUPthe same distance, do i need to have a lifejacketon? How about if I'm surfing? What happens if someone clings to the back of my SUP, or hangs off the back of the dinghy if I'm rowing, if they try to climb aboard, do I fend them off because they'll be legally compromising me?

I don't mean to sound facetious. I absolutely understand the intention here is water safety and saving lives. Removing the exemption justfeels like something that is easy to do without any evidence they action will have a positive effect, and in fact has the potential for quite a negative effect.

It's a blunt instrument, there is a fundamental difference between a small rowing boat and a 6 metre RIB with a large outboard. The 200m tender rule, seems like an easy way to distinguish use from power. Being chastised or fined for not wearing a lifejacketwhile rowing a six foot dinghy at about 3.5 knots, while launches regularly charge through the bay on autopilot without a proper watch (i've nearly been hit several times), creates a hostile us and them situation that risks infantilising otherwise law abiding adults.

Please reconsider, and please let responsible boaties make informed, educated decisions.

Submitter: Mary Neate

Submission No: 104

I would like to keep the current exemption for lifejacket use in a dinghy going ashore.

I am able to exercise judgement about when a lifejacket is sensible and I wear one often. However, rowing ashore, in summer, in calm weather, within easy swimming distance of the shore and my boat does not need a lifejacket.

This proposal would lead to the bizarre situation where I would be required to wear a lifejacket to get to a beach for a swim.

The current situation is good. We are encouraged to wear a lifejacket but have discretion to choose not to if the circumstances don't warrant one. Please keep it this way.

Submitter: Kevin Morrissey

Submission No: 106

I strongly disagree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

Tendering to and from shore involves only a short journey, typically in a relatively sheltered anchorage, and often near other boats. In most cases this can be undertaken safely without the use of a PFD. In cases where the conditions warrant the use of a PFD, boaties are perfectly capable of making that judgment themselves.

I strongly support retaining the individual's discretion to make the decision they think is best in the circumstances, and all of my fellow boaties seem to agree on this.

The Council's Statement of Proposal states that this change is required to align Northland's bylaw with the latest safety recommendations of the national Safer Boating Forum. However the Forum's position statement on lifejacket use that the Council has cited does not explicitly address safety concerns specifically related to tendering, and neither that statement nor the Council's Statement of Proposal provides data specifically relevant to tendering that demonstrates sufficient justification for the proposed change.

Submitter: Paul Wilson

Submission No: 107

I am a long term owner of two moorings in Matauwhi Bay and Russell.

I do not agree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

Tendering to and from shore involves only a short journey, typically in a relatively sheltered anchorage, and often near other boats. In most cases this can be undertaken safely without the use of a PFD. In cases where the conditions warrant the use of a PFD, boaties are perfectly capable of making that judgment themselves. We support retaining the individual's discretion to make the decision they think is best in the circumstances.

The Council's Statement of Proposal states that this change is required to align Northland's bylaw with the latest safety recommendations of the national Safer Boating Forum. However the Forum's position statement on lifejacket use that the Council has cited does not explicitly address safety concerns specifically related to tendering, and neither that statement nor the Council's Statement of Proposal provides data specifically relevant to tendering that demonstrates sufficient justification for the proposed change.

I also disagree with a proposal to require at least two forms of communication during such tendering activities, as this is excessive. I have made many trips offshore, with no requirement for two means of watertight communication. Having such a requirement for a short trip in a dinghy is over the top, and unenforceable, considering the council is unable to enforce speed limits in anchorages now.

Submitter: Janine Totorewa

Submission No: 108

I do not agree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

Tendering to and from shore involves only a short journey, typically in a relatively sheltered anchorage, and often near other boats. In most cases this can be undertaken safely without the use of a PFD. In cases where the conditions warrant the use of a PFD, boaties are perfectly capable of making that judgment themselves. I support retaining the individual's discretion to make the decision they think is best in the circumstances.

The Council's Statement of Proposal states that this change is required to align Northland's bylaw with the latest safety recommendations of the national Safer Boating Forum. However the Forum's position statement on lifejacket use that the Council has cited does not explicitly address safety concerns specifically related to tendering, and neither that statement nor the Council's Statement of Proposal provides data specifically relevant to tendering that demonstrates sufficient justification for the proposed change.

Submitter: Jason Deal

Submission No: 109

I do not agree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

Tendering to and from shore involves only a short journey, typically in a relatively sheltered anchorage, and often near other boats. In most cases this can be undertaken safely without the use of a PFD. In cases where the conditions warrant the use of a PFD, boaties are perfectly capable of making that judgment themselves. I support retaining the individual's discretion to make the decision they think is best in the circumstances.

The Council's Statement of Proposal states that this change is required to align Northland's bylaw with the latest safety recommendations of the national Safer Boating Forum. However the Forum's position statement on lifejacket use that the Council has cited does not explicitly address safety concerns specifically related to tendering, and neither that statement nor the Council's Statement of Proposal provides data specifically relevant to tendering that demonstrates sufficient justification for the proposed change.

Submitter: Dylan Olsen

Submission No: 110

My vote is I disagree with the proposal to remove the lifejacket exemption for tendering to and from shore

Submitter: Simon Taylor

Submission No: 111

I would like to view my objection to the changes proposed to modify existing bylaw to one requiring all persons in a tender to be required to wear a pfd at all times when commuting to shore or between boats..

This removes all choice from skippers etc to make there own decisions as to how they go about there's and others personal safety while in a tender under 6 metres in length and yet again another assault on our freedom to make these decisions as per the weather conditions at the time which is something we have always done and wish to continue to do..

Submitter: Tony Dunlop

Submission No: 112

Regarding the use of lifejackets.

1 I object to the requirement to wear a life jacket when rowing a RIB tender to access my moored vessel. The RIB is not going to sink and the risk of injury or drowning is almost non-existent. There may be a case for life jackets if using an outboard.

2 I see no need for lifejackets on paddle boards so long as there is a tether/leash attached to the paddler. The paddle board provides ample buoyancy. I have tried two types of lifejackets designed for paddle boarding and am convinced I would never actually deploy them but rather would rely on the paddle board's buoyancy. There may be a case for lifejackets only on inflatable boards which could deflate.

Submitter: Alastair Scott

Submission No: 113

I strongly disagree with the proposal to remove the current exemption for wearing a lifejacket in a vessel under six meters when rowing out to our moored boats.

We all skipper larger vessels with complete autonomy as to when or if we should wear lifejackets on our moored vessels so we can make the same prudent choice in our tenders.

We do not require some overpaid harbormaster in an extravagant boat telling us what to do. Save all those costs and reduce the red tape. Stick with the status quo.

Submitter: Helen Horrocks

Submission No: 114

I do not agree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

Tendering to and from shore involves only a short journey, typically in sheltered waters, and often near other boats/people. In most cases this can be undertaken safely without the use of a PFD. In cases where the conditions warrant the use of a PFD, boaties are perfectly capable of making that judgment themselves. I support retaining the individual's discretion to make the decision they think is best in the circumstances.

The implication of this bylaw would be to penalise perfectly capable and responsible boaties in situations where they are in no danger and present no danger to others. Slapping a fine on someone for using a tender without a PFD in a situation where they deemed it unnecessary – such as in a flat calm bay on a fine day in little more than waist deep water – would be senseless and unfair. Personal accountability on the water should be actively encouraged, rather than further attempting to legislate common sense out of existence with overreaching regulations.

The Council's Statement of Proposal states that this change is required to align Northland's bylaw with the latest safety recommendations of the national Safer Boating Forum. However the Forum's position statement on lifejacket use that the Council has cited does not explicitly address safety concerns specifically related to tendering, and neither that statement nor the Council's Statement of Proposal provides data specifically relevant to tendering that demonstrates sufficient justification for the proposed change.

Submitter: Hamish Peterson

Submission No: 115

I do not agree with the removal of life jacket exemption for tendering to and from shore.

Submitter: Dallas Bates

Submission No: 116

I do not agree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when travelling to and from shore.

This should be left to skippers discretion to decide whether a lifejacket or PFD is required. In cases where the conditions warrant the use of a PFD, boaties are perfectly capable of making that judgment themselves. I support retaining the individual's discretion to make the decision they think is best in the circumstances. (Same as how we apply skippers discretion when deciding whether keeping watch is necessary on calm nights at a good anchorage)

The Council's Statement of Proposal states that this change is required to align Northland's bylaw with the latest safety recommendations of the national Safer Boating Forum. However the Forum's position statement on lifejacket use that the Council has cited does not explicitly address safety concerns specifically related to tendering, and neither that statement nor the Council's Statement of Proposal provides data specifically relevant to tendering that demonstrates sufficient justification for the proposed change.

**Submitter: Annette Hall
Far North Radio & Sea Rescue Inc**

Submission No: 117

REJECTED: 'Without the Bylaw, monitoring and enforcement responsibilities revert to Maritime New Zealand, which may not have local capacity to adequately manage risks to navigation safety within Northland. '

REJECTED: 'Regulating maritime issues under the RMA is therefore inappropriate and not considered a viable option.'

REJECTED: 'The potential consequences of maritime safety not being appropriately managed are significant. Accordingly, it is not considered appropriate to rely on education campaigns alone '

ACCEPTED: 'Bylaws are subject to regular reviews and updates. This allows the community to be involved, ensuring that the resulting bylaw is the most appropriate for the communities it will serve. Other stakeholders such as Maritime NZ also provide input. '

Removal of an exemption to not wear PFD (lifejackets) on board a vessel under six metres

Option 1: Remove exemption

Carriage of at least two forms of communication

Option 1: New rule requiring the carriage of two forms of communication onboard vessels

Swimming and diving around wharves

Option 1: Remove prohibition - allow a flexible approach -structure owners have discretion

Vessels over 500 gross tonnage or 45 metres to obtain Harbourmaster approval prior to anchoring in Northland's waters or entering harbours .

Option 1: Require skippers of large vessels to notify the Harbourmaster prior to entering or anchoring in the region (

Submitter: Steve Allan

Submission No: 118

Hi guys i am writing to oppose proposed bylaw requiring all boaties to wear lifejackets in vessels under six metres. This is ridiculous, i have a vessel in matauwhi bay, Russell and it is a sheltered mostly calm harbour. 99% of boaties will wear one if conditions warrant one, we are not children and don't need big brother holding our hand, stop this nonsense

Submitter: Paul Dennison

Submission No: 119

I **do not agree** with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

I support Option 2 - Keeping the bylaw as is;

Clause XXX does not apply when the vessel is within 200 metres of the shore, being used as a tender, and if the person in charge of the vessel, after assessing all circumstances and determining there would be no significant reduction in safety, expressly authorises any person on board to remove a personal flotation device.

Tendering to and from shore involves only a short journey, typically in a relatively sheltered anchorage, and often near other boats. In most cases this can be undertaken safely without the use of a PFD. In cases where the conditions warrant the use of a PFD, boaties are perfectly capable of making that judgment themselves. I support retaining the individual's discretion to make the decision they think is best in the circumstances.

There are many instances where it is safe to use a tender without using a life jacket. Many dingy are cited on the shore for moored boats where owners row out to the boat. Moving boat to boat while in an anchorage, going ashore to the beach to pick up supplies or other people. A skipper already has responsibility for all those on board and there are some things that should remain that way. It is unnecessary and is over reach to legislate mandatory life jacket wearing while tendering. It is just not necessary.

Submitter: Janine Takle

Submission No: 120

I do not agree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

Tendering to and from shore involves only a short journey, typically in a relatively sheltered anchorage, and often near other boats. In most cases this can be undertaken safely without the use of a PFD. In cases where the conditions warrant the use of a PFD, boaties are perfectly capable of making that judgment themselves. I support retaining the individual's discretion to make the decision they think is best in the circumstances.

The Council's Statement of Proposal states that this change is required to align Northland's bylaw with the latest safety recommendations of the national Safer Boating Forum. However the Forum's position statement on lifejacket use that the Council has cited does not explicitly address safety concerns specifically related to tendering, and neither that statement nor the Council's Statement of Proposal provides data specifically relevant to tendering that demonstrates sufficient justification for the proposed change.

Submitter: Michael Longcor

Submission No: 121

I do not agree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

Let skippers assess risk for themselves as they are ultimately responsible for the safety of the vessel and crew. Most of the time while tendering, risk is extremely low and the burden of PFDs isn't warranted -- sheltered waters, floating objects everywhere (moorings and other boats), other people around, relatively warm waters, shore within close proximity, and speeds below 5 knots.

Submitter: Helen Chegwidden

Submission No: 122

I disagree to the proposed change to remove the lifejacket exemption when tendering to and from shore to boat and vice versa. There is a certain amount of discretion required when yachting and being in charge of a boat. In my capacity as skipper I am able to judge the conditions appropriately when rowing to my boat, and will wear a lifejacket if I consider it appropriate. Deaths on the water are not happening in this situation, it is people loading up boats to go fishing with no lifejackets and other bad decisions that are causing deaths.

Submitter: Hannah Kotoski

Submission No: 123

I do not agree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

Let skippers assess risk for themselves as they are ultimately responsible for the safety of the vessel and crew. Most of the time while tendering, risk is extremely low and the burden of PFDs isn't warranted -- sheltered waters, floating objects everywhere (moorings and other boats), other people around, relatively warm waters, shore within close proximity, and speeds below 5 knots.

Submitter: Michelle Bramwell

Submission No: 124

I do not agree with the proposal to remove the current exemption for wearing a personal flotation device (PFD) in a vessel under 6 metres when tendering to and from shore.

Tendering to and from shore involves only a short journey, typically in a relatively sheltered anchorage, and often near other boats. In most cases this can be undertaken safely without the use of a PFD. In cases where the conditions warrant the use of a PFD, boaties are perfectly capable of making that judgment themselves. I support retaining the individual's discretion to make the decision they think is best in the circumstances.

The Council's Statement of Proposal states that this change is required to align Northland's bylaw with the latest safety recommendations of the national Safer Boating Forum. However the Forum's position statement on lifejacket use that the Council has cited does not explicitly address safety concerns specifically related to tendering, and neither that statement nor the Council's Statement of Proposal provides data specifically relevant to tendering that demonstrates sufficient justification for the proposed change.

I am in favor of removing the clause preventing swimming or diving around wharves.

Submitter: Amanda Pilkington (LATE SUBMISSION)

Submission No: 125

I am opposed to removal of exemption to requirements to wear a lifejacket when close to shore ie tendering to and from boats to shore etc.

Leave the bylaw as it currently is.

Submitter: Steve Pilkington (LATE SUBMISSION)

Submission No: 126

I am opposed to removal of exemption to requirements to wear a lifejacket when close to shore ie tendering to and from boats to shore etc.

Leave the bylaw as it currently is.

0800 002 004
info@nrc.govt.nz
www.nrc.govt.nz