

COMMERCIAL VESSELS ACT 1979

Order Exempting Vessels Engaged in Navigation of Whitewater from the Requirements for Construction, Equipment, Certificates of Competency and Safety Manning

NEW SOUTH WALES



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THE Maritime Services Board of New South Wales in pursuance of Section 48 of the Commercial Vessels Act 1979, declares by this Order, that the provisions of the Commercial Vessels (Permits) Regulation 1986, the Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986 and the Commercial Vessels (Equipment) Regulation) 1986 do not apply to a vessel used exclusively for navigation of whitewater provided the vessel is constructed, equipped, manned and relevant fees paid in accordance with the Whitewater Code set out hereunder.

In this order “whitewater” means those Sections of rivers consisting of a series of rapids and waterfalls navigable only by rafts, canoes or similar vessels.

NSW Whitewater Code

Part 1—Preliminary

Application of the Code

This Code applies to all rafts used in commercial whitewater operations.

Definitions

In this Code unless otherwise defined:

“approved” means approved by the Board;

“Board” means the Maritime Services Board of New South Wales;

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“commercial whitewater operation” means those operations in which persons are carried on rafts through the rapids of rivers for money, reward or other valuable consideration;

“Grade” in relation to a rapid means the grade specified in the International Rapid Grading System listed in Schedule “A” of this Code;

“Guide” means a person who holds a licence as a Guide issued by the Board;

“PFD” means an approved personal flotation device;

“raft” means a raft used for commercial whitewater operations and which has been constructed and maintained in accordance with a Standard approved by the Board;

“Record of Service Book” means a book issued by the Board in which the experience of a person engaged in whitewater operations is recorded;

“river day” means an aggregate period of at least 5 hours of commercial whitewater operations in a day between boarding and securing the raft for the night;

“Standard” means the British Standard MA: 16–1971 for the construction of inflatable rafts and any other Standard approved by the Board;

“Trip Leader” means a person who holds a licence as a Trip Leader issued by the Board.

Part 2—Safety of Passengers

1. Operational restrictions

Commercial whitewater operations must not be conducted:

- in rapids of Grade 5 and 6; or
- during hours of darkness, or in conditions such as fog, mist, heavy rain, falling snow, sleet, hail, or conditions which similarly affect good visibility.

2. Restriction on consumption of alcohol or a drug

A Trip Leader or Guide must not be impaired by alcohol or a drug at any time between the commencement and completion of an expedition.

A Trip Leader must not permit a person to board a raft if that person appears to be:

- (a) impaired by alcohol or a drug; or
- (b) a threat to the safety of that person or a persons(s) on the raft.

3. Loading of rafts

- (a) A raft must not be loaded with persons and equipment whose combined weight exceeds that specified by the manufacturer.
- (b) When a raft is fitted with a cargo frame(s) the number of passengers must be reduced by the number of person positions occupied by the cargo frames(s)

4. Preparation for an expedition

Before commencing an expedition the Trip Leader must:

- (a) visually check each raft thoroughly for any damages or defects which could render it unsafe for the expedition;
- (b) ensure that the rated working pressure of the buoyancy chamber(s) conform with the manufacturer's specifications; and
- (c) ensure that each raft is equipped in accordance with the requirements of Schedule "B" and that the equipment is in good working condition;
- (d) ensure that all equipment in each raft including storage boxes and other objects which could injure persons during the expedition are properly stowed and secured;
- (e) ensure that loose bights or ends of cordage are secured;
- (f) ensure that each passenger has received instructions which include:
 - (i) familiarisation and warning in respect of the hazards in the rapids to be encountered;
 - (ii) procedures for routine operations while on the water and when shooting a rapid;
 - (iii) seating arrangements;
 - (iv) general safety instructions;
 - (v) the use and wearing of PFDs;
 - (vi) procedures for emergencies, casualties, swamping, capsizing and person overboard;
 - (vii) advice that once the expedition has commenced a person may not be able to leave the raft before the end of the day's rafting;
- (g) ensure that an evacuation plan is agreed upon between the Trip Leader, Guides and the responsible person described in Clause 7, before the commencement of an expedition; and this plan must ensure that the expedition is at all times under the direct supervision of the Trip Leader; and the plan must not rely on a passenger leaving the expedition by raft or on foot to seek outside assistance; and

- (h) ensure that the Trip Leader, the Guide and all passengers wear their PFDs and helmets before entering and while on the raft; and ensure that the PFD is worn correctly by physically checking the PFD of each passenger.

5. Crewing of an expedition

A Group or Individually Guided expedition must be crewed in accordance with the requirements set out in Schedule “C”.

6. Conduct on the water

- (a) in a Group Guided expedition, the Trip Leader or Guide must be on board one of the rafts underway at all times, when any of the rafts are underway;
- (b) in an individually Guided expedition, a Trip Leader or Guide must be on board each raft when it is underway;
- (c) a Trip Leader or Guide must observe and thoroughly analyse all rapids incorporating a degree of difficulty and indicate to all persons in charge of rafts, the safest route through the rapid;
- (d) when considered necessary, the Trip Leader or Guide must be stationed at a point in the rapid where assistance can be rendered in the event of an accident. This person must be equipped with suitable rescue gear.

7. On-shore requirements

The Trip Leader must ensure that a responsible person remains ashore during the entire period in which the rafts are engaged in commercial whitewater operations. This person must:

- (a) hold a list of rescue organisations which must be contacted in an emergency or where contact is lost with the rafts and there is reasonable cause to believe that such loss of contact amounts to an emergency;
- (b) hold a list of names of all persons who are engaged in the commercial whitewater operation;
- (c) be available at all times to be contacted by the Trip Leader;
- (d) monitor the progress of the commercial whitewater operation by making radio contact with the Trip Leader at predetermined intervals agreed with the Trip Leader; and
- (e) immediately alert rescue organisations after repeated attempts to establish contact with the Trip Leader have been unsuccessful.

8. Procedures in case of an accident

If during the course of whitewater operations an accident occurs which results in:

- (a) the death of a person;
- (b) an injury to a person requiring hospitalisation; or
- (c) damage to property including a raft and the apparent cost of repairing such damage is \$1000;

the Trip Leader and Guide must, as soon as possible, inform the Board and forward the Accident Reporting Form as per Schedule “D” duly completed, to the Board.

Part 3—Licensing

9. Classification of licences

The Board will issue 2 classes of licences:

- (a) Trip Leader; and
- (b) Guide.

No licence will be issued to a person with artificial limbs.

10. Application for a licence as a Trip Leader

To obtain a licence as a Trip Leader a person must:

- (a) be at least 21 years of age;
- (b) have held a licence as a Guide for at least 1 year prior to the date of the application; and
- (c) complete the relevant application form; and
- (d) submit the completed application form to the Board together with:
 - (i) a copy of the licence as a Guide;
 - (ii) a copy of documents evidencing experience as per Schedule “E”;
 - (iii) a copy of documents evidencing successful completion of training courses as per Schedule “F”;
 - (iv) the first aid certificate (original) as per Schedule “G”;
 - (v) the medical certificate (original) as per Schedule “H”;
 - (vi) the character references (originals) from two persons listed in Schedule “I”;
 - (vii) the relevant fee as per Schedule “J”.

11. Application for a licence as a Guide

To obtain a licence as a Guide a person must:

- (a) be at least 18 years of age;
- (b) complete the relevant application form; and
- (c) submit the completed application form to the Board together with:
 - (i) a copy of documents evidencing experience as per Schedule “E”;
 - (ii) a copy of documents evidencing successful completion of training courses as per Schedule “F”;
 - (iii) the first aid certificate (original) as per Schedule “G”;
 - (iv) the medical certificate (original) as per Schedule “H”;
 - (v) the character references (originals) from two persons listed in Schedule “I”; and
 - (vi) the relevant fee as per Schedule “J”.

12. General powers of the Board

The Board reserves the right to:

- (a) take and retain copies of any documents provided by the applicant;
- (b) make any enquiries of any person, in writing or otherwise, to verify the information provided by the applicant or contained in the Record of Service Book; and
- (c) reject any application when it has found that information provided by the applicant is false, misleading or untrue.

Where copies of documents are requested, the originals must be produced for verification at the time of submitting the application otherwise the application will not be processed.

13. Issue of licence

After the applicant has satisfactorily complied with the provisions of clauses 10 or 11 above as the case may be, the Board may:

- (a) issue the applicant with the appropriate class of licence; and
- (b) endorse the licence with the maximum grade of rapid commensurate with the applicant’s experience.

14. Validity of licence

The Board may issue an initial licence as a Trip Leader or Guide, as the case may be, for 5 years.

The Board may renew the licence for further periods of 5 years provided that the applicant for renewal of a licence:

- (a) has held a licence for which renewal is sought; and
- (b) applies to the Board in an approved form which must be accompanied by:
 - (i) a copy of documents evidencing experience as per Schedule “E (1)”;
 - (ii) a copy of documents evidencing successful completion of training courses as per Schedule “F”;
 - (iii) a valid first aid certificate (original) as per Schedule “G”;
 - (iv) a current medical certificate (original) as per Schedule “H”;
 - and
 - (v) the relevant fee as per Schedule “J”.

15. Conditions of licence

A licence may be issued subject to such conditions as determined by the Board.

It is a condition of every licence that the first aid certificate and medical certificate remain current during the period of validity of the licence.

The Board may at any time suspend or cancel a licence for a breach of any licence condition.

The Board may at any time determine that the holder of a licence must undergo an examination or additional special training in the interest of public safety. If a holder does not undergo this examination or training within a reasonable time the Board may suspend or cancel the holder's licence.

16. Authority of a licence

A licence as a Trip Leader or Guide does not authorise a person to engage in commercial whitewater operations in rapids of Grade 5 or 6.

- (a) A licence as Trip Leader authorises the holder to supervise:
 - (i) a maximum of 15 rafts in Group Guided expeditions; or
 - (ii) a maximum of 5 rafts in Individually Guided expeditionsin the maximum grade of rapid endorsed on that licence.
- (b) A licence as Guide authorises the holder, under the authority of a Trip Leader, to supervise:
 - (i) a maximum of 3 rafts in Group Guided expeditions; or
 - (ii) 1 raft in Individually Guided expeditionsin the maximum grade of rapid endorsed on that licence.

SCHEDULE “A”

International Rapids Grading System

- Grade 1 Rapids are small regular waves. The passage is clear and easy to recognise and negotiate. Care may be needed with obstacles like fallen trees and bridge piers.
- Grade 2 Rapids with regular medium-sized waves (less than 1 metre); low ledges or drops; easy eddies and gradual bends. The passage is easy to recognise and is general unobstructed although there may be rocks in the main current, overhanging branches or log-jams.
- Grade 3 Rapids with fairly high waves (1-2 metres); broken water; stoppers and strong eddies; exposed rocks; small falls. The passage may be difficult to recognise from on the river and inspection from the bank may be required. Manoeuvring to negotiate the rapid is required.
- Grade 4 Difficult rapids with high, powerful, irregular waves; broken and confused water; often boiling eddies; strong stoppers; ledges, drops and dangerous exposed rocks. The passage is often difficult to recognise and inspection from the bank is essential. Precise and sequential manoeuvring is required.
- Grade 5 Very difficult rapids with confused and broken water; large drops; violent and fast currents; abrupt turns; difficult powerful stoppers and fast boiling eddies; numerous obstacles in the main current. Detailed inspection from the bank is essential. Complex, precise and powerful sequential manoeuvring is required. A definite threat to personal safety exists.
- Grade 6 All previous difficulties increased to the limit of practicability. Nearly impossible, very dangerous and cannot be attempted without a definite risk to life.

SCHEDULE “B”
EQUIPMENT TABLE 1
EQUIPMENT FOR RAFTS

The items in column 1 must be carried as specified in column 2.

COLUMN 1	COLUMN 2
Approved Personal Flotation Device Type 3	1 for each person
Approved helmet	1 for each person
Safety knife	1 for each Trip Leader and Guide
Bailer* (plastic) with line attached: 4 litre capacity or 8 litre capacity (*Not required for self-bailing rafts)	2 for each raft 1 for each raft
Inflation pump	1 for every 5 rafts and must be capable of inflating all rafts in the expedition
Paddle	1 for each person
Bow line (buoyant) at least 5 metres long	1 for each raft
Stern line (buoyant) at least 5 metres long	1 for each raft
Rescue line (buoyant) at least 10 metres in length with or without Throw Bag	1 for each raft which holds a Trip Leader or Guide (Only in group guided expeditions)
Grablines (minimum 12 mm diameter) and/or footholds	fitted to each raft
Approved means of communication to contact shore station/emergency services	1 for each expedition
First Aid Kit (as per Equipment Table 2)	1 for every 5 rafts
Repair Kit (as per Equipment Table 3)	1 1 for every 5 rafts
Map (see Note below)	1 for each expedition

Note: The **Map** must be the latest edition available and it must clearly show the river section to be rafted and all road access points.

Equipment Table 2

First Aid Kit

The First Aid Kit must contain at least the following items:

First aid pamphlet
Adhesive tape 25mm and 50mm
Bandages: 9 gauze: 3 each of 25mm, 50mm and 75mm
 3 crepe: 75mm x 1 metre
 3 triangular
Cotton tip applicators
Cotton wool
Dressings: Elastic adhesive (assorted sizes)
 Pads sterile (Telfa or similar)
 Wound
Finger stalls
Gauze pads: 100mm x 100mm
Safety pins
Scissors
Splints: 2 arm and 2 leg
Splinter forceps
Splinter probe
Tourniquet
Acridlavine or similar product
Antiseptic cream
Aspirin or similar product
Burn cream
Calamine lotion or similar product
Sunburn cream

Equipment Table 3

Repair Kit

The Repair Kit must contain at least the following items:

Patches of fabric/material suitable for use in repairing a tear in a raft of not less than one metre
Suitable emory cloth or roughing tool
Suitable glue, cleaning solvent
Suitable patching tools
Channel lock or similar pliers
Spare valve and cover for each type of valve on each raft
Roll of duct tape
Screwdriver

SCHEDULE “C”
CREWING REQUIREMENTS FOR GROUP AND INDIVIDUALLY GUIDED EXPEDITIONS

Expedition type	Expedition size	Trip Leaders	Guides
Group Guided: Where it is intended to shoot rapids up to and including Grade 4.	13 to 15 rafts, maximum 25 passengers	1	4
	10 to 12 rafts, maximum 20 passengers	1	3
	7 to 9 rafts, maximum 15 passengers	1	2
	4 to 6 rafts, maximum 10 passengers	1	1
	2 to 3 rafts, maximum 5 passengers	1	Nil
Individually Guided: Where it is intended to shoot rapids up to and including Grade 4.	Maximum 5 rafts	1	4
	Maximum 4 rafts	1	3
	Maximum 3 rafts	1	2
	Minimum 2 rafts	1	1

The minimum number of rafts in any expedition is two.

SCHEDULE "D"

Accident Reporting Form



WHITE WATER ACCIDENT REPORT

PARTICULARS OF INCIDENT

DATE	TIME	LOCATION	BREATH ANALYSIS ADMINISTERED	
			Yes []	Passed []
			No []	Failed []

PARTICULARS OF OPERATORS AND GUIDES

Particulars of Operator

Name:
Address:
.....	Post Code:
Date of Birth:
Phone No:
Cert/Lic No.

Particulars of Leader and Guide

LEADER	GUIDE
Name:	Name:
Address:	Address :
..... Post Code Post Code
Phone No:	Phone No:
Cert/Lic No:	Cert/Lic No:

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PERSON COMPLETING REPORT (to be completed in BLOCK letters apart from signature)	
Name:
Address:
Telephone: Date:
Signature:
Proposed	future action:
.....	

Return to: Commercial Vessels Branch, MSB Waterways Authority, PO Box R228, Royal Exchange NSW 2000. Fax (02) 364 2137

SCHEDULE “E”**Initial Licence Experience**

The experience required for an initial licence as a Trip Leader or Guide is as shown below:

Trip Leader:

An applicant must have:

- (a) held a valid licence as a Guide for a period of at least 2 years and have acted as a Guide for at least 9 river days within the year immediately preceding the application;
- (b) completed as a licensed Guide within the 2 years immediately preceding the application at least;
 - (i) for a rapid of Grade 1 or 2—10 river days in rapids of Grade 1 or 2;
 - (ii) for a rapid of Grade 3—30 river days in rapids of Grade 3 or higher;
 - (iii) for a rapid of Grade 4—70 river days in rapids of Grade 4 or 5;
- (c) a thorough knowledge of the construction of a raft and be capable of repairing and replacing parts of the raft.

Guide:

An applicant must have:

- (a) completed under the supervision and to the satisfaction of a licenced Trip Leader within the year preceding the date of the application at least;
 - (i), for a rapid of Grade 1 or 2—10 river days in rapids of Grade 1 or 2;
 - (ii) for a rapid of Grade 3—15 river days in rapids of Grade 3 or higher;
 - (iii) for a rapid of grade 4—20 river days in rapids of Grade 4 or 5; and
- (b) a thorough knowledge of the construction of a raft and be capable of repairing and replacing parts of the raft.

Proof of experience

Every applicant for a licence must produce proof of experience. The Board will accept a duly completed Record of Service Book as proof of that experience.

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SCHEDULE “E” (1)

Renewal Experience

The experience required for renewal of a licence as a Trip Leader or Guide is as shown below:

Trip Leader

An applicant must have:

- (a) completed at least 30 river days as a licensed Trip Leader in the grade of rapid for which renewal is sought within the 5 years preceding the date of the application;
- (b) completed as a licenced Trip Leader within 2 years immediately preceding the applicant at least;
 - (i) for a rapid of Grade 1 or 2—5 river days in rapids of Grade I or 2;
 - (ii) for a rapid of Grade 3—15 river days in rapids of grade 3 or higher;
 - (iii) for a rapid of Grade 4—20 river days in rapids of Grade 4 or 5; and
- (c) completed such training courses as the Board may determine from time to time.

Guide

An applicant must have:

- (a) completed at least 30 river days in the grade of rapid for which renewal is sought within the 5 years preceding the date of the application;
- (b) completed as licenced Guide within the year preceding the date of the application at least;
 - (i) for a rapid of grade 1 or 2—5 river days in rapids of Grade 1 or 2;
 - (ii) for a rapid of grade 3—8 river days in rapids of Grade 3 or higher;
 - (iii) for a rapid of Grade 4—10 river days in rapids of Grade 4 or 5; and
- (c) completed such training courses as the Board may determine from time to time.

Proof of experience

Every applicant for renewal of a licence must produce proof of experience. The Board will accept a duly completed Record of Service Book as proof of that experience.

SCHEDULE “F”

Training Courses

The training courses for a Trip Leader or Guide are as shown below:

Any course approved by the Waterways Authority.

SCHEDULE “G”

First Aid

The first aid courses for a Trip Leader or Guide must be courses conducted by organisations approved by the WorkCover Authority of New South Wales. Such organisations include:

1. St John Ambulance Australia, SYDNEY 2000
2. Australian Red Cross Society, SYDNEY 2000

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3. Ambulance Service of NSW, ROZELLE 2039
4. National Safety Council, FAIRFIELD 2165
5. Australian Ski Resort, BALMORAL 2571
6. Institute of Community Studies, BAULKHAM HILLS 2153
7. SRA Bronze, PETERSHAM 2049
8. RPAH, CAMPERDOWN 2050
9. University of Western Sydney, Macarthur CAMPBELLTOWN 2560
10. Paramedical Services Pty Ltd, CAMPBELLTOWN 2560
11. Breathing Equipment Service Pty Ltd, CRONULLA 2230
12. State Emergency Services, WOLLONGONG 2560
13. QANTAS, MASCOT 2020
14. TAFE Industry Training Division, ULTIMO 2007
15. Stratex Pty Ltd, ST LEONARDS 2065
16. Drake International, SYDNEY 2000
17. UWS Nepean, KINGSWOOD 2747
18. Wilderness First Aid Consultants, BERRIDALE 2628
19. North Coast Rehabilitation Services, LISMORE 2450
20. Illawarra Area Health Services, PORT KEMBLA 2502

Note: The board will accept a first aid certificate issued by an organisation other than one listed above if the WorkCover Authority has approved the first aid course of that organisation.

SCHEDULE “H”

Medical Standards

A Trip Leader or Guide must produce a medical certificate—original only—issued by a Government Medical Officer

A medical certificate will be issued for no more than 5 years.

The medical certificate must contain the following statement:

I hereby certify that (name) is physically fit in all respects to carry out the duties and responsibilities of a (Trip Leader/Guide) in whitewater operations.

SCHEDULE “I”

Character Reference

The character reference must state that the referee has known the applicant for at least one year and that the applicant is of good character.

SCHEDULE “J”

FEES

The fees for various purposes related to whitewater rafting is as shown below:

MATTER FOR WHICH FEE IS PAYABLE	FEE
Issue of a licence under this Code	\$95
Issue of a licence by way of endorsement	\$25
Revalidation of a licence	\$45
Issue of a replacement licence for a licence lost or destroyed	\$65
Endorse additional river or rapid grade on licence	\$10
Issue of a Record of Service Book	\$15
Inspection for approval of vessels or equipment	\$90 per hour
Where, at the request of an applicant for examination, an Officer of the Board attends at a place where the Officer would not, except in response to that request, been engaged on official duties—travelling and accommodation expenses incurred by the Officer because of that attendance	Such reasonable fee as may be demanded by the Board to cover some or all of those expenses and notified to the applicant at the time of the request

DATED this fifth day of July, 1993.

The *COMMON SEAL* of the *MARITIME SERVICES BOARD OF NEW SOUTH WALES* was hereto duly affixed in the presence of the Chief Executive:

W. L. GILBERT