

Navigation and Safety Bylaws

Submissions

Navigation and Safety Bylaws Submissions

1. Angus Gibb (Oral)	Lifejackets supported, Reasonable requirement, particularly for small craft.
2. Veronica Wheeler	Dangers of being trapped under the sail of a windsurfer. Lifejackets not required for windsurfers in USA.
3. Matthew Farrah	Dangers of being trapped under the sail of a windsurfer. Wetsuits and harness provide enough buoyancy.
4. Bronwyn Ward	Dangers of being trapped under the sail of a windsurfer. Wetsuits and harness provide enough buoyancy.
5. Mark & Simone Hollenstein	Lifejackets a danger to windsurfers and would hamper manoeuvrability.
5. Roger Hill	Opposed to windsurfer being required to wear lifejackets. One rule for all is wrong.. Wetsuits offer enough buoyancy.
7. Rob Tindall	Lifejackets would prevent windsurfers from swimming, ducking under waves and could get tangled in sail. No fatalities in Wellington Region.
8. Andy Martin	Lifejackets a danger to windsurfers and would hamper manoeuvrability.
9. Peter Lough	Support for Lifejackets for boaties, opposed for windsurfers. Wetsuits, harness and board provide sufficient buoyancy. Manoeuvrability reduced. Windsurfers look out for each other.
10. Mark Johnstone	Wetsuit and board provide buoyancy. Lifejackets would be a danger. Most sailing is done close o shore. Manoeuvrability affected. Safety record of sport is good and windsurfers watch out for each other.
11. Hamish Handley	Wetsuit, board and harness provide sufficient buoyancy. Lifejackets pose a danger of being trapped under the sail.
12. Lynne & Rob Marshall	Lifejackets should only be required when people are not wearing wet (or dry) suits. This should apply to all boaties. Wetsuits have sufficient buoyancy.
13. Wendy Kendall President, Windsurfing New Zealand	Wetsuits are sufficient buoyancy. Helmets should be worn by wave sailors and slalom sailors in winds over 20 knots.

14. Tony Brown	Inspections of swing moorings should be every two years. Personal watercraft should be licensed to aid enforcement.
15. Bruce Spedding	Lifejackets unnecessary for windsurfers in most cases, a hindrance in most situations and a hazard in some. Lifejackets would prevent windsurfers from swimming people could be caught under the sail. Wetsuits provide sufficient buoyancy. Windsurfers are aware of the potential risks and in strong conditions wear helmets.
16. R Milligan Waikanae Boating Club	Request for swimming and fishing restriction around the Waikanae Boating Club boat ramp.
17. Tony Popplewell NZ Rowing Assn	Rowing crew should be exempt from carrying lifejackets and speed restrictions.
18. Tim Workman Maritime Safety Authority	Standardising the collision prevention rules.
19. Wellington Recreational Marine Fishers Assn	Lifejackets should include buoyancy vests. The occupant of manually powered vessel should be required to wear lifejackets. The main shipping channel should be better defined. Vessels crossing the Falcon Shoals pose a danger to fishers in the area and to the sea bottom.
20. Adrian Smith	Lifejackets potentially more of a danger.
21. Transport Accident Investigation Commission	Vessels transiting a harbour should have an agreed passage plan and sufficient crew to implement the plan.
22. Peter Gibson	A greater presence of WRC staff at slipways.
23. Graham Murphy	Lifejackets would prevent windsurfers from swimming, ducking under waves and could get tangled in sail. Helmets should be encouraged.
24. Barbara Kendall	Lifejackets would prevent windsurfers from swimming, ducking under waves and could get tangled in sail. Wetsuits, a harness and the board provide sufficient buoyancy.
25. Ruth Wallis	Lifejackets would prevent windsurfers from swimming and could get tangled in sail. Wetsuits provide sufficient buoyancy. Windsurfers look out for each other.

36 Percy Dyett Drive
Karori
Wellington

1 o- 11-2000

Dear Sir / Madam

It has been brought to my attention that the Wellington City Council is proposing to pass a bylaw to make it compulsory for wind surfers to wear life jackets.

As a wind surfer I am concerned that if it becomes law that instead of wind surfing becoming safer, it is becoming more dangerous. I can explain this from my own experience.

On many occasions I have fallen off my wind surfer. Sometimes the sail can fall on top of you as you fall into the water. There is usually no air trapped under the sail and your head is under water. To get out of this predicament a wind surfer has to hold their breath and swim out from under the sail as quickly as possible. This can be difficult at times especially in waves when they break over the sail pushing it down. To swim out effectively the wind surfer must push themselves further down to swim away. A life jacket increases the risk of entanglement and not being able to push down away from the sail. Anyone lying in the water would automatically be floating because wetsuits are buoyant enough.

It would be far more sensible to make helmets compulsory. In rough conditions wind surfers tend to wear helmets as this offers far more protection than a life jacket would.

Wind surfers do have a concern for their own safety as you can imagine that battling with the elements can be frightening at times. Wind surfers tend to look out for one another also.

I am asking you to rethink your decision of making life jackets compulsory for wind surfers. I am concerned for my own safety as well as other wind surfers.

I would like to point out that in the United States where wind surfing is popular eg. Hawaii, California, Oregon and Florida wind surfers are not required to wear life jackets.

Yours sincerely



Veronica Wheeler

59427

From: Marie Martin
Sent: Tuesday, 14 November 2000 07:50
To: Lloyd Bezett
Subject: FW: life jackets

Hi Lloyd
Does this constitute a submission, or should I advise this person to make a formal submission?

Marie Martin
Communications Officer
Wellington Regional Council

--Original Message--

From: Matthew Farrah [SMTP:matthew.farrah@futurenet.co.uk]
Sent: Monday, 13 November 2000 23:27
To: info@wrc.govt.nz
Subject: life jackets

Dear Sir

I've heard on a windsurfing mailing list that your council is proposing the compulsory wearing of a life jacket to all watersports users, including windsurfers. I am sending this email by way of a petition to urge you against doing this on grounds that for windsurfers a life jacket or buoyancy aid will not help prevent drownings but, conversely, promote injury and drowning.

In this sport it's been long appreciated that to wear a buoyancy aid in surf can impede safety. If a swimmer can't duck under the wave because of the buoyancy strapped to them, they will get pitched over the falls instead. To go over, rather than dive under, is far more dangerous since the swimmer may get bundled against the sea floor or winded by the pounding surf, or both. To this end, injury and drowning is more likely in big surf if you're wearing a life jacket.

Further, falling from height or getting trapped under a sail is more damaging with a life jacket than it is without.

Statically, few windsurfers (none?) have died as a result of not wearing a life jacket. But because the jacket impedes movement, a life jacket might result in far more injuries.

Windsurfers are typically not foolish. We believe that the harness we wear, and the wetsuit provides enough flotation without preventing lifesaving measures when the conditions require them. We are different to dinghy and yacht sailors because we, like surfers, do not sail far from the shore, nearly always wear wetsuits, are, by and large, competent swimmers, always wear a buoyant harness and sail in groups.

Here in the UK, luckily, there's been no move made by authorities to de-limit what has always been a liberal, wise and safe attitude to our sport.

Matthew Farrah
editor, TotalFootball.com
matthew.farrah@futurenet.co.uk
t. 01225 442244 x2514
f. 01225 462986

99 Kaikoura St
Maupua
Wellington

4

12 November 2000

Re: Proposed Bylaw to make lifejackets compulsory for windsurfers!

Dear Sir/Madam

I am writing to object to the bylaw to make lifejackets compulsory for windsurfers.

There are several reasons for my objection. I am an experienced 'sailor' (windsurfer), ~~with~~ and have sailed in a variety of conditions, from under 10 to over 30 knots, and from flat seas, to wind-swell, to head-high waves.

I feel that wearing a lifejacket for windsurfing would be dangerous. I have often ended up under the sail, and a lifejacket would turn this reasonably normal occurrence into a dangerous situation, as it would be difficult to swim down and away from under the rig.

Every time I 'sail' I am prepared to fall in - my wetsuit protects from hypothermia should anything go wrong, and my wetsuit, harness and board give the flotation necessary to survive these situations if there is any problem. (care breakage etc)

The blanket coverage of windsurfers by laws designed to protect irresponsible people - who go out in dinghys with no safety equipment and without checking the forecast - is wrong. We are out

doing this sport most days, and we know what
we need to do to protect ourselves.

Yours faithfully

Billed

Bronwyn Ward.

Wellington Regional Council
Council Secretariat
PO Box 11646
Wellington

Proposed bylaw compulsory lifejackets for windsurfers

Dear Sirs,

I am writing in regard to the rather absurd proposal under which windsurfers are supposed to wear lifejackets. Clearly this bypass law has been created by persons, who have never ben on a windsurfer before.

Windsurfing, and especially wavesailing, which is the favoured discipline in Wellington due to the heavy winds and waves, requires a maximum of body movement and twisting in order to be able to ride the waves and do the modem manoevers performed by the sailors. More importantly, a lifejacket is dangerous and can potentially lead to drowning of sailor in the waves, as sailor needs to dive under the waves, similar to a surfer, when paddling out. A lifejacket will make this impossible. For wavesailors, It is exactly the same as if you would tell all the surfers to wear lifejackets. Simply absurd !

In all areas around the world, lifejacket regulations for windsurfers are totally uncommon, there are some places where this is being enforced, but 100 % all of these areas are places where sailing on lakes is the standard. Never, ever will a windsurfer sailing in the waves and the ocean wear a lifejacket. For 2 decades sailors around Wellington have been sailing the waves every day without lifejackets. There has been zero !!! casualties due to drowning. So why on earth is there a need to include the windsurfers in this absurd law ?

Check out other sports, several people break their necks playing rugby, mountainbiking or get **paralized**, but that seems to be ok as long as it's a popular sport.

Whatever law will be created, you will never ever get us wearing a lifejacket whilst wavesailing because we will not risk our lives for some bureaucrats who have no clue what actually is happening out there on the water.

Regards



Mark Hollenstein



Simone Hollenstein

35 The Track
Plimmerton
Wellington
04 233 001

Roger Hill
52 Sheridan Terrace
Johnsonville
WELLINGTON

9 November 2000

Wellington Regional Council
The Harbours Department
P O Box 11-646
WELLINGTON

Re Windsurfing buoyancy vests vs. nominated minimum buoyancy

Dear Sir

With regard to your latest proposal that Windsurfers should be required to wear approved buoyancy floatation devices, I feel that even the name suggests an encumbrance.

The brief article I saw on the news suggested that "Since they wear floatation devices in the upper levels of Windsurfing that it is quite acceptable for all levels". To say this could be compared to motor sport where rally and race drivers are required to wear a helmet, full race harness, "asbestos" suit and roll cage!!! It would be interesting, to say the least, to see the Prime Minister Helen Clark climbing out of her asbestos suit to give an interview to reporters on her way to the airport or out to lunch.

I agree that buoyancy whilst on the water is essential, but the issue should not be one rule for all, but what minimum is required. I wear a wetsuit, should I then also be required to wear a buoyancy device? If I did not wear a wetsuit I would be in difficulty, but with a wetsuit I am head and shoulders out of the water and warm.

Before all this became an issue I was in fact proving this same point to my wife, who is terrified of drowning, so while wearing her Seventh Wave 2.5 mm wetsuit in the Pauatahanui Inlet, (which has a high degree of fresh water to compound the matter) I told her to try her best to SINK! and after about five minutes of deliberately trying to prove that she was about to drown she gave up with the realization that it was impossible for her to spend any time under water. So we continued Windsurfing in safety.

I appreciate, as I understand it, that in the last ten years three Windsurfers have drowned. I would be interested to know the circumstances surrounding these incidences, especially when you

consider how many people have drowned while snorkeling, should they also be required to wear buoyancy devices or would it have not made any difference?

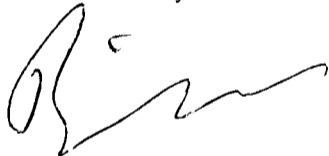
With regard to wearing a wetsuit you will find that in summer, Aucklanders would tend to not need a wetsuit therefore may find a buoyancy device valuable. In Wellington we tend to wear wetsuits all year round due to water temperatures and therefore have sufficient buoyancy (wetsuits ranging from between 2 mm to 5 mm thick). Whereas Dunedin Windsurfers can wear wetsuits up to, and around, 7 mm thick. It would be wrong to lump Windsurfers in with boat users because inevitably Windsurfers could end up being required to carry GPS monitoring systems and flares which for inshore waters is over the top, but for boat users heading out of harbour is a good idea, but for Windsurfing, inshore is where the fun is.

But if there is going to be a "Damn the torpedoes - Full steam ahead!" attitude, maybe you should consider forcing all water users to wear buoyancy devices i.e.

Surfers
Swimmers
Snorklers
Pool users
Skipper canyon Bungy Jumpers (who get wet)
Trout Fishermen
People flying in and out of Wellington Airport (Just in case)
4 WD enthusiasts
Back yard paddling pool experts (2 year olds and up)
And even people who drink cups of tea (because you can drown in only 3 inches of water, you know)

So please give us all a break and look at setting a minimum floatation requirement, rather than implementing a broad-spectrum enforcement. It is my considered opinion that wetsuits, in general, provide such a requirement.

Yours Faithfully



Roger Hill
Engineer

From:
Rob Tindall
48B Cortina Ave
Johnsonville
Wellington 6004

To:
Wellington Regional Council
Council Secretariat
PO Box 11 646
Wellington

Re: Proposed Byelaw to make lifejackets compulsory for Windsurfers.

I am a keen windsurfer in Wellington and spend most of my **free** time windsurfing. I take safety very seriously and always take the following safety precautions:

- Check weather forecast
- Never sail alone
- Tell someone where I'm sailing
- Avoid commercial shipping lanes
- Sail in conditions within my ability
- Maintain my equipment
- Wear a helmet.

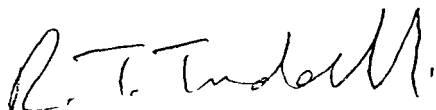
However the wearing of a life jacket has never been recommended and I strongly oppose the proposed **byelaw** for the following reasons:

1. When I go windsurfing I expect to be swimming for part of the time, falling in is never an emergency situation it is a part of the activity. I am prepared for swimming! Wearing a life jacket would impair my ability to swim after my gear.
2. The increased bouyancy in a life jacket would increase the chances of getting myself tangled up in my sail, by preventing me **from** ducking under water.
3. Also I work on the principal of 'If it is not broke, don't **fix** it'. How many windsurfing fatalities has Wellington had? (None to my knowledge over the past 6 yrs). If there are any, how many would have been avoided if a life jacket had been used?

In my opinion the introduction of this **byelaw** will not improve safety on the water for windsurfers. It will do the reverse and only introduce a new hazard!

Yours faithfully,

R.T.Tindall.



16/11/00

8 November 2000

8

To Whom it May Concern
Wellington Regional Council
Council Secretariat
PO Box 11 646

Wellington

Dear Sir/Madam

LIFE JACKETS FOR WINDSURFERS

I am writing to strongly object to the By-law the council are attempting to enforce, making it compulsory for Windsurfers to wear Life Jackets. There are serious safety implications that are not being considered, probably through a lack of understanding of the sport.

In some situations a Life Jacket would definitely be beneficial, for example, on a long reach out to sea. However most sailing in Wellington is done in high winds close to shore, and in surf (mainly Plimmerton and Lyall Bay). Often you find yourself under your gear with the sail on top of you. The last thing you want is a life jacket forcing you up to the surface pressing you against the sail. A sailor needs to dive and swim under his/her gear. The problem is further compounded in heavy surf when you want to dive to avoid a breaking wave. We are sailing in waves up to 3 metres and often end up diving to avoid being smashed.

Another problem is the general bulky nature of them, we are constantly moving our body and especially when we are jumping we tuck up our bodies. Life Jackets would cause a serious mobility problem causing crash landings due to the body not being in the correct position.

Anyone who knows anything about Windsurfing will tell you Life Jackets are a Definite NO. They will cause more accidents and degrade this fantastic sport.

Please do your research more thoroughly before adopting blanket solutions for subjects it seems you know very little about.

Regards,



Andy Martin

14 November 2000

Peter Lough
49 Howard Rd
Eastbourne
Lower Hut

9

Council Secretariat
Wellington Regional Council
PO Box 11 646
Wellington

To whom it may concern:

PROPOSED BYLAW TO MAKE LIFEJACKETS COMPULSORY

I support the proposed bylaw to make lifejackets compulsory for boat users in the Wellington region. But I strongly object to the proposed bylaw applying to windsurfers.

I am a 17 year-old windsurfer with exams shortly and I am using my precious study time to write this because I feel so strongly about this issue.

The main safety concern for windsurfers is the temperature of the water, not lack of floatation. Windsurfers wear **wetsuits** to keep themselves warm; the **wetsuits** also aid buoyancy. **Wetsuits** aid buoyancy without greatly reducing mobility. I wear a helmet more for warmth than for safety. It has the added bonus of making me feel safer even though I have never hit my head with my gear.

The average board size is around 110 litres (although they range from 80-250); this provides 110 kg of floatation. The sail dragging in the water slows the board down so it doesn't float away from the sailor. The board can be used as a floatation device if anything breaks.

Wearing a lifejacket reduces mobility while sailing and while in the water. It makes it more difficult to swim out from under the sail when it is on top of you. Wearing a life jacket makes it impossible to wear a waist or chest harness. Waist and chest harnesses are used mainly for wave sailing. They are very important for reducing fatigue because they take most of the pressure off the sailor's arms.

Windsurfers are in general sensible people. They sail together and look out for others while they sail. Recently I stopped to adjust my gear on Ward Island and I had two guys come and stop to see if everything was OK.

New Zealand windsurfing has had a very good safety record without this law and I think that if this proposed bylaw applies to windsurfers it will do more harm than good.

Yours sincerely

Peter Lough

56776

16th November 2000

Wellington Regional Council ·
Council Secretariat
PO Box 11 646
Wellington

Dear Sir or Madam

Proposed Bylaw to Make Lifejackets Compulsory for Windsurfers

I understand that the council proposal for all water users to wear a life jacket is to include windsurfers. While I strongly support the councils drive to improve the safety of water users, I feel as a windsurfer of 16 years that consideration should be given to exempting windsurfers for the following reasons.

- Unlike most other watercraft users, windsurfers expect to fall into the water and are prepared for this to happen.
- Windsurfers wear wetsuits, even in summer in Wellington, and these provide buoyancy sufficient to keep the windsurfer afloat. In addition windsurfers wear harnesses, which provides further buoyancy.
- Even the smallest windsurf board provides buoyancy sufficient to keep its owner afloat and the sail and mast act as a **sea** anchor to prevent the board from floating away from the sailor.
- On the odd occasion that a board and its sailor are separated, a short swim is all that is required to retrieve the board. The wearing of a lifejacket will reduce the sailors swimming speed, hindering their ability to catch the board and perhaps cause an increase in the need for rescue.
- The additional buoyancy which a life jacket would provide will in some instances actually create a danger to life, e.g. where trapped under a sail or swimming to avoid gear in waves.
- Windsurfers rarely sail far from shore and even where a gear breakage occurs, the combined buoyancy of board and wetsuit make it easy for the sailor to swim to shore.
- It is also rare to see a windsurfer sailing alone and windsurfers always watch out for other sailors and assist when in need.
- Windsurfing by its nature involves fast explosive moves which will be impeded by a life jacket.
- Currently very few windsurfers wear life jackets, but the safety record within windsurfing is excellent, which suggests we are adequately protected already.
- In the US it is recognised by most states including Hawaii, the windsurfing capital of the world, that windsurfers do not require life jackets.

14 November 2000

11

7 Colville Street
Newtown
Wellington

The Council Secretary
Wellington Regional Council
PO Box 11 646
WELLINGTON

Dear Sir/Madam

***Proposed bylaws – water safety
Wearing of life jackets***

I am concerned to read the draft proposed bylaw (section 2.1) relating to the wearing of life jackets because, as written, it may be mistakenly applied to windsurfers. I have been windsurfing in and about Wellington harbour for more than 15 years and believe I have a good understanding of the dangers of the sport. Life jackets are not appropriate for windsurfers for the following reasons (among others):

1. Windsurfers expect to spend time in the water, even when expert. Wet suits are always worn in Wellington.
2. A wetsuit along with the harness belt provides positive bouyancy – floating on one's back requires no effort.
3. Life jackets inevitably reduce the freedom of movement which is vital for windsurfing.
4. Life jackets would be a definite hazard when wave sailing (eg at Lyall Bay). When in the water among large breaking waves it is essential to be able to dive under the breaking zone. A life jacket would make being trapped under the sail much more likely also.
5. The board itself of course has considerable bouyancy, and it is rare for the sailor and board/rig to part company for long because the rig falling in the water acts as a 'sea anchor'.

I trust the proposed bylaw will be amended to take account of this recreational activity which is particularly popular in Wellington and especially suited to the weather experienced here.

Yours faithfully



Hamish Handley, B.E. MIPENZ

From: Lynne Marshall[SMTP:LMARSHALL@LEADERS.CO.NZ]
Sent: Friday, November 17, 2000 3:54:43 PM
To: mike.pryce@wrc.govt.nz
Subject: Life jackets and safety first!
Auto forwarded by a Rule

Lynne & Rob Marshall

36 Torridon Rd., Miramar, Wellington

Tel (international) 0064 4 388 1395 FAX 0064 4 388 1398

email <lmars hall@leaders.co.nz <<mailto:lmars hall@leaders.co.nz>>>

Re: Proposal to make wearing of life jackets mandatory:

I would first like to offer my credentials.

Rob Marshall: I owned my first small boat when I was aged about 13 years old (in the early 1950's) and have owned boats ever since.

At about that age I became aware of skin diving and to this day pursue the sport vigorously.

I have won the South Island spear-fishing title, the North Island spear-fishing title and dived in the New Zealand Spear-fishing competition 3 times once in Stewart Island, once in Wellington and once in The Bay of Islands. I was the National champion twice winning in Wellington in 1975 and The Bay of Islands in 1976.

I represented New Zealand in Australia in 1975/16.

Both the NZ and Australian Spearfishing championships were swum over two consecutive days. We basically entered the water at 9.00 am in the morning and got out again at 3.00pm in the afternoon. Six hours in the water swimming and diving, and we got out of the water warm and fit and ready to go again the very next day.

In Stewart Island being in the water for 6 hours with just' a life jacket would result in hypothermia! I doubt if any one would have survived.

I am still very active diving and snorkeling; About Six weeks ago I was diving in the Stockholm harbour looking at 3 shipwrecks. We entered the water at 11 .00 pm and got out again at 12.30am (half an hour after midnight!) The water there is colder than in Wellington.

I have dived in Russia where one day the air temperature was minus 15 degrees C. The water temperature was minus 2 degrees C. The water at the edge of the beach was an icy slurry! That is cold! Life expectancy wearing a life jacket will be only minutes. I was in the water for 50 minutes and while I will admit to being cold I did not have even mild hypothermia.

The point I'm trying to make is that I am very experienced and very well known and respected throughout the NZ dive world and I have even had some of my underwater photos and text published in the "ABSOLUTELY POSITIVELY WELLINGTON" newspaper March 1999 edition.

Over the years there have been several incidents where divers have been caught in rips and tides, doing dumb things, but surviving after being in the water for over 24 hours. The wet suits have kept them warm and kept them afloat! And there is more freedom to swim in a wet suit than when wearing heavy wet jerseys and a life jacket.

Wet suits are very buoyant, they create less friction in the sea and if (as is usual with divers and people wearing wet suits) there are fins available you can swim very quickly.

Why do divers carry 12 to 20 kg of lead? In warm water like the tropics have you noticed on the TV dive shows they use very little or no lead at all! The lead is to counteract the buoyancy of the wet suit.

If wet suits were renamed "survival suits" as they call a similar suit in countries where they fish on ice, the 'survival' wet suit would probably be given priority over life jackets because it floats AND keeps you warm. If my boat were to sink in the middle of Cook Strait I know I would far prefer to have on my wet suit than a life jacket, and will probably continue to wear my wet suit if the going gets tough, I can always pay a fine - but at least I'll still be alive.

May I with respect recommend your life jacket rule should read some thing like :-

" you're not wearina a Wet (or Dry) diving Suit, Wear a life jacket."

Yours Faithfully Rob Marshall.

From: Reception [wsnz@watersafety.org.nz]
Sent: Monday, 13 November 2000 12:19
To: Brendon Ward; Alan Muir
Subject: FW: Lifejacket Bylaw in Wellington

Sarah Blomquist
Water Safety New Zealand
PO Box 10-126, Wellington, New Zealand
PH 04 801 9600 - FX 04 801 9599
wsnz@watersafety.org.nz
www.watersafety.org.nz

Educating In, On & Under the Water

-----Original Message-----

From: Wendy Kendall [mailto:wendyk@nznet.gen.nz]
Sent: Monday November 2000 11:49
To: Water Safety New Zealand
Cc: Yachting New Zealand; "Bruce Spedding" <; Bruce Kendall; "Adrian Roper" <; Hamish Grant; NZWindsurfer; WWA - Bronwyn Ward; Windsurfing NZ; Water Safety New Zealand
Subject: Lifejacket Bylaw in Wellington

Windsurfing NZ has been requested to assist the Wellington Windsurfing Association gain dispensation from a new lifejacket bylaw being introduced in Wellington.

Windsurfing NZ successfully gained dispensation from a similar bylaw introduced by the Auckland Regional Council 7 years ago.

Here is some of the documentation regarding this issue:

LIFEJACKET FOR WINDSURFERS:
REASONS AGAINST

A very small percentage of windsurfers in NZ wear life jackets yet NZ windsurfing has a very good safety record. Recent incidents regarding the drowning of two windsurfers would not have been avoided if they had been wearing lifejackets.

In many other countries around the world, laws that require windsurfers to wear lifejackets have been abolished. Some states in the U.S.A., are still trying to abolish this law.

A wetsuit provides adequate buoyancy and is worn at most times for warmth and sun/wind protection anyway.

A harness also provides some flotation and is necessary for intermediate to advanced windsurfing.

If separated from one's board in windy conditions the board will drift more slowly than one can swim, and will not sink even if holed, therefore is the best means of flotation and transport to safety. Wearing a lifejacket hinders one's ability to swim quickly.

It is often necessary to swim down to get out from underneath a rig. Wearing a lifejacket would inhibit this ability.

In extreme conditions, many windsurfers wear a helmet which protects them from head injury and possible loss of consciousness, therefore reducing the possibility of needing a lifejacket.

If lifejackets were compulsory for windsurfers, this could discourage them from competing in race events.

We are attempting to narrow the gap between yachting and windsurfing by following Yachting NZ guidelines at all windsurfing events in New Zealand. To add the required amount of buoyancy (to come up to NZ specs) would result in a life jacket too bulky and restrictive to sail with. In slalom events, competitors often wear weight jackets (waterfilled) which already requires large amounts of buoyancy and bulk. Provision has been made by the ISAF in their rules (Rule 60) that competitors may have to wear adequate buoyancy at the discretion of the OOD. Our top international and local sailors agree with this ruling.

However, for beginners, extra buoyancy may be necessary especially for those who have poor swimming skills.

WINDSURFING NEW ZEALAND RECOMMENDATION:

That some sort of buoyancy garment should be worn at all times by windsurfers, ie. a wetsuit, and that helmets be worn in winds of over 20 knots for slalom sailors, and helmets be worn at all times by wave sailors.

That all windsurfing schools provide buoyancy aids for anyone who would wish to use them. (National Standards established by the WNZ rule that lifejackets are a requirement for certified windsurfing schools).

ALL WINDSURFERS SHOULD HAVE REASONABLE SWIMMING ABILITY BEFORE THEY LEARN TO WINDSURF.

Regards,
Wendy Kendall.
President, Windsurfing NZ
wendyk@nznet.gen.nz
Ph/Fx 09 372 2759

Windsurfing NZ Office:
wsurfz@extra.co.nz

-Original Message--

From: Tony Brown [SMTP:Tony.Brown@med.govt.nz]
Sent: Tuesday, 21 November 2000 07:40
To: 'info@wrc.govt.nz'
Subject: Wellington Regional Navigation and Safety Bylaws 2000

You have invited comments for submissions in respect of these proposed regulations

3.9.6(d): Moorings. There is a requirement to have inspections carried out and reported to you once a year. This is part of the "owner compliance" scheme.

It is suggested that these inspections are required every two years instead. This would be consistent with other parts of the country where swing moorings are controlled, and in addition, mooring hardware is not going to radically deteriorate over 24 months.

5.3 Licensed Vessels. Personal water craft should be licensed. Many of these craft do not comply with rules as defined in your proposal with respect to speed and ski-ing requirements and need to be identified so that they can be reported if necessary.

A D BROWN
154 Barnard Street
Wellington
Ph 4722698H
Ph4742661 W

From: Bruce Spedding[SMTP:bruce@winzurf.co.nz]
Sent: Tuesday, 21 November 2000 22:44
To: mike.pryce@wrc.govt.nz
Subject: Wellington Regional Navigation and Safety Bylaws 2000

Dear Mike

It has recently come to my attention that there is a new bylaw on the way which will require the wearing of life jackets. I notice that the proposed legislation specifically excludes surfboards but does not mention windsurfers.

I'm sure you are already aware from previous discussions that windsurfers regard lifejackets as unnecessary in most cases, and hindrance in most situations and a hazard in some. I won't bore you with the arguments if you can confirm that windsurfers will not be required to carry such floatation devices. Please let me know on this issue as soon as possible as I will most certainly wish to pursue the matter if this is the case.

Yours sincerely

Bruce Spedding

Hon. Launch Warden

"Pleasure craft" means a ship that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward; but does not include-

- (a) A ship that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business:
- (b) A ship that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing ship or for the carriage of passengers or cargo for hire or reward:
- (c) A ship that is operated or provided by any club, incorporated society, trust, or business:

"Ship" means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes--

- (a) A barge, lighter, or other like vessel:
- (b) A hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- (c) A submarine or other submersible:

Submission : **Wellington Regional Navigation and Safety Bylaws 2000**

The proposed new bylaw is to be applauded in it's efforts to reduce the number of deaths by drowning.

I am a windsurfer of many years experience, a trained instructor and an Honourary Launch Warden. I support the aims of the proposed bylaw but feel that the imposition of the mandatory carrying of lifejackets on windsurfers is inappropriate. I feel that the windsurfing community is being caught in a blanket proposal which is intended to target groups other than windsurfers, and whose behaviour at times has been demonstrably dangerous and irresponsible at times, not only to themselves but also to those in their care and those who end up carry out rescues. It is ironic that one of the most at risk groups who should also be covered, those who fish from the shoreline, will not be covered by this bylaw.

The specific exception of surfing as a category required to comply with the lifejacket requirement is understandable given the nature of the sport.

Windsurfing, by it's nature, incorporates many of the same issues that make surfing a reasonable exception.

- Windsurfers are generally pre-equipped to survive in the water, the equipment (board) is unsinkable and inherently provides a safety platform.
- Most windsurfers except for the extremely inexperienced wear **wetsuits** which also provide a degree of floatation and protection. The only time I have seen anyone sailing without a **wetsuit** is the occasional learner 5-10m off a public beach on an extremely warm day.
- In stronger conditions many windsurfers now wear helmets for both safety and comfort (thermal) reasons.
- The nature of windsurfing means that most participants are acutely conscious of the potential risks and behave accordingly.
- There is a perception that some windsurfers wear lifejackets, especially in the Olympics. These are in fact weight jackets designed to enhance their performance and not a safety feature.
- Like surfing, windsurfing requires high mobility both in and out of the water. A life jacket can be constricting out of the water during some activities, and in the water can work against the objective, which may be to swim after (retrieve) equipment or out from underneath equipment after a fall.
- While some bouyancy aids may be designed to allow significant mobility they will not meet the requirements of the bylaw.
- It is obvious that a windsurfer is not equipped to "carry" a lifejacket by any other means than wearing, unlike virtually all the other affected activities. It is also obvious that in most cases, if a life jacket were carried in this way it would be impractical to don it when the need arose.

There have been a total of four recorded deaths recorded by Water Safety NZ associated with windsurfing, there is no indication in any of these cases that the wearing of a lifejacket would have in any way changed the outcome. Windsurfing has an excellent safety record compared to most water activities.

Windsurfing New Zealand and it's affiliates promote safe windsurfing behaviour at all times through various channels. Rather than impose an unproven blanket rule on windsurfers which will probably do more damage by alienating that sector in the future, the council should make an exception and combine with the national and local windsurfing organizations in promoting continued safe behaviour.

The bylaw could acknowledge windsurfing as it has surfing, and note that in this case the wearing of a **wetsuit** would allow exemption from the lifejacket requirement.

Bruce Spedding

bruce@winzurf.co.nz - <http://www.winzurf.co.nz>

Waikanae Bouting Club

and Volunteer Coastguard Inc.

16

Harbour Department
Wellington Regional Council
P O Box 11-646
WELLINGTON

20 November 2000

Dear Sir,

Re: Proposed Wellington Regional Safety Bylaws 2000

Our Committee is concerned that no access lanes for Boat Launching and Retrieving have been shown for the Kapiti Coast.

For safety reasons we are particularly concerned about the area of our responsibility at the bottom of the ramp at the Waikanae Boat Club.

Committee Members have talked to your Harbour Rangers about Sign Posting this area as an access lane for launching and retrieving boats, also PWC's. As it is not sign-posted we have problems during the holiday season with people swimming and fishing across the 200m south of the ramp and, at times, become very dangerous. Concern has been brought to our notice also of PWC's not operating within the Law 5knots 200m from the shore.

If we can get this area covered in the Bylaw and correctly sign-posted It would be a great help in promoting safety on one of the safest beaches in New Zealand.

In writing this, two other areas come to mind and should be looked at - Raumati Boat Ramp, a launching area of the Kapiti Boating Club (used by commercial operators,)

Y o u r . 2 3

R. Milligan
Secretary



Affiliated to the
Royal New Zealand Coastguard Federation

Waikanae Boating Club and Volunteer Coastguard Inc.

Tutere Street, Waikanae Beach. PO Box 25 1, Waikanae. Phone/Fax 04-2936885



DOMESTIC ROWING COMMISSION

19 November, 2000.

Wellington Regional Council,
Council Secretariat,
P O Box 11646
Wellington.

Harbours Department
File No: J/1/2/3

Dear Sir,

PROPOSED WELLINGTON REGIONAL SAFETY BY LAWS 2000

The Wellington Rowing Club, who use the Wellington Harbour as a rowing base, have brought to our attention the proposed Safety By Laws for the Wellington Region.


Two aspects of these By Laws which are of particular interests to the local rowing community involve the wearing of life jackets and the use of coaching boats to support crews.

In the area of wearing life jackets you will be well aware of the extreme difficulty it would impose on rowers if they had to wear life jackets while practicing and competing in the sport of rowing, if in indeed they could even row at all, and it is interesting to note that a specific exemption is already made in the By Laws for surfing. While the Harbourmaster can grant exemptions it would seem to be more prudent to include an exemption for the sport of rowing from the outset.

The use of coaching boats for both safety and coaching purposes means that certain speed limits proposed are impracticable for the sport and again we ask your committee to take this into account. It is not always practical for every rowing crew to be escorted at all times and this also should be taken into account when determining the requirements for these "vessels".

Rowing is a sport which has used waterways around Wellington and indeed all over New Zealand for well over a hundred years and we would implore your committee to not make any By Laws which would handicap the sport. We are deeply aware of the dangers of water and the need for some rules but these should be accompanient to the sport rather than the prelude to the demise of it.

Yours faithfully,


Tony Popplewell,
Domestic Rowing Commissioner.

Email tony.popplewell@computershare.co.nz

*Tony Popplewell, 1 Azure Grove, Unsworth Heights, Auckland
Tel: (09) 522-0022 wk, Tel: (09) 443-6223 hm, Fax: (09) 443-6221*

ca999



MARITIME SAFETY AUTHORITY
OF NEW ZEALAND
Te Mana Arai Hauata Mōna o Aotearoa

18

File Reference: T S W

21 November 2000

Mike Pryce
Harbourmaster
Wellington Regional Council
PO Box 11646
WELLINGTON

Dear Mike

Wellington Bylaws for Navigation and Safety

In comparing the proposed Wellington bylaws with the proposed Auckland bylaws, District Aotearoa of our office noted some differences in the right of way requirements in respect of ships of 500 gross tonnage and over within harbour areas. We believe that it is sensible to make this requirement consistent around the country and consequently make this submission on the bylaws.

The main issue is whether all ships under 500 gross tonnage should be required not to impede the passage of ships over 500 gross tonnage or whether the bylaw should apply only to pleasure craft under 500 gross tonnage.

We have considered the origins of this requirement from the General Harbour (Nautical and Miscellaneous) Regulations and also the practical implications of the rule. The wording of the regulations indicates that pleasure craft of less than 500 gross tonnage were intended to be covered by the requirement. In practice however it could be difficult for a ship over 500 gross tonnage to decide whether a ship under 500 gross tonnage is a pleasure craft or not. That information would be vital to determining which is the give way vessel.

In our view it would be preferable for the bylaw to stipulate that no ships under 500 gross tonnage may impede the navigation of ships over 500 gross tonnage.

For clarification we would like to state that the Collision Prevention Rules would regulate all other aspects of a ship's count and speed in proximity to other vessels. The bylaw simply provides that a vessel under 500 gross tonnage is automatically the give way vessel within the Collision Prevention Rules framework.

I have contacted the Auckland Regional Council regarding their 50 metre minimum clearance distance and they have agreed to remove it.

Yours sincerely

Tim Workman
Legal Adviser

H:\Local Government\wrc2.doc



WELLINGTON
RECREATIONAL MARINE FISHERS
ASSOCIATION (Inc.)

19



P O BOX 26-064
NEWLANDS

WE RECOGNISE MANAGED FISHERIES

24 November 2000

Wellington Regional Council
Council Secretariat
P O Box 11 646
WELLINGTON

Re Proposed Wellington Regional Navigation and Safety Bylaws 2000

Dear Sir

The committee of the Wellington Recreational Marine Fishers Association have discussed the proposed plan and would like the following observations considered.

2.1 LIFEJACKETS

2.1.1 Insert "or buoyancy vest" after lifejacket throughout the regulations.

Reason

1. The reason few people wear lifejackets is because they are so uncomfortable, that is why many wear buoyancy vests that **can** be worn all the time. The regulations as written do not reflect what is now becoming common **practise**. Sinking a boat or being thrown into the water is never planned but when it happens it is usually so fast that there is no time to put a life jacket on, where as buoyancy vest can be worn all the time. Very much like a seat belt in a car if you do not wear one you will never have time to put it on when you need it.
2. No one in their right mind will wear a lifejacket while engaged in a water sport as a lifejacket has a head support that continually pushes your head forward, usually giving you a headache. Insisting that a person in charge of a pleasure craft must carry a lifejacket for everyone, without mentioning the advantages of a buoyancy vest, infers they alone will save your life. Many life jackets are never worn but are stowed in the bows of a boat. When we rolled a boat the watertight flare and EPIRB drum washed under the fore deck out of reach, a similar fate would happen to a stored lifejacket. The first five to ten minutes in the water are critical as we all went into shock and the thought of being able to swim under the foredeck to recover a lifejacket would not have been possible in our situation. Having since spoken to number of people who have been in a roll over they experienced the same reaction we did. Rescue exercises and the real thing are totally different.

60111

2.1.3 The occupants of all boats propelled by oars such as dragon boats, Island outriggers, canoes, skiffs, Wakas and any other boat propelled by oars, regardless of a support boat, be required to wear buoyancy vests.

Reason

1. Wellington seawater is too cold for most to stay in the water much longer than 45 minutes without a wet suit. Many do not realise that the water in Wellington Harbour is usually two degrees colder than the South Coast due to the many submarine fresh water springs discharging water that has been underground for a year or so. *Police and sea rescue craft would have to be on full alert to reach someone on the other side of the harbour within that time. I personally experienced a roll over off Petone and the three of us wore a buoyancy vests. One had a swandri and he suffered mild hypothermia as the extra weight pulled him lower into the water and he used up energy trying to keep his head out of the water. The act of an unexpected roll over is an unbelievable experience as the cold water and the fact you are in the water causes one to go into a state of shock with rapid breathing and shaking. Without a vest your head would not stay out of the water far enough, especially if it is rough and then all it would take is a little seawater in the mouth or throat and it would be all over. We have found the RFD buoyancy vest the best as it has deeper armholes and does not restrict movement, which the others do. Therefore the wearer is not tempted to remove it for reasons of comfort.
2. I have also witnessed panic off the wharves when a dragon boat rolled over and the support boat took a while to react, as it was some way off. The new Maori Wakas made of plastic do not float when upside down and, as the occupants are not required to wear a vest a young man drowned on Lake Rotorua recently, under supervision of the Corrections Department. The sea does not have to be rough to roll a boat as I have been on the water when within a few kilometres, seven people have drowned in separate boat accidents.
3. The WRC really needs to rethink the use of the tern Lifejacket in the "Safety Bylaw. – Recommending and demanding those involved in water sports should wear a Lifejacket infers that a Buoyancy Vests is unacceptable or has not been made yet.

6.1 DIRECTIONS FOR TRANSITING WELLINGTON HARBOUR

6.1.6 Refers to the "main shipping channel" therefore define what is the "main shipping channel".

Reason

1. There will need to be a definition of what and where the shipping channels are in Wellington Harbour. There is no description in the Draft as to what is the "main shipping tracks and or channel" in Wellington Harbour. Perhaps it could be shown as a chart along with the other charts in the Schedule.
2. In 21 April 1997 we asked the WRC. what is the "designated shipping channel" for Wellington Harbour.
3. In 21 March 1997 Mr Stuart Macaskill (Your File ENV/13/6/4) advised the WRMFA "*marked sectors and navigation lights are an aid to navigation and nether require vessels to use these routes, nor preclude the use of other parts of the Harbour*". Obviously this view has been revised as you are now assuming the public knows what and where the main shipping channel are. As the WRC could not advise us of their location in 1997 they must be there now as you are referring to them. We would like to know where they are now, where they begin and end, preferably with their GPS location.

4. The Wellington Harbour Chart NZ 4633 has no marked shipping channels. We believe a document titled “Wellington Regional Navigation and Safety Bylaws 2000” should be where the public can find where the main shipping channel and the other shipping channels or tracks are located.

6.1.8 All shipping over 500 tonnes when transiting Wellington Harbour must be required to travel around the Falcon Shoals navigation pole off Point Gordon.

Reason

1. The current practise of some shipping going around the Falcon Shoals Pole and some inside, through what is referred to as the ‘diversion channel,’ is very confusing for other users of the resource.
2. Many recreational fishers fish the waters around and south of the navigation pole off Point Gordon called the Falcon Shoal Light because of the **fresh** water rising around the Falcon Shoals. This area is where the Hutt Valley aquifer vents up through the peat. The area attracts many baitfish’s and the ecosystem there attracts many different fish to breed. We know that Elephantfish lay their eggs in the area. The shipping travelling over the Falcon Shoals is causing terrible damage to the ecosystem there as even the **Picton** Ferries draw five metres, and the water in parts is only eight metres deep. Prop wash brings the mud and silt to the surface every time they travel over it. Divers also report the damage to the ecosystem is considerable with deep **farrows** and all vegetation gone. There has been no study of the ecosystem at the Falcon Shoals.
3. It is also quite dangerous to have large shipping travel past **Mahanga** Bay heading towards the Falcon Shoal Pole not knowing when they will make their turn which could be anywhere on a track of about three kilometres. The turn they are making is between forty-five and ninety degrees. It has caught out a few small boats coming into the Harbour especially at night, as we have observed large shipping taking this route on a full tide. When a novice is handling a ship or yacht into the harbour and is complying with clause 6.1.6, which advises them to keep to the side of the “main shipping channel” they have found a large ship come at them from behind Steeple Rock and it has caused a fair amount of panic. This is because the large ship has to then make another turn to pass Steeple Rock Light. Such a situation was said to have been one of the contributing factors that led to the fishing boat being rolled by the container boat a few years back.
4. The Wellington Surf&sting and Angling Club ran a major fishing competition in support of Life Flight Trust in 1995 and advised everyone including the WRC. Many fished **from** boats in a shallow water area off Seatoun, that was until the fast ferry Lynx went through the recreational fishers at full speed producing a breaking wake of two metres and almost throwing out children and their parents **from** their boats. The WRC could have prevented that, but they advised those who complained that recreational fishers have no right to be even on the water inside the harbour. But they could have ensured recreational fishers were not put at risk and threatened by commercial boats by a simple warning on VHF Channel 14 for all ships to slow down around the recreational fishers. Subsequently few boats competed the next year and that year was the last time a fishing competition, open to the public, was run in Wellington Harbour. We have been asked to run others but have advised the people it is just too dangerous with large ships travelling with no fixed course over the Falcon Shoals.
5. An application for a marine reserve for the South Coast has been presented to the Department of Conservation. In the event that it is successful the area around the Falcon Shoals will become a major fishing area for recreational fishers for those who would normally have been able to fish the South Coast. Not only will it be sheltered, but also it will become more popular than it is today.

This will be due to the spill over effect that the marine reserve boundaries will have on recreational fishers, as it will force them into a very small area that produces fish. Current research indicates fishing is more about leisure and relaxation so it will not be very relaxing fishing in a group of boats fifty metres apart.

6. If the WRC are intending to support the reserve application then it should be through this document that consideration is given to the safety of recreational fishers. Directing all shipping over 500 tonnes away **from** what will be only sheltered waters left after a Matakaitai Reserve is established from Breaker Bay to Moa Point including Barrett Reef and a marine reserve for the rest of the coast.
7. The area off Seatoun has a number of yacht races over the weekend and we see the ferries taking the around the Falcon Shoal Pole route. As large shipping can travel around the Falcon Shoal Pole for other users of the resource, then recreational fishers should be given the same consideration.
8. We also believe that if the fast Ferries continue to travel over the Falcon Shoals there must be imposed a speed restriction as then jet units easily **lift** the bottom silt to the surface. Also the speed such craft travel at does not allow enough time to **lift** an anchor. On weekends these craft should be required to travel around the Falcon Shoal Pole to ensure others can enjoy their recreation without aggravation **from** others enjoying their recreation. After all it would only involve an extra minute of time such is their speed.

With that being the case it is appropriate that a similar worded clause be given consideration now.

We await your response with interest.

Yours Sincerely ,



Jim Mikoz

SECRETARY

Wellington Surf&sting and Angling Club

Wellington Recreational Marine Fishers Association

Honorary Vice President New Zealand Angling and Casting Association

Phone 938 4692 Fax 938 4691 E mail j-mikoz@xtra.co.nz

24 November 2000

197 Darlington Road
Miramar
Wellington

Wellington Regional Council
Council Secretariat
PO Box 11 646
Wellington

To Whom It May Concern

Windsurfing : Compulsory Lifejackets

I understand that a proposal is being submitted by the Wellington Regional Council that compulsory wearing of lifejackets is to be imposed on recreational activities that include windsurfing.

I wish to bring to your attention that while the intent is to increase safety on the water, this proposal may deliver increased risk to safety. Particularly, in instances of high winds and participating in wave sailing.

These activities include "getting airborne" and it is useful to have the option to jump from the equipment and get "under" the sea surface to protect yourself from the falling equipment. In addition, wave sailing at times entails diving into the wave to protect yourself from the crushing force of a breaking wave. These options for protection would be limited in their usefulness if wearing a buoyancy aid.

I am an experienced sailor who has been recently diagnosed with epilepsy. This diagnosis has encouraged me to attempt wearing buoyancy aids. However, two potentially serious difficulties arose:

1. The speeds that can be achieved (50kph to 80kph). Falling or diving off at these speeds resulted in the life jacket pushing aggressively upwards toward my neck (due to force of hitting the water);
2. The greatest risk to safety is being separated from your equipment (which has buoyancy). Attempting to swim at speed (in rough waters) to recollect your gear is extremely difficult and tiring with a buoyancy aid (as harness are also worn).

As a result, I now consider wearing a buoyancy aid presents a greater risk to my safety than the condition itself.

10/11/00

Therefore, I would suggest that if safety is the main concern that consideration (and increased public education) be given to the “real” risks posed by windsurfing. These are :

- a) Hypothermia;
- b) Collision with equipment;
- c) Loss of equipment.

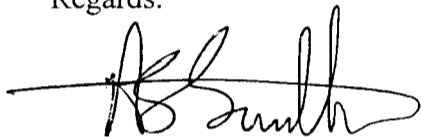
Measures currently undertaken by responsible Windsurfers include:

- taking professional instruction;
- wearing a wetsuit that matches the conditions (which also provides the benefit of additional buoyancy); and
- ensuring (or at least the option) a helmet is worn in high winds.

I believe that if you were able to view commercially available videos of the real sport of windsurfing (not what is perceived by the public as a result of the Olympic sport !), it will be clear that my outlined concerns have some merit.

Please do not hesitate to contact me should you wish to discuss further.

Regards.

A handwritten signature in black ink, appearing to read 'Adrian Smith', with a long horizontal stroke extending to the left.

Adrian Smith
021-671-218
adrian.smith@paradise.net.nz

Attn: Lloyd

Transport Accident Investigation
Komihana Tiroiro

21



Level 14, Dalmuir House
114 The Terrace
PO Box 10 323
Wellington 6036
New Zealand
Telephone +64-4-473 3112
Fax +64-4-499 1510
E-mail inquiries@taic.org.nz
Web site www.taic.org.nz

00-204

22 November 2000

Mr Howard Stone
Chief Executive
Wellington Regional Council
PO Box 11-646
WELLINGTON

cc Deputy Chief Commissioner
Commissioner
Assessor
CIA
Minute Secretary (2)
Director of Safety Authority

cc **Captain Mike Pryor**
Harbourmaster

Dear Mr Stone

Report 00-204, refrigerated cargo carrier *Caribic*, grounding, Tauranga, 7 May 2000

Final safety recommendation 113/00

As a result of your submission and those from the other council chief executives and harbourmasters, a final safety recommendation has now been formulated, which is for you to:

Introduce the following directions into the harbour bylaws covering your ports, to emphasise the intent and principles of STCW and SOLAS:

- All vessels, whether under pilotage or pilot exempt, shall have an agreed passage plan for transits within harbour limits.
- The number of crew members on the bridge shall be sufficient to safely carry out the agreed passage plan.
- In determining the composition of the bridge team, due regard shall be taken of the need to steer, operate manoeuvring machinery, monitor the progress of the vessel visually, use all available aids to navigation and refer to an appropriate navigational chart. (113/00)

To help maintain public confidence in the safety recommendation process the Commission publishes the status of its safety recommendations. Information provided to the Commission about whether a recommendation has been implemented or should not be implemented also helps the Commission formulate better safety recommendations in future.

Mr Howard Stone
Chief Executive
Wellington Regional Council

Page 2

If you intend to implement the safety recommendation

Please advise me, by 4 December 2000, when you expect it to be completely implemented.

When you finish implementing a safety recommendation, please supply:

- the date implementation was completed,
- a brief description (one or two sentences may be sufficient) of how you or your organisation implemented it (the pertinent parts of this description or a summary of it may be published),
- evidence that the recommendation has been implemented.

The information will be reviewed and if the Commission is satisfied that the safety recommendation has been implemented or that the intended effect has been achieved, it will record the status of the safety recommendation as "Closed - acceptable". Until then the recommendation status will be recorded as "Open".

If you need to carry out further work before deciding whether to implement the safety recommendation

Please advise me, by 4 December 2000, what sort of further work is required and when you expect to decide whether or not to implement the recommendation. The status of the safety recommendation will in the interim be reported as "Open"

4

If you decide not to implement the safety recommendation

Please advise me, by 4 December 2000, how you came to that decision. Any information you do supply is subject to protection under the TAIC Act against disclosure. The information will be reviewed and if the Commission is satisfied that the safety recommendation should not be implemented, it will record the status of the safety recommendation as "Closed - cancelled".

Final safety recommendations and their status are usually published in the Commission's final report on an occurrence. The pertinent portion of any reply from the recipient, or a summary of the reply is also included if available.

Yours faithfully



Hon. WP Jeffries
Chief Commissioner

Encl. Commission's consultative procedures

-Original Message-----

From: Gibson, Peter [SMTP:Peter.Gibson@cit.ac.nz]
Sent: Monday, 27 November 2000 12:31
To: 'marie.martin@wrc.govt.nz'
Subject: Lifejackets

I fully support the use of lifejackets at all times. The problem with the new Bylaw, as with any legislation is it's enforcement. One possible solution would be a greater presence of WRC staff at the various slipways throughout the region. It does not require fulltime attendance just spot checks at or near high water at the more popular locations. Whilst at the slipway the WRC could perhaps remind boat users that they do not own the slipway so they should not block it and prevent other users from using it. WRC staff presence may also be a deterrent to those individuals who blatantly disregard the inshore 5 kph speed limit. In the absence of WRC staff, maybe yellow marking on the slipway could be used to identify 'No parking' areas together with appropriate signage to remind boat users of their obligations.

Best regards Peter Gibson
24 Belmont Terrace,
Belmont,
Lower Hutt.

#####

This e-mail message has been scanned and cleared by MailMarshal

#####

From: G & R Murphy[SMTP:murphs@inspire.net.nz]
S e n t : Tuesday, 28 November 2000 11:10
To: mike.pryce@wrc.govt.nz
Subject: Life Jacket By Law

As a Windsurfer with some ten years experience I find the proposed compulsory life jacket By Law extremely disturbing. I have tried using PFD's in the past in the interest of my own personal safety but have always found them to be more of a hindrance than a help.

They restrict ones movement and ability to swim after ones board and sail when they become separated from their equipment **after** a fall and in some cases can trap a sailor beneath their own sail when the sailor has to swim down below the surface of the water if they become trapped under the sail.

If the council is truly concerned about the safety of windsurfers then they should perhaps look at encouraging the use of helmets, as the only windsurfers who have drowned that I know of have done so as a result of receiving a severe blow to the head or after suffering a heart attack.

I am sure you are receiving many similar submissions from other concerned windsurfers and I implore you to listen to their concerns. If this by law goes ahead I will have no hesitation in breaking this law as I'm sure all other serious windsurfers will also.

Break from tradition and show us that common sense actually does exist in government, make windsurfers exempt from this nonsense.

Regards,

Graham Murphy
13 Rangeview Place
Feilding

Secretary
Wellington Region Council
PO Box 1 I-646
WELLINGTON

28 November 2000

75 Scott Rd
WHANGAPARAOA

Dear Secretary

Submission on Bylaws for Navigation and Safety

I strongly **object** to windsurfers being included in this proposed bylaw.

As a professional windsurfer I strongly feel that the Wellington Regional Council has not given adequate thought to the inclusion or practicality of this by-law on windsurfers. There are times when wearing a life jacket does not, under any circumstances increase our safety but rather puts us in greater danger.

The safety reasons that I strongly object to the inclusion of windsurfers are:

- You often get caught under the sail and need to be able to dive down and out from under your gear. The buoyancy aid will hinder this safety technique used by windsurfers all around the world and increases the risk of entanglement;
- When waves are breaking around you, you need to grab the tip of your mast and dive down (like that of surfers) to avoid the power of the breaking wave. The buoyancy aid will hinder this safety technique used by windsurfers all around the world leaving one bobbing in the water like a cork; and
- If you are not spotted by another windsurfer in the waves you need to dive down to avoid their board and fin. The buoyancy aid will hinder this safety technique used by windsurfers all around the world.

Other reasons include:

- Windsurfers are unlike fishing boats, out-riggers, kayaks, canoes and other water craft because we "expect to fall in the water" and are prepared to do so by wearing a wetsuit;
- All the harnesses worn by windsurfers are constructed of foam and offer further buoyancy;
- The US Coast Guard have exempted windsurfers from lifejacket carriage under the Federal Boat Safety Act of 1973;
- Only 8 States in the entire USA still require life jackets to be worn on windsurfers. States where lifejackets are NOT required include popular windsurfing locations such as **Hawaii**, California, Florida, Oregon, North and South Carolina. Owing to the number of windsurfers in these states it is highly likely that these States understand the benefits of not wearing lifejackets;
- Lifejackets reduce mobility on the board and in the water, making it more difficult to maintain contact with the board for self rescue;
- The major safety hazard to windsurfers in New Zealand is hypothermia, and the main preventative measure is the use of a wet or dry suit designed for the prevailing air and water temperatures. These suits also provide flotation without impairing the windsurfers mobility on the board and in the water;
- A board provides greater visibility and flotation than a lifejacket;
- Although windsurfers have a so-called "sail", it does not make sense to automatically lump us in with other yachting craft. A similar analogy would be to insist that motorcycles wear a seat belt – it just does not make sense and what is appropriate for some is not so for others;

- The average windsurf board provides 80-250 kg of floatation even if holed or snapped – far greater than a lifejacket;
- The windsurfer rig is prevented from “getting away” from you, as the sail and mast act as a sea anchor. Thus, it is always within arms reach;
- The forces of nature in windsurfing are such that being knocked unconscious by ones own rig is practically impossible; and
- The New Zealand windsurfing safety record is excellent and speaks for itself.

It is worth noting that I agree in principle to increasing safety and safety awareness but windsurfers are closer to surfers than to yachts. We cannot get swamped by waves (like a tin run-about), we wear wetsuits, have several pieces of equipment that act as a buoyancy aid or give added floatation, and therefore are prepared better than any.

Yours sincerely,

Barbara Kendall

-----Original Message-----

From: Ruth-Wallis@stats.govt.nz [SMTP:Ruth_Wallis@stats.govt.nz]
Sent: Wednesday, 29 November 2000 16:08
To: Info@wrc.govt.nz
Subject: re Wellington Regional Navigation and Safety Bylaws 2000 re lifejackets

25 Aperahama St
Paekakariki

Wednesday November 29, 2000

Dear Council Secretariat

I understand that the council is proposing to make the wearing of lifejackets compulsory for windsurfers, with the Wellington Regional Navigation and Safety Bylaws 2000. I have been windsurfing in the Wellington region for the past six years and have some experience of both the sport and the region's conditions. I feel that wearing a lifejacket would be dangerous in most sailing conditions around Wellington and that, like surfers, windsurfers should be exempt from bylaws making lifejackets compulsory.

Most windsurfers sail close to the shore in Wellington and often in high wind and chop or waves. While beginner windsurfers tend to sail in the flattest water, only the most expert windsurfers stay out of the water for long periods, since most are regularly tossed, or fall off while trying to gybe, jump or surf waves, or learn freestyle tricks. A lifejacket would make it extremely difficult to get out from under the sail when it falls on top of the sailor, which happens regularly. Lifejackets would also obstruct the sailor's body movements both while sailing and while water starting, etc. As an example, while sailing for just over an hour at Plimmerton Beach on Monday evening, I fell off while jumping waves about five times, and landed under the sail twice. Once I lost my gear as a gust of wind tore the boom out of my hands while I was about three metres up in the air. I landed with my feet still in the footstraps and hung on to the board, which floats well out of the water, till the set of waves had passed and I was able to waterstart in flatter water. Often, while sailing at Lyall Bay, I have lost my gear in the waves and had to swim in to catch it. This is not difficult since the waves and wind are always pushing onshore. I am at an intermediate level, and did not attempt to sail in waves at Plimmerton or Lyall Bay until I had built up the necessary level of experience. On all of these occasions wearing a lifejacket would have hindered rather than helped me recover my gear or re-fly the sail and get back on my board. The Wellington Region is so cold that few people ever sail without full wetsuits, which help floatation without impeding movement. Also very few windsurfers ever sail in off-shore wind conditions, because there is a danger of being blown out to sea.

In Wellington, we also have an active Windsurfing Association which holds regular intermediate sailing days where more experienced sailors can advise the less experienced on where to sail safely in particular conditions. I have found that Wellington windsurfers are very friendly on the beach and very willing to offer advice to sailors who are new to the area about the best sail and board sizes for the conditions and how to stay safely out of any nasty currents, or spots where the wind is gusting extremely, etc. The owners of the windsurfing shops in town are also very generous with advice

and tips.

Overall, I feel that windsurfers, particularly in Wellington, should be exempt from the compulsory lifejacket rule since they are in a similar situation to surfers, ie their boards and wetsuits act as floatation devices, and in most windsurfing conditions around the region, wearing a lifejacket would be more dangerous than not wearing one.

Yours sincerely

Ruth Wallis

Ruth Wallis

Survey Design Statistician

Statistics New Zealand

Phone: (04) 495 4898

Fax: (04) 495 4740

Email: ruth_wallis@stats.govt.nz

Home Page: <http://www.stats.govt.nz>