

COMMERCIAL KAYAKING OPERATORS' CODE OF CONDUCT

This code of practice has been developed by SKOANZ, on behalf
of New Zealand commercial kayaking operators

*Note: SKOANZ has ceased to exist as the NZ sea kayak
operators' association*

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Introduction

The commercial kayak operators' code of practice has four components: 1. Safety (the primary focus); 2. Legislation; 3. Environment; and 4. Customer service.

Note!

Mandatory actions and principles use the words 'will' or 'must'. Other high levels of operation, which are strongly recommended but not mandatory, use the words 'should' or 'could'.

This code sets out minimum safety standards and accepted industry practices for providers of guided / instructed kayak trips and kayak rental services on exposed or potentially exposed coastal and inland waters of New Zealand.

For the purpose of this code, the terms 'exposed waters' and 'potentially exposed waters' have specific definitions (see the **Glossary**).

Operators' legal requirements

This code is a minimum operational standard and will be registered with authorities, who include:

- Department of Labour (DOL).
- Maritime New Zealand (MNZ).
- Department of Conservation (DOC).
- Coastguard New Zealand.
- Harbour Authorities and Regional Councils.
- Adventure Tourism Council.
- Tourism Industry Association – Qualmark.
- Outdoors NZ – OutdoorsMark.

This document and operators' safety plans could be used by inspectors and coroners to assess your safety preparedness when they review accidents. It's anticipated that adherence to the code will become an integral part of concession and consent granting and continuation.

Note!

An operator's safety plan should refer to this code, which is the minimum operational standard.

Operations plan

Operators will maintain an up-to-date operations plan. This plan should demonstrate how the provisions of the code of practice and other relevant documents are implemented in their business. The operations plan, or relevant sections of the plan, will be provided to all staff and contractors and lodged with the relevant authority.

Note!

Some operators may choose to separate their safety planning from their overall operations plan. They may call this a safety plan, a safe operations plan, or a safety management system. Whatever operators choose to call it, they must document their safety planning.

1. Safety

Operators can view the topics they must plan for in the OutdoorsMark documentation at www.outdoorsnz.org.nz/

Pre-trip

Clients will be informed before the trip departs about the:

- Risks involved, that is, what could happen to them and the skills required for the proposed trip.
- Appropriateness of their clothing and equipment.

Equipment

All equipment issued will be:

- Designed and made for the conditions.
- Maintained in good order to ensure its safe operation.
- All kayaks will be constructed and equipped so they float level when they're flooded. This requires:
 - Secured positive buoyancy at each end, or
 - Fore and aft bulkheads with watertight hatch covers, or
 - Pod cockpits with watertight hatch covers, or
 - Sit-on-top kayaks with self-draining cockpits.

All kayaks will have some form of attachment that enables a swimmer to hold onto the kayak. For sea kayaks, there will be sufficient deck attachments to hold all external, emergency equipment securely.

Operators will specify equipment maintenance standards, with criteria for the regular checking and periodic replacement of equipment. All equipment that needs repairing will be identified and isolated in such a manner as to prevent usage until it's repaired.

For specific detail on equipment to be carried or issued on trips, see **Guided tours and instruction** and **Kayak rentals**.

Communications equipment for guided or instruction activities

Guides or instructors must carry:

- A cellphone, charged and in a waterproof bag that protects it while in use, wherever cellphone coverage exists.
- A VHF, where a VHF service is obtainable and where other vessels that use VHF could be summonsed to assist. The VHF must be charged and either be a waterproof model or in a waterproof bag that protects it while in use.

If coverage of the cellphone or VHF is not guaranteed, then a satphone or PLB / EPIRB must be carried.

If working on rivers or lakes where a mountain radio service is supported, then a mountain radio could replace the satphone and or PLB / EPIRB.

Communications equipment for rental activities

In rental situations, the operator hiring out equipment must ensure that the hirer has adequate means of communication within their group.

- In areas that are supported by good cellphone coverage, then a cellphone per group, charged and in a waterproof bag that protects it while in use, will be the minimum equipment suggested.
- If cellphone coverage is poor or non-existent, then a PLB per group is the minimum requirement.

Operations Manager

Note!

Every kayaking operation will have at least one person filling the position of Operations Manager who will hold an appropriate qualification and have personal experience kayaking in the area where trips are operating.

An alternative staff member may be designated as Acting Operations Manager when the Operations Manager is unavailable. The Acting Operations Manager must be fully briefed on the responsibilities of the Operations Manager and be familiar with all emergency procedures.

The Operations Manager or Acting Operations Manager is responsible for overseeing clients and the day-to-day safety. They will be contactable at all time and:

- Be aware of all trip details, including client numbers, and estimated date and time of return.
- Be aware of the emergency procedures as detailed in the operator's operations plan.
- Regularly monitor that safety policies and procedures are being implemented.

Health and safety requirements

The Health and Safety in Employment Act 1992 requires employers to take certain measures. While expecting all staff to play a role, the Act places the primary responsibility for safety on the employer. This includes (among other requirements) acknowledging the Act, establishing a health and safety policy, and setting and monitoring safety targets.

For more information, contact Outdoors New Zealand (ONZ) or see www.outdoorsnz.org.nz/

All practicable steps

The employer will take all practicable steps (see the **Glossary** for the legal definition) to maintain a safe working environment, that is, provide for the safety of all people on site (Health and Safety in Employment Act 1992). Such steps include management commitment to safety; systematic staff recruitment, selection, training, deployment, and monitoring; identification and management of hazards, preparation of an emergency plan; and management of accidents and incidents (recording, reporting, investigating, and reviewing).

The Act also applies to all visitors to the workplace, eg clients. Effectively, this means that operators must ensure that no person in the workplace is harmed.

Staff must also take all practicable steps to ensure their own safety at work and not cause harm to any other person (Health and Safety in Employment Act 1992).

Training

Note!

Operators will adequately train staff or ensure they're supervised by someone who is adequately trained (Health and Safety in Employment Act 1992). This training must be recorded.

Operators will train staff, providing sufficient training so that they can carry out their jobs safely and competently. Customer service courses could also be undertaken, eg Kiwi Host.

They must designate a trained staff member as the Health and Safety Coordinator to coordinate the health and safety of the operation. Typically, this is the owner or the Operation Manager.

Hazard management

Operators will identify and record the hazards that could cause harm, noting those hazards that could cause significant harm. This can be demonstrated by completing a list of hazards and specifying actions that will eliminate, isolate, or minimise significant hazards.

Management will communicate changes in the hazard list to relevant parties.

Emergency plan

Operators will have an emergency plan covering:

- Procedures in the event of an accident or emergency. All staff will be trained in and know how the system should operate in an emergency. You should be able to demonstrate that training or rehearsals have taken place.
- A means of identifying a group's location to emergency services and describing how they will obtain access to the site.
- The names and contact numbers of local emergency and support organisations.
- Safety equipment appropriate to the trip length. Also see **Guided kayaking and instruction** and **Rental kayaks**.

Management of accidents and injuries

All accidents or incidents (see the **Glossary** for definitions) affecting the safety of clients or staff will be reported to the Operations Manager who will deal with them according to the operator's operations plan.

Operators will:

- Record all accidents and incidents and be able to demonstrate a system for doing so, eg you may keep a first aid book, a daily log, or an accident and incident register. It's recommended that you use the National Incident Database administered by Mountain Safety Council.
- Report all serious harm (see the **Appendix** for the definition) to the Department of Labour (DOL) as legally required (notify as soon as practicable and report in writing within seven days).
- Investigate the causes of a significant accident or incident.
- Report fatalities as soon as practicable to the police, the Department of Labour, and Maritime NZ. SKOANZ members should also report to the SKOANZ President, with a view to SKOANZ providing support to the operator.

- Analyse all accident and incident reports regularly to assess trends and potential problems and to improve preventative measures.

Where a person is seriously harmed, you mustn't remove or in any way interfere or disturb any wreckage, article, or thing related to the accident except to save life, prevent serious harm, or prevent serious damage to property until the investigation is completed by the regulatory authority (Health and Safety in Employment Act 1992). This applies whether or not you employ staff.

First aid

Clients will be offered the opportunity before an activity to declare any relevant medical conditions to the trip leader in confidence.

All operating staff should hold current, first aid certificates and be able to show current copies of certificates. Clients will always have access to a qualified first aider.

A first aid kit should be carried that is appropriate to the length and style of a trip, and operators will have a system for regularly checking and refilling kits.

Daily operating procedures

Also see **Guided tours and instruction** and **Kayak rentals**.

The operator will develop daily operating procedures including:

- The criteria on which daily decisions will be made to proceed with a trip or not – weather and hazard condition assessment.
- Staff briefing for the day's operations.
- Equipment checks required and their frequency.
- Client briefing on safety and instructions.
- Continuous monitoring to ensure clients have understanding and control during the trip with instruction given in an appropriate manner.
- Client feedback process on both compliments and complaints.
- Daily maintenance of facilities and disposal of rubbish.
- Completion of records, staff debriefing, hazard changes, accident registers, staff timesheets, critical incidents occurring during the day, equipment status required before the next day's operation starts, and equipment maintenance work not completed but required before the next day's start.

Staff

All staff positions will have a current job description, which should provide the details of the job role, including skill levels, responsibilities, competencies required, duties, and should identify the supervisor and accountability. This information should be used as one of the components of staff selection and training. A copy of the job description should be given to staff.

Each staff member will have an employment contract that reflects the policies and practices of management.



Note!

All kayak guiding and instructing staff:

- *Will hold an industry-recognised qualification, or*
- *Be assessed by the Operation Manager as competent to undertake the assigned work and be supervised by a qualified member of staff until they gain a qualification.*

All kayak guiding and instruction staff will receive on-water, site-specific induction and training before commencing guiding duties. This will be recorded.

Safety staffing levels

Guide-to-client ratios should be set and not exceeded. Also see **Guided tours and instruction**.

The operator will set a policy regarding the minimum age for clients. Minors should be able to demonstrate the maturity, strength, and ability to participate in a particular activity.

Client assessment

Any person, who in the opinion of the staff represents a danger to themselves or others, will not be allowed to participate. The operator will reserve the right to allow or decline services to any clients who has declared medical conditions or a disability that could affect safety. The operator may also decline to offer services to participants whose lack of English language skills may affect safety.

The management policy dealing with those clients who fail to reach a suitable level of skill and competence will be made known to all staff and any clients who may be affected. For example, clients who are unable to demonstrate suitable control of the equipment could be withdrawn from the trip. Staff will be competent in matching clients to equipment.

All clients will be required to have appropriate clothing and footwear requirements.

Guided tours and instruction

The term 'guide' used in this code refers to a suitably qualified guide or instructor.

A guided trip is defined as 'any kayak trip accompanied by a guide or leader where clients understand that person to have overall and final responsibility for risk management and group safety decisions'. Each guided trip will have an emergency communications plan.

When guiding from an accompanying vessel other than a kayak, that vessel will meet all Maritime Safety NZ regulations and will be operated by a minimum of two persons, one of whom should be a kayak guide or instructor.

Ratios

The recommended maximum client-to-guide / instructor ratio on the water should not exceed the recommended ratio as in Schedule 3.

Any increases to this maximum ratio needs to follow a robust process. This should include external advice from an independent expert in the field and an external safety audit. This is to ensure the safety of the clients and staff.

An increase in the maximum client-to-staff ratios may be needed where the level of skills of the clients is such that they are safe to paddle at the location in their own right and the Lead Instructor is there as a coordinator and not as a safety net.

An example where this may apply

A session on a grade 2 river with grade 2 qualified instructors being taught new paddling techniques. The customers are experienced and qualified and have the ability to look after their

own and others' safety.

It's recommended that a guide / instructor should be responsible for fewer than this maximum number when:

- Sea, weather, or visibility conditions are poor.
- The client group has less than an average ability, eg adults with disabilities or children.
- The guide is inexperienced.

Guides / instructors

Before leading groups into an area, guides / instructors must:

- Have personal experience kayaking in the area.
- Understand the area's weather, tides and navigational hazards.
- Understand any special environmental considerations or regulations.
- Be familiar with the kayaks and equipment being used.
- Consult an up-to-date weather forecast. If trips are longer than one day, guides will have a means of getting weather forecast updates.
- Give every trip member instructions before getting on the water, or as soon as possible after launching, and ensure they've been understood. This will include:
 - Use and adjustment of kayaks.
 - What equipment and clothing is provided, who's carrying it, and when it will be used.
 - How to exit a capsized kayak and instructions on assisted deep water re-entry.
 - The trip plan for the day.
 - Any special cultural or environmental considerations for the area.
- Ask clients whether they have any fears, disabilities, or medical problems that may affect their ability to do the trip, and give them the opportunity to speak privately to pass on this information.

While a guided trip is in progress, the guide / instructor will constantly assess weather, water conditions and client capability, and modify the activity accordingly to maintain safety.

Equipment

Every guided trip will be equipped with:

- A first aid kit.
- A kayak and equipment repair kit.
- Emergency food and drink.
- Emergency shelter.
- A communications device.
- A correctly fitting spray deck per person (except if the kayak is a sit-on-top)
- A correctly fitting PFD (personal flotation device) with a whistle per person.
- Spare, dry warm clothes.

- A spare paddle per group.
- A kayak towing device per guide.

Plus, for sea kayak trips:

- A bailing device per kayak and at least one bilge pump per group that can be operated with the spray deck in place, unless the cockpit is self-draining.
- A minimum of two distress flares appropriate for the conditions.
- A waterproof map per guide / instructor.

Trip records

The Operations Manager will hold a record of the:

- Names and emergency contact details of the clients.
- Kayaks and equipment provided including identification.
- Intended route plan and place and date of return.

Night sea kayaking trips

Night kayaking must not operate when average wind speeds exceed 20 knots or when visibility is impaired through fog or rain.

For guided night kayaking, each guide will be responsible for a maximum of four kayaks. If double kayaks are used, then the maximum client-to-guide ratio will be 8:1. All clients with hearing difficulties will be in the front of double kayaks with people with good hearing in the stern.

Lighting requirements are:

- When night kayaking, every kayak will display a fixed all-round white light mounted at least one metre from the deck.
- Photo-luminescent paint or reflectorised adhesive tape should be added to the rear side of paddle blades and kayaks.
- Each PFD will be fitted with an emergency light capable of a minimum of five hours light.
- The guide will check all lighting systems before leaving the shore and carry spare batteries and bulbs for all types of electric lighting being used.
- All clients will be instructed in the use of lighting systems.

For night kayaking that will cross shipping lanes or use areas with constant or high usage by motor boats, there will be additional safety measures:

- Guides should carry a high-powered waterproof spotlight.
- Where VHF service is available, a trip report will be radioed in before kayaking.

Kayak rentals

There are industry standards regarding kayak rentals.

Client screening

All rental clients will be screened to assess their ability to cope with the likely responsibilities, challenges, and risks they're likely to encounter.

Screening will include:

- Information about the responsibilities, challenges, and risks involved.
- Statements about the skills and experience necessary.
- Questions about their skills and experience.

If operators don't feel the clients are suitable for the activity, they must not accept them as rental clients.

Briefing

Operators will ensure instructions and emergency procedures have been understood. All rental clients will be given a briefing at the start of their trip by a guide who has detailed knowledge and experience of kayaking in the proposed area.

Rental briefings will include the following if appropriate (the first four bullet points don't apply to kayak rentals where the area the kayak is to be used is at the discretion of the clients):

- Familiarisation with the map provided (may not apply to some rentals for local use).
- A description of local weather patterns, tides, and currents, and their effects.
- Information on the facilities available in the area, such as campsites, huts, road-ends, telephones, safe landings, and water supplies.
- Information on local hazards such as reefs and shipping lanes.
- Information on environmental care.
- Instructions on the use of emergency equipment, e.g. bailing devices, flares, & a spare paddle.
- Advice on what personal clothing, equipment, and camping gear is appropriate for the area.
- Information on how to raise outside assistance in an emergency or how to contact the Operations Manager.
- Instructions on how to use, fit, and adjust kayaks and equipment such as spray deck, rudder pedals, and buoyancy aid.
- Information on how to deal with rough waters and strong winds.
- Information on capsize and wet-exit techniques and deep-water, re-entry methods.
- Information on surf landings and launching.
- Information on paddling and steering.

Some of these requirements only apply to sea kayak rentals, and where clients are experienced kayakers or return clients, some requirements may be abbreviated.

Rental equipment

Every rental customer will be provided with the following:

- A well-maintained kayak and equipment that is properly adjusted for the user.
- A paddle.
- A correctly fitting spray deck (except if the kayak is a sit-on-top), and a correctly fitting PFD with a whistle.
- A spare paddle per group.

When paddling on large lakes or the sea:

- A minimum of two appropriate distress flares per group or, if only one kayak is being rented, one appropriate distress flare per kayak.
- A bailing device per kayak, and at least one bilge pump per group that can be operated with a spray deck in place, unless the cockpits are self-draining.
- A waterproof map.

Intentions

The Operations Manager will hold a written and signed trip plan (intentions form) recording:

- The names and addresses of the rental clients and an alternative contact number of family or a friend not participating.
- What kayaks and equipment were provided, including identification.
- The intended route plan, and place and date of return.

Note!

Operators will not rent kayaks to solo paddlers unless they are joining other experienced kayakers or the operator has first-hand knowledge of their kayaking skills and experience and is satisfied that their ability matches the proposed trip.

For further information, see Maritime New Zealand at:

www.maritimenz.govt.nz/Commercial/Safety-management-systems/Adventure-activity-resources/Safety-guidelines-Paddle-craft-rental-activities.pdf

Transport

Vehicles will be roadworthy and meet all Land Transport Act 1998 requirements.

When company vehicles are used to carry clients, the driver will hold the licence required for that vehicle (Land Transport Act 1998).

Where motorised or sail-powered vessels are used to transport clients or equipment, those vessels will meet all Maritime Safety New Zealand regulations and be adequately crewed for the intended activity.

Facilities

An operator providing facilities for visitors is responsible for the safety of those visitors arising from the state of the facilities (Occupiers Liability Act 1962). Buildings, parking areas, and toilet facilities should be free of hazards.

2. Legislation

Listed below are some of the key Acts and regulations which may affect the way you operate your business.

Individual operators are responsible for ensuring they're familiar with all relevant legislation (this may not be a complete list) and to ensure they operate in a way that is compatible with that legislation.

Safety

- Building Act 2004.
- Crimes Act 1961.
- Food Hygiene Regulations 1974.
- General Harbour Regulations.
- Health Act 1956.
- Health and Safety in Employment Act 1992.
- Individual Harbour Board bylaws.
- International Collision Regulations.
- Land Transport Act 1998.
- Local Government Act 1974.
- Maritime Transport Act 1994.
- Occupiers Liability Act 1962.
- Water Recreation Regulations.

Environment

- Conservation Act 1987.
- Fishing codes of practice.
- Historic Places Act 1993.
- Local Government Act 1974.
- Marine Reserves Act 1971.
- National Parks Act 1980.
- Reserves Act 1977.
- Resource Management Act 1991.
- Marine Mammals Protection Regulations 1992.
- Marine Recreation Fishing Rules.

Customer service

- Commerce Act 1986.
- Consumer Guarantees Act 1993.

- Fair Trading Act 1996.

Other

- Accident Rehabilitation and Compensation Insurance Act 1992.
- Employment Relations Act 2000.
- Holidays Act 2003.
- Privacy Act 1993.

 Note!

Compliance with all current legislation, regulations, and codes of practice remains an individual operator's responsibility.

3. Environment

Kayak operations throughout New Zealand rely on largely unpolluted and uncrowded waterways, at least by international standards. A clean, green image is the foundation of our marketing – both domestic and overseas tourists choose to kayak here because of that image and their past experiences. We must have minimal impact on our waterways and, where possible, we must proactively protect these waterways and the bordering native fauna and flora.

Each operator will identify their impact on the environment, other users, and any facilities, and then prepare policies and procedures to minimise this impact, including how they will deal with rubbish. A list similar to the hazards list should be developed.

Operators should:

- Train staff in environmental interpretation to add depth and meaning to trips. Clients who gain knowledge of the environment are in a stronger position to advocate for it, which may be important in protecting the area that you work in.
- Take a pro-active part in environmental protection. This could include putting something back, eg enhancing the natural environment or making submissions on environmental issues.
- Instruct snorkeling and diving clients on the appropriate behaviour when they're in contact with marine flora and fauna, eg corals and crustaceans should not be handled.

Environmental Care Code



Note!

The operations plan will incorporate all elements of the Environmental Care Code into the company's policies and procedures.

You must leave the outdoors unblemished for the next visitor by:

- Treating fauna and flora with care and respect.
- Removing rubbish.
- Keeping streams, lakes, and beaches clean by washing well away from the water source, and draining used water into the soil to filter it.
- Providing kayaking groups with a toilet shovel and instructing them on its use when visiting areas where normal toilet facilities are limited. (Remove waste or bury it 150 millimetres down and 50 metres from fresh water, tracks, campsites, and beaches).
- Providing toilet facilities on overnight trips and briefing clients on hygienic toileting and sanitary disposal.
- Taking care with fires, keeping them small, using only dead wood or fuel you've brought with you, and ensuring the fire is out by dousing it with water and checking the ashes before leaving. Fires will only be in authorised areas, approved fire places, and approved seasons.
- Camping carefully, leaving no trace of your visit.
- Keeping to tracks, lessening the chance of damaging fragile plants.
- Considering other visitors who also have a right to enjoy the environment.
- Respecting our cultural heritage, treating places with spiritual and historical significance with respect, and protecting such areas from damage by the public.

Fishing

New Zealand's fish stocks in most areas are seriously depleted from over fishing by both recreational and commercial groups.

Note!

Encourage clients to fish for only what they can eat, and to stop fishing when they have achieved that.

Clients must be clearly instructed on treating catches humanely, behaviour in Marine Reserves (and maps should clearly mark reserves), and local fishing codes of practice.

Marine mammals

If marine mammal encounters are a regular or anticipated part of your trip, your operation must hold a Marine Mammal Permit.

Note!

It's illegal to advertise Marine Mammal encounters if you don't hold a Marine Mammal Permit from DOC.

Ensure all staff and kayak rental clients understand the rules for approaching marine animals and behaviour around them. It's illegal to swim with whales commercially.

Consents

Operators will obtain:

- Access consents and concessions before operating on any land or waterway other than that owned or leased by the operator, including land managed by DOC (Conservation Act 1987).
- Any required licence or permit to undertake an activity and erect signs where required by a consent authority such as DOC or a Regional or District Council (Local Government Act 1974).

Special land uses

An operator considering undertaking activities such as building, or taking water from a stream, will comply with the objectives, policies and rules in the regional and district plans which seek to manage the natural and physical resources of the area (Resource Management Act 1991).

Operators must comply with:

- The requirements, principles, and specific controls administered by DOC (National Parks Act 1980, Reserves Act 1977, and Marine Reserves Act 1971) when they work in a National Park, Reserve, or Marine Reserve.
- Any restrictions on their activities on or adjacent to a protected site (Historic Places Act 1993). Check with your Historic Places Trust and your regional and district councils to see if your property and operational area includes historic or cultural sites of importance.

Support vessels

If motorised support vessels are used as part of your operation, refer to Maritime New Zealand for correct procedures.

4. Customer service

Training

Operators and staff should attend a nationally recognised customer service course.

Pre-trip contact

Operators should deal promptly and courteously with all enquiries, requests, reservations, correspondence, and complaints.

Operators will ensure that all aspects of their products are communicated clearly and accurately to clients. They:

- Must not advertise or conduct business in a misleading way, or misrepresent any part of their service offering (Fair Trading Act 1996).
- Must represent the details of payment fairly to clients.
- Should not exaggerate or use words which can't be substantiated, eg if there hasn't been an independent survey, you should not say 'No 1' or 'best'.
- Should not guarantee that people will see something if it's not certain.
- Will provide readily-available and easy-to-follow directions on how to find the activity location.
- Operators must not act in anti-competitive ways (Commerce Act 1986), eg you must not price fix (set common prices with other operators) or use a dominant market position to restrict the entry of competitors or eliminate competition.

Greeting and briefing

Information provided to the client will:

- Advise the level of difficulty and give the client the opportunity to decline to participate.
- Brief the client on the Environmental Care Code.

The operator will record each client's:

- Contact address or contact person with a phone number in case of emergency.
- Medical information that could affect safety.

All staff will be trained in your complaint-handling procedure. This procedure should cover listening, accepting the client's feelings, clarifying the facts, taking action, being prepared to refer complaints upwards, and remaining calm and helpful. Operators could improve staff's complaint-handling skills through a training course.

Where service problems can't be resolved, the consumer can refuse to pay, pay less than agreed, claim back some or all of the money paid, or claim compensation (Consumer Guarantees Act 1993).

Feedback

Operators should advise clients of the opportunity to provide feedback. This feedback should be taken into account in operation planning, eg a satisfaction survey could help determine any aspects that are particularly favourable as well as those deemed unsatisfactory by clients.

Management should meet with staff on a regular basis to get their feedback on ways the operation could be improved, eg suggestions that could improve safety and enhance customer service.

Glossary

Term	Definition
Accident	An event that results in a loss, either harm to people or damage to property.
Exposed waters and potentially exposed waters	Any body of water that is: <ul style="list-style-type: none"> • Too deep for a person to stand on the bottom with their head above water, or • Subject to any of the following: <ul style="list-style-type: none"> • Wind speeds over 10 knots or with a reasonable chance of such winds developing. • Waves over 0.5 metres (excluding a 10-metre surf zone from a beach) or with a chance of such waves developing. • Where currents or winds may carry a paddler into waters where the above conditions exist.
Hazard	A causal factor that could result in an accident or incident.
Incident	Either: <ul style="list-style-type: none"> • An event that could or does result in a loss, either harm to people or damage to property, that is, an umbrella term that includes accidents and near misses, or • A near miss, as in the term 'accident and incident'.
Kayak rentals	The provision of kayaks and equipment for hire for monetary or other tangible reward where clients are not directly supervised while on the water.
Night kayaking	For the purpose of this code, 'night' is defined as one hour after sunset and one hour before sunrise.
Practicable steps	All steps to achieve the result that it's reasonably practicable to take in the circumstances. See clause 2A of the Health and Safety in Employment Act 1992 for a fuller definition.
Risk	The potential to lose something of value, or to benefit.
Serious harm	See the Health and Safety in Employment Act 1992 (Appendix Schedule 1 below)
Significant hazard	A hazard that could cause serious harm.

Appendix

Schedule 1: Serious harm

Serious harm means harm of any of the kinds and descriptions listed below:

1. Any of the following conditions that amounts to or results in permanent loss of bodily function, or temporary severe loss of bodily function: respiratory disease, noise-induced hearing loss, neurological disease, cancer, dermatological disease, communicable disease, musculoskeletal disease, illness caused by exposure to infected material, decompression sickness, poisoning, vision impairment, chemical or hot-metal burn of eye, penetrating wound of eye, bone fracture, laceration, crushing.
2. Amputation of body part.
3. Burns requiring referral to a specialist medical practitioner or specialist outpatient clinic.
4. Loss of consciousness from lack of oxygen.
5. Loss of consciousness, or acute illness requiring treatment by a medical practitioner, from absorption, inhalation, or ingestion, of any substance.
6. Any harm that causes the person harmed to be hospitalised for a period of 48 hours or more commencing within 7 days of the harm's occurrence.

Schedule 2: Approximate conditions

Customer skill level	Approximate conditions
Beginners	No significant surf or swell, wind under 15 knots
Intermediate	Surf or ocean swells less than 1.5 metres and or wind under 25 knots
Advanced	Any condition that's suitable for the trip's aims.

Schedule 3: Ratios and qualifications

Venue	Maximum Instructor to Client Ratio	Minimum Leader Qualification (see note below)
Swimming pool	1:10	NZOIA Kayak Leader, NZKI 2 Star SK, 3 Star WW or similar
Sheltered bay / non-surf beaches Within 200 metres from shore	1:8	NZOIA Kayak Leader, NZKI 2 Star SK or similar
Surf	1:4	NZOIA Sea Kayak Guide, NZKI 4 Star SK or similar
Open sea (single sea kayaks)	1:6	NZOIA Sea Kayak Guide, NZKI 4 Star SK or similar
Open sea (double sea kayaks)	1:8	NZOIA Sea Kayak Guide, NZKI 4 Star SK or similar
Whitewater: Grade 1 tours	1:7	NZOIA level 1, NZKI 3 Star WW or similar
Whitewater: Grade 2 instruction	1:4	NZOIA level 1 NZKI 3 Star WW or similar
Whitewater: Grade 3 instruction	1:4	NZOIA level 2, NZKI 4 Star WW or similar

Clarifications re qualifications and ratios

The above qualifications are in current use as national recognised assessments of kayaking instructors / guides. They're not only options, but are examples of the types of qualifications that would be considered industry standard.

Both systems use assessors to assess the ability of the applicant to a list of relevant criteria for the activity the applicant wish to perform.

This gives an employer the certainty that the staff will be competent for the role they're employed for. It's however necessary that proof of current competence is attained by way of a logbook or attendance at a revalidation or relevant professional development programme.

There are many acceptable qualifications issued by universities and polytechnics. There are also programmes such as Water Wise, and these need to be assessed by the Operations Manager as fit for the purpose of the activity that is planned by their operation.

The underlying rationale behind Schedule 3 is that all staff must have the proven ability to undertake the role they're employed to do, and that there is a clear understanding of the maximum staff-to-client ratio.