



Transport Accident
Investigation
Commission

Watchlist 2024

Recreational boat users: impairment from substance use

What is the problem?

Currently there are no rules limiting the level of alcohol and other performance-impairing substances for recreational boat drivers.

The driver or skipper of a recreational watercraft is responsible for ensuring everyone on board is safe.

Consuming alcohol can adversely affect risk perception, reaction time and co-ordination. It can also reduce the chances of survivability once in the water.

What is the solution?

Regulators need a comprehensive set of measures to prevent recreational boat users being impaired by the use of alcohol or drugs. The recreational boating sector should have in place arrangements to:

- set maximum limits for alcohol
- prohibit people operating recreational craft if they are substance impaired
- prescribe post-occurrence testing requirements for drugs and alcohol.

The detrimental effects of drugs and alcohol on cognitive abilities are well documented. International research suggests the likelihood and severity of accidents increase if people responsible for performing safety-critical tasks use drugs or alcohol. The Transport Accident Investigation Commission has investigated recreational boating accidents where the consumption of alcohol has been a contributing factor or a potential impediment to survival.

Why is regulation needed?

The Commission has for several years called for rules or regulations regarding use of performance-impairing substances in the recreational boating sector. In 2011, we published a report about a fatal jet boat accident.¹ We commented that as long as there is no limit to the allowable level of alcohol and other performance impairing substances for drivers in charge of recreational boats, and as long as there is no legal mechanism for testing blood-alcohol limits for such drivers, the risk to the public is likely to remain unacceptably high.

What recommendations have we made?

In 2013, the Commission reported on our inquiry into the tragic 2012 Carterton balloon accident in which 11 people died. We made a recommendation covering the commercial and recreational sectors of the three transport modes within our mandate.² The recommendation was to the Secretary for Transport to:

- support the introduction of appropriate legislation or rules that will:
 - prescribe allowable maximum levels for alcohol
 - prohibit persons from operating an aircraft, vessel or rail vehicle if they are impaired by drugs
 - require operators to implement drug and alcohol detection and deterrence regimes, including random testing
 - prescribe post-occurrence testing requirements for drugs and alcohol;and that this legislation or these rules should apply across the aviation, maritime and rail transport modes, and to persons operating an aircraft or a marine craft for recreational purposes.

The inquiry report noted that the Commission had previously made similar recommendations, including one in 2011 to the Secretary for Transport in relation to persons in charge of recreational and commercial craft.³

In February 2020, as a result of our inquiry into a fatal jet boat accident, we recommended that the Director of Maritime New Zealand:

- continue to develop its fatal accident database to improve the quality of the data so that the maritime sector is better able to understand the risks of alcohol and drug use in recreational boating accidents.⁴

Why is the Commission concerned?

We continue to see fatal accidents in which substance impairment is present in accidents involving recreational craft. In 2023, we published a report of our inquiry into the capsizing of a recreational power boat resulting in the death of three people. We found it likely that the skipper's ability and judgement were impaired by alcohol.⁵ The concerns that we stated in 2011 persist – that as long as there are no legal limits for recreational boat users' substance use or mechanisms for testing, the risk to the public is likely to remain unacceptably high.

References to reports and recommendations

¹ *MO-2009-201: collision: private jet-boat/private watercraft, Kawarau River, Queenstown, 5 January 2009*
[MO-2009-201 | TAIC](#)

² *AO-2012-001: Hot-air balloon collision with power lines and in-flight fire, near Carterton, 7 January 2012*
[AO-2012-001 | TAIC](#)
Safety recommendation 012/13

³ *MO-2009-201: collision: private jet-boat/private watercraft, Kawarau River, Queenstown, 5 January 2009*
[MO-2009-201 | TAIC](#)
(Superseded) Safety recommendation 005/11

⁴ *MO-2019-202: Fatal jet boat accident, Hollyford River, Southland, 18 March 2019*
[MO-2019-202 | TAIC](#)
Safety recommendation 001/20

⁵ *MO-2021-204: Recreational vessel, capsize and sinking with three fatalities, Manukau Harbour entrance, 16 October 2021*
[MO-2021-204 | TAIC](#)

This safety concern was first published as a Watchlist item 2015 as part of another item and re-published in this form in 2024.

Te Kōmihana Tirotiro Aituā Waka

Transport Accident Investigation Commission

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The Transport Accident Investigation Commission is an independent Crown entity established to determine the circumstances and causes of accidents and incidents with a view to avoiding similar occurrences in the future rather than to ascribe blame to any person.