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White Water Death

BY MARK McLAUCHLAN

Why Is The Shotover New Zealand's Most Lethal River?

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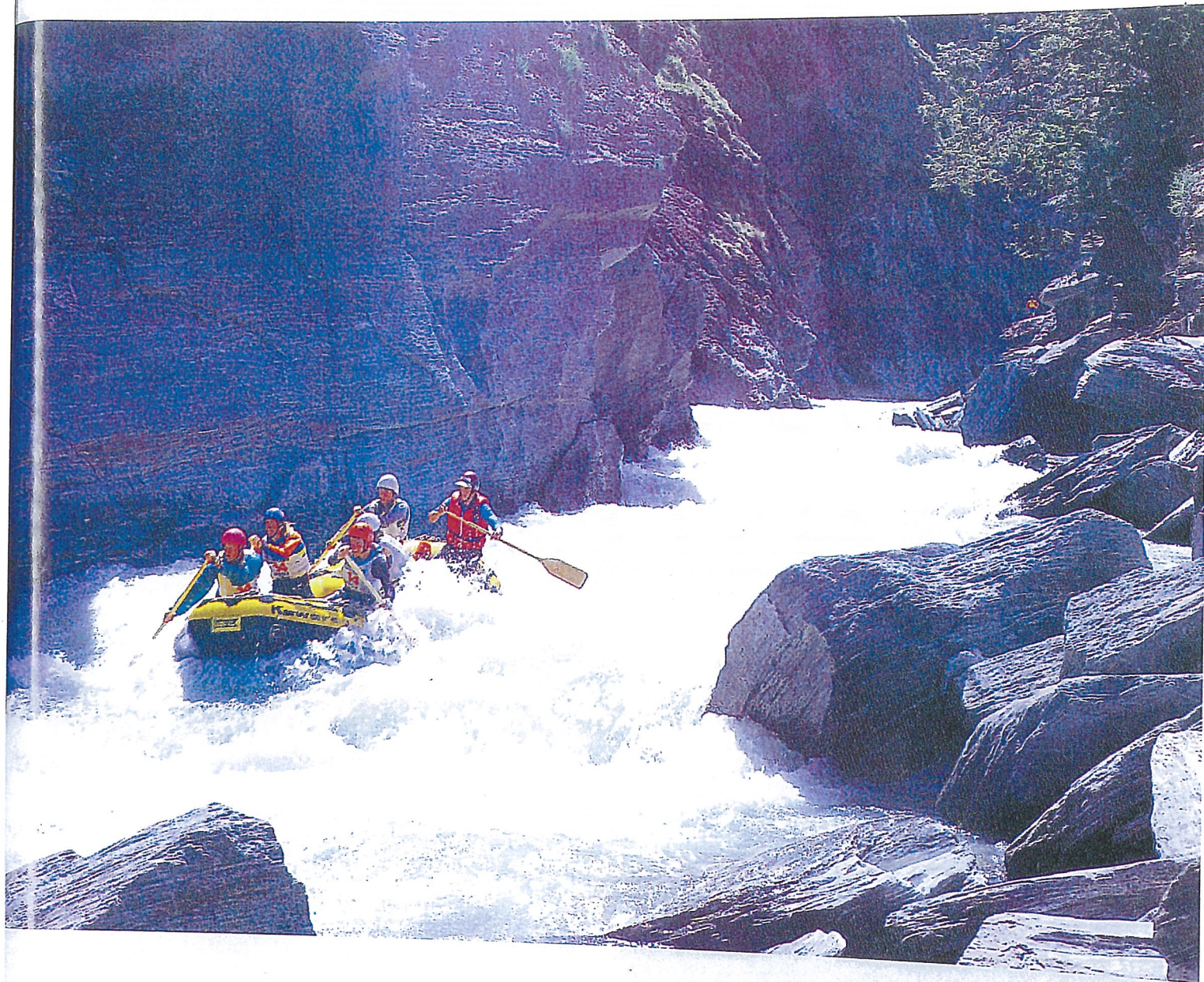
Think Queenstown in summer. Think fresh alpine air, baking sun and tumbling white water rapids.

From Christmas till the end of February, 13,000 people will pour down the popular Shotover River's cataracts, yet almost none of them will realise they are rafting New Zealand's most deadly river. Rafting operators will tell you how much fun you're going to have as you pay your \$90, but they won't mention that the Shotover has killed three people and left another brain damaged in the last two years.

This \$5 million-a-year industry in Queenstown has had its patronage slashed by half as the word gets out that the rafting industry is in crisis.

The Maritime Safety Authority has just prosecuted one of Queenstown's biggest rafting companies, Kawarau Rafts, for recklessness, after the death of a man in November 1994. In court, the industry was repeatedly condemned for its appalling standard of safety and training.

Which raises some pretty interesting questions: Is the Queenstown rafting industry a victim of bad luck, bad press, bad blood and a bad river, as the operators would have us believe, or is it run by yahoos prepared to risk people's lives in order to make a fast buck?



GARETH EYRES

January 28 1994: A perfect afternoon for rafting, hot and fine with a light breeze sweeping down the Shotover canyon, the river running high and fast from recent heavy rains. That's okay by Terry Hardie (52) and his three mates who've come from a little rural town in Victoria, Australia, for adventure. They've already jetboated the lower Shotover, and after the raft trip, Terry's going parapenting — as an aircraft flying instructor he'll be comfortable gliding over Queenstown in an oversized parachute. But this tumbling, crashing water... not his natural element, a bit scary, but it should be fun.

They push off from Deep Creek in a Makin Waves raft high up the Shotover, part of a six-boat convoy, and in the shallows practise all the manoeuvres their guide taught them on shore. The first part of the trip is sedate and they're relaxed, taking in the raw scenery. Crumbling cliffs up to 100 metres high are stitched together with matagouri bramble nibbled thin by wild goats. Abandoned mining machinery litters the banks, rusted through and shark-tooth jagged. You can see how high the river floods — dead vegetation hangs from the branches of surviving trees.

The gorge narrows, its walls seem to close in above them. The water gets impatient, running faster and faster, a roar from downstream gets louder. Smooth green water breaks up over rocks,

turns white and furious. They shoot over German's Drop rapid, spray slashing back into their faces, water pouring into the boat which plunges into a roiling pool before popping out into flat water. The guys whoop and yell, half in exhilaration, half in relief. Made it!

The convoy pulls ashore and guides run ahead to scout the next rapids. Six rescuers stand downstream of the ominously named Anvil and Toilet cataracts, so they can cast ropes out to anyone thrown from their rafts and floating by.

A few boats go ahead, disappearing over the drop, some flipping, tossing passengers into the spume but they're all retrieved. Terry's boat is next. The guide rechecks everyone's lifejackets and helmets are strapped on tight, then he pushes off. "Forward!" he yells, and the crew dig in their paddles, the raft charges towards the brink ahead. The roar almost drowns out the guide. "Down! Hang on!" Everyone hunkers on the floor, gripping the safety rope around the gunwales. Over the edge. White out. They shoot out of the foam. But then they're caught in a back eddy which punches the raft from beneath, tossing Terry and the crew out.

The others grab at ropes thrown by guides from shore and are hauled to safety, but Terry's struggling in the torrent, trying to catch a line but misses... misses again, then holds on to a third. But water pressure is building against his 17-stone frame as he swings across the current. The guide can't hold Terry's weight by himself and is towed along shore until another rafter lends a hand. But Terry's grip slips and he careens down a series of chaotic drops with guides sprinting over boulders after him, while rafters paddle furiously to catch up with him. A guide downstream swims out to Terry but they're both swept against a wall of rock and pushed underwater for a few seconds. The guide lets Terry go and he speeds downstream before he's caught by others.

They finally pull him out at Champagne Falls, two kilometres downstream from where he was tossed out, and try resuscitating him. A doctor arrives by helicopter 20 minutes later and declares him dead. Terry's distressed friends are flown out and the convoy continues its trip.

Given the tragedy, you'd think Queenstown harbourmaster Marty Black, who's supposed to supervise rafting safety, would have closed the river until guides had rafted the Shotover to assess if it was safe for tourists to follow. Instead, he used customers as guinea pigs, allowing 10 rafts down Toilet the next morning. One raft was carried overland around the rapid, two got through unscathed and seven flipped, flinging 50-odd tourists into the rapid which had claimed a life only hours before. Fortunately all passengers were recovered with throwlines.

In a written report to Queenstown coroner Alan Macalister, Black admits "the number of people in the water was cause for concern", yet he allowed a similar trip in the afternoon, this time with 12 rafts. However, the river had dropped and none flipped.

Marty Black is a nice man but not particularly complex. Too nice, in fact. He tries to please everyone and ends up being everyone's patsy. Since his appointment in 1985 he's been accused of incompetence by his own employer, the Queenstown Lakes District Council (QLDC), and rafting guides when it suits them.

In a small community like Queenstown, rafting operators and local council staff know each other intimately. Everyone benefits from tourism and this must not be endangered by airing dirty laundry publicly. Black was a marked man if he overtly criticised rafting operators, which explains why he felt compelled to add to his report to the coroner that a 70-year-old man and his wife had recently enjoyed their rafting trip, as had a Japanese couple with poor English — nonsense designed to placate the rafters.

There are about 80 commercial white-water rafting operations



in New Zealand, carrying about 130,000 clients each year on 57 rivers. Five rafting companies operate in Queenstown: Kawarau Rafts, Danes, Makin Waves and Kiwi Discovery run trips on both the Shotover and Kawarau Rivers, while Green Extreme only does the Kawarau River at the moment. Among them they carry 40,000 passengers annually, (80 per cent of them are international visitors) and 90 per cent of whom go down the Shotover.

On average there's been a rafting fatality somewhere in the country each year for the last 20 years, with seven on the Shotover and one on the Kawarau. You might think that the increasing rate of Shotover fatalities — the last four have occurred since 1989 — is due to growing patronage, but that's not the case. Numbers have been steady since 1987.

What's notable about Hardie's death is that just a week before, a senior rafting guide and white-water safety consultant to the Department of Conservation, Rosco Gaudin, warned on the front page of local weekly newspaper *Mountain Scene* that a death on the Shotover was imminent because rafting companies had a lackadaisical attitude to safety. "You can't have people constantly swimming through major rapids [while the Shotover is] in flood without putting their lives at risk," he said.

Gaudin's view was that rafting companies were greedy and ran trips in conditions which put clients at risk, that they sometimes used equipment in poor repair and clients' capabilities in water weren't properly assessed.

Gaudin says rafting guides threatened to beat him up if he went public again and was not prepared to be interviewed for this story.

Gaudin is by no means the first to air concern. From rafting's first years in the mid-70s, river guides were the wild men of



Queenstown, opportunists and adventurers who seemed blind to personal danger.

"In the early days of rafting," says veteran rafter Jim Archibald, "we didn't have helmets or wet suits, we wore shorts, bush-shirts and life jackets. In hindsight it was crazy, but we didn't know better. We were pioneers and operated in sheer ignorance."

White-water rafting began in New Zealand after World War II when army surplus stores began selling off rubber rafts. The pastime declined in the 1950s as those rafts wore out, until the early 1970s when new materials allowed cheaper and better rafts to be manufactured overseas.

Queenstown's first commercial rafting company, Kon Tiki, was started in the summer of 1974 by Graham Tinker. He ran leisurely two-hour float trips down the Shotover's lower reaches, charging \$2.50 per person including tea and gingernuts at the end. There was no white water and customers didn't wear life jackets.

Next summer, local photographer and four-wheel-drive guide Dale Gardiner experimented with rafting the upper Shotover. Rafts bounced uncontrollably down each rapid, with no means of steering, a problem Gardiner tried to solve by strapping a jet engine unit to the stern but rapids swamped it. He then attached a frame with rowlocks and rowed down the Shotover, later switching to paddles. It was Gardiner who gave each rapid the names all guides use today: Mother, Jaws, Mother-in-law, Toilet. He charged the outrageous price of \$29 (which included a chicken and champagne lunch) but still the punters came.

Gardiner promoted his company Danes by plastering photographs of the Shotover trip around town.

Archibald, a Kon Tiki shareholder, remembers the effect those pictures had on business: "Suddenly no one wanted to do lazy river rafting, and even grannies demanded to do white water. We were losing money fast, so we had to raft rapids too."

Danes opened an operation on the Kawarau River called Kawarau Rafts, then got an exclusive route service licence from the Transport Licensing Authority which prevented others using the only access to the river. Gardiner then sold this "exclusive" business in 1981 for \$100,000 to Dave Grant, but Kon Tiki discovered a paper road which allowed them access across farmland to the river. Grant lost his monopoly.

From that point, competition got vicious. Grant took a business partner, Robert Eymann, a Swiss immigrant who has dominated the local rafting industry by force of personality and a ruthless competitive streak. In the mid-80s, rafting companies proliferated, but tough competition from existing companies, particularly Eymann's, usually forced them out after a season.

When experienced American rafter Bob Huffman started up his Skippers Canyon River Expeditions in 1984, Eymann exerted his usual pressure, but Huffman wouldn't back off and they ended up brawling. With Marty Black's help, Eymann spread it around

town that Huffman was unsafe. Huffman was blacklisted by booking offices and went broke. (Unable to afford a lawyer and refused legal aid, he represented himself in a series of court actions against Eymann, the Queenstown council and a booking office and won \$88,000 in 1993.)

In 1984, there were six Queenstown rafting companies, with Kawarau Rafts the third biggest behind Danes and Value Tours. Then Eymann introduced winter rafting. Jim Archibald: "Until then, no one had thought there'd be a market for winter rafting — air and water temperatures get well below zero — and we usually stopped summer rafting, around April and did other things like transporting skiers up the mountains. But in 1984, Robert just kept doing it. Kawarau Rafts became the big name in rafting, and the rest of us have played catch-up ever since."

In its first decade, the industry's main clients were New Zealanders, used to water. But as international tourism grew in the mid-80s, more overseas visitors, with no experience in water, were shooting white-water rapids. When things go wrong, says Jim Archibald, they often remain passive, waiting to be saved, while New Zealanders strike out for shore without further instruction. Accidents became more frequent and serious and Queenstown's rafters were slated for slack safety.

Veteran rafter Neil Oppatt and his New Zealand River Runners company quit Queenstown in 1985 after two years "in horror at the antics of other operators who overloaded their craft and rafted when river flows were risky". At the same time, Graham Egarr, a New Zealand Water Safety Council education officer, said consumers needed protection: "If there's a way to trim costs to make better profits, then most [operators] will do it. Queenstown is particularly bad."

Kawarau Rafts' owner

Robert Eymann:

"Everyone is telling us what to do. First the council wanted to control us, now the MSA wants to control us. We have pride, we will not be told how to run our company."



Rafting was also getting bad reviews overseas. In a 1986 editorial, American *Travel Digest* editor Leslie Watkins called New Zealand rafters "white-water cowboys". He claimed US insurance companies were refusing to cover tourists rafting in New Zealand and many tour operators had dropped rafting from their itineraries because they thought operators unsafe.

Worried that the government might step in and control the industry, rafting operators formed the Professional Rafting Association in 1982 to foster a code of conduct, but feuding ripped it

In winter, there are about 30 rafting guides in Queenstown and 50 in summer. Most are male, tough and fit, in their 20s – and retain the invincibility of youth. They start in the industry by learning first aid and survival swimming skills, then assisting experienced guides until a rafting company reckons they're competent to skipper a boat of their own. There are no exams, no certification, no annual surveillance by outside authorities, just the grace and favour of a company owner. Most guides are rostered on-call and paid only if they raft: \$60 a trip.

apart in 1986. They tried again in 1987 with the River Guides Association but jealousies torpedoed industry cohesion, and though the association continues to exist, it has been moribund several times.

The marine division of the Ministry of Transport was supposed to supervise the industry but was hamstrung because legislation didn't include vessels smaller than six metres.

Theoretically, the QLDC took control of river safety in 1985 when the harbourmaster was first appointed, though he had no legal power until 1989 when rafting bylaws were introduced. However, the QLDC hasn't enforced them — no one has been prosecuted under the bylaws despite four deaths in that period — and operators don't treat them seriously.

A stream of serious accidents continued on the Shotover, though rafting companies kept quiet about many incidents. In late 1993, several near fatalities presaged Terry Hardie's death. On October 13, Makin Waves took a four-raft convoy onto a swollen Shotover. All the rafts flipped, some repeatedly. One man who fell out at Jaws rapid was thrown a rope from a guide on shore but it wrapped around his neck. The guide let go and the customer was swept into the Oxenbridge tunnel and shot over the Cascade rapid where he was pulled out by bystanders, vomiting water. At the same time, an Asian woman went down the adjacent Mother-in-law rapid and was found floating inert in a starfish position, banging against rocks. She was hauled out and revived.

It was this incident which galvanised rafting guide Rosco Gaudin to speak out. Before setting out down the Shotover that day, he'd voiced his concern to the trip leader and co-owner of Makin Waves, Neil Knight, about the river's height and the problem of communicating with Asian passengers, but was ignored. At the end of the trip, passengers were very distressed, but guides made light of the near drownings, trying to convince everyone it had been a great trip. Gaudin was appalled that neither passengers nor crew were debriefed. There was no analysis of what went wrong. "As far as the company was concerned," says Gaudin, "it never happened."

Then, on November 1, a Taiwanese woman fell out of a Kawarau Rafts boat above the Anvil rapid and was flushed through a section of white water, face down. She was revived by CPR before being airlifted to hospital for observation.

Hardie's death followed, which harbourmaster Marty Black deemed unavoidable. The safety debate might have gone quiet but for the death of Sean Farrell.

On November 28 1994, the Shotover was running high. The morning trip had gone without incident but the river was expected to rise quickly in the afternoon. Warm weather had accelerated snow melt in the hills and heavy rain was predicted. Three of Queenstown's four rafting companies cancelled expeditions, but Kawarau Rafts went ahead with 16 customers in two rafts. At midday, 109 cubic metres (cumecs) of water were running through the Shotover Canyon per second, but by 4pm, as the rafters approached Jaws rapid, the rate had increased to 134 cumecs.

Englishman Sean Farrell (44) was one of several who fell out as the rafts hit Jaws, but while others managed to crawl onto shore below the rapid, he did not. In a video taken by a Belgian tourist above the river, it appears Farrell was catatonic from the start. He disappeared under the coffee-coloured water several times as he was washed away a kilometre before being dragged out at the Edith Cavell Bridge. He'd dry-drowned — asphyxiated when his throat spasmed shut after water splashed on his larynx.

Kawarau Rafts, the two rafting guides and a director were collectively charged with 24 counts of negligently or recklessly operating a vessel to the peril of passengers, the only case ever taken against members of the rafting industry.

Which brings us to Monday morning, September 18 1995. Rafting guides dressed in electric blue polarfleece jackets and track pants huddle under the towering Wellingtonia trees outside Queenstown's courthouse, occasionally glancing over their shoulders at grey-suited lawyers chatting easily among themselves. The lawyers have nothing to lose — they get their fees no matter what happens — but for raftsmen Keith Haare (39), Henry Duddy (27) and Kawarau Rafts company director Ged Hay (30), their reputations and perhaps their livelihoods are at stake. And each faces fines up to \$10,000 over the death of Sean Farrell.

The doors open and locals pack out the court's public gallery, about the size of a living room. Duddy and Haare sit wide-eyed and blanched, but the jut-jawed Hay looks on intently. He's the archetypal river guide — a heavily muscled athletic man, his hair pulled back in a ponytail revealing cauliflower ears and scars around his eyes. He's been a rafter for 10 years. In the next five days he will sit near the defence bench whispering instructions to his counsel during cross-examination of rafters testifying against him. Occasionally he snorts at their evidence, levelling them with a drop-dead stare.

But even he curls into himself as the prosecution presents its first piece of evidence, the videotape showing Farrell's body bobbing down the rapids and drifting into shallows below.

However, lawyer Peter McKnight, the Maritime Safety Authority's prosecutor, explains that the men aren't on trial for killing Farrell — the Shipping and Seamen Act under which the charges are laid is only concerned with recklessness causing danger to people. Farrell's death is significant only in that it brought the MSA's attention to the guides' behaviour.

(According to Dunedin Police legal section officer Inspector Keith Munro, the defendants could only be held culpable for Farrell's death under a manslaughter charge, and there's not enough evidence to prosecute. Police investigations into rafting deaths are limited to checking there was no foul play, like deliberately holding someone under water. Neither the old Shipping and Seamen Act or its successor, the Maritime Transport Act, have provision for prosecuting people who cause death through negligence.)

In winter, there are about 30 rafting guides in Queenstown and 50 in summer. Most are male, tough and fit, in their 20s — and retain the invincibility of youth. They start in the industry by learning first aid and survival swimming skills, then assisting experienced guides until a rafting company reckons they're competent to skipper a boat of their own. There are no exams, no certification, no annual surveillance by outside authorities, just the grace and favour of a company owner. Most guides are rostered on-call and paid only if they raft: \$60 a trip.

Watch them stand with calculated nonchalance at the Red Rock bar after work, sinking beer, and you'll understand why river guides are sarcastically called river gods by jilted women.

Given that a guide spends hundreds of hours each year on the water and knows the river intimately, that he's at his physical peak and comfortable with rafting equipment, is it any wonder that he may not empathise with the 69 per cent of his passengers who've never rafted before? Does it occur to him that one quarter of his passengers don't fully know what they are getting themselves into, as a recent MSA survey discovered? Does he realise that after giving his riverside chat about safety procedures, 38 per cent expect more pre-water training than they got? How can he know what it's like to be in real fear of your life as are seven per cent of his passengers?

Rafting for these young men who find mortality incomprehensible is more a personal adventure than a job. Should they be responsible for judging whether the river is raftable or not, as stipulated by the Queenstown council? There are no clear-cut guidelines to help them qualify their decisions, so guides must use their intuition. They must also assess whether a client is capable of tackling a Shotover trip, again intuitively. There are no tests.

Compare this to Californian operators who demand that clients rafting grade-five rivers (the Shotover is grade five during high water) must be able to swim 100 metres, run a mile without stop-

ping, balance on the ball of one foot for one minute and hang from a chin-up bar for one minute. If Terry Hardie, the man who couldn't hold on to that lifeline, had tried such a test, he might not have rafted and might well be alive today.

However, Queenstown rafting operators told Maritime Safety Authority director Russell Kilvington in a March 1994 meeting with the QLDC that the Californian system is "wholly wrong. The idea of using tests of a person's fitness is... ridiculous. People unable to walk, without arms, have all done the journey and enjoyed it." (How do armless people swim for shore or catch lifelines? one might ask. But in Queenstown such questions aren't asked.)

Queenstown's rafting companies allow 70-year-olds onto the river, and children as young as 11 can go if they are with a parent. (No one asks how mum could possibly help junior if he's pitched overboard.)

Operators don't want to scare off business, so warnings about personal safety are kept upbeat or turned aside. For example, Danes' brochures address safety by saying, "Don't worry... we will teach you everything you need to know." The QLDC now insists brochures are marked in bold: "Warning. Rafting is an inherently risky adventure activity, participants should be aware of the risks involved," or something similar.

But more explicit signage isn't going to make a lot of difference. According to the MSA report, people are "effectively not in a position to make a realistic assessment of the risks involved for their own safety". So passengers blindly place their faith with guides they believe will keep them safe.

Passengers are at the mercy of an *Off The Edge* culture. When I asked a guide about a 1994 TVNZ news item in which All Black Glen Osborne said he thought he was going to die when rafting the Shotover, the guide said the All Blacks had acted like "pussies" on the river. Ask guides about complainants and the response is universal — "the customer was a wuss".

Who can resist opening a letter?

ORMOND ESTATE
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This culture is reinforced by some industry leaders. Take one of Kawarau Rafts' principals, for instance. Robert Eymann (49) is a hard man who bends rules to suit his business. In March 1986, he gave false details to the Ministry of Transport for the registration of an employee as trip leader for a rafting expedition down the West Coast's Landsborough River. The man had no experience on that river, as required. Three days later, two customers drowned on the trip. (Again, the incident was written off as bad luck and no negligence charges were laid against Kawarau Rafts or the guide.)

In April 1994, after one of his raft guides had been cited for taking an expedition down the Shotover without a QLDC-registered trip leader, Eymann wrote to council chief executive Keith Grantham saying he intended ignoring the notice and told his employee to do the same.

Eymann was a New Zealand parapenting pioneer, flying his parachute-cum-hang-glider to first place in the inaugural parapenting national championships in 1988. The following year he crashed, breaking both legs, one of which was later amputated. His artificial leg leaves him with a slight limp but does not stop him flying or rafting.

Jim Archibald says Eymann "has endless reserves of personal courage, but his flaw is he can't understand people not thinking his way."

It's therefore not surprising that guides feel pressured to work in situations where safe navigation is arguable. In Queenstown, there are a lot of wannabe rafting gods, and guides with considerable experience who are worried that if they bail out of a trip for safety reasons they'll be written off as wimps and replaced by greenhorns. Almost half think their jobs would be jeopardised if they refuse to raft for safety reasons.

I catch Eymann as he limps back into Kawarau Rafts' headquarters on Shotover Street looking tired and drawn after spending the morning watching proceedings at court. Normally voluble, today he's taciturn. His words come out slow at first, tangled with a thick Swiss-German accent.

"Everyone is telling us what to do. First the council wanted to control us, now the MSA wants to control us. We have pride, we will not be told how to run our company. The court case has cost the company \$25,000 for lawyers and getting witnesses here from overseas, but what does it achieve? The Farrell thing had nothing to do with high river levels. Most times a high river is easier to raft.

"It's ridiculous to suggest guides take unnecessary risks. They have got their own lives to look after, and kids too, some of them. Why do people get so obsessed about rafting accidents, when there were two skiing deaths this year?

"There were 14 rafting deaths in Switzerland in one year and it made one day's news. Here, you reporters just keep hammering on and on. What was once the main industry here has been damaged by the newspapers and everyone. They've made rafters feel like criminals at a time when we need support."

Frank Marvin is another regular in the court public gallery. He's publisher and half-owner of Queenstown's tabloid newspaper *Mountain Scene*, locally known as *Mounting Scream*. The rafters assume he's here to gloat — after all, they attended his trial with barely concealed glee back in October 1994 when he was charged with harassing the de facto wife of Makin Waves' director Neil Knight by phoning her at midnight after the death of Terry Hardie, demanding comment for his newspaper. (The charges were found proved, but Marvin escaped through the police diversionary scheme.) He has led a personal crusade against the rafting establishment since Rosco Gaudin came to him in January 1994: "You can call me obsessed if you want, maybe I was. But I object to people not being told enough by rafting companies about the risks to make an informed decision."

Following coverage of Gaudin's complaints and Hardie's death,

operators hoped *Mountain Scene* would pick another target. But then came front-page revelations, within a fortnight of the accident, that Queenstown's rafting companies had jointly asked the Otago Regional Council for permission to blow up rocks at three rapids on the Shotover including Toilet where Hardie had come to grief. The application stated that the rapids couldn't be tackled "in a safe and acceptable manner". In other words, despite admitting the rapids were too dangerous to raft, they still did so, including Toilet which had claimed Hardie's life.

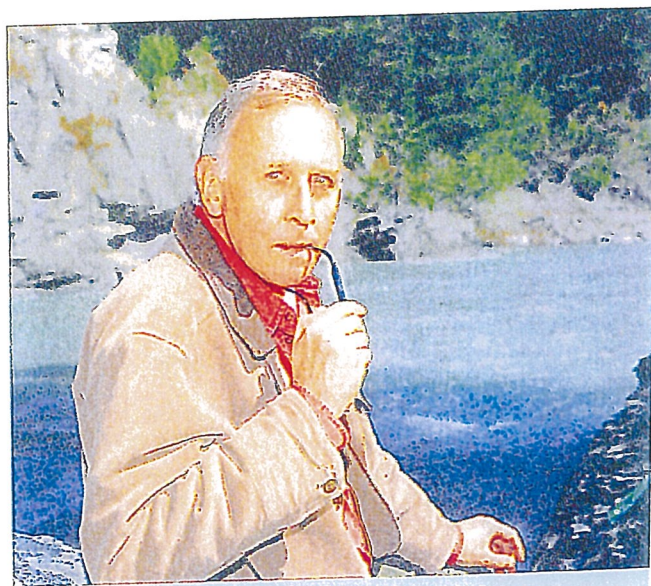
When MSA director Russell Kilvington read the story, he sent a man posing as a potential customer to each rafting company, to confirm that customers weren't being given sufficient warning. Kilvington recommended that potential clients ask guides if they intended rafting the rogue rapids. If the answer was yes he suggested they didn't go.

Mountain Scene hit the streets the next day with a front page headline: "Don't Raft Death Rapid". Operators cried foul, particularly since Kilvington's man had only spoken to front-desk staff and not gone rafting himself. The paper also embarrassed the QLDC over its handling of rafting matters.

After Hardie's death, council chief executive Keith Grantham made a front-page promise to get tough on river safety, but the "Death Rapid" story proved the council still wasn't doing its job. Grantham blamed his harbourmaster for poor performance — then appeased operators by allowing them to continue rafting Toilet, provided they had guides downstream with throw ropes. (There were guides downstream when Hardie died.)

It wasn't the first time *Mountain Scene* had highlighted QLDC's lack of care.

Commercial rafting is forbidden on the Shotover if water is above a level mark attached to the river bank near Edith Cavell Bridge. At one stage the marker was ripped away in floods and not replaced for a month, yet rafting continued.



***Mountain Scene* editor, Frank Marvin, has led a personal crusade against the rafting establishment since January 1994: "You can call me obsessed if you want, maybe I was. But I object to people not being told enough by rafting companies about the risks."**

Then Marvin revealed that former Ministry of Transport marine division adviser Captain Steve Ponsford, commissioned by Grantham to check if rafting bylaws were strict enough, couldn't discuss safety issues with guides because the QLDC hadn't included safety matters in his brief. The council looked more interested in covering its back than caring for tourists on the river.

Frank Marvin's campaign riled rafters into an alliance for mutual protection. He says they launched a series of counter-attacks against *Mountain Scene* which included:

- ★ taking hundreds of newspapers from street boxes around town and destroying them,
- ★ pressing *Mountain Scene* stockists and advertisers to cut their business with the paper (though few did),
- ★ printing T-shirts emblazoned with "I Survived Mountain Scene",
- ★ sending a deputation to *Mountain Scene* co-owner Barry Thomas (chairman of Skyline Enterprises and Christchurch Casino Ltd) to demand he stop Marvin's campaign (Thomas promised to pass on their concerns but, as a silent partner, said he wasn't able to do more),
- ★ producing a national press release in which John MacDonald, then managing director of Danes and now president of the Queenstown Promotion Board, accused *Mountain Scene* of "damaging not just rafting but all adventure activities in Queenstown and New Zealand" by mounting a "vindictive campaign... to discredit and undermine the industry. The paper appears to be trying to bring the community to its knees",
- ★ Kawarau Rafts issuing defamation proceedings against *Mountain Scene*. (When Sean Farrell died on one of their rafts and the company was charged with negligence, the suit was withdrawn.)

Despite operators' repeated (though unsubstantiated) claims that they were among the safest in the world, another incident proved something was amiss on the Shotover.

Around midday on February 25 1995, Brenda Choos and her brother were lolling down the Shotover in a Kawarau Rafts convoy thinking the trip so far was pretty tame. The river was low and boats were catching on rocks normally submerged. Then their raft tilted as one pontoon snagged on Anvil Rock and their guide told them all to move to the opposite side.

Brenda followed instructions and jumped on the rising gunwale but then the 33-year-old American toppled over and was swept into a crevice, trapped there by water pressure. Guides tried to swim to her but they couldn't beat the white water, so two climbed over Anvil Rock and tied a line to her life jacket, then pulled her out against the current which had held her underwater for five minutes. She was given CPR until vital signs returned. Meanwhile, another guide radioed for help, saying there was a body submerged, but it took a doctor an hour to arrive by helicopter because it was assumed "submerged body" meant a dead body.

She was flown to intensive care in Dunedin, then six weeks later back to Chicago. Choos, who was a \$US100,000-a-year financial adviser, will never work again. She has substantial brain damage caused by prolonged oxygen starvation, and although she can walk and talk, her memory is so impaired she can't function without 24-hour supervision. If left by herself she wanders off and gets lost. Choos' lawyers intend suing the American travel agent who booked her holiday package, and are investigating pursuing Kawarau Rafts for compensation.

Three guides who retrieved and resuscitated Choos — Eliot Linforth-Hall, Mark Forsyth and Paul Adams — received Order of St John certificates in July 1995 for their bravery. The good news heartened a demoralised industry and *Mountain Scene* was severely criticised for not mentioning the accolade. Marvin's excuse was that the rafting companies failed to tell him of the awards.

The Queenstown Lakes District Council held its first inquiry into local rafting in April 1995, having collected a list of 48 accidents (and at that time three fatalities) since 1989 when its rafting bylaws first came into force. (Veteran Southern Lakes rafting operator Gavin Wills says many accidents aren't reported. He estimates that for every death on the Shotover, there are 100 injuries [broken bones] and 1000 "incidents" [cuts and bruising]. Wills believes only people who've rafted elsewhere should be allowed on the Shotover.)

Newly appointed QLDC regulatory manager Rene Kampman found the council's rafting records were "in total disarray and out of date" and that the industry didn't take licensing or the bylaws seriously. Only nine of the 175 guides who've rafted the Shotover since 1989 have the appropriate licences according to QLDC records — even hero Linforth-Hall didn't hold a trip leader's licence.

The Choos incident was written off as yet another unfortunate accident by the QLDC, a decision which the family's New Zealand lawyer, Dunedin-based John Westgate, called a "white-wash".

Still the accidents continued. In March, Australian Ken Balchin almost died when he was tossed out of a Danes raft, went through the Oxenbridge tunnel and down the Shotover for a kilometre after heavy rains had swollen the river. He was admitted to Kew Hospital in Invercargill with water in his lungs.

Then, on July 25, 26-year-old American Carol Palmer was killed while on a Danes Shotover expedition. She and husband Mark were part of a group which had started the day helicoptering into Deep Creek, halfway up the Shotover, taken a jetboat to the Skippers bridge for bungy jumping, then, at 3pm, had begun the return trip in a two-raft convoy.

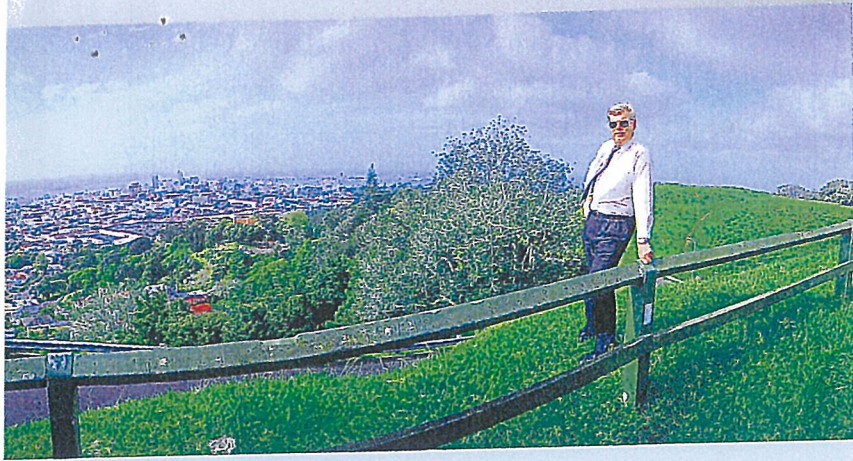
Midwinter sunlight doesn't penetrate the canyon, icicles hang from cliffs and waterfalls freeze solid. On that day, the river was

Errol with a double R.



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A Near-Death Experience

Rafting operators and the Queenstown Lakes District Council seem to take the view that if you have a near-death experience on the Shotover it's your fault.

Here's an example: Seven women American travel agents took a trip down the Shotover in February 1994, less than a fortnight after Terry Hardie died, and the river was still high — facts they weren't told until they were on the river.

The women were thrown out at the Mother rapid, some of them held under momentarily by water pressure before escaping to the surface, coughing up water. One of them broke a wrist. Afterwards they resolved to strike Queenstown rafting off their "recommended list" for their 5000-plus clients who come here each year, because New Zealand rafting standards weren't good enough.

At a meeting with QLDC and MSA officials, rafting company owners claimed the female travel agents "should never have rafted. If they'd simply been tourists, they wouldn't have chosen rafting."

Why not? These women were in their late 20s, and six of the seven were healthy and strong. They'd travelled extensively and some had done other adventure activities. In other words, they were exactly the sort of people who might go rafting. One overweight woman clearly stated several times she didn't want to be there, that she thought she'd be a danger to herself and others. Why then did the guides let her go? — a question the quorum chose to leave unvoiced.

Again, the meeting's attitude was that these women were pathetic. But no one could call 42-year-old Auckland and Valuation New Zealand manager David Vietmeyer (above) that. An active 1.9-metre-tall man who plays competitive tennis and swims each day, he was on the same raft as these women and was equally terrified.

"I'm used to surf and being underwater, and I'd rafted the Shotover before, but I was very frightened," he says. He wrote to Keith Grantham saying that if rafting operators didn't take more care, people would die. (Eight months later, Farrell lost his life.)

Vietmeyer also says that the guide admitted doing two trips a day, seven days a week, and was burnt out.

Though the group had received the standard riverside instruction, "it's only when something goes wrong can you judge the potential dangers," says Vietmeyer. "If the raft guides were in control as they say, then how come they weren't able to help me — or those women? At the end of the ordeal, there was no group therapy to help us get over it. The guides just joked about it, saying it was a good trip. Maybe they should be a little less greedy and a little more discriminating."

According to QLDC records, Grantham didn't bother to mention Vietmeyer's letter at the meeting. It's clear neither the rafting industry nor the QLDC have the capacity for substantive introspection.

one degree Celsius and since 11.30am they'd been in damp wet suits designed for five-plus degrees. They warmed up a little paddling through rapids, but started shivering again when they had to carry their raft over snow-covered rocks around Toilet rapid.

They were given another safety talk just before entering the Oxenbridge tunnel. The plan was to surf out over Cascade rapid, but as they exited the tunnel, a wave tossed the raft sideways into the Toaster rapid which forces rafts to submerge on edge. Passengers hunkered down into the cockpit and were driven underwater before being flushed out into the main river. But Palmer

didn't emerge. Her husband sat stunned as he realised she was trapped underwater. Some of their friends wanted to dive in after her but guides held them back, though they themselves seemed confused about what to do. They eventually slung a line between rocks and swung like monkeys over the slit, feeling for her with their feet. Then her life jacket surfaced. But the rushing water, freezing temperatures and failing light forced them to abandon their search. It wasn't until 3.15 the next afternoon that Palmer's body was dragged from the hole.

The river was closed by the QLDC to commercial rafting until further notice, awaiting investigation into Palmer's death. Two days later, upset rafting operators filled the Toaster with tonnes of rock, contravening resource-management laws. (The Otago Regional Council did not prosecute, because local sentiment supported the rafters.)

With Choos' lawyers threatening litigation and Mark Palmer hinting similar, overseas tour operators cancelled rafting trips. Robert Eymann says the rafting industry has lost half its business, and that was before the river was closed.

The QLDC reopened the Shotover on September 11, but few tourists were game. Queenstown's daily rafting capacity is 500 people, but at the moment fewer than 50 people are going, making an estimated \$2 million dent in rafting's usual \$5 million contribution to Queenstown's economy.

It's not been a great year for Queenstown business — the high New Zealand dollar and heavy marketing by Australian skifields have kept tourists away — and rafting casualties haven't helped. One of New Zealand's major inbound tourist operators, Japan Travel Bureau, has told its Japanese guides not to promote rafting to their clients. Japanese are also still warned off doing Milford Sound scenic flights after a multiple-fatality crash at Christmas 1989, and patronage remains 50 per cent down.

For the more adventurous — mainly young males — the spate of rafting disasters has added to the Shotover's mystic. They want to say they rafted Death River and survived.

For the first couple of weeks after Carol Palmer's death, rafting companies had little inclination to tackle the Shotover, content to do the more sedate Kawarau and transport skiers up mountains. The QLDC kept putting off reopening the Shotover, saying the bylaws needed further consideration. When the August holiday rush ended and ski traffic dried up, rafting companies began to starve. The QLDC had them over a barrel and demanded operators sign a new code of conduct based on the MSA's recommendations in advance of maritime law amendments next year. They all signed.

The new code stipulates:

- ★ that if water is flowing over Toaster rapid, a guide must stand on the rock dam to direct running of the rapid, and if levels are likely to take a person down Toaster, then the river will be closed,
- ★ that trip leaders from all companies unanimously decide that it's safe to raft, and if they can't reach a consensus, then the harbour-master must adjudicate,
- ★ that each company lodge a standing plan for their river operations, detailing emergency procedures, how they intend informing people about the hazards of rafting and how they will convey such information to non-English-speaking passengers,

★ that the rafters control their own industry because they are the experts. (The council's Keith Grantham sees no irony here, even though that's been the de facto case so far and operators have continuously ignored QLDC standards.)

The MSA recommendations also include compulsory standards of operations, training and equipment; establishing a national supervisory body and setting penalties which would really hurt transgressors. However, the MSA is waiting for public reaction to its recommendations before drafting final amendments to the Maritime Transport Act which will include regulations specific to the rafting industry. This could take a year.

I tried to go rafting the day QLDC reopened the Shotover after six weeks' closure, but all the rafting companies were being especially cautious, with national media in town to follow the Farrell case. By the old standard, the river was eminently raftable, but operators hesitated for another few days until the river dropped to a metre below the old maximum safe level.

I've done the Shotover several times before, but still, entering that gorge is awe inspiring. Even at its most benign it's a raw place, a gash in the alpine tussock. Cliff faces are sharpened by frequent flash floods which cause avalanches of schist rock that change the rapids, making it a difficult river to navigate. Rafting companies have used explosives to alter dangerous stretches of river and Cascade rapid was modified in 1992 by a concrete weir to stop passengers shooting through the Toaster, but storms altered the weir, allowing Carol Palmer to be diverted.

This river can be lethal at high water and low. Hardie and Farrell died when it was high; Choos and Palmer had their accidents when it was low.

It was a fine September day when we helicoptered into Boulder Beach, starting point for winter rafting on the Shotover. Our Kawarau Rafts guide, Spider (he had a plastic tarantula strapped to his helmet), put the two 20-ish Australian blokes in the bow, a 65-year-old American guy and his 32-year-old daughter amidships, with me at the stern.

The Aussies had a ball, especially when the raft nearly flipped, tossing them out. But they also knocked the old man overboard. His daughter, an accident and emergency nurse used to pandemonium, went white, and in her Alabaman accent tinged with panic, cried out repeatedly, "Daddy, daddy, daddy." He came to the surface, gulping like a guppy, but was okay, and our guide dragged him onboard. The nurse grabbed an Australian twice her weight by the collar and, hyped on adrenaline, flicked him out of the water, into the boat and nearly out the other side. For the rest of the trip her father sat silently, barely responding to instructions.

Spider seemed pretty competent and the two Australians were happy — "it was awesome, man" — before rushing off to buy a jetboat ride. The old man later told me he was terrified and wouldn't let his daughter book their holiday next year. Did he think it was safe? "I guess so," he says, "but I didn't feel very safe." His daughter, who's rafted the Colorado River, found it pretty scary too and says she'd never have let him raft if she'd known what the Shotover was like.

Safety is partly a matter of perception, but it's worth noting that one of the four companies rafting the Shotover, Kiwi Discovery has had no fatalities and, according to QLDC's (unreliable) records, their accident rate is conspicuously low: only one (a cut eyebrow) compared to Kawarau Rafts' 20 casualties (including Farrell's death and Choos' injuries); Danes' 19 casualties (including Palmer's death); and Makin Waves' eight casualties (including Hardie's death).

Market share — Kawarau Rafts, 32 per cent; Danes, 30 per cent; Makin Waves, 20 per cent; Kiwi Discovery, 18 per cent — does not explain Kiwi Discovery's good record. It's the only Queenstown company to insist on a maximum of seven passengers per raft, which means each guide has fewer people to co-ordi-

nate — and rescue — and reduces the risk of clients accidentally bashing each other with paddles.

Despite an expected decision within a week, Judge Moran still hasn't released his verdict six weeks after the trial ends, leaving guides Haare, Duddy and Hay on tenterhooks. They continue rafting as usual, but the fun's gone for them.

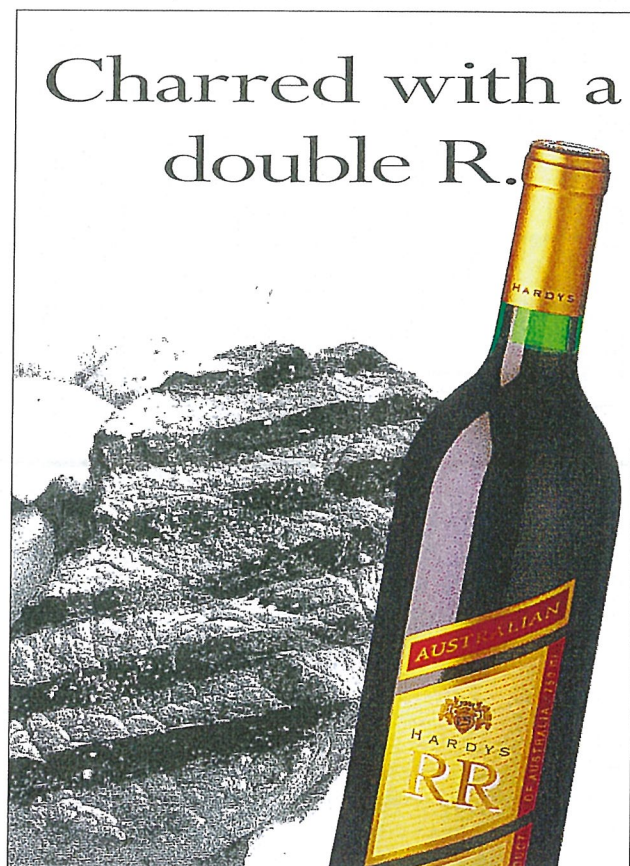
Whether they are guilty or not is immaterial to the wider, systemic problems on Queenstown rivers. After all, these three aren't isolated renegades of the rafting industry, they're part of its standard stock of good keen men who did what they all do from time to time — push the limits.

The Maritime Safety Authority knows that there but for the grace of God go a lot of other rafting guides. It may get more muscle in the next year with Maritime Transport Act amendments specific to the rafting industry, but will that really make any difference? The MSA admits it doesn't have the resources to supervise activity on the Shotover itself and must rely on the QLDC's myopic eyes. Back to square one.

Adventure Tourism Council executive director Geoff Gabites is sceptical that anything will change. The rafting industry has been sobered by plummeting revenues and the prosecution, he says, but it will soon recover.

"Japanese group tourists might not return to the river en masse, but free independent travellers will fill the breach and in a few months it'll be business as usual. Therein lies the problem.

"The commercial incentives which tempt rafters to push the limits are still there and must be countered. Under the new legislation, rafting companies can be hobbled by having their operating licences confiscated, possibly permanently. But the law will only work if it is enforced, and based on history I have concerns about that. Only when a rafting company is banned from the river will the whole industry toe the line. And that's not yet happened." ■



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