

HOW TO HAVE YOUR SAY

We want to know what options you think will help continue to improve safety for participants and workers in adventure activities.

Submissions process

The Ministry of Business, Innovation and Employment (MBIE) is seeking written submissions on the issues raised in this document by 5pm on 5 November 2021.

You can use the consultation questions above to guide your submission. Your submission may respond to any or all of these questions. We also encourage your input on any other relevant issues.

Please include your name and (if applicable) the name of your organisation in your submission. Please include your contact details in the cover letter or e-mail accompanying your submission.

You can make your submission:

- › Through the online survey available at [MBIE's website](#)
- › By sending your submission as a Microsoft Word document to HSWregs@mbie.govt.nz.
- › By mailing your submission to:

Health and Safety Policy Team

Ministry of Business, Innovation & Employment
PO Box 1473
Wellington 6140

If you have any questions about the submissions process please contact HSWregs@mbie.govt.nz.

ADVENTURE ACTIVITIES – keeping it safe

Adventure Activities— keeping it safe

WHY ARE WE PROPOSING CHANGES TO HOW ADVENTURE ACTIVITIES* ARE REGULATED?

- › We continue to have a high level of harm from natural hazards. On average, six people die per year while taking part in adventure activities, on average four of these deaths are caused by natural hazard events.
- › Natural hazard related catastrophic events (more than five deaths) occur at least every ten years in the sector. Each event has 8 deaths and 7 serious injuries .
- › The current regulatory regime does not adequately address the risks that come from natural hazards.
- › The full range of risks that occur in the sector may not be well recognised or understood.
- › The regulator lacks a full suite of information and enforcement tools to understand the health of the sector and act quickly.

* Adventure activities are activities which are paid for, involve the participant being guided or taught and are designed to deliberately expose the participant to serious risk that operators must manage.

WE THINK WE CAN DO BETTER BY:

- › strengthening requirements for how operators, landowners and the regulator manage natural hazard risks
- › improving how risk is monitored, assessed and communicated
- › strengthening WorkSafe’s regulatory leadership role
- › improving the safety audit standard, audit process and guidance and information for the sector.

Our goal is to reduce harm in the adventure activities sector, while maintaining a balance between level of regulation, cost, and enabling public access to New Zealand’s natural environment

1. PROPOSALS TO SUPPORT BETTER MANAGEMENT OF NATURAL HAZARDS**

Explicit requirements on **operators**:

- › to do all that is reasonably practicable to assess and manage natural hazard risks that may affect their activities.
- › to have processes in place to consider when natural hazard risks may be unacceptable and call activities off.

Explicit requirements on **landowners** (two options available):

- › to provide information to operators about natural hazard risks on their land that they know about (or should reasonably know about).

OR

- › assess and manage the risks of natural hazards on their land when granting permission for adventure activity operators to operate on their land.

** Natural hazards are physical, quick-onset natural events with a degree of localised impact that have the potential to cause fatalities. These include risks of extreme weather, water surges and flooding, rockfalls, landslides and avalanches, and eruptions. Because most adventure activities take part in the natural environment, almost all need to manage risks from natural hazards.

2. PROPOSALS TO STRENGTHEN THE ROLE OF WORKSAFE

- › Adjusting the registration process so that operators register directly with WorkSafe, increase the information they provide to WorkSafe, and check this information remains up to date each year
- › Create a list of “notifiable incidents” specific to the adventure activities sector.
- › Expand WorkSafe’s powers to decline to register/suspend/cancel registrations.

4. IMPROVING GUIDANCE AND THE AUDIT PROCESS AND PUBLISHING INFORMATION TO SUPPORT THE SECTOR

- › Changes to the safety audit standard to improve safety standards e.g. specify qualification requirements for particular staff.
- › Changes to the audit process e.g. tighten safety checks on operators.
- › Introduce an online log of notifiable events the adventure activities sector can access.
- › Publish specific WorkSafe data for the adventure activities sector, including injury and fatality rates and enforcement activity undertaken by WorkSafe.

3. PROPOSALS TO IMPROVE MONITORING, ASSESSING AND COMMUNICATING RISK

› INTRODUCING A RISK CLASSIFICATION SYSTEM

Require government to develop a risk classification system, including operational framework and risk classification criteria that draws on industry expertise and scientific advice about natural hazards and technical risks. This classification system would then be established either through regulation or by another legal instrument.

Risk classification criteria would group operators and activities into low, medium and high risk categories based on their risk assessment. Length of time between safety audits would vary according to the activities level of risk.

Introduce a specific requirement for operators to include a risk assessment in their safety management plan, where operators would assess risk.

› IMPROVED RISK DISCLOSURES FOR PARTICIPANTS

More detailed requirements for how risk disclosures to participants are made and what information disclosures should include .

Require additional prescription on the level of risk disclosure to participants in regulations or the Safety Audit Standard, this could link to an operators risk assessment as part of the risk classification system.

› DEVELOPING CLEAR DEFINITIONS AROUND WHAT IS AN ACCEPTABLE LEVEL OF RISK

There may be some circumstances where it is too risky for adventure activities to go ahead, regardless of how an operator attempts to manage risks

Consider if there are occasions when the government should be more involved to ensure risks are kept to acceptable levels

There are a range of ways the government could further support decision making about acceptable risk levels.

At the most basic level, the government can support operator decision making through offering more guidance about risks. Alternatively, we could introduce a role for government to restrict activities from going ahead based on the risk level of natural hazards.

Adventure activities are an important part of New Zealand’s tourism and recreation environment. Everyone taking part in these activities deserves to know their safety is being managed well.