

Terms of Reference: Diving Industry Advisory Group (DIAG) 2015
(Updated Dec 2020 Ver 1.5)

Background

New Zealand has a diverse occupational diving sector, including amongst others the recreational industry instructional diving, construction, aquaculture, military, police, film and scientific diving activities. Few of these sectors have a distinct/nominated titular head with the function of identifying industry issues, planning or improving processes and galvanising sector action or reviewing these processes.

On average New Zealand experiences five diving related fatalities each year and numerous other diving related serious harm and minor injury events. Most of these are in the non-occupational recreational area but reflect the hazardous nature inherent in underwater activities.

WorkSafe New Zealand (WorkSafe) is aware of deviation from good practice by some employers, principals, employees and contractors across New Zealand's occupational diving industry. Deviations include failing to use appropriately trained and certified staff, failure to supply essential equipment, failure to ensure adequate emergency resources and procedures and failures to comply with the intent of relevant published and accessible standards.

WorkSafe is committed to a 25% reduction in the incidence of workplace serious harms and fatalities. It considers that the creation of a Diving Industry Advisory Group (DIAG) with the purpose of identifying and communicating sector safety and other issues would aid in the achievement of this aim and in the ongoing adoption of best practice across the entire industry.

The DIAG will be WorkSafe convened and driven, will have a WorkSafe appointed chair, permanent members and elected representatives.

Objective

For the DIAG, as hyperbaric and diving operations subject matter experts, to provide a conduit for communication between New Zealand's occupational diving sector and WorkSafe.

Purpose

The DIAG's purpose is to identify and reduce incidences of preventable injury through improve occupational diving sector communications and adherence to good practice.

Scope

The DIAGs scope is as follows:

- provision of advice to WorkSafe on relevant sector issues, including regulatory impact.
- provision of a channel for sector representation, communication and consultation on all matters impacting it and WorkSafe.
- Collaboration on documents for communication across the occupational diving industry and to specific sectors.
- Provision of comment on guidance and good practice material developed for the purpose of improving safety standards in industry.
- Provision of comment and guidance on industry health issues, including but not limited to, health monitoring, reporting of harms, industry practices likely to impact on the health of workers.

Regulator Position

WorkSafe is obligated to administer and enforce current legislation [Health and Safety at Work Act 2015, Health and Safety in Employment ACT 1992 and its Regulations 1995] and others on implementation regarding the Health and Safety of those at work. Therefore, WorkSafe NZ will consider the advice offered by the DIAG in the administration of its mandated functions; however, it cannot be obligated to accept or align itself with the DIAG position.

Membership

The DIAG will be made up of permanent stakeholders from the following groups:

- WorkSafe New Zealand
- Diving Medical Fraternity
- Other Crown Agencies with Occupational diving roles (NZDF & NZPDS)

The DIAG will also be made up of representatives nominated by stakeholder groups. It is a function of the Chair, using the existing DIAG membership, and managing conflicts of interest to facilitate a vetting and election / appointment process (where necessary) to staff the representative roles for the:

- Construction & Commercial diving sector.
- Aquaculture and Fisheries diving sector.
- Tertiary Education Scientific diving sector.
- Commercial Scientific Diving Consultancy sector.
- Recreational instruction /guiding sector.
- Commercial Education Representative.
- Film and Photographic sector.

- Aquarium Sector

Elected members from these stakeholder groups must maintain their affiliation with the stakeholder group and must be recognised by that stakeholder group as the point of communication for raising and discussing issues with the DIAG.

For the purposes of ensuring appropriate stakeholder group representation WorkSafe reserves the right to appoint individuals to the representative roles.

(Past) Transition from Diving Medical Reference Group

Diving and Hyperbaric Medical Services convened the Diving Medical Reference Group which had participation from stakeholder groups from across the occupational diving industry.

Returning members to that reference group were invited to continue in their participation with the newly formed DIAG until elections for sector representatives are required.

Election of Members

WorkSafe will facilitate the inaugural representative period and then subsequent election process for stakeholder group representation when appropriate.

Elections will be called for any given sector when requested to by that Sector Group or by WorkSafe, on behalf of the DIAG. The current sitting member shall be given the option to be included in the list of potential representatives for whom the relevant stakeholder group members may vote.

The Sector Group may run the election process or, if directed by DIAG, the election process will be run by WorkSafe.

If run by WorkSafe the election process will be that WorkSafe will communicate widely with the sector members in calling for expressions of interest from persons wanting to represent the stakeholder group. WorkSafe will collate and promulgate a list of interested individuals for members within the stakeholder group to consider casting a vote for.

WorkSafe will publish all election results and will acknowledge by invitation to the DIAG the Individual that is elected by its stakeholder group as its representative.

A quality assurance process will ensure transparency and that a democratic process is adhered to.

Members are encouraged to bring along a sector observer as part of succession planning where required.

Roles and Responsibilities

WorkSafe New Zealand will be responsible for appointing the DIAG Chair and will provide secretariat services for each of the meetings.

The chair will oversee the DIAG and will manage membership and conflict resolution.

WorkSafe New Zealand will be responsible for convening DIAG meetings with the option of postponing meetings or convening supplementary meetings as may be required.

DIAG members will be asked to participate actively in meetings, consult and advise as required within their organisations or stakeholder groups and share information between DIAG members.

Meetings

Meetings will be convened on a four monthly basis (3 times a year) at times agreed by members.

A meeting quorum will be six members.

Agreement at the time of meetings will be the position communicated to stakeholder groups.

Agreement on minutes of meetings will be the position communicated to stakeholder groups.

Members will need to be self-financing in their attendance of DIAG meetings.

Attendance via Teleconference / Video conferencing is also anticipated.

Significant issues for discussion at meetings should be undertaken via the chair through submission of relevant supporting material. The Chair, via the Secretariat, will circulate these to all members of DIAG in a timely manner no less than 14 days prior to the convening of a DIAG meeting.

Meeting agendas and minutes will be provided by the secretariat support provided by WorkSafe.

Minutes of meetings shall be taken by WorkSafe, verified by the Chair and disseminated to DIAG members. Comments on meeting minutes should be returned to the Chair within 10 days of circulation. Minutes are to be finalised within 15 days of circulation and Minutes for Public Release circulated with an additional 10 days.

Access and Dissemination of DIAG Produced Data.

All records of minutes will be held by WorkSafe and will be readily available to DIAG members on request.

All communication of consequence/relevance will be copied to all DIAG members.

Conduct

Members will expect open and honest discussion that considers the DIAG purpose of adherence to good practice and reduction of preventable injury and fatality.

Discussions and meeting notes will remain privileged to DAIG members until cleared by the Chair & WorkSafe for public release.

Members will expect that views expressed by stakeholder representatives will be informed by their own subject matter knowledge or personal expertise but will be the views the stakeholder group of which they are the elected representative.

Members will expect ongoing "health checks" of the DIAG to verify its validity, effectiveness of purpose and objective and the overall "health" of the DIAG.

Permanent and Elected representatives will be expected to communicate to their respective sectors the agreed outcomes of any DIAG consultation processes and the position of WorkSafe New Zealand and other regulatory agencies.

All communication of consequence/relevance will be copied to all DIAG members.

Conflicts of Interest

Conflicts of interest real or perceived will be disclosed to the group, noted and managed by the chair.

Amendment, Modification or Variation

Amendment, modification or variation to these terms of reference shall be made by consensus agreement of the DIAG and noted below.

Amended

V1.2 dated July 2018 – edits to wording, update to four-monthly meetings, public release of Minutes, deletion of Divers Representative, addition of Commercial Education Representative.

V1.3 dated July 2019 – edits to Election requirements and process.

V1.4 dated November 2020 – addition of Aquarium Representative, edits to agreement not requiring signatures.

V1.5 dated November 2020 – addition invited sector observer as part of succession planning.

Agreement to Terms of Reference.

All members of DIAG agree to the above Terms of Reference by acceptance to join as nominated Stakeholder Representative and by unanimous agreement at each DIAG Meeting.