

## BRIEFING PAPER

Progress update on Adventure Activities operational issue

<b>Date:</b>	20 March 2020	<b>Tracker #:</b>	20/00257
<b>Security:</b>	In Confidence		

## ACTION SOUGHT

Minister	Action sought	Deadline
Hon Iain Lees-Galloway <b>Minister for Workplace Relations and Safety</b>	<b>Note</b> the information in this briefing	N/A

## CONTACT INFORMATION

Name	Position	Telephone	Contact
Bronwyn Turley	Acting GM, Regulatory Effectiveness and Legal Groups		
Darren Handforth	Chief Inspector Southern		

## CONSULTATION

Name of agency (Contact Person and details)

**Minister's Comments:**

## RECOMMENDATION

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WorkSafe New Zealand recommends that you:

- a. **note** the information in this briefing, including:
- an operational issue has arisen relating to the recognition of safety auditors under the adventure activities regulatory regime
  - we briefed you previously on the context and background for this issue [20/00254 refers]
  - we are taking steps to address the matter, and
  - we will keep you informed as our work progresses.

*noted*

Bronwyn Turley  
Acting General Manager, Regulatory  
Effectiveness and Legal Groups  
**WorkSafe New Zealand**

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Hon Iain Lees-Galloway  
**Minister for Workplace Relations and  
Safety**

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## **RECOGNITION OF SAFETY AUDITORS**

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1. We briefed you verbally on Thursday 12 March about an operational issue relating to the recognition of safety auditors under the adventure activities regulatory regime.
2. We followed up with a briefing on Friday 13 March which provides the necessary context and background information [20/00254 refers].
3. This briefing provides you with an update on our progress towards, and plans for, resolution of this issue.

### **WE ARE TAKING IMMEDIATE ACTION TO ADDRESS THIS MATTER**

4. We are resolving the issue in three steps, which we expect to have completed by 24 April 2020.
5. Step one is to satisfy ourselves that the two current safety auditors can be recognised now, so that they can continue their work.
6. Step two is to establish whether, on 1 January 2019 (the date on which recognition lapsed), WorkSafe *would have* recognised the three safety auditors in the market at that time. This is to provide assurance that the lapse of recognition is a technical oversight and not a safety concern.
7. Both steps involve assessing each safety auditor against the criteria for recognition set out in Regulation 9 of the Health and Safety at Work (Adventure Activities) Regulations 2016. The majority of the relevant information needed for our assessment will be provided by JAS-ANZ, as the accreditation body for the safety auditors. Supporting information will also be sourced from the auditors themselves and our own internal records. However, we are mindful of minimising the impact on the safety auditors and ensuring that the application process will not be overly onerous for them at this difficult time.
8. The final step is to reconfirm the safety audit certificates issued to the 76 AAOs<sup>1</sup> during the time when recognition had lapsed. This is to provide a 'belt and braces' assurance and involves the auditors reviewing their internal documentation about:
  - a the results of the initial audits
  - b the results of any subsequent surveillance audits, and
  - c any further relevant information held in respect of the affected AAOs,and informing us whether the safety audit certificates can be reconfirmed. Any AAO whose registration cannot be reconfirmed due to concerns about their safety audit certificate would need to be subject to further audit or investigation.
9. To date, we have:
  - determined an indicative timeline and plan for the work
  - met with JAS-ANZ to agree the information they will provide us about the safety auditors

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<sup>1</sup> 49 (65%) are new registrations and 27 (35%) are re-registrations. QualWorx has issued 33 (43%), Telarc has issued 3 (4%) and QSI/AdventureMark has issued 40 (53%) of the 76 safety certificates.

- met with one of the safety auditors (Telarc) who responded positively and is supportive of our approach
- developed a draft communications plan and key messages (which we have provided to your office).

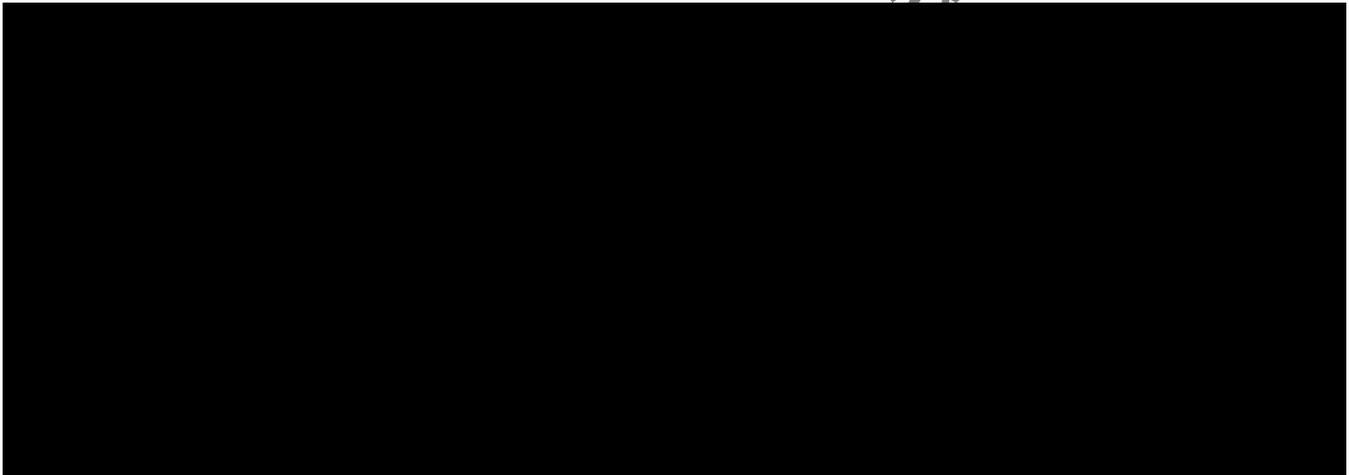
10. Our next steps are to:

- meet with the remaining two safety auditors this afternoon Friday 20 March
- request that the safety auditors reapply for recognition and provide us with any additional information in support of their applications and that demonstrates why it would have been appropriate to recognise them as safety auditors as at 1 January 2019, and
- finalise our preferred communications approach.

11. We are also planning to undertake a wider, pro-active piece of work to review the processes, tools, and internal systems supporting all of our authorisation regimes and to identify any improvements as needed. We will keep you informed about this work.

## **RISKS AND ISSUES**

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### **IMPACT OF COVID-19**

14. The current situation with COVID-19 and the restrictions on international travellers entering New Zealand mean that the majority of AAOs will be operating at severely reduced capacity, if at all, over the coming months.
15. Media interest in this work may be unpredictable due to the competing demands of COVID-19 coverage. We will ensure clear messaging to mitigate any risks arising.

### **IMPACT OF DELAY**

16. This work needs to be completed by 30 June 2020 to ensure WorkSafe is ready to process the scheduled re-registrations of existing AAOs. In addition, the Maritime rule governing white water rafting operations is to be revoked on 1 October. This means the majority of existing white water rafting operators will become subject to the AA regime and must be registered in order to continue operating.