

April 2024

How we apply Adventure Activity regulation 8A

This policy's purpose

This policy sets out how we apply Regulation 8A in the Health and Safety (Adventure Activities) Regulations 2016.

This regulation requires Adventure Activity Operators (operators) to take all reasonable steps to inform a person seeking to participate in an adventure activity of any serious health and safety risks they may be exposed to by participating in the activity.

How we apply the elements of Regulation 8A

Regulation 8A contains three elements:

- reasonable steps to inform
- person seeking to participate in an adventure activity
- serious risks to health and safety.

We apply these elements as follows:

Reasonable steps to inform

What's reasonable will depend on the circumstances. We expect operators to have applied, as a minimum, the following principles:

- **Sufficiency:** Potential participants get enough information to make an informed choice.
- **Accessibility:** Risks are communicated in a way that's easy to understand. The demographics of the potential participants are considered (for example language or age).
- **Responsiveness:** Potential participants are kept up to date if the risks change.

Person seeking to participate in an adventure activity

This is someone who:

- hasn't made a commitment to the activity, or
- hasn't yet started the activity.

We expect operators to provide:

- information before a potential participant makes a commitment to the activity, and
- up-to-date information as necessary, right up to the point where the potential participant starts the activity.

Serious risk to health and safety

A serious risk to health and safety is a risk that is significant or worthy of concern (for example, something that could result in a [notifiable event](#)).

What we expect when activities are promoted on the operator's behalf

It isn't uncommon for operators to have arrangements with others to sell, advertise, or promote an activity on their behalf.

The duty under Regulation 8A is only on the operator of the activity. This means we expect operators to:

- have appropriate arrangements in place to make sure this duty is met
- communicate any changes to risk information
- make sure these arrangements and communications are documented, and
- regularly check compliance with these arrangements.

What we expect when operators provide activities to schools

When operators provide activities to schools, we expect them to:

- provide information that meets the principles of sufficiency, accessibility and responsiveness
- consider the requirements of the *Education Outside the Classroom*¹ guidelines
- have appropriate arrangements in place to ensure the school provides this information to the students' caregivers, and
- make sure arrangements and communications are documented.

¹. The EOTC guidelines can be found on the Te Kete Ipurangi website.