

Application for an enforceable undertaking

June 2019

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by

Name of entity or, partnership or individual applying for this undertaking

Board of Trustees of Te Kura Kaupapa Māori o Puau te Moananui-ā Kiwa

Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by

Name of the person or persons who will be signing this undertaking in section 4:

[REDACTED] of the Board of Trustees of Te Kura Kaupapa Maori o Puau te Moananui-a-Kiwa

On behalf of:

The Board of Te Kura Kaupapa Maori o Puau te Moananui-a-Kiwa

Name of the entity giving this undertaking (if an individual or sole trader, leave blank – complete in all other cases)

The Board of Te Kura Kaupapa Māori o Puau te Moananui-a-Kiwa

This enforceable undertaking is given on the day and date that it is accepted and signed by WorkSafe. The undertaking and its enforceable terms will operate as a legally binding commitment on the part of the person from the date it is given.

Do not refer to the victim by name in this document. Please refer to the victim/worker/employee/volunteer/or other term as appropriate.

WorkSafe respects your privacy and is committed to protecting personal information. The information provided in this document is for the purpose of an undertaking given to WorkSafe under Part 4 of the *Health and Safety at Work Act 2015*. This information will be managed within the requirements of both the *Privacy Act 1993* and the *Official Information Act 1982*.

There is an expectation that WorkSafe will generally publish the undertaking in full on its website.

TERM	DEFINITION
Contravention	An action which offends against the <i>Health and Safety at Work Act 2015</i> and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.
HSMS	A Health and Safety Management System.
Person	An individual who or a legal entity which has a duty under the <i>Health and Safety at Work Act 2015</i> and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, trustees of trusts, and crown organisations.
Health and Safety legislation	<i>Health and Safety at Work Act 2015</i> and associated regulations.
Enforceable undertaking	An enforcement pathway that allows a duty holder to voluntarily enter into a binding agreement with WorkSafe. The agreement outlines actions the duty holder will undertake to address the contravention. It is expected to deliver activities which benefit workers, the wider industry or sector and/or the community as well as acceptable amends to any victim(s).

1. General information

1.1 Details of the person/persons/entity giving the undertaking

Name of person(s) making this undertaking: (in all cases complete with the name(s) of those who are signing this undertaking under Section 4)

[REDACTED], [REDACTED] of Te Kura Kaupapa Maori o Puau te Moananui-a-Kiwa

Name of entity: (if applicable, leave blank if an individual)

The Board of Te Kura Kaupapa Māori o Puau te Moananui-ā-Kiwa

Type of legal entity: (complete in all cases, for example individual, sole trader, partnership, trust, company, etc)

School Board of Trustees

Nominated contact person: (the same person listed above/one of those listed above)

[REDACTED]

Physical address:

26a Farrington Street, Glen Innes, Auckland 1072

Postal address: (if different from physical address)

[REDACTED]

Work phone:

[REDACTED]

Mobile phone:

[REDACTED]

Email:

[REDACTED]

Industry: Education

Workers (enter numbers):

[REDACTED]

Description of the products and services provided by the business or undertaking:

We are a Kura Kaupapa Maori Te Aho Matua, where the main language of instruction is te Reo Maori. Our kura philosophy /curriculum is based on the guiding principles of Te Aho Matua. Te Aho Matua enables tamariki, kaiako and whanau to teach and learn te ao Maori cultural practices, values, customs, systems and principles as part of the everyday curriculum. We teach from Primary (year 1) all the way through to high school/Wharekura year 13 students.

Comments:

1.2 Detail of the contravention

The Kura is alleged to have breached sections 36(1)(a), 48(1) and 2(c) of the Health and Safety at Work Act 2015 in relation to a river float activity on the Waikato River on or about 7 December 2023.

It is alleged that the Kura, being a PCBU, having a duty to ensure, so far as is reasonably practicable, the health and safety of workers who work for the PCBU, including [REDACTED] and [REDACTED] while the workers were at work in the business or undertaking, did fail to comply with that duty, and that failure exposed workers to a risk of death or serious injury arising from a river float activity on the Waikato River.

The Kura is also alleged to have breached sections 36(2), 48(1) and 2(c) of the Health and Safety at Work Act 2015 in relation to the river float activity on the Waikato River.

It is alleged that the Kura being a PCBU, having a duty to ensure, so far as is reasonably practicable, the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking, namely the river float activity on the Waikato River, failed to comply with that duty, and that failure exposed other persons to a risk of death or serious injury.

1.3 Detail the events surrounding the contravention

In preparation for the 7 December 2023 Waikato river trip, responsible Kura staff prepared a plan for the trip targeted at [REDACTED], which was taken to the [REDACTED] of that time for review and approval. The activity plan consisted of an EOTC RAMs form which identified possible risks but lacked controls in relation to those risks and risk categorisation of the proposed river float activity. Trip preparation included swimming lessons and techniques at the local pools. The Kura intended to have four (4) adult supervisors of the trip, however, one of the adult supervisors, prior to the trip, became unavailable to attend and alternative plans were made for the two lead teachers' partners to assist with supervising which meant they had to also bring their own children on the trip. Some akonga opted out of the river activity the day of and day prior to the trip, which meant that two adult supervisors remained on land to supervise the non-participating akonga. Two adults led the akonga on the river float activity. The Kura had a draft EOTC policy under review, however, lacked a EOTC safety management plan. Recreational inflatable swimming devices were purchased for use (with life jackets provided to some participants) that were not NZ certified.

Then on Thursday 7 December 2023, Te Kura took around 10 students and around 3 other children on a river float activity on the Waikato River in Taupo. Two kaiako (teachers), one kaiawhina (Limited Authority to teach) and two ringa hapai (adult helpers) accompanied the akonga on this trip. The teachers involved were familiar with the Waikato River and surrounding areas, including historical korero relating to the area and awa. The group stayed at Taupo Holiday Park.

Around 11am on Thursday 7 December 2023, the Te Kura group travelled by van to Gates Park, in Taupo. The weather was sunny.

Prior to entering the river, the lead teacher gave a safety briefing and informed the children it could be dangerous, including showing the students the danger signage near their intended entry point.

Life Jackets were only provided to some participating tamariki. The other participating students used pool floaties and noodles purchased from the Warehouse. The night before and the morning of, some akonga opted not to participate. Those akonga stayed at the holiday park with the adult helpers and one of the teachers during the incident.

Around 11:30am, the remaining group began the Waikato River float activity through the Gates Park Walk entrance. The lead teacher and kaiawhina led this river activity.

During the river float activity, the participating students and teachers were caught in currents.

Around 12:15pm, one younger child became tired and interlocked his floatie with one of the [REDACTED] students. They entered a whirlpool down the river and split from the group. The kaiawhina managed to retrieve the pair from the whirlpool, and re-grouped the majority of the group near the small island in the middle of the river nicknamed Hells Gate by locals.

The lead teacher got caught in the current with others following and tried to guide them verbally to a safe area of the river (to the left side of the small island). However, some students got stuck in the current, arriving at branches of a tree overhanging the river which they were holding onto. The lead teacher dragged these students under in order to get them off the tree and past the current.

A younger child blew the safety whistle on his life jacket. The majority of the group ended up on one side of the island, with two more on the other side. While they were situated here, the kaiawhina and a student floated approximately 500 metres to an exit point on the right side of the bank to get help. The pair ran approximately one kilometre to a car park up the hill. At the top of the track where they exited the river, the pair saw a family of tourists who gave them a ride to [REDACTED]. The kaiawhina approached [REDACTED] staff for help.

The [REDACTED] staff alerted the Taupo Harbourmaster and NZ Police. The Taupo Coastguard was also informed. The [REDACTED] staff then used their jet skis to assist with rescuing the group. The Coastguard and Harbourmaster, with help from [REDACTED] staff, rescued everyone over a period of around 30 minutes.

Ambulances and police later attended at the exit point where they conducted their post-care processes. No participants needed further medical attention and were allowed to rejoin the group.

The group then returned back to their accommodation where the lead teacher called the [REDACTED] to inform her of what had happened, and a communication was sent to parents to explain what had occurred.

The group immediately returned to the Kura in Auckland where whanau were waiting and an urgent hui was held regarding the incident.

1.4 Detail any enforcement notices issued that relate to the contravention as detailed in term 1.2

DATE	NOTICE TYPE	NOTICE NUMBER	CONTRAVENTION OR PROHIBITED ACTIVITY	ACTION TAKEN IN RESPONSE TO NOTICE
26 / 10 / 2024	Improvement Notice		high risk EOC activities	See below
26 / 10 / 2024	Prohibition Notice		high risk EOC activities	See below
DD / MM / YEAR				

1.5 Detail the rectifications to the workplace or work practices made as a result of the contravention (1.2), events (1.3) and the enforcement notices issued (1.4)

The Kura have engaged with and undertaken significant works to improve its Education Outside of the Classroom (EOTC) systems and policies, including immediately commencing a full review of the Kura's EOC systems, policies, safety management plans, risk management plans and emergency plans.

The work undertaken since the incident and also in response to the enforcement notices issued include engaging Education Outdoor New Zealand (EONZ) as experienced and expert support on developing, assisting and advising on EOTC programmes for PCBU and in our case, schools. EONZ have supported us to run Professional Development training with Kura staff and Board members on EONZ guidelines for schools, understanding the importance of safe EOTC activities and role responsibilities, risk assessment and management for EOTC activities, completing robust planning and other critical EOTC documentation. EONZ are providing ongoing support and advice to the Kura.

As part of the Kura's review, the Board with professional support, updated the following key documents and developed the following key areas;

- the Kura's EOTC safety management plan;
- the Kura's EOTC risk assessment policy;
- Kura EOTC monitoring policy,
- SOP-Low Risk,
- SOP-High Risk,
- Emergency Response Guide,
- High Risk Assessment Activity examples,
- EOTC Shared Drive improvements for better system access
- More rigorous approval processes for EOTC activities and the appropriate lines of approval (ie no verbal approval)
- Clarity of tasks and role responsibilities amongst staff, Principal and Board members relating to all EOTC activities;
- Post-activity reviews and debriefs;
- Funding was also budgeted and spent on legal services to review and advise on legal obligations with the Kura's Heath and safety obligations.

The aforementioned enforcement notices were lifted on 10 December 2024, Worksafe being satisfied that the non-compliance issues were adequately remedied.

Please see attached documents which is a Summary of of Steps and Improvements taken since the 7th December 2023 event

- * Summary of Steps & Improvements
- *EOTC Policy
- *EOTC RiskAssessment- Te Reo Maori
- *Improvement Notice Report
- *TOD Kaiako&BOT
- *Pre-Activity Risk Assessment

1.6 Total amount of money spent on rectifications

EONZ- Travel Expenses -692.70
EONZ-Membership Fee- 75.00
Legal services - approximately \$6,500
TKKM o Puau - Manaaki -PD- \$1200
TOTAL SPEND-\$8,467.70

1.7 Detail the injury sustained or illness suffered by victim(s) or other(s) as a consequence of the contravention or, (as applicable) the *potential* for fatal injury or future fatal illness

No fatal or physical injuries were reported. However, the Kura acknowledges the risks of this occurring. The Kura acknowledges the emotional harm caused to all those involved in the incident.

1.8 Detail any offer of amends or payments made to the victim(s) who sustained injury or suffered illness (the total monetary amount here is also to be included in the table at 3.12.3)

Describe the victim(s) relationship to you/the entity in question: (eg employee(s)/shareholder/director/family member/contractor, etc. If the relationship has more than one dimension, for example a family member who is also an employee and a director and/or shareholder of the business, or an employee who is a shareholder (etc) – then please describe this)

The students and their whanau, and the kaiako involved have had counseling support available to them. The Board and Kura leadership have offered continuous support to all involved, including Kura and whanau meetings, and one-on one meetings with the students whanau and teachers to support them through the process.

Detail offer of amends or payments:

The Kura has been working closely with those involved, particularly those who had required ongoing support. We have a social worker on site available to provide support and counseling to those who wish to access this support. We have continued to offer support with their school activities, including with their confidence in water activities. The estimated internal costs for ongoing support is \$10,000.

From the date of the incident, the Kura;

- Contacted MOE Trauma Team who worked with the Tumuaki and provided a list of supports to those affected, regular check-ins with individual whanau and kaiako on their wellbeing, consulted with our kaumatua, had our social worker available to all affected persons, consulted with Ruapotaka Marae and Tamaki Community Development Trust.

The Kura is working with one akonga and their whanau who sought ongoing support following the incident. This includes;

- designing a blended learning programme to transition to kura
- providing financial assistance for counselling
- chromebook/ipad for her to work with at home
- offering any other support the whanau may need.

As part of our philosophy and tikanga of ea (known as the process of restoring balance and reaching a state of wellness), the Kura wish and have offered the opportunity to all those involved to return back to the location of the incident (Waikato River) to give thanks to those involved in helping our tamariki and kaiako, to the River for allowing us to bring them home safely, to give prayer and as a healing journey for them and the Kura. This will be entirely funded by the Kura. The estimate internal costs for this haerenga is \$4,000. The haerenga will be completed within 12 months of this undertaking being accepted

1.9 Detail any consultation with the victim(s) as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution

Discussions held with the kaiako/kaiawhina as well as some of the whanau indicate that they believe the best option for the kura is the Enforceable Undertakings rather than the kura being prosecuted. Attached are letters from [REDACTED] and [REDACTED] supporting the Kura's Enforceable Undertaking application.

1.10 Detail any consultation with unions/sector/industry as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution

We have been in contact with Te Runanga nui o nga Kura Kaupapa Maori o Aotearoa (Te Runanga nui) and mana whenua to discuss the benefits of an enforceable undertaking and our proposed project and activities for better and effective safety EOTC systems for full immersion kura Maori in particular. They agree the enforceable undertaking the Kura seek is an acceptable and beneficial alternative to prosecution. A letter of support is enclosed from [REDACTED]. A letter of support from [REDACTED] of our local Marae, Ruapotaka Marae is also enclosed. EONZ has also provided a letter in support of our application which sets out our proposed plans with EONZ assistance and the benefits that would accrue to the education sector and to Maori medium schools through the proposed Project set out in this application and at Appendix A additional information.

1.11 Detail the support provided or proposed by the person to the victim(s), other(s)

DATE	DESCRIPTION OF SUPPORT	COMMENTS
08 / 12 / 2023	MOE Trauma Team	Worked with Tumuaki re process to follow
09 / 12 / 2023	MOE Trauma Team	List of Support People over Christmas
8 / 12 / 2023	SwiS-Counselling Services	Ongoing
DD / MM / YEAR	Working with whānau of student and students transition back to kura	Wharekura/SWiS/Tumuaki - Ongoing
DD / MM / YEAR	Haerenga returning to Taupōo	Funded by the Kura
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		

1.12 Detail any current HSMS Implemented and maintained by the person

Describe how health and safety risks are managed, including types of procedures or policies or standards:

As set out at 1.5 above, and the EOTC documentation provided, the Kura's EOTC Safety Management Plans and Policies, risk management and emergency plans reviewed and updated for improvement to ensure high standards of effective health and safety management for EOTC. We have undertaken this review using EONZ templates and resources that comply with health and safety regulations with EONZ direct guidance and advice.

The following work has been done by the kura- (please refer also to the attachment Summary of Steps and Improvements)

With advice and guidance from [REDACTED], the following have been updated;

- EOTC Policy updated and includes Te Aho Matua matapono (attached)
- The Safety Management plan has been revised and updated with identifications of categories of risk (attached)
- Planning templates for initial, final and post EOTC activities have been developed and implemented
- Pre- Activity Risk Assessment

1.13 Detail the level of auditing undertaken on the HSMS, including compliance audits and audit frequency

The Kura has engaged with EONZ to undertake an external end of year review of our EOTC systems, documentation, policies and procedures to ensure all MOE guidelines and regulations are met.

The Kura commits to a regular 3-5year audit and review by EONZ or another suitable external party to ensure the Kura's EOTC systems continue to remain up to date and fit for purpose, and compliant with relevant guidelines and regulations.

Our next visit from the Education Review Office is scheduled to take place in 2026 which the Kura also consider a mandatory audit and accountability check on the Kura's compliance with its health and safety obligations.

1.14 Detail the consultation undertaken or proposed to be undertaken, in relation to this undertaking

The Kura intend to consult and work closely with Te Runanga nui, our national governing body of all Kura Kaupapa Maori, mana whenua, local marae, Maori education, te reo Maori experts, other Kura Kaupapa and Maori organisations to assist with developing and implementing robust EOTC systems and the Te Ao Maori toolkit suitable to all Kura Kaupapa Maori and Maori organisations across Aotearoa, as set out in Appendix A additional information, that are legally compliant and culturally tailored and appropriate.

The Kura also intend to consult with Kura staff to let them know our commitments made, what these commitments entail, and to ensure these commitments are well understood within our Kura.

2. General terms

The person acknowledges and commits to the general terms set forth in the sub-terms below.

2.1 Acknowledgement that WorkSafe alleges a contravention occurred as detailed in term 1.2

The Kura acknowledges that Worksafe alleges a contravention of its obligations under s 36(1)(a), s 36(2), s 48(1) and (2)(c) of the Health and Safety at Work Act 2015.

2.2 Statement of regret that the contravention occurred

We deeply regret the incident that took place at Waikato river and the harm and trauma it caused our tamariki, staff, whanau and community as a whole. As a Kura Maori, mataamua ko te oranga o te tamati. First and foremost, the well-being of our tamariki is paramount and we acknowledge our responsibility as a Kura to ensure everyone that is under our care and in our space is safe, particularly our tamariki.

We acknowledge the trauma, and the emotional and spiritual impact that the river experience has had on our tamariki, staff members and their whanau as well, that they were exposed to a dangerous situation that could have caused fatal injury. The tamariki were in our care at the time, and for that, "e mate ana i te pouri me te whakamaa," "we are overcome by sadness and shame." We recognise the long lasting harm that can result from negative water experiences, and particularly in our case as Maori and a Maori kura where the water is a taonga to us with cultural significance and sustains us in our cultural practices and way of life. We acknowledge the spiritual and life force of Waikato Awa in particular, and that at the time of the incident, this was underestimated.

We also acknowledge those involved in assisting the tamariki and staff on the day of the incident, the [REDACTED] staff, Taupo Coastguard, Taupo Harbourmaster and the NZ police. We acknowledge that robust health and safety measures and policies are critical to our operations as a Kura, and falling short of this high standard of care could be a matter of life or death.

Since the incident, the Kura has been tirelessly committed to making things right "kia ea ai nga hara" "to restore balance" with the people most affected and to do everything it possibly can to ensure this never happens again, kia anga whakamua ai tatou katoa.

The Kura sees this undertaking as a way our Kura community as a whole, but particularly our affected tamariki and staff members, can move forward and feel assured that it will assist in improving EOTC practices for our Kura, across our Kura Kaupapa Mori community and Maori community more broadly in order to prevent another incident occurring.

2.3 Statement of the reasons why, on balance, the person considers this undertaking is the most appropriate response to the contravention

The Kura acknowledges the need for accountability where standards of health and safety, and in this case EOTC are not met. On balance, the Kura consider that this undertaking is the most appropriate response to the alleged contravention for the following reasons;

- The improved EOTC systems and guidelines of the Kura will assist us in ensuring the health and safety of our tamariki and staff are paramount in all EOTC activities;
- We have a strong relationship and engagement with local hapuū, iwi and Marae and are looking to enhance this relationship in respect of developing high standard EOTC systems that benefit our wider communities.
- We are governed by Te Ruūnanga nui o ngāā Kura Kaupapa, who we are working closely with to ensure strong EOTC systems and frameworks can be adopted and applied across all Kura Kaupapa Māori of Aotearoa of which there are 72. We have a strong relationship with all Kura of this country, and meet regularly throughout the year to discuss important matters affecting our Kura and communities and to develop plans to achieve our respect aspirations for our tamariki. Te Rūunanga nui also have regional representatives for each region tasked with voicing particular issues of the time to the wider Kura Kaupapa Community. Our Kura Kaupapa Māāori community is strong and we believe we have an important role in sharing our experiences with other Kura Kaupapa Māāori that they can learn from. The intention is that we can work with other Kura and key education and te reo Maori stakeholders and experts to develop robust te ao Māāori safety framework and plans and we believe this undertaking and the proposed Project, described at Appendices L and A additional information, supports this intention and will benefit the Kura Kaupapa Māāori network and their akonga.
- The Kura is committed both in effort, time and financially to provide safe EOTC activities for our Kura and āākongā, and can be seen in this undertaking, the projected Project at Appendix L and Appendix A additional information. We strongly believes that our education sector, our full immersion Māāori kura, other Kura Maori, bilingual units and Maori organisations can greatly benefit from what is being proposed in this undertaking.

2.4 Statement of commitment that the behaviour, activities and other factors which caused or led to the contravention has ceased and will not reoccur

The Kura is wholeheartedly committed to ensuring an incident like this never occurs again. Since the incident, reviewing and improving our EOTC practices and systems has been a priority focus of the Kura and we have recognised through this mahi the areas of improvement that were needed.

Our commitment has included reviewing and updating our EOTC systems, policies, risk management and safety plans to ensure they are compliant with our health and safety obligations, and also to ensure they are understood by our staff and Board members and that everyone is clear on their roles and responsibilities. Board members and staff have been involved from the very beginning into our newly developed policies and participating in professional development specifically tailored to our Kura and EOTC activities with the help of EONZ.

During this process the Improvement and Prohibition Notices issued were lifted, Worksafe being satisfied that the Kura met our obligations to rectify the concerns raised in those notices.

We are committed to learning from our mistakes, for example the importance of getting full written approval of high risk EOTC, of pre-site visits, of hazard and risk assessment and management and trip planning, and preparation and planning for emergencies. We acknowledge that the key to maintaining this standard is having a clear and robust health and safety plans and procedures in place for EOTC.

Having gone through this experience, we see ourselves as advocates for high standard health and safety practices for EOTC activities because we know the potential consequences if those standards are not met. We share our experiences in formal settings and informally across our networks because ultimately, the safety of our tamariki and whanau is paramount and we do not want any Kura, akonga or kaiako to have the same experience.

2.5 Acknowledgment of the policy published by WorkSafe for the acceptance of an undertaking

(write the name of the person(s) or entity giving the undertaking)

The Board of Trustees of Te Kura Kaupapa Māori o Puau te Moananui-ā-Kiwa
has read and understood the Enforcement Undertaking Operational Policy.

2.6 Acknowledgement that this undertaking will be published and publicised in full

(write the name of the person(s) or entity giving the undertaking)

The Board of Trustees of Te Kura Kaupapa Māori o Puau te Moananui-ā-Kiwa
acknowledges that the undertaking will, if accepted, be published on WorkSafe's website in full and referenced in WorkSafe material.

2.7 Statement of the person's ability to comply with the terms of this undertaking and meet the projected costs of the activities

(write the name of the person(s) or entity giving the undertaking)

The Board of Trustees of Te Kura Kaupapa Māori o Puau te Moananui-ā-Kiwa
has the financial ability to comply with the terms of this undertaking and have provided evidence by way of

(type of evidence provided)

Letter from Education Services, [REDACTED]
with this undertaking to support this declaration.

In the event of impending receivership, liquidation or sale of the entity, (write the name of the person(s) or entity giving the undertaking)

[REDACTED] Board of Trustees of Te Kura Kaupapa Māori o Puau te Moananui-ā-Kiwa
will advise WorkSafe of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

2.8 Statement outlining any relationship between the person and any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking

N/A

2.9 Statement regarding Intellectual Property

(write the name of the person(s) or entity giving the undertaking)

The Board of Trustees of Te Kura Kaupapa Maori o Puau te Moananui-a-Kiwa

grants WorkSafe a perpetual, non-exclusive, worldwide and royalty-free licence to use, for any purpose, all Intellectual Property Rights in relation to any material developed as a result of this undertaking. This licence includes the right to use, copy, modify and distribute the materials.

2.10 Acknowledgement that the person may be required to provide a statutory declaration

(write the name of the person(s) or entity giving the undertaking)

The Board of Trustees of Te Kura Kaupapa Maori o Puau te Moananui-a-Kiwa

acknowledges that it may be necessary for WorkSafe to obtain a statutory declaration outlining details of any prior convictions (safety related) outside of New Zealand and that it will provide such declaration if required by WorkSafe

2.11 Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking

1. It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with the person.
2. Evidence to demonstrate compliance with the terms will be provided to WorkSafe by the due date for each term.
3. The evidence provided to demonstrate compliance with this undertaking will be retained by the person until advised by WorkSafe, that this undertaking has been completely discharged.
4. It is acknowledged that any failure to meet the due date for an enforceable term will result in the matter being escalated and may lead to enforcement action.
5. It is acknowledged that WorkSafe may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to WorkSafe.
6. It is acknowledged that WorkSafe may initiate additional compliance monitoring activities, such as inspections, as considered necessary at WorkSafe's expense.
7. It is acknowledged that details of all seminars, workshops and training conducted by a non-registered training provider must be notified to WorkSafe, by email, at least one week prior. Notification should include time, date, location and the trainer/facilitator.

(write the name of the person(s) or entity giving the undertaking)

The Board of Trustees of Te Kura Kaupapa Māori o Puau te Moananui-ā-Kiwa

3. Enforceable terms

The person acknowledges all activities set forth in the enforceable terms below must be auditable and include a date for completion and an estimated cost for each activity.

The person commits to performing the activities below diligently, competently and by the respective completion date.

3.1 A commitment by the person to perform activities that will ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking

Detail the management strategies to be employed that will satisfy and demonstrate to officer/s of the person that this commitment is being met:

The Kura has worked with EONZ to develop a Te Ao Maori EOTC Safety Management Project Plan (described at appendices L and A additional information of the application) that aligns with our philosophy and te ao Maori worldview. This Project seeks to ensure cultural alignment with the legislative health and safety requirements that all Kura Kaupapa Maori (as PCBU's) are bound by and is intended to focus on enhancing the safety of outdoor education experiences for Maori medium-schools, their akonga, whanau and kaiako and represents a strong commitment to our wider community and networks, that will have far reaching benefits when engaging in outdoor education activities.

The Kura therefore commits to perform the activities outlined in this application and specifically commits to the activities listed in 3.3 and at 3.4.1 and 3.5.1 of this application, that will ensure the ongoing effective management of risks to health and safety in future EOTC activities.

The Project detailed at Appendix L and Appendix A additional information 3.3 / 3.4.1 / 3.5.1 proposes to consult and work alongside lead Maori medium schools and educators to co-design a tailored EOTC Safety Management Plan SMP and Toolkit through a Te Ao Maori framework that complies with existing Health and Safety legislation but also incorporates matauranga Maori, te reo Maori and tikanga-based approaches to EOTC safety. It is an opportunity to provide culturally tailored and legally compliant EOTC safety resources.

In collaborations with key stakeholders, particularly with Te Runanga nui, the intent is to achieve systemic change through the promotion and adoption of the Te Ao Maori Toolkit and SMP across the Kura Kaupapa and Kaupapa Maori networks. We anticipate this can be done through shared resources, professional development, regular updates through our regular and annual engagements, national publication, and ensuring easily accessible resources that incorporate Maori designs and visuals, training and implementation that involve a professional development component for participating kura staff, holding hui on implementing the SMP and Toolkit into workplace and providing ongoing support and resource updates. There will also be an evaluation and improvement phase that assesses the effectiveness of the toolkit and SMP and case studies, as well as a strong dissemination and communication plan to ensure strong uptake through Te Runanga nui, the Ministry of Education and other key Maori education bodies.

The benefits of the Kura's initiative intend to be inclusive and wide reaching, to benefit and be accessible to all schools, organisations and entities who share similar or aligned values, philosophy and kaupapa and who find value in a Te Ao Maori SMP and Toolkit. This includes Kura-a-Iwi o Aotearoa, Kohanga Reo, Te Akatea, iwi and hapu organisations, bilingual and Rumaki Reo schools or units and Marae (particularly those who operate services and programmes, such as our local marae, Ruapotaka). There may also be non-Maori organisations or the mainstream education sector who find value in the resources. Wide dissemination and communication will be prioritised with the intent that the final Te Ao Maori SMP and Toolkit be publically accessible via the Kura's and EONZs websites. This would contribute to broader public and Maori community benefits.

The activities to be undertaken to support the Kura's commitments will require significant internal resourcing and investment which includes staff time, school resources, transportation, staff expenses, and training material for development and implementation.

The Kura has committed such resource and is dedicated to delivering the proposed initiatives.

3.2 A commitment by the person to disseminate information about this undertaking to workers, and other relevant parties

(this may include to work health and safety representatives and in the organisation's annual report, if applicable)

Dissemination will be achieved by doing the following:

The Kura commit to disseminating the Enforceable Undertaking to:

- The affected akonga and their whanau;
- The affected staff members;
- Kura staff and Board members;
- Kura whanau through either whanau hui or Kura panui update;
- Te Runanga nui o nga Kaupapa Maori, the government body of all Kura Kaupapa Maori of Aotearoa.
- the Ministry of Education

Dissemination will occur no later than 60 days of execution of this undertaking. Specific actions in the 60-day period include (but are not limited to):

- Meeting with all staff and Board members of the Kura to communicate the terms of the EU and the implementation of the terms over the next two years;
- Communicating to affected akonga (and their whanau) the Project at 3.4.1 and 3.5.1, the relevant timeframes, and the terms of the EU;
- Publishing on the Education Outdoor New Zealand (EONZ), a national organisation championing outdoor education and Education Outside the Classroom (EOTC) in Aotearoa, the terms of the EU and the organisations involvement in the Project at 3.4.1/ 3.5.1;
- Publishing on the Kura's website the terms of the EU, key aspects of the Project at 3.4.1/3.5.1 and the relevant timeframes;
- Communication through the Kura's newsletter the outcome of the EU process, as well as a link to the terms of the EU;
- Communication to the Ministry of Education the terms of the EU with the view to inviting them to participate in the Project when it commences;
- Communication to Te Runanga nui o nga Kura Kaupapa Maori a summary of the events, the Project at 3.4.1/3.5.1, relevant timeframes, as well as the terms of the EU with an intention to meet with Te Runanga nui to discuss the commencement and development of the Project.

Dissemination will occur by: DD / MM / YEAR

3.3 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for workers and/or work and/or the workplace

[illegible]

3.4 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for the wider industry or sector

[illegible]

3.5 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for community

ACTIVITIES	COST (\$)	TIMEFRAME
3.5.1 Develop a Te Ao Mori EOTC SMP & Toolkit for Community Benefit	30,000	24 months
Details of this activity/project are set out in APPENDIX A - Additional Information for Kura EU 3.5		
Total estimated cost of benefits for the community		
	\$ 30,000	

3.6 Where WorkSafe considers appropriate in the circumstances, undertaking a SafePlus Onsite Assessment

Further information about SafePlus can be found here: worksafe.govt.nz/about-us/who-we-are/our-priorities/safeplus/about-safeplus

- 3.6.1 The suitability of a SafePlus assessment will be determined by the Enforceable Undertakings Panel when your application is considered.
- 3.6.2 In addition to the total cost below (3.7) all costs of a SafePlus Onsite Assessment will be met by the person making this undertaking.
The fee charged for an Onsite Assessment is a commercial matter between your business and the SafePlus Accredited Assessors that you commission.

3.7 Minimum spend

(write the name of the person(s) or entity giving the undertaking)

- 3.7.1 The Board of Trustees of Te Kura Kaupapa Maori o Puau te Moananui-a-Kiwa
commits to a minimum spend of \$ 130,000 for this undertaking.

(write the name of the person(s) or entity giving the undertaking)

- 3.7.2 The Board of Trustees of Te Kura Kaupapa Maori o Puau te Moananui-a-Kiwa
agrees to spend any residual amount arising from an original term not being completed or being less costly than estimated in this undertaking.
Agreement on how to spend this residual amount will be sought from WorkSafe

(write the name of the person(s) or entity giving the undertaking)

- 3.7.3 The Board of Trustees of Te Kura Kaupapa Maori o Puau te Moananui-a-Kiwa
Acknowledges the minimum spend comprises of the:

TOTAL COST	MINIMUM SPEND
Financial amends paid to victims (if applicable)	
Benefits to workers/others	20,000
Benefits to industry	80,000
Benefits to community	30,000
Estimated cost of the undertaking Plus GST (if any)	\$ 130,000.00

4. Execution

Authorised representative of an organisation

Undertaking given by (name of authorised representative)

In my own right and in my capacity as (eg President, Chairperson, etc)

of (eg organisation name) TKKM o Puau Te Moananui-a-Kiwa

On the (day) 5th day of (month) August, 2025 (year).

Signature of the person giving the undertaking:

Undertaking given before me:

Witness name:

Witness address:

5. Acceptance

This undertaking is accepted by WorkSafe.

On the (day) 18 day of (month) August, 2025 (year).

Signature of person accepting the undertaking:

Name of WorkSafe representative: (General Manager, WorkSafe (or delegate))

Undertaking given before me:

Witness name:

Witness address:

Signature:

APPENDIX A – Additional Information for Te Kura Kaupapa Māori o Puau te Moananui a Kiwa Enforceable Undertaking

3.2 A commitment by the person to disseminate information about this undertaking to workers, and other relevant parties

The Kura commit to disseminating the Enforceable Undertaking to:

- the affected ākonga and their whānau;
- the affected staff members;
- Kura staff and Board members;
- Kura whānau through either whānau hui or Kura pānui update;
- Te Rūnanga nui o ngā Kaupapa Māori o Aotearoa, the government body of all Kura Kaupapa Māori of Aotearoa;
- the Ministry of Education.

Specific actions in the 60-day period include (but are not limited to):

- Meeting with all staff and Board members of the Kura to communicate the terms of the EU and the implementation of the terms over the next two years;
- Communicating to affected ākonga (and their whānau) the Project at 3.4.1 and 3.5.1, the relevant timeframes, and the terms of the EU;
- Publishing on the Education Outdoor New Zealand (EONZ), a national organisation championing outdoor education and Education Outside the Classroom (EOTC) in Aotearoa, the terms of the EU and the organisations involvement in the Project at 3.4.1/3.5.1;
- Publishing on the Kura's website the terms of the EU, key aspects of the Project at 3.4.1/3.5.1 and the relevant timeframes;
- Communication through the Kura's newsletter the outcome of the EU process, as well as a link to the terms of the EU; - Communication to the Ministry of Education the terms of the EU with the view to inviting them to participate in the Project when it commences;
- Communication to Te Rūnanga nui o ngā Kura Kaupapa Māori a summary of the events, the Project at 3.4.1/3.5.1, relevant timeframes, as well as the terms of the EU with an intention to meet with Te Rūnanga nui to discuss the commencement and development of the Project.

3.3 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for workers and/or work and/or the workplace

Continued from the EU Application Form at section 3.3

The activities at 3.3.1 to 3.3.5 are committed in support of and supplementary to the system wide and community focused He Ara Hou project described below at 3.4.1, as well as the further development of the Kura's existing health and safety obligations. The Kura sees itself and the Kura community as having a pivotal leadership role in the successful implementation of the He Ara Hou project. For example, a part of the He Ra Hou Project includes a piloting and refinement phase in the trialling and implementation of a newly developed Te Ao Māori EOTC SMP and toolkit including contributing to iterative improvements based on constructive feedback and user testing. The Kura believes it can take a leading role in this phase as well as providing support to other participating Kura. Activity 3.3.2 supports a review of the Kura's participation in the project and pilot phase.

The activities at 3.3.1, 3.3.2, 3.3.4 and 3.3.5 also support the Kura's leadership role in the Projects success. For example, the Project includes a training and implementation phase whereby specific tailored professional learning and development program is developed for the implementation and delivery of the Te Ao Māori EOTC SMP and toolkit. Activity 3.3.1 anticipates that specific PLD learning for staff and board members for a newly developed Te AO Māori EOTC resource is necessary to ensure clear understandings of this new resource and to support its implementation and expected outcomes, including in particular, its intended practical systemic change and sector wide impact. Activity 3.3.4 similarly recognises the specific commitment to support and provide training to the Tumuaki/Principal who plays an integral leadership role within and on behalf of the Kura. Activity 3.3.5 recognises students and ākonga participation in water activities, including those involved in the December 2023 event. It intends to be restorative and contribute to the healing process but more broadly provided to ākonga and kaiako to regain and develop their confidence in and on the water in a way that continues to uphold the principles of Te Aho Matua and tikanga practices and values in relation to the water.

Activity 3.3.3 aligns with the 3.4.1 project timeframes and will consist of a further second-year review of the Kura's overall EOTC systems and documents but also its transition towards and implementation of the Te Ao Māori EOTC SMP and toolkit.

Considered together, the activities listed at 3.3 intend to have transformative impact with the Kura contributing to the systemic and transformative objectives of the 3.4.1 Project and a restorative approach by the Kura taking a leadership role in the piloting and implementation of the Te Ao Māori EOTC SMP and toolkit resources for wider Kura and community benefit. Underpinning the Kura's participation in this Project are the principles of ea (restoration and healing) and accountability in relation to the December 2023 river float event and taking a collective and tikanga-based approach to the project. The Kura considers this approach will produce restorative and long-term benefits to the Kura workplace, staff and ākonga.

The activities to be undertaken to support the Kura's commitments will require significant internal resourcing and investment which includes staff time, school resources, transportation, staff expenses, and training material for development and implementation. The Kura has committed such resource and is dedicated to delivering the proposed initiatives.

3.4 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for the wider industry or sector

Continued from the EU Application Form at section 3.4

3.4.1 He Ara Hou – Advancing Culturally Grounded EOTC Safety for Kura Kaupapa and Kaupapa Māori: Project Rationale and Expected Outcomes

Why This Project Was Created

This project was proposed as part of an Enforceable Undertaking (EU) following a serious incident involving Education Outside the Classroom (EOTC) in a kura. The incident revealed that while generic EOTC safety systems existed, they did not fully reflect the realities, tikanga, or learning environments of kaupapa Māori education settings.

The absence of an EOTC Safety Management Plan (SMP) and toolkit tailored to the cultural and pedagogical framework of Kura Kaupapa Māori presented an opportunity for systemic change. The EU process offered a critical opportunity, not just to respond to an incident, but to build a proactive and culturally grounded solution from a te ao Māori perspective and Kaupapa Māori focused.

Led by Te Kura Kaupapa Māori o Puau te Moananui a Kiwa (The Kura) and supported by Education Outdoors New Zealand (EONZ), the project seeks to work with Te Rūnanga nui o ngā Kura Kaupapa Māori o Aotearoa and other key Māori experts and organisations to develop a Te Ao Māori EOTC SMP and Toolkit. This resource will help full immersion kura kaupapa to confidently meet their obligations under the Health and Safety at Work Act (HSWA), while aligning with Te Aho Matua, Te Marautanga o Aotearoa, and Te Tiriti o Waitangi.

Intent of the Enforceable Undertaking

The EU requires the Kura to demonstrate:

- Acknowledgement of the incident and system failures that led to it;
- A commitment to prevent recurrence through systemic improvements;
- Meaningful benefits to the wider industry, community, and workers;
- Transparent dissemination of learnings and resources.

This project directly addresses these expectations through its co-designed, wide-reaching and forward-looking approach grounded in Māori values and aspirations.

Expected Project Outcomes

1. Culturally Responsive Safety System

- A new Te Ao Māori EOTC SMP & Toolkit co-designed with Māori experts, kura, and iwi.
- Embeds mātauranga Māori, tikanga, and responsive risk assessment into EOTC practices.

2. Enhanced Staff Competency and Confidence

- Professional Learning and Development (PLD) hui for kura staff.
- Long-term support to ensure implementation and adaptation to local contexts.

3. Practical Systemic Change

- The Kura will shift from ad-hoc or borrowed EOTC practices to a system that reflects their worldview.
- The Kura will have strong engagement with key stakeholders and the community, adopting a collective approach including through knowledge and resourcing sharing;
- Clear alignment with legislative requirements and best practice standards.

4. Sector-Wide Impact

- A toolkit that is available and accessible to other kura kaupapa, bilingual units, marae-based learning programmes, and Māori-led outdoor education providers.
- Resources that mainstream schools may adapt to support kaupapa Māori learning environments.

Dissemination and Sharing of Outcomes

5. The project includes a strong communication and engagement strategy:

- Public Access: Final resources will be available on the EONZ website and/or a kura kaupapa-aligned platform.
- National Promotion: Through Te Rūnanga nui o ngā Kura Kaupapa Māori, Ngā Kura ā Iwi, Ministry of Education, Te Akatea, and EONZ channels.
- Whakawhanaungatanga: opportunities to present material at national hui, wānanga and training events to build awareness, confidence and uptake.
- Bilingual Resource Development: Plans to produce bilingual versions (Te Reo Māori and English) to support broad accessibility.
- Lessons learned: A case study of the incident will be created (as per the Melville High School example attached). This will be used to share the lessons and new developments via EONZ workshops and website as well as promoted via other relevant channels.

Summary

This EU project transforms a critical incident into an opportunity for long-term, sector-wide improvement. It addresses the root causes of the incident, advances kaupapa Māori-led safety solutions, and provides a model that benefits the broader education community. It embodies both the restorative and preventative spirit of an Enforceable Undertaking.

3.5 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for community

The Kura recognises that the Project described above at 3.4.1 offers wide community and public impact, particularly to other Kaupapa Māori and Māori-lead organisations and programmes.

The intention for community benefit is to provide options and access to culturally aligned risk and safety management resources that align with the cultural framework or vision of community organisations, particularly those who work with and support Māori ie government agencies, not-for-profit and charity organisations such as Iwi organisations. EONZ has identified an existing demand for such resources from developing hapū and Iwi and considers the project as being responsive to this need.

The Kura, with the support of EONZ, intend to widely publish the Te Ao Māori EOTC SMP and Toolkit in accordance with the dissemination strategy at 3.2 and Project Plan at 3.4.1 which includes national publication, public accessibility and community engagement.