

Department of Labour
TE TARI MAHI



**Review of risk management and safety in the adventure and
outdoor commercial sectors in New Zealand**

Terms of Reference

October 2009

Background

On 16 September 2009, the Prime Minister wrote to the Minister of Labour expressing concern about a number of incidents in the adventure and outdoor commercial sectors, including the tragic death of the young British backpacker, Emily Jordan. The Prime Minister noted public concerns about the various regulatory regimes governing these activities in New Zealand.

The Prime Minister advised the Minister of Labour that he would like the Department of Labour to lead a cross departmental group to investigate and report back on the current situation and ways of improving risk management and safety in the sector. He requested a report on the group's findings and suggestions from the Minister on any changes she considers necessary to improve risk management and safety in the sector.

Purpose

The purpose of the review is to investigate the current situation and ways of improving risk management and safety in the adventure and outdoor commercial sectors in New Zealand and to report to the Minister of Labour with suggestions for changes to improve risk management and safety in those sectors.

Scope

The following has been determined to be within or outside of the scope of the review:

In-scope:	Where an adventure or outdoor commercial service is being sold or provided; agency resources; jurisdictional issues.
Out of scope:	Activities not paid for (non-commercial) / purely recreational.

Definition

For the purposes of the review, 'adventure and outdoor commercial sectors' has been defined as meaning *all recreational-type activities offered on a fee-for-service basis that carry heightened inherent risks that must be managed.*

The review will include activities carried out indoors (such as indoor rock climbing) where those activities carry inherent risks of a similar nature to activities conducted outdoors.

While the definition may capture some activities not generally considered as 'adventure and outdoor' activities, the review will focus on the range of activities where inherent risk is most evident.

Review Structure

Governance

The Deputy Secretary Workplace, Department of Labour, will be the sponsor for the review. The Manager, Workplace Health and Safety Policy, Department of Labour, will be the responsible manager. A Senior Advisor Workplace Health and Safety Policy, Department of Labour, will be the project manager.

A steering group has been established to assist the Deputy Secretary in his role as sponsor and comprises the following internal and external members:

Name	Title	Organisation
Craig Armitage	Deputy Secretary Workplace	Department of Labour
Glen-Marie Burns	Manager – Aviation & Security Sector	Ministry of Transport
Ray Salter	General Manager	Ministry of Tourism
Graeme Harris	General Manager Personnel Licensing & Aviation Services	Civil Aviation Authority
Geoff Ensor	Advocacy Manager	Tourism Industry Association NZ
Tim Cossar	Chief Executive	Tourism Industry Association NZ
Evan Freshwater	Relationship Manager	Tourism Industry Association NZ
Catherine Taylor	Chief Executive and Director	Maritime New Zealand
Lindsay Sturt	General Manager Strategy and Communications	Maritime New Zealand
Ray Campbell	Acting Manager Public Safety/Workplace Safety	ACC
[To be confirmed]		Queenstown Lakes District Council (on behalf of Local Government New Zealand)

Project working group

A project working group has been established and comprises the following internal and external members:

Name	Title	Organisation
David Mulholland	Senior Policy Advisor	Department of Labour
Bryan Williams	Senior Advisor Operational Policy (Sector)	Department of Labour
Tim Frank	Advisor	Ministry of Transport
Mark Walter	Policy Advisor	Ministry of Tourism
Graeme Harris	General Manager Personnel Licensing & Aviation Services	Civil Aviation Authority
Liam Brennan	Strategic Advisor Safety	Maritime New Zealand
Geoff Ensor	Advocacy Manager	Tourism Industry Association NZ
Tim Cossar	Chief Executive	Tourism Industry Association NZ
Evan Freshwater	Relationship Manager	Tourism Industry Association NZ

(Project working group continued)

Name	Title	Organisation
Malcolm Francis	Team Manager Injury Prevention	ACC
Paul Chaplow	General Manager	Outdoors New Zealand
[To be confirmed]		Queenstown Lakes District Council (on behalf of Local Government New Zealand)
[To be confirmed]		Department of Conservation

External reference group

An external reference group of key stakeholders will be drawn from the sector according to the advice of the governance group.

Process

The review is being undertaken in two phases:

Phase I – Scoping and establishing the knowledge base (21 September – 18 December 2009)

Phase I of the review will include:

- Forming governance and working groups to lead and administer the review
- Forming an external reference group of key stakeholders
- Developing terms of reference that will include indicative deliverables and timing
- Developing a communications strategy
- Developing a project plan
- Developing a sector engagement plan
- Undertaking a stock-take of risk management and safety provisions in the adventure and outdoor commercial sectors in New Zealand. This will include:
 - The activities / types of activity included in the sector review
 - The number of operators in the sector
 - What regulations apply to them
 - Agency jurisdictions and any jurisdictional issues
 - Any controls for entry into the sector/starting the activities, or gaps at the front end
 - Any education of tourists and other service users
 - Whether there are any standards, guidelines (including voluntary and sector-driven guidelines), licensing regimes or registration systems that apply
 - Whether there are any auditing, monitoring, quality assurance systems that apply
 - The degree of injury reporting
 - Any data on accidents by type of activity, incident reports, serious harm and fatalities and investigations undertaken
 - Who has the authority to close an operation down and nature of that authority
 - Current work being undertaken for regulation, quality assurance, etc.

- Undertaking a stock-take of risk management and safety provisions in the adventure and outdoor commercial sectors internationally, including work underway to improve those provisions (e.g. international standards, regulations, licensing regimes)
- Undertaking consultation with reference group members
- Undertaking consultation with operators, other peak bodies and other stakeholders in the adventure and outdoor commercial sectors for their views on the current situation and ways of improving risk management and safety in the sector. This may involve questionnaires, key informant interviews, focus groups and/or calling for submissions either directly from operators and stakeholders or through their representative groups
- An initial review of findings from the stock-take of risk management and safety provisions in the adventure and outdoor commercial sectors in New Zealand and the consultation, identifying any urgent issues that need to be addressed.

Phase II – Analysis, problem definition and reporting (11 January to 31 March 2010)

Phase II of the review will include:

- Undertaking a gap analysis of risk management and safety provisions in the adventure and outdoor commercial sectors in New Zealand
- Analysis of findings from the stock-takes, gap analysis and consultation
- Problem definition
- Developing options for ways of improving risk management and safety in the sector and reporting back to the Minister of Labour with recommendations.

Indicative deliverables and timing

The responsible manager will provide regular updates to the sponsor, governance group and Minister of Labour, plus four formal reports as follows:

1. A stock-take of risk management and safety provisions in the adventure and outdoor commercial sectors in New Zealand by 18 December 2009
2. A stock-take of risk management and safety provisions in the adventure and outdoor commercial sectors internationally, including work underway to improve those provisions by 18 December 2009
3. A report on consultation by 29 January 2010
4. A final report for the Minister of Labour with options and recommendations by 31 March 2010.