



Summary of consultation responses

A contributing paper for the review of risk management and safety in the adventure and outdoor commercial sectors in New Zealand 2009/10

January 2010

Department of Labour

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1.0 EXECUTIVE SUMMARY

1.1 Background and overview of responses

To support the review of risk management and safety in the adventure and outdoor commercial sectors in New Zealand, the Department of Labour has undertaken consultation with the review's external reference group, operators, peak bodies and other stakeholders in the adventure and outdoor commercial sectors. It sought their views on the current situation and ways of improving risk management and safety.

This report summarises the responses to a consultation questionnaire. The closing date for responses was 16 December 2009. A total of 142 responses were received from a wide variety of adventure and outdoor commercial sector operators, associations, organisations and individuals. The key findings from an analysis of the responses are as follows.

What is working well?

The majority of respondents said that there is a strong health and safety culture amongst most operators. They considered that an awareness of risk management by many outdoor adventure operators has contributed to individuals and organisations being proactive about ensuring risk management practices are in place. Other key themes that emerged were:

- that the requirements of the Health and Safety Act 1992, Maritime Transport Act 1994, Maritime Rules, and Civil Aviation Act 1990 are well understood and implemented amongst commercial operators
- that compulsory written standards, codes and operating procedures being adhered to are consistent with requirements specified by the Civil Aviation Authority, Department of Conservation, and Maritime New Zealand
- many operators have individual company codes or standards they adhere to
- leadership provided by industry associations and national organisations has been beneficial in assisting operators to operate to best practice
- co-ordination between industry associations and national organisations is valued as having contributed to developing qualifications, quality assurance processes, national standards based on experience and expertise, coordination of conferences, and providing networking opportunities to share information and knowledge
- where codes of practice have been developed (e.g. rafting, mountain guiding, outdoor instructing), respondents said that there has been an increase in operators implementing good practice. Respondents said that a strength of voluntary codes of practice is that they are viewed as being more fluid and easily updated than legislation
- sector driven development is considered important as it allows for the sector to take ownership of its health and safety responsibilities.

What could be improved?

Key themes that emerged for which respondents identified that improvements could be made included:

- ensuring consistency amongst regulators in terms of their requirements of operators
- an overlap exists amongst agencies who administer regulations. This includes inconsistent rules and different compliance and monitoring requirements
- it would be better to adopt an approach focused on education and encouragement of operators to reduce risk than undertaking regulatory enforcement and investigations following an incident
- information for operators could be improved on how to meet legislative and or best practice requirements, included more targeted information provided by government agencies on regulations and interpretation of legislative requirements. This should be clear about what is a legal requirement and what is optional
- a greater commitment to learning and sharing the learning from incidents
- operational audits could be improved. Respondents said that, currently, operators and organisations are required to undertake a number of different safety audits. They commented that the audit process needs to require more than a 'paper trail' and should include a field assessment. Further development of OutdoorsMark and better utilising external outdoor safety experts for advice and regular review and audits were recommended.

Respondents had mixed views on qualifications and levels of competence. On one side, staff qualifications, quality of training and experience were considered critical to help mitigate risk. On the other side, respondents expressed concern that there are inconsistencies in the qualifications for instructors and guides, and variable standards regarding the experience and professional requirements for some activities.

Respondents noted, however, that initiatives such as the collaboration between the New Zealand Outdoors Instructors Association, Skills Active, and the New Zealand Mountain Safety Council to create a singular qualification pathway are contributing to qualifications for instructor and guide training becoming clearer, more accessible, and relevant.

Principles that underpin well-managed risk

There was strong agreement across all types of respondents that the two most important principles that underpin well managed risk in the adventure and outdoors commercial sector are:

(i) Staff with appropriate training, skills, experience, qualifications and attitude

Respondents considered that employing experienced staff with: practical experience; appropriate skills, qualifications and attitudes; good recruitment practices; and robust staff training (including refresher training) are critical to competence, judgement, motivation, and managing and mitigating risk.

(ii) Client-focused communication

Respondents considered that good communication and rapport with clients, with full disclosure of the risks so clients can make informed decisions, was essential.

The majority of responses from organisations also consistently recommended that the following core principles apply:

- Good leadership and staff culture
- Sound risk management
- Having a good regulatory framework
- Monitoring and auditing.

Other principles suggested by individual respondents consistently included:

- Good planning for risk management and safety
- Sound operating procedures that meet industry standards
- Clear and open communication between all employers, employees, organisations, practitioners, and with government bodies.

2.0 INTRODUCTION

2.1 Background to the review

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 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.

2.2 Purpose of the review

The purposes of the review are to determine whether, and in what way, it would be appropriate to make changes to the safety and risk management framework applicable to the adventure and outdoor commercial sectors in New Zealand to reduce accidents, injuries and fatalities in the sectors and to ensure that New Zealand continues to be recognised as a quality destination for international visitors.

The key objectives of the review are to investigate and report back to the Minister of Labour on the current risk management and safety systems and practices in the sectors and to identify any ways of improving risk management and safety.

2.3 Definition and scope

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. Adventure or outdoor commercial service that are sold or provided, agency resources and jurisdictional issues have been determined to be within the scope of the review. Activities not paid for (non-commercial) and that are purely recreational have been determined to be out of scope.

2.4 Purpose of the consultation

The purpose of the consultation was to provide:

- An indication of the current risk management and safety practices of the sector including:
 - which industry associations or other tourism-related bodies respondents belong to
 - what regulations apply to the operation of their businesses
 - what compulsory and additional written standards, codes, local operating procedures, licensing regimes or other documents guide the operation of their business
 - what compulsory and additional auditing/monitoring/quality assurance of the operations of their business is undertaken
 - the ways respondents specifically manage risk and safety in their business
 - what practices are in place to record and report incidents (including near misses)
 - who they report incidents to (including near misses).
- Information on what respondents think is working well and what could be improved in terms of risk management and safety
- Information on what respondents think are the six most important principles that underpin well managed risk.

3.0 METHODOLOGY

3.1 Structure and governance of project

The Department formed governance, working and reference groups for the review.

The governance (or steering) group was established to assist the Group Manager in his role as sponsor and comprises representatives from the Department of Labour, Ministry of Transport, Ministry of Tourism, Civil Aviation Authority, Tourism Industry Association New Zealand, Maritime New Zealand, Accident Compensation Corporation and Queenstown Lakes District Council (on behalf of Local Government New Zealand).

The working group was established to support the governance group and comprises members of those same departments, plus Outdoors New Zealand and Department of Conservation.

The external reference group was established so the review team could draw on the knowledge of people and organisations with relevant expertise and/or representing particular parts of the adventure and outdoor commercial sectors to provide advice to the working group on any issues affecting safety and risk management, and possible solutions. The group has 60 members and is consulted by email and through telephone conversations where expertise from particular members is sought.

3.2 Stakeholders in the review

The following people and organisational types were identified as being stakeholders in the review:

- People personally affected by incidents of serious harm or fatalities that have occurred in adventure and outdoor commercial sector activities
 - People who were injured
 - Families and friends of people who were injured or killed
 - People who witnessed a death or injury
- Owners and staff of adventure and outdoor commercial sector businesses
- Tour providers, both in New Zealand and overseas (but not operating adventure or outdoor commercial sector activities themselves)
- Organisations representing a number of adventure and outdoor commercial sector businesses
- Academic researchers studying relevant aspects of the sector
- The Tourism Industry Association of New Zealand (TIANZ) and Tourism New Zealand
- Industry training organisations and standard setting and educational bodies
- Licensing or registration bodies
- Auditing, monitoring and quality assurance bodies
- Relevant central or local government agencies
- Other relevant experts.

People who lost family members through fatalities in the sector during the last five years were invited to provide comments to the Department of Labour by 28 February 2010. These comments will be analysed separately.

3.3 Consultation process

The Department of Labour disseminated two types of questionnaire:

- One for adventure and outdoor commercial sector operators, associations and organisations.
- One for individuals such as academics and staff of adventure and outdoor commercial sector businesses.

The questionnaire was distributed to external reference group members and other stakeholders. Responses from reference group members were identified from the reference group member list, so that it was possible to identify reference group members' responses separately.

Respondents were asked to tick one or more pre-determined boxes to describe their interest in the review and to answer set questions as listed under 'Key Questions' (Appendix 1).

Interested parties were invited to respond to the questionnaire either electronically or in hard copy format. These were available on the Department's website. Responses closed on 16 December 2009. In addition, a few organisations provided supplementary information specific to their activity.

A total of 142 responses were received, from a wide variety of individuals, commercial sector operators, associations and organisations.

3.4 Method of analysis

Responses to all questions were analysed to identify main themes. These have been identified in this report. The remaining data will also be scrutinised and discussed with the working group for the review.

4.0 WHO RESPONDED

A. Responses from adventure and outdoor commercial sector operators, associations and organisations

Table 1 shows how respondents to the questionnaire for adventure and outdoor commercial sector operators, associations and organisations identified their or their business's or organisation's interest in the review.

Table 1: Commercial sector operators, associations and organisations by type of respondent

Owner/manager of an adventure or outdoor commercial sector business	80	73%
Association/organisation representing a number of AOCS ¹ businesses	15	14%
Industry training organisation, standard setting or educational body	9	8%
Auditing, monitoring or quality assurance body	0	0%
Licensing or registration body	0	0%
Central or local government agency	2	2%
Other	3	3%
Total	109	100%

Respondents who indicated 'Other' included employees (9 – 8% of respondents).

Table 2 shows the sectors that respondents to the questionnaire for adventure and outdoor commercial sector operators, associations and organisations came from. This was identified through their responses to the request for information on the adventure or outdoor commercial sector activities they or their business/organisation are involved with.

Table 2: Commercial sector operators, associations and organisations by sector

Air-based activities	28	26%
Land-based activities	33	30%
Water-based activities	21	19%
Multi-based activities	15	14%
Academic and education	3	3%
Other	9	8%
Total	109	100%

¹ Adventure and outdoor commercial sector

B. Responses from individuals

Table 3 shows how respondents to the questionnaire for individuals identified their interest in the review.

Table 3: Individual responses by type of respondent

Academic / researcher studying relevant aspects in this field	11	33%
Employee of adventure or outdoor commercial sector operator	10	30%
Other	12	36%
Total	33	100%

Respondents who indicated 'Other' included: a technical advisor to the sector; a former employee of the sector and emergency management practitioner; people working in related or connected fields (e.g. educators and harbourmasters); and people with other specific interests in the sector.

Table 4 shows the sectors that respondents to the questionnaire for individuals had an interest in. This was identified through their responses to the request for information on the adventure or outdoor commercial sector activities they had an interest in.

Table 4: Individual responses by sector of interest

Air-based activities	4	12%
Land-based activities	3	9%
Water-based activities	4	12%
Multi-based activities	13	39%
Academic and education	9	27%
Other	0	0%
Total	33	100%

5.0 ANALYSIS OF RESPONSES TO QUESTIONNAIRE FROM ADVENTURE AND OUTDOOR COMMERCIAL SECTOR OPERATORS, ASSOCIATIONS AND ORGANISATIONS

5.1 Which industry associations or other tourism-related bodies are you and/or your business a member of?

Twenty five reference group members and 62 non reference group members responded to this question. Respondents identified a total of 68 associations or tourism related bodies in response to this question. These included sector specific, regional and national associations and organisations. Table 5 (below) lists these associations or tourism related bodies.

Note that 32 respondents indicated they belonged to a Regional or District Tourism Organisation. Regional and District Tourism Organisations are responsible for marketing their destination and have been grouped together as 'Regional/District Tourism Organisation'.

Table 5: Association or other tourism-related body adventure and outdoor commercial sector operators, associations and organisations said they are affiliated with

Association or related body	Reference group members	Non reference group members	Total
Adventure Travel Trade Association	1	-	1
Ambulance New Zealand	-	1	1
ASTM International (originally the American Society of Testing and Manufacture)	1	-	1
ATV Expert Panel	1	-	1
Aviation, Travel, and Tourism Training Organisation	1	-	1
Australasian Cave and Karst Management Assoc.	1	-	1
Aviation Industry Association	12	-	12
Bus & Coach Association	3	-	3
Canterbury Chamber of Commerce	-	1	1
Canterbury Management Association	-	1	1
Christian Camping New Zealand	-	1	1
Climbing Wall Association (of America)	1	-	1
Cycle Tour Operators Association	1	-	1
Education Chamber of Commerce	-	1	1
Education Outside The Classroom	-	1	1
Green Globe	2	1	3
Heritage Culture	-	1	1
Helicopter Association	-	1	1
Hospitality Standards Institute	1	-	1
Inbound Tourism Operators Council of New Zealand	9	1	10
International Association Of Amusement Parks & Attractions	2	-	2
Institutes of Technology and Polytechnics Quality	-	1	1
'Leave NO Trace' NZ	1	-	1
Maritime New Zealand	1	-	1
Model Engineering Association of New Zealand Incorporated	-	1	1
Mount Cook and Westland Users Group	-	1	1
Multisport Association	-	1	1
New Zealand Deerstalkers Association	1	1	2
New Zealand Employers Federation	1	-	1
New Zealand Heliski Operators Group	1	-	1
New Zealand Commercial Jetboating Association	2	2	4
New Zealand Film Guild	-	1	1
New Zealand Mountain Guides Association	3	1	4
New Zealand Mountain Safety Council	-	2	2
New Zealand Outdoor Instructors Association	1	12	13
New Zealand Parachute Industry Association	-	1	1
New Zealand Qualifications Authority	-	2	2
New Zealand Rafting Association	4	6	10
New Zealand Recreation Association	1	-	1
New Zealand Safety	1	-	1

NZMIT Aviation Group	-	1	1
Outdoors Education New Zealand	-	1	1
OutdoorsMark	-	2	2
Outdoors New Zealand	3	-	3
Outward Bound International	-	1	1
Otago Southland Employers Association	3	3	6
Qualmark	13	9	22
Queenstown Chamber of Commerce	2	1	3
Queen Charlotte Track member	-	1	1
Queenstown Milford User Group	-	1	1
Pilots Association	-	1	1
Recreation Safety Engineering (RSE) Technical Interest Group (TIG) of IPENZ	1	-	1
Risk Society	-	1	1
Rotorua Sustainable Charter	2	-	2
RSPCA equine(ILPH)	1	1	2
RNAZ	-	1	1
Regional/District Tourism Organisation	15	17	32
Sea Kayak Operators Assn NZ (SKOANZ)	1	1	2
Skills Active	-	3	3
Sustainable Business Network	-	2	2
Tuhoe Tourism Federation	1	1	2
Tourism Flight Operators	-	1	1
Tourism Industry Association of New Zealand	19	17	36
Tourism New Zealand	1	1	2
White Water New Zealand	1	1	2
None	9	-	9

5.2 What regulations apply to the operation of your business?

Twenty eight reference group members and 71 non reference group members responded to this question. Respondents identified 34 legislative statutes in response to this question. These are listed in Table 6 below.

Table 6: Regulations respondents identified as applying to the operation of their businesses².

Regulations	Reference group members	Non reference group members	Total
Accident Compensation Act 2001	1	4	5
Amusement Devices Regulations 1978	2	3	5
Building Act 2001	5	4	9
Children, Young Persons And Their Families Act 1989	-	2	2
Chartered Professional Engineers Act 2002	1	-	1
Civil Aviation Act 1990 and Rule Parts	2	26	28
Conservation Act 1987	5	15	20
Consumer Guarantees Act 1993	6	1	7
Commerce Act 1986	-	2	2
Crimes Act 1961	-	2	2
Education Act 1989	-	3	3
Employment Relations Act 2000	-	3	3
Fair Trading Act 1986	2	4	6
Firearms Regulations 1974	1	-	1
Fire Safety and Evacuation of Buildings Regulations 1992	-	1	1
Food Hygiene Regulations 1974	1	3	4
Hazardous Substances and New Organisms Act 1996	-	1	1
Health and Safety in Employment Regulations 1995	3	-	3
Health and Safety in Employment Act 1992	17	27	44
HSE (Pressure Equipment, Cranes and Passenger. Ropeways) Regulations 1999	1	-	1
Holidays Act 1993	-	1	1
Land Transport Act 1998	12	9	21
Local Government Act 1974, including bylaws for - Environment Bay of Plenty - Far North District Council - Northland District Council - QLDC Waterways Navigation Safety Bylaws	7	-	7
Machinery Act 1950	1	-	1
MAF Biosecurity Act 1993	1	1	2
Marine Mammals Act 1978	2	2	4
Maritime New Zealand Rule Part 80 (Commercial jet-boating)	8	8	16
Maritime New Zealand Rule Part 91	-	1	1
Maritime New Zealand Safe Ship Management	-	1	1
Maritime Transport Act 1994	1	10	11
National Parks Act 1980	1	1	2
Privacy Act 1993	-	1	1
Resource Management Act 1991	4	1	5

² Note that some of these regulations are no longer in force but have been listed here as identified by respondents.

Sale of Liquor Act 1989	-	2	2
No response	8	1	9

A number of bodies or documents were also noted by respondents when answering this question. They have been listed in Table 7 below.

Table 7: Other “regulations” respondents identified under question 2

Other “regulations”	Reference group members	Non reference group members	Total
Board of trustees	-	1	1
Chartered Professional Engineers’ Code of Ethics	1	-	1
Harbourmasters Memoranda	1	-	1
Incorporated Society/Charitable Trust	-	1	1
Industry and Maritime New Zealand Canoe and Kayak Strategy	-	1	1
Inland Revenue	-	2	2
Mountain Safety Council guidelines	-	1	1
Royal Yachting Association (regarding training)	1	-	1
New Zealand Mountain Guides Association	-	1	1
New Zealand Outdoor Instructors Association	-	1	1
New Zealand Parachute Industry Association	1	-	1
New Zealand Playground Standards NZS5828:2004	1	-	1
New Zealand Standards and Code of Practice for Horse Trekking	1	-	1
NZOIA qualifications	-	1	1
NZQA regarding education and how we deliver training as an NZQA accredited PTE	1	-	1
Otago Southland Employers Association	1	-	1
Private contracts for land access	-	1	1
Project Adventure training courses	-	1	1
Qualmark audit	-	1	1
RAMS forms	-	1	1
Strategic plan	-	1	1
Tourist Industry Association of New Zealand	1	-	1
Treaty of Waitangi	-	1	1
TPP SOP document	-	1	1
Water Safety Council guidelines	-	1	1

5.3 What ***compulsory*** written standards, codes, local operating procedures, licensing regimes or other documents guide the operation of your business?

Twenty five reference group members and 68 non reference group members responded to this question.

The responses to this question were generally consistent with the responses to Question 2, with several respondents noting that they were meeting compulsory requirements specified by the Civil Aviation Authority (15), Department of Conservation (15), and Maritime New Zealand (14).

Twelve respondents said they had individual company codes or standards that they adhered to. Two respondents said they had no compulsory standards, codes, local operating procedures, licensing regimes or other documents that guide their business.

Table 8 lists the compulsory written standards, codes, local operating procedures, licensing regimes or other documents that respondents said guide the operation of their businesses.

Table 8: Compulsory written standards, codes, local operating procedures, licensing regimes or other documents respondents identified as guiding the operation of their businesses

Compulsory	Reference group members	Non reference group members	Total
Amusement Device Permit	1	1	2
Building Codes	1	1	2
CAA Air transport requirements - Civil Aviation Authority Part 105, soon to be Part 115, Adventure Aviation	4	11	15
Chartered Professional Engineers' Code of Ethics	4	-	4
Code of Compliance for Temporary Traffic Management	-	1	1
Code of Practice for Passenger Ropeways in New Zealand AS/NZS 5848	2	-	2
Consumer Guarantees Act	1	-	1
Company Emergency Procedures Manual	1	1	2
Company Safe Operating Plan	4	1	5
Cycling sector standards	1	1	1
Dangerous Goods Storage	-	1	1
Department of Conservation concessionaire	3	15	18
Disclosure forms	-	1	1
Emergency Procedure Plans	-	1	1
Employment Contracts Act	1	1	2
Environment Bay Of Plenty – Bylaws	2	-	2
Education Outside The Classroom Guidelines	-	3	3
Fire Safety	-	1	1
Food Hygiene Certificate	1	-	1
Forestry Company License Agreement	-	1	1

General Managers Certificate	1	-	1
Hazardous Substances Act – Fuel Storage and Transportation Rules	1	-	1
Health	-	1	1
Health and Safety in Employment Act	2	6	8
Individual company codes or standards	5	12	17
Land Transport requirements and Licensed Passenger Service operations	3	2	5
Liquor licence	2	2	4
Local Authority Operating Licence	-	4	4
Marine Mammal Protection Act	-	1	1
Maritime New Zealand – Certificate/Code of Compliance	4	2	6
Maritime New Zealand – Rule Part 80 (Commercial Jet-boating)	6	2	8
New Zealand Parachute Industry Association Certification and Quality Assurance Manual	1	1	2
NZQA regarding education and how we deliver training as an NZQA accredited PTE	1	1	2
New Zealand Standards and Code of practice for horse trekking	1	-	1
NZTA Transport Licence	1	-	1
Occupational Safety and Health manual	1	-	1
OutdoorsMark	-	1	1
Outward Bound International minimum standards and safety audit	-	1	1
Passenger Service Licence	1	-	1
Qualmark	-	1	1
QLDC Beach License	-	1	1
QLDC FA	-	1	1
QLDC - Waterway regulations	-	1	1
QLDC - Conditions of Consent	1	1	2
Rafting Association Procedures	-	1	1
RAMS forms	-	1	1
Resource Management Act	1	2	3
Royal Yachting Association (regarding training)	1	-	1
Standard Operating Procedures	-	7	7
Safe Ship Management Vessel survey certificates	1	-	1
St Johns first aid certificates	1	-	1
TIA Sector Standards	-	1	1
Whangarei District Council Resource and Building Consent	-	1	1
Not answered	11	5	16
None	-	2	2

5.4 What ***additional*** written standards, guidelines, codes or other documents guide the operation of your business?

Twenty six reference group members and 62 non reference group members responded to this question.

The majority of respondents (44) recorded that they had an individual company safe-operating plan or company procedures in place. The next most identified written standards, guidelines, codes or other documents that guided the operations of respondents' businesses were council bylaws (32) followed by Qualmark (17), the Ministry of Education's *Education Outside the Classroom* guidelines (8) and the Sea Kayak Operators Association New Zealand guidelines (7).

Three respondents said they had no additional written standards, guidelines, codes or other documents that guide the operation of their business.

Table 9 (below) lists the additional written standards, guidelines, codes or other documents that respondents identified as guiding the operation of their businesses.

Table 9: Additional written standards, guidelines, codes or other documents that respondents identified as guiding the operation of their businesses

Additional written standards, guidelines, codes or other documents	Reference group members	Non reference group members	Total
ACC guidelines	1	-	1
ACC Workplace Safety Management Practices	1	-	1
ACCT Ropes Course Standards	-	1	1
Approved Code of Practice for Load-Lifting Rigging – OSH revised 2001	-	1	1
Artificial Climbing Structures – Part 1: Safety requirements and test methods for ACS with protection	1	-	1
ASTM F1159 standard on emerging attractions	1	-	1
ATV Industry Code of Practice	1	-	1
Child Youth and Family Standards for Approval for OSCAR Providers (in relation to holiday programmes and holiday camps for children aged 5-13)	-	1	1
Civil Aviation Certificate No AOC 12957	-	1	1
Civil Aviation Approved Operation Manual	-	6	6
Code of Ethics	-	1	1
Code of Practice for Flying Foxes in New Zealand – ACC 1994	-	1	1
Code of Safe Operation for Plastic Spheres V4 – Zorb	1	-	1
Company Safe Operating Plan/Company procedures	13	31	44
Communications Plan	-	1	1
Construction: Standard BS EN 12572: 2007	1	-	1
Council Bylaws (e.g. noise abatement)	-	31	31
Crew Handbook	1	-	1
Crew Welfare Committee and Guidelines	1	-	1

Crisis Management Plans	2	-	2
Dangerous Goods Standards	-	1	1
Department of Conservation guidelines	1	3	4
District Plans	1	-	1
Emergency Response Plan	1	1	2
EOTC Guidelines – Ministry of Education (2009)	1	7	8
European Standard Sport and Recreation Facilities – Ropes Course EN 15567 December 2007	-	1	1
Fall Arrest Systems – AS/NZS 4488 parts 1 to 4 – 1995/2000	-	1	1
First Aid	-	2	2
Guidelines for Prevention of Falls – OSH April 2000	-	1	1
Greenglobe	-	1	1
Hawkes Bay Regional Guidelines	-	1	1
Health and Safety Committee	1	-	1
Health and Safety Manual	2	1	3
Individual Employment Agreements	1	-	1
Industrial Ropes Access – AS/NZS 4488 parts 1 and 2 1997	-	1	1
Investigating incidents	-	1	1
IPENZ membership Rules and Regulations	1	-	1
I-site membership requirements	-	1	1
Local Air Users Group operator handbook	1	-	1
Maritime New Zealand Canoeing and Kayaking Safety Strategy 2009 - 2014	-	2	2
Maritime New Zealand Guidelines	1	3	4
Ministry of Youth Development – Youth Strategy Aotearoa	-	1	1
Model Engineering Societies of New Zealand (MEANZ) Guidelines for passenger carrying miniature railways, MEANZ safety audit guidelines and Australian Miniature Boiler Standards Code	-	1	1
Mountain Safety Council Technical Advisory Committee	1	-	1
National Park Management Plans	1	-	1
New Zealand Food Safety Guidelines	-	1	1
New Zealand Management Systems in Aviation	-	1	1
New Zealand Mountain Guides Association Guidelines	2	-	2
New Zealand Mountain Guides Association Guidelines – Hard Ice Guide Standards and Qualification	1	1	2
New Zealand Mountain Safety Council	-	3	3
New Zealand Outdoor Instructors Association Awards Training	1	4	5
New Zealand Parachute Industry Association approval system/Code of Ethics	-	1	1
New Zealand Rafting Association Guidelines and River Rescue Standards and Qualification	2	1	3
New Zealand Qualifications Authority	1	-	1
New Zealand YMCA Outdoor Code of Practice	-	1	1
New Zealand YMCA Quality Management Practices for Education Programmes	-	1	1

New Zealand Youth Workers Code of Ethics (2009)	-	1	1
Noise	-	1	1
NZAAA accreditation	-	1	1
NZAC Code of Conduct for Climbers	-	1	1
New Zealand Ski Instructors Alliance	-	1	1
NZWBA guidelines	-	1	1
OutdoorsMark – outdoor safety external auditing	-	5	5
Outdoors New Zealand - Outdoor Activity Guidelines for Leaders (2009)	-	3	3
Operations Manuals	1	-	1
OSH Guidelines	2	-	2
Position Descriptions	2	-	2
Project Adventure Ropes Course Audit	-	1	1
Qualmark	9	8	17
Safe Ship Management Policy	1	-	1
Sea Kayak Operators Association New Zealand Code of Practice/Guidelines	1	6	7
Skills Active	1	2	3
Subcontractors and Approved Suppliers Register	1	-	1
Sustainable Business Programme plans and board policies and directives	1	-	1
TIA Industry standards	-	3	3
Training Manuals	2	-	2
Tourism Charters	2	1	3
Whitewater New Zealand Code of Practice	-	1	1
Not answered	10	11	21
None	-	3	3

5.5 What compulsory auditing/monitoring/quality assurance of the operations of your business is undertaken? (If any, please also tell us who undertakes the auditing/monitoring/quality assurance and how often)

Twenty eight reference group members and 64 non reference group members responded to this question.

Twelve respondents to this question noted that they conduct their own internal company checks or quality assurance checks. Seven said that no compulsory auditing standards apply to their business. Table 10 (below) lists the compulsory auditing / monitoring / quality assurance respondents identified as being undertaken by their businesses and the auditor who undertakes it.

Table 10: Compulsory auditing/monitoring/quality assurance respondents identified as being undertaken by their businesses and the auditor who undertakes it

Compulsory auditing/monitoring/quality assurance	Auditor	Reference group members	Non reference group members	Total
ACC WSMP Programme Audits	ACC	1	1	2
Agriculture and Fisheries inspection	ILPH	-	1	1
ATV Amusement Device Annual Licence	Professional Engineer	1	-	1
Audit New Zealand – annual check		-	1	1
Aerial Ropeways Audit		1	-	1
Building Warrant of Fitness		1	1	2
Civil Aviation Audit	CAA approved auditor	2	24	26
Compliance with Approved Code of Practice for Passenger Ropeways in New Zealand	Indespect	-	1	1
Construction	Registered Engineer	1	-	1
CYF OSCAR approval		-	1	1
Department of Conservation Concession audited safety plan	Register of Safety Auditors	5	10	15
	Meyer Consulting	2	-	2
Department of Labour Amusement Devices Regulations Registration, (Independent Safety Audit bi-annual)	Bureau Veritas	2	-	2
Education Review Office, every 3 years	Education Review Office	-	2	2
Design Verification and Engineer Audit	ACENZ Civil and Structural Engineer	1	-	1
Engineering formal assessment of competence as required under the CPENG Act		1	-	1
Environment Bay of Plenty annual audit	Environment Bay of Plenty Field Officer	1	-	1
Fire Safety		1	1	2
First Aid Certificate biannually		1	3	4
Fixed Asset Check		-	1	1
Gas storage – annually		-	1	1

Hazardous Substances and New Organisms Audit		-	2	2
Health and Safety Manual annual audit	Safety First Otago	-	1	1
Health and Safety Plan, Department of Labour compliance	Peak Safety	1	-	1
Internal Company check/quality assurance		2	10	12
Institutes of Technology and Polytechnics Quality		-	1	1
Kaikoura District Council Food and Hygiene, annual		-	1	1
Lifts inspection certification		-	1	1
Maritime New Zealand Safety Audits	Maritime New Zealand Authorised Person	6	8	14
Ministry of Education EOTC 4 x yearly		-	1	1
New Zealand Mountain Safety Council	New Zealand Mountain Safety Council	1	1	2
New Zealand Outdoor Instructors Association qualifications revalidation process	New Zealand Outdoor Instructors Association	1	-	1
New Zealand Parachute Industry Association quarterly audits	New Zealand Parachute Association	-	1	1
New Zealand Transport Agency inspections and monitoring – six monthly	New Zealand Transport Agency	4	1	5
New Zealand Transport Agency Transport Operator System	New Zealand Transport Agency	1	-	1
New Zealand Qualifications (delivery of outdoor qualifications)	Whitireia Polytechnic	1	-	1
New Zealand Association fro Impact Assessment		1	-	1
OutdoorsMark, 1-3 year internal and external audit	Outdoors-Mark	1	1	2
Outward Bound International		-	1	1
Retiring of Equipment		-	1	1
RYA training centres annual audit	CBES	1	-	1
Qualmark annual check	Qualmark assessor	2	8	10
Qualmark two yearly check	Qualmark	1	-	1

Otago Regional Council inspections and monitoring		1	-	1
Overall Safety audit	Industrial Rope Access New Zealand	1	-	1
Queenstown Lakes District Council Amusement Devices permit (Structural Engineering) annual	GDM Consulting	2	-	2
Queenstown Lakes District Council inspections and monitoring	Queenstown Lakes District Council	1	1	2
Resource Management Act (occasional but can be annual)	Queenstown Lakes District Council	1	1	2
Security Systems (annual)		-	1	1
Skills Active		-	2	2
Tandem Master proficiency check, annually and external audit by New Zealand Parachute Industry Association biannually or at a frequency determined by the NZPIA	New Zealand Parachute Industry Association	1	-	1
Tasman District Council Annual License		-	1	1
Transit		-	1	1
Tree Health	Registered Forestry Consultant	1	-	1
TVNZ annual audit		-	1	1
No response		11	6	17
None		3	4	7

5.6 What ***additional*** auditing/monitoring/quality assurance of the operations of your business is undertaken?

Twenty eight reference group members and 66 non reference group members responded to this question. Of the responses from reference group members, 21 mentioned other external or independent auditing, monitoring or quality assurance processes. These included: sustainable business programmes or charter audits (4 respondents); ROSA (Register of Outdoor Safety Auditors) (3 respondents); and OutdoorsMark, ACC, WSP and Green Globe certification (2 respondents each).

Many respondents described processes for gathering feedback from clients about their operations and holding meetings with their staff and governing boards to discuss the findings of their internal processes.

Respondents also mentioned internal processes used for auditing, monitoring and quality assurance. Internal processes included internal desk top practise of emergency procedures, vehicle logs, and 6 monthly reviews.

One operation involved with heli-skiing felt there was no scheme available that would have the skills and knowledge to audit their operation.

Table 11 (below) lists additional auditing/monitoring/quality assurance that respondents said was being undertaken on the operations of their businesses.

Table 11: Additional auditing/monitoring/quality assurance being undertaken

Additional Auditing/Monitoring/Quality Assurance	Reference group members	Non reference group members	Total
Internal auditing	15	37	52
Qualmark audits or assessments	13	7	20
New Zealand Mountain Guiding Association assessment of operations/guides	3	-	3
Mystery shopper programme or recommending 'mystery shopping' to get feedback on practice.	2	1	3
Sustainable business programme or charter audit	4	1	5
ROSA	3	-	3
OutdoorsMark	2	2	4
ACC	2	2	4
WSP	2	-	2
Green Globe Certification	2	1	3
Maritime New Zealand	-	1	1
Aviation audit/inspection requirements	-	12	12
Other (included CYF, Enviro audit)	-	2	2

5.7 Please list the ways you specifically manage risk and safety in your business? Why do you do it like that?

Twenty six reference group members and 67 non reference group organisations responded to this question. The key ways of specifically managing risk and safety were:

Staff training (operator and instructor training), assessment and ongoing refresher training

Respondents noted the importance of:

- Staff and management being actively involved in risk assessment
- Staff training that included: being clear about what is expected of employees; clarifying what is an acceptable level of risk; establishing familiarity with the environment; and confidence through structured training and mentoring
- Employing qualified staff
- Ensuring staff have the knowledge and experience to deal with changing operating conditions and can make decisions
- Professional development, including the sharing of ideas.

Having a customer/client focus

Respondents noted the importance of:

- Communication with clients, including clarifying expectations and the outcomes that the client wants
- Making an assessment of the client's level of fitness
- Encouraging clients to make self assessments about what is suitable for them.

Identifying hazards and eliminating or managing them

Respondents noted the importance of:

- Hazard management, including identification of hazards that may occur with activities and reporting and reviewing near misses, incidents and accidents
- Control of hazards to eliminate, isolate and then minimise the likelihood of harm
- Ensuring any learning points are picked up and incorporated into operating procedures.

Having good communications systems

Respondents noted the importance of providing easy means of communication such as radio and satellite phone (locator beacons) for guides in the field so that they can call for assistance or relay messages to other guides en route about conditions or any unusual hazards.

Maintenance of equipment

Respondents noted the importance of making sure equipment (including vehicles) is well maintained and that there are timetabled external equipment checks.

Internal and external auditing

Respondents noted the importance of quality assurance practices.

A number of the respondents from the aviation sector noted that they follow procedures and practices specific to their sector e.g. industry procedures for helicopter safety, and qualifications and standards for tandem masters and freefall parachutists.

5.8 What practices do you have in place to record and report incidents (including near misses)?

Twenty eight reference group members and 64 non reference group members responded to this question. Internal recording and reporting processes were the most commonly reported. These practices included accident and incident report sheets that are circulated to staff, accident reporting books or log books, daily trip forms, health and safety notice boards in staff rooms, fortnightly staff newsletters, internal memos, ranking of incidents recorded, on-site safety meetings, and staff meetings to debrief staff.

Table 12 lists practices which respondents said they have in place to record and report incidents (including near misses). Internal recording and reporting processes have been grouped.

Table 12: Practices in place to record and report incidents

Practices in place to record and report incidents	Reference group members	Non reference group members	Total
Internal recording and reporting	21	31	52
Civil Aviation Authority mandatory reporting	-	18	18
Maritime New Zealand accident and incident reports (jet boat incident reporting, kayak incident reporting, forms)	3	9	12
National Incident Database, Mountain Safety Council	3	4	7
Department of Labour	2	1	3
Outdoors New Zealand National Register	1	-	1
Reporting to the Harbourmaster	-	1	1
Association	-	1	1

5.9 Who do you report incidents to (including near misses)?

Twenty seven reference group members and 66 non reference group members responded to this question. The most common form of incident reporting identified is through internal processes. This included reporting incidents to guides, senior guides, or operations managers and company management or board executives. The next most common form of reporting was to the three main regulatory agencies: Department of Labour, Maritime New Zealand, and the Civil Aviation Authority.

Eight respondents mentioned they recorded incidents to the National Incident Database (NID), maintained by the Mountain Safety Council. This is an online incident recording system used to monitor incidents across the sector. It provides case studies and discusses lessons learned from incidents. Information from the NID is used to analyse trends and identify areas for either further research or specific action. Table 13 (below) lists the organisations respondents said they reported incidents to (including near misses).

Table 13: Who accidents are reported to (including near misses)

Who accidents reported to	Reference group members	Non reference group members	Total
Department of Labour	12	15	27
Maritime New Zealand	9	11	20
Civil Aviation Authority	1	14	15
National Incident Database, New Zealand Mountain Safety Council	1	7	8
Local harbour master	2	4	6
Governing association	3	1	4
Police	2	2	4
Department of Conservation	1	1	2
Local authority	2	-	2
Overseas authority	-	2	2
Accident Compensation Corporation	-	1	1
Internal reporting process	16	32	48

5.10 What is working well in terms of risk management and safety in the adventure and outdoor commercial sector activities you, your business or organisation is directly involved in?

Thirty six reference group members and 67 non reference group members responded to this question. Key themes that emerged were:

- **Coordination between industry associations and national organisations**
Comments noted the leadership provided by industry associations and national organisations in assisting the sector to operate to best practice. This included their work in developing standards, best practice guidance, qualifications, quality assurance systems, and providing networking opportunities to share information and knowledge.
- **Conferences**
These were identified as bringing the sector together and allowing networking and sharing of knowledge and initiatives between providers, trainers and standard setting bodies.
- **Networking**
Comments included the importance of ensuring this occurs through association members and amongst operators.
- **Standards and auditing processes**
Examples of standards that respondents felt were working well included:
 - the OutdoorsMark outdoor safety audit tool, with one respondents noting “the fact that OutdoorsMark has been developed by the sector and by people who understand the outdoors and the New Zealand culture makes it far more effective as a tool to enable safe management and practice (as opposed to compliance enforcement by a statutory authority)” [57]
 - ROSA auditing
 - Qualmark endorsement. This was considered by some respondents to provide a cost effective means of audit and standards to meet each year. However, a few respondents expressed concern that the Qualmark endorsement was a paper exercise and not necessarily a measurement of meeting good safety practice
 - The Code of Practice for Passenger Ropeways
 - The Ski Area Management Safety Strategy (SAMSS)
 - Avalanche.net.nz - a website established for avalanche information available to the general public and updated by operators during the winter months
 - The Canoe and Kayak Strategy
 - CTONZ Website & Membership Standards
 - Guide Standards - first aid & cycle mechanics
 - The Protocol with the Bus & Coach Association
 - The Protocol with the Road Transport Forum NZ
 - Adherence to Mountain Bikers Off Road Code
 - Promotion of high visibility "be safe, be seen" & "share the road" philosophies on road cycle tours
 - ACC's Drowning Prevention Strategy

- Maritime New Zealand's Canoe and Kayak Strategy
 - Outdoors New Zealand's *Activity Guidelines for Leaders*
 - The New Zealand Mountain Guides Association standards and assessment courses for guides.
- **Collaborative qualification development**
 Respondents noted that qualifications are becoming clearer, more accessible and more relevant. Several also noted that the collaboration between the New Zealand Outdoor Instructors Association, Skills Active, and the New Zealand Mountain Safety Council to create a single qualification pathway for leaders and instructors has helped with clearing the confusion regarding what are appropriate qualifications.
- **Reporting of accident and incident data**
 Respondents noted that:
 - the way accident and incident data is analysed and benchmarked has allowed operators to improve safety practices. Specific examples mentioned included the National Incident Database and the Drowning Database.
 - sharing of accident/incident reports and forms within and between companies was also considered to be working well to allow staff to learn from incidents and prevent repetition.
- **Sector relationships with government agencies**
 Respondents identified some specific examples of where they considered the relationship between the sector and government agencies is working well. These included:
 - The relationship between Skills Active, New Zealand Rafting Association and Maritime New Zealand in assisting the rafting industry meet a common minimum standard of raft guide equipment and operating standards
 - The Department of Conservation concession process which allows contractors, such as those working for ROSA, to audit documentation of a business and provide advice
 - Regular updates from the Department of Conservation relating to track conditions and new hazards, and
 - The sector's relationship and liaison with the Department of Labour and auditors.
- **Understanding and acceptance of responsibility for managing risk and safety**
 Some respondents noted that generally most organisations understand and accept their responsibilities for managing risk and safety. They said that many organisations have extensive experience in managing risk in their own activity / environment, but need some advice and support to fully meet legislative and/or best practice requirements. Some respondents noted that safety planning is coordinated both at an industry and at an operator level, with most organisations understanding and accepting their responsibilities for managing risk and safety.

5.11 What could be improved in terms of risk management and safety in the adventure and outdoor commercial sector activities you, your business or organisation is directly involved in?

Thirty six reference group members and 67 non reference group members responded to this question. Key themes that emerged were:

- **Measures of competence and industry standards**

Respondents noted that:

- industry sectors and organisations could provide more clarity regarding relevant industry standards, especially activity operating practices, and standards for guide/leader/instructor qualifications
- there is a need to clearly differentiate between operators that meet industry expected standards and those that do not
- any system that differentiates between the risk management capability of the outdoor provider should be based on: operating procedures; qualifications; staff experience and training; quality of equipment; and auditing systems used
- different training organisations provide different courses which can result in new staff to the workplace doing the same job differently (e.g. one guide will make decisions in the field differently to another about safety risks, use different methods, depending on training, and safety decisions).

The Auckland City Council's food grading system was suggested as a model for consideration for the sector with the respondent proposing that the result would give an outdoor activity provider a safety rating that could be then communicated externally.

One respondent who supported a regulatory framework noted that it would create a level playing field for operators. They noted: "Currently good operators incur considerable costs to comply with the voluntary standards of qualifications and auditing that have been established. Their competitors gain financial advantage... by not doing so" [106].

- **Operational audits**

Several respondents commented that operational audits could be improved. There are a number of both voluntary and compulsory safety audits that are required by organisations. A number of respondents commented that the audit process needs to require more than a 'paper trail' or systems, and should include a field assessment.

- **Legislative requirements**

Respondents noted that:

- organisations' understanding of how to meet legislative and or best practice requirements could be improved
- the Health and Safety in Employment Act 1992 obligations are not a good fit with the types of outdoor activities being considered in this review, and that there is variable understanding and interpretation of the Act

- there is some confusion in the regulatory framework, particularly where adventure operators require consents to operate. For example, while operators who require concessions to operate in the Department of Conservation estate are generally obliged to produce audited health and safety plans, many local authorities do not require this.
- **Learning from incidents**
Some respondents noted there could be a greater commitment to learning and sharing the learning from incidents.

5.12 Do you have any comments about the strengths and weaknesses of risk management and safety in the adventure and outdoor commercial sectors in New Zealand?

Thirty six reference group members and 57 non reference group members responded to this question. Key themes that emerged were:

Strengths

- **Leadership and best practice in risk management and safety**
Several respondents commented that more operators are taking a pro-active approach towards safety management with a commitment to a genuine safety culture in most companies

One respondent noted:

New Zealand's outdoor instruction community is highly regarded internationally. Our practitioners are renowned for being able to assess and manage real risk quickly and effectively. Our training pathways promote the ability to recognise real risk, manage it appropriately and perhaps most importantly, take responsibility for those actions and decisions [102].

- **Voluntary codes of practice and training pathways**
Some respondents considered that industry-led codes of practice have helped contribute to improved standards. Strengths of voluntary code of practices were noted as:
 - more fluid and easily updated than legislation
 - being sector-driven as they are an important part of the development process and for taking ownership by the sector
 - for the rafting sector, recognition by Maritime New Zealand has allowed the sector to self regulate and establish industry associations for things like river sledging.

One respondent suggested that for those activities that have no best practice guidelines e.g. bridge swinging and canyoning, improvements could occur by creating a "forum to bring together companies running the 'fringe' activities to create best practice guidelines" [104].

- **Qualifications**
There was a mixed response to the development and number of qualifications available for adventure tourism/outdoor pursuit activities. One respondent

noted: “the process of exposing students who are in training to deal with risk, to progressively more risk, is educationally and experientially sound. The end results of the process are competent, experienced managers of outdoor risk” [102].

Weaknesses

- **Resource issues**

Several respondents commented on meeting compliance costs. Other business costs were noted, including first aid courses for all staff, ACC compliance costs, fees, subscriptions and licences. One respondent commented that “Commercial considerations can sometimes over-ride sound risk and safety management, resulting in poor decision making in safety related issues and ultimately unsafe operations” [96].

Business constraints noted included the small size of some businesses. This was seen as a limitation as those businesses lack the resources to improve. Additionally, it was noted that an activity business could be started by enthusiasts who were experienced but sold to a new owner who has no idea of inherent risk.

Some respondents noted that organisations are ‘stretched’ for resources with one respondent commenting:

Organisations such as the New Zealand Mount Safety Council are so under-funded that good programmes for the benefit of all cannot be sustained or achieve economies of scale as these programmes live hand to mouth. In general funding seems to be adequate for [search and rescue] (bottom of cliff) but not for prevention (top of cliff). Areas that could use funding include education, public information, research and industry support [99].

- **Qualifications**

There was mixed response from respondents on the clarity of qualifications to suit some sectors, and operators. One respondent noted “Staff can now get a qualification ahead of knowledge and experience” [74]. Another noted “as an operator I would not like to see a qualification made compulsory, as this would just add another cost and layer of red tape to the already difficult task of finding suitable staff” [100].

One respondent considered that:

Consumers should no more need to ask if an outdoor instructor or guide is suitably qualified and operating under an appropriate safety management system, than to ask an Air New Zealand pilot the same.... The public should not need to verify that an operator is qualified and working to recognised national standards; indeed they do not have the knowledge and skills to do so [106].

- **Constraints of existing legislation and regulations**

Some respondents noted there are constraints with existing legislation, including the difficulty of enforcement, and consistency by regulators to achieve best practice. For example:

The Health and Safety in Employment Act, which underpins much of the conduct of operators, is complex and poorly understood by many operators. As the name suggests, it is employment focused and does not signal the need to include customers in the processes which the legislation requires. It is punitive in nature and does not recognize positive outcomes for those who do a good job. It encourages operators to tick the boxes and hope they don't get caught out. It is largely internally driven and does not provide for external audit or checking of processes. A change to a reward-based system would encourage better compliance (and understanding) and a compulsory external audit (e.g. WSMP) would ensure greater accuracy and transparency [96].

Another respondent commented that "Operators need to feel that regulators are there to help them rather than being frightened of them" [83].

- **Client understanding of risk**

Several respondents commented on clients' understanding of risk and expectations, and level of responsibility. One respondent noted "Most clients see it as a nuisance if they are briefed about risks, and don't pay enough attention" [97]. Another respondent suggested "it could be worthwhile for you to also survey the expectations of outdoor adventure clients and their awareness of potential risks".

A few respondents commented on how the Qualmark assessment can be misleading to prospective customers as an indication that operator or business has met risk, and health and safety standards.

- **Recording and reporting of incidents**

A few respondents raised concerns with the lack of recording and reporting of incidents due to fear of prosecution or losing a competitive advantage.

- **More proactive work by regulatory agencies**

A few respondents commented that regulatory agencies such as the Department of Labour and Maritime New Zealand could be more proactive in pursuing ways to improve risk management in the sector, rather than just responding when incidents have occurred (e.g. by attending and participating in industry events and relevant meetings, and assisting smaller operators and segments with substandard management of health and safety).

5.13 Please list (with bullet points) the six most important principles you believe underpin well managed risk in the adventure and outdoor commercial sectors.

Thirty six reference group members and 67 non reference group members responded to this question. Respondents provided a broad range of principles that they considered underpin well managed risk in the adventure and outdoor commercial sectors. The six most referred to by commercial sector operators, associations and organisations were:

- **Employing staff with appropriate training, skills, experience, qualifications and attitude**
Employing experienced staff, having good recruitment practices, robust training of staff and instructors, including refresher training are critical to competence, judgement, motivation, and managing risk in the field.
- **Good leadership and staff culture**
Leadership by senior managers, and an organisational culture and practice that is committed to safety at all levels, with clear roles and responsibilities and reporting processes.
- **Sound risk management**
This includes understanding risk, having risk management processes and procedures in place to identify and mitigate risks, and informed decision making.
- **Client focused communication**
Good communication and rapport with clients, clients being well briefed, clients knowing and understanding what to expect, and being aware of safety expectations.
- **Having a good regulatory framework**
This includes appropriate regulation of activities and a good relationship between regulators and operators to ensure safety and compliance and enforcement by regulatory authorities.
- **Monitoring and auditing**
Internal and external assessment, and regular reviews of training effectiveness, operational procedures and emergency procedures to improve risk management.

Other principles included having good: accident/incident reporting; equipment; hazard identification; industry-based codes of practice; national standards; collaboration between operators and agencies; emergency procedures; standard operating procedures; understanding of weather conditions; communications; regular safety reviews; first aid skills and equipment; and ongoing research and development.

6.0 ANALYSIS OF RESPONSE TO QUESTIONNAIRE FOR INDIVIDUALS

6.1. What is working well in terms of risk management and safety in the adventure and outdoor commercial sectors in New Zealand?

All reference group members and 29 non reference group members responded to this question. Key themes that emerged included:

- **Industry awareness of inherent risk and 'industry best practice'**

Several respondents noted the awareness in the industry of the risks in adventure activities in the outdoors, and that there is a wider acceptance among stakeholder groups of the need for risk management. They considered this to have contributed to individuals and organisations being proactive about ensuring that sound risk management procedures are in place.

One respondent noted there is a slowly increasing awareness and understanding of what constitutes 'industry best practice' and operators/guides are working to 'best practice' even if they do not necessarily endorse them or are qualified [21].

Another noted that part of the pressure to meet good practice was due to "an increasing level of pressure on operators to survive and remain competitive" [14].

- **Organisations that help support outdoor/adventure based centres and operators**

Several respondents noted the support of industry associations. They viewed associations as providing a neutral, non-competitive arena for sharing information, e.g. best practice and risk management strategies.

- **Responsible employers and operators**

A number of respondents noted that most employers and operators are considered responsible and take appropriate measures to ensure clients' safety, including how they approach clients, management of the equipment they use, and how they manage the activities.

One respondent noted "it is rare to find a 'loose cannon' of the type that used to be around 20-30 years ago" [12]. Another noted the culture within the industry has a positive and pro-active approach.

- **Training and qualifications**

A number of respondents noted that qualifications and experience are valued, and that the New Zealand guides and instructors are highly skilled practitioners especially compared with other countries.

However, one respondent noted that while in certain fields there are excellent qualification standards, whether these carry over to the actual operation is debatable, especially when field standards and requirements are not as well defined or required. They noted that plenty of examples exist where staff qualifications, training and practices are of a "less than desirable 'standard'" and

suggested the Safe Ship Management Practices that are required by commercial water operations involving vessels could provide a model for adventure tourism operators [31].

- **Regulatory rules and policies**

Some respondents noted that the general regulatory rules and policies are well established and understood by most commercial operators.

6.2. What could be improved in terms of risk management and safety in the adventure and outdoor commercial sectors in New Zealand?

All four individual reference group members and 29 non reference group members responded to this question. Key themes that emerged included:

- **Collaboration and sharing**

Respondents noted that:

- that there could be better collaboration and sharing of experience, information, resources, and lessons learnt between companies that work in the same sectors
- too often the companies operate in a silo, not distributing the critical information that is revealed post accident or near miss
- although there is a genuine momentum for groups to collaborate and provide a unified and robust structure around training and assessments, there has been some fragmentation historically which has seen many organisations looking after their specific groups
- there could be greater consolidation of organisations so safety organisations are not competing for the same funding.

- **The quality and availability of training for commercial operators and trainers**

Key issues that emerged from the responses in relation to this theme noted:

- staff qualifications, experience and training are critical to help mitigate a certain degree of inherent risk involved in the activities - "poorly qualified and trained staff do not recognise potential problem situations emerging and so unlike true professionals they carry on and then when trouble strikes they often do not have the skills or training to cope....there is NO substitute of excellent staff" [31]
- it is too easy for certain businesses to operate without going through competency models, particularly when a business is sold and the new operator does not have the same or even a similar skill set
- at a minimum, the Qualmark licence should be an expectation for businesses, with the initial assessment being more rigorous
- an experience rating from ACC could be used as a tool to recognise businesses with strong safety practices as an incentive for operators

- **Understanding of context and environmental factors**

Five respondents considered that there should be more focus by operators on establishing "context" and operators understanding the environment (human and physical).

Suggestions for having a better understanding of weather knowledge included standardisation of plain language weather forecasts, national use of New Zealand standard time, and recommendations on the best weather warning web sites.

One respondent proposed that seismic hazards (i.e. earthquakes) should be included in safety guidelines for all adventure recreation areas and outdoor activities. They felt that this is particularly important for managing the risks associated with seismically induced geomorphic hazards (i.e. avalanche, landslides, and loss of critical lifelines) for Alpine Ski Areas.

- **Regulations and central government leadership**

Key themes and ideas that emerged from the responses related to this theme included:

- that a key area for improvement relates to the overlap in the regulations and regulatory bodies who administer regulations
- the Department of Labour could take a more active role in supporting the industry by assisting organisations meet Qualmark or OutdoorsMark standards, instead of an enforcement role
- if the Department of Labour investigation process was more encouraging of extracting learning and less focused on attributing blame, organisations and individuals and the industry in general would be far more likely to share their learning and this above anything else would contribute more to safety in the outdoor sector
- confusion about which regulatory body a commercial operator should deal with on a particular issue and what to do when two or more bodies have similar (but inconsistent rules)
- a rapid reaction team, made up of specialists in the field involved, working beside a specialist outdoor Department of Labour team. One respondent felt that this would help because:
 - a) The company involved would get immediate back up and advice in their hour of need
 - b) The industry would get some immediate information on how to best respond to the situation at hand. This could be in the form of warnings about faulty equipment or recommendations on the best weather warning web sites
 - c) The general public, media and world at large would see that something positive was being done and appropriate measures were being taken to avoid this event happening again [14]
- eliminating the requirement for hazard registers, with one respondent noting:

An example of this is the widespread imposed use of 'hazard registers'. Whilst a hazard register may be a logical and useful mechanism for identifying and reducing risk in a standard workplace, in the outdoors this is impractical and merely adds to the pile of paperwork that takes away the ability to dedicate time to initiatives that will ACTUALLY reduce risk (staff training,

reconnaissance, scenarios etc). The outdoors is such a dynamic and varied medium that having a 'register' for every hazard is impossible, ridiculous and therefore not used well. Despite this, due to recommendations from coroners and other non-industry experts, every outdoor centre has to have one. What is more important, is ensuring staff are trained and experienced in identifying, predicting and managing TYPES of hazards (and the sector does this very well) [20].

6.3. Do you have any other comments about the strengths and weaknesses of risk management and safety in the adventure and outdoor commercial sectors in New Zealand?

Three out of the four reference group members and 23 non reference group members responded to this question. Most respondents concentrated on the weaknesses of risk management and safety in the adventure and outdoor commercial sectors in New Zealand when answering this question.

Strengths

Those who commented about strengths noted:

- the openness to share experiences and what works and doesn't work so that all benefit
- that the systems, policies and procedures are well established
- that there is a strong health and safety culture amongst most operators (big, medium and small).

Weaknesses

The following key themes emerged from respondents' comments about the weaknesses of risk management and safety in the adventure and outdoor commercial sectors in New Zealand.

- **How risk is defined**

Comments included or noted:

- the difficulty of defining risk when activities are varied, as are the environments they operate in
- removing the risk potentially removes the challenge and point of participating for participants
- the terms 'risk management' and 'safety' (or 'hazard' or 'risk management') will not mean the same thing to different people (the respondent suggested that there needs to be a glossary of terms so that the information being analysed is using consistent definitions)
- a balance needs to be struck between a systems approach and the autonomy of the instructor/guide
- research in the New Zealand outdoor and adventure industry indicates that experts use 'naturalistic' decision-making tools rather than rational-choice strategies when faced with complex and ambiguous problems. The use of rational-choice strategies is limited to rare circumstances where simple choices occur in association with stable contexts. This is considered to have significant implications for selecting, training and monitoring staff in the

adventure industry as it would suggest that introducing straightforward policies and procedures will have little effect on incident rates. Rather the development of a suitable skill set to work safely in the outdoors is suggested as being essentially experienced based, and only gained after long apprenticeship

- some staff who are younger are considered to have a higher tolerance to risk and still be developing in both experience and judgement.

- **Legislation**

Some respondents noted limitations with the current health and safety legislative provisions and enforcement. These included:

- The Health and Safety in Employment Act is not specific to various activities and does little to encourage safety.
- The system is reactive instead of being proactive
- The relationship between the Department of Labour and operators is not a positive one.

- **Department of Conservation concessions**

One respondent noted that the Department of Conservation safety system puts the onus for safety onto the concessionaire and a system of initial safety plan auditing by an approved auditor. They said that “conceptually this is a reasonable model but because there are no formal standards, different auditors potentially audit operations against different standards. There is also a lack of ongoing operational audits so there is no guarantee that even if an operation has an approved safety plan that it is being followed” [15].

- **Qualifications**

Some respondents expressed concern regarding qualifications. They noted, for example that:

- “Qualmark is not a substitute for OutdoorsMark. We live in a small country and thus there is some conflict where people are assessors/auditors and involved in companies etc and certainly are friends of operators. This needs to be recognised not so that it limits the assessment/auditing.... perhaps there is dual assessment/auditing and/or rotating. It is often said in the financial world that the auditor should be changed every three years” [24].

6.4. Please list (with bullet points) the six most important principles you believe underpin well managed risk in the adventure and outdoor commercial sectors.

All four of the four reference group members and 27 non reference group members responded to this question. The following themes emerged from the most referred to principles put forward by respondents:

- **Employing staff with appropriate experience, relevant training and qualifications**
Comments included the need to employ experienced staff who receive training in risk assessment (internally, externally, and repeated training).
- **Good planning for risk management and safety**
Comments included that there needs to be: advanced planning and review; identification of strategies, policies, procedures and control mechanisms to avoid hazards; and maintenance and upgrading of vehicles and equipment. Comments also stressed the need to keep to plans and to review them.
- **Sound operating procedures that meet industry standards**
Comments included that there needs to be clear operating procedures that meet industry standards and that can be communicated to staff and customers. It was felt that these must conform to best practice and peer reviews of them should be undertaken.
- **Clear and open communication between all employers, employees, organisations, practitioners, and with government bodies**
Comments included that there needs to be open communication about ideas and best practice between employers and employees, staff within an organisation, organisations, practitioners within the sector, and between the sector and government bodies.
- **Providing clients with good information**
Comments included that clients must be given good information before undertaking the activity about the location, equipment and conditions likely to be encountered. Respondents felt that full disclosure of the risks to clients was appropriate so they can make an informed decision.
- **Staff having real experience in the sector**
Respondents felt that staff of adventure and outdoor activities must have real experience in the sector to allow for skills development, good decisions and judgement, and appropriate assessment of whether an activity should occur. They felt that this would assist with mitigating risk in outdoor activities.

Other principles included: having comprehensive knowledge of health and safety obligations; support from government agencies; monitoring results of processes to ensure better planning; understanding the context between the physical and human environment; collaboration and cooperation between operators and agencies to keep a good idea of conditions and issues in the location of the operation; and research-informed techniques.

7.0 APPENDIX 1: THE QUESTIONS ASKED IN THE QUESTIONNAIRES

The following are the questions that were asked of adventure and outdoor commercial sector operators, associations and organisations and individuals:

Questionnaire for adventure and outdoor commercial sector operators, associations and organisations

For adventure and outdoor commercial sector operators only

1. Which industry associations or other tourism-related bodies are you and/or your business a member of?
2. What regulations apply to the operation of your business?
3. What *compulsory* written standards, codes, local operating procedures, licensing regimes or other documents guide the operation of your business?
4. What *additional* written standards, guidelines, codes or other documents guide the operation of your business?
5. What *compulsory* auditing/monitoring/quality assurance of the operations of your business is undertaken? (If any, please also tell us who undertakes the auditing/monitoring/quality assurance and how often.)
6. What *additional* auditing/monitoring/quality assurance of the operations of your business is undertaken?
7. Please list the ways you specifically manage risk and safety in your business? Why do you do it like that?
8. What practices do you have in place to record and report incidents (including near misses)?
9. Who do you report incidents to (including near misses)?

For operators, associations and other organisations

10. What is working well in terms of risk management and safety in the adventure and outdoor commercial sector activities you, your business or organisation is directly involved in?
11. What could be improved in terms of risk management and safety in the adventure and outdoor commercial sector activities you, your business or organisation is directly involved in?
12. Do you have any comments about the strengths and weaknesses of risk management and safety in the adventure and outdoor commercial sectors in New Zealand?
13. Please list (with bullet points) the six most important principles you believe underpin well managed risk in the adventure and outdoor commercial sectors.

Questionnaire for individuals

1. What is working well in terms of risk management and safety in the adventure and outdoor commercial sectors in New Zealand?
2. What could be improved in terms of risk management and safety in the adventure and outdoor commercial sectors in New Zealand?
3. Do you have any other comments about the strengths and weaknesses of risk management and safety in the adventure and outdoor commercial sectors in New Zealand?
4. Please list (with bullet points) the six most important principles you believe underpin well managed risk in the adventure and outdoor commercial sectors.