



## COVERSHEET

<b>Minister</b>	Hon Michael Wood	<b>Portfolio</b>	Workplace Relations and Safety
<b>Title of paper</b>	<i>Whakaari/White Island eruption: cross government response</i>	<b>Date to be published</b>	18/12/2020

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
23 January 2020	<i>Whakaari/White Island - reviewing policy settings</i>	Ministry of Business, Innovation & Employment
9 March 2020	<i>Aide Memoire: Targeted Review of Adventure Activity Regulations</i>	Ministry of Business, Innovation & Employment
14 August 2020	<i>Whakaari/White Island eruption: cross government response</i>	Ministry of Business, Innovation & Employment
3 September 2020	<i>Targeted review of the adventure activities regulatory regime: stakeholder engagement</i>	Ministry of Business, Innovation & Employment
1 October 2020	<i>Weekly Report: Whakaari/White Island eruption: targeted review of the adventure activities regulatory regime</i>	Ministry of Business, Innovation & Employment
26 November 2020	<i>Targeted review of the adventure activities regulatory regime</i>	Ministry of Business, Innovation & Employment
3 December 2020	<i>Weekly Report: Targeted review of the adventure activities regulatory regime: release of the report</i>	Ministry of Business, Innovation & Employment

### Information redacted

**YES**

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.



## BRIEFING

### Whakaari/White Island eruption: cross government response

<b>Date:</b>	14 August 2020	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2021-0584

Action sought		
	Action sought	Deadline
Hon Andrew Little <b>Minister for Workplace Relations and Safety</b>	<p><b>Agree</b> the review into the Adventure Activities regulatory framework remains focused on the intersection between the regulations and environmental hazards</p> <p><b>Agree</b> to officials engaging with key stakeholders as part of the review</p>	24 August 2020

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Lisa Collins	Manager, Health and Safety Policy	Privacy of natural persons		✓
Harriet Miller	Principal Policy Advisor, Health and Safety Policy	Privacy of natural persons		

The following departments/agencies have been consulted
WorkSafe New Zealand, Department of Internal Affairs, Department of the Prime Minister and Cabinet

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments



## BRIEFING

### Whakaari/White Island eruption: cross government response

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#### Purpose

This briefing provides you with an update on the cross government response to the 9 December 2019 Whakaari/White Island eruption and seeks agreement on MBIE's approach to the targeted review of Adventure Activities regulations.

#### Recommended action

The Ministry of Business, Innovation and Employment (MBIE) recommends that you:

- a **Note** MBIE will provide initial advice by November 2020 on its targeted review of the Adventure Activities regulations, and whether there are any weaknesses at the intersection between adventure activities and environmental hazards

*Noted*

- b **Agree** that the scope of the review remains targeted on the intersection between adventure activities regulations and environmental hazards

*Agree / Discuss*

- c **Agree** to MBIE officials engaging with key stakeholders as part of the targeted review

*Agree / Discuss*

*L Collins*

Lisa Collins  
**Manager, Health and Safety Policy**  
Labour, Science and Enterprise, MBIE

14 / 08 / 20

Hon Andrew Little  
**Minister for Workplace Relations and Safety**

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## Background

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1. Investigations are continuing by WorkSafe New Zealand (WorkSafe) and the New Zealand Police, on behalf of the Coroner, into the circumstances of the Whakaari/White Island eruption on the 9 December 2019 and whether there were any potential breaches of the law. The investigations may result in prosecutions being taken. WorkSafe has twelve months to lay any charges.
2. The Government has chosen to not initiate a formal inquiry. There is still potential to initiate one once the investigations are complete, if deemed necessary.

## Cross government response to the Whakaari/White Island eruption

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3. The Minister for Local Government is leading the group of Ministers responsible for matters relating to the economic and social recovery following the Whakaari /White Island eruption. The Minister for Local Government is also the territorial authority for Whakaari/White Island under the Local Government Act 2002.
4. A range of projects are taking place across government in response to the event to check whether the relevant regulatory systems are fit for purpose and operating effectively:
  - Department of Internal Affairs: future access to White Island, clarifying territorial authority functions for off-shore islands, anniversary commemoration event in partnership with Ngāti Awa
  - Department of Conservation: framework for managing visitor risk from natural hazards in the conservation estate
  - Ministry of Business, Employment and Innovation (MBIE) and WorkSafe: targeted review of the adventure activities regulations, and an administrative/operational review of the regime.

## Reviews of the adventure activities regulatory regime

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5. The previous Minister for Workplace Relations and Safety directed MBIE to provide advice on reviewing the adventure activities regulatory regime. Officials proposed a targeted review focusing on whether unintended weaknesses exist in the adventure activities regulatory framework at the intersection between adventure activities and environmental hazards. Specific topics of interest will likely include regulatory definitions, the function and implementation of the audit scheme and the role of experts and enforcement. The targeted nature of the review was agreed in principle (brief 2048 19-20 refers) and refined further in subsequent advice (aide memoire 2592 19-20 refers).
6. The initial timing of the review was affected by the need to respond urgently to the COVID-19 pandemic. Officials expect to provide initial advice by November 2020. If you would like to discuss the scope or timing of the review, officials can meet and brief you on this pre-election. There will be also be limited time and some ability to re-scope the review post-election.
7. WorkSafe is part way through its administrative/operational review of how the Adventure Activity regime is implemented. It has identified and is undertaking assessments of businesses offering 'adventurous-looking' activities – to determine whether they should be subject to the adventure activities regulations, and checking on their health and safety management practices generally. This work is expected to be completed by the end of September, and has so far only identified two businesses (out of 68) that should be registered under the regime.

8. WorkSafe is also undertaking visits to registered adventure activity operators where the risks primarily arise from a natural hazard and the potential for multiple fatalities exist. Twenty-two adventure activity operators have been identified as being in this category.
9. WorkSafe is also examining its operational procedures and performance as a regulator under the regime, to identify and make improvements where needed. MBIE will draw on WorkSafe's findings to inform its work.

## **Stakeholder engagement**

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10. Officials consider that MBIE engagement and communications with key stakeholders would be valuable to progress the review, ensuring key stakeholders can engage in the process and that victims and families are aware of the work. MBIE officials plan to engage from October 2020 with a range of stakeholders including Tourism Industry Aotearoa, Whakatane Recovery Leaders Group, Ngāti Awa, and subject matter experts. MBIE officials will work with your office and other agencies as we develop our stakeholder engagement approach.

## **Next steps**

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11. Officials will keep you informed as the review progresses.
12. Officials will provide initial advice by November 2020 on its targeted review of the Adventure Activities regulations, and whether there are any weaknesses at the intersection between adventure activities and environmental hazards.