



COVERSHEET

List of documents that have been proactively released		
Date	Title	Author
7 May 2021	<i>Minutes of ERG Meeting 7 May</i>	MBIE
20 April 2021	<i>Minutes of ERG Meeting 20 April</i>	MBIE
7 April 2021	<i>Minutes of ERG Meeting 7 April</i>	MBIE
23 March 2021	<i>Minutes of ERG Meeting 23 March</i>	MBIE

Information redacted **NO**

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MINUTES – EXPERT REFERENCE GROUP – TARGETED REVIEW OF THE ADVENTURE ACTIVITIES REGIME

DATE 23 MARCH 2021

TIME 3.00-5.00pm

LOCATION MBIE, 15 Stout St G.05

ATTENDEES Chris Roberts (TIA), Andrew Leslie(RA), Sam Newton (RA) Hoki-Mai Chong (NZ Māori Tourism), Simon Bannock (JAS-ANZ), Gill Jolly (GNS), Don Bogie (DoC), John McClure, Douglas Pearce, Chris Peace (VuW), Peter Mumford, Lisa Collins, Harriet Miller (MBIE), Kelly Hanson-White, Raquel Achinelli (WorkSafe)

APOLOGIES Kathryn Lockyer (JAS-ANZ)

SUBJECT Introductory meeting

NOTES The following points were discussed during the meeting

Item	Agenda
1.	<p>Logistics</p> <p>The Review is targeted at natural hazards – considers how the regime operates when activities take place in naturally-hazardous environments. This perspective recognises the impact of the Whakaari/White Island event while at the same time acknowledging a targeted approach would allow for streamlined response.</p> <p>Phase 1 of the Review identified areas in the regime that could be strengthened relating to natural hazard management and role of the regulator. This informs the scope with the additional inclusion of public transparency and performance and funding options.</p> <p>The project is moving at speed, aiming for mid-year public consultation. MBIE/WS using an agile approach to the work, developing issue papers in parallel to the ERG meetings. Issue papers will be used to support ERG discussion and then reworked in light of ERG feedback/input and form the basis of the discussion document.</p> <p>Legislative change is not being contemplated through this process but regulatory change is. Implementation change also being considered.</p> <p>ERG the ‘critical friend’, members bring specific areas of expertise to the discussion – including knowledge of relevant international literature. Views of the ERG will go to the Minister, the Chair will have a role in ensuring the group’s view is accurately represented.</p> <p>Chance to be ambitious and consider how NZ can set international best practice with this piece of work.</p>
2.	<p>Context setting</p> <p>Adventure activities (AA) sector is small. NZ is a young country that is geo-physically unstable. Natural hazards are everywhere. How do we ensure we’re not out-of-step with wider govt response to natural hazards. MBIE response: recognise AA is a small sector and natural hazards risks are much broader than</p>



Item	Agenda
	<p>this. But this project is in response to a significant event and MBIE is targeting the project accordingly. MBIE consider that the AA sector requires greater level of oversight [compared to individuals accessing the outdoors] due to the commercial nature of the activities taking place.</p> <p>Objectives: The objectives reflect the structure of the sector, split equally between commercial tourism operators and not-for-profit recreation providers. The supporting information underpinning the objectives could better reflect this split by referring to participation and access to the outdoors.</p> <p>Natural hazard management: Original AA regime was developed with natural hazards front of mind. How this has flowed out in practice is another question. Natural hazard on their own aren't something to be concerned about – it's their impact and the distinguishing features that make up natural hazard risk – e.g. predictability, probability etc. Keen to discuss or get to some sort of agreement in the group on what is an acceptable levels of natural hazard risk for individuals and for brand NZ. Some natural hazards are central to incidents/fatalities, other times natural hazards are incidental. Request made by the group to drill down into the cause of fatalities.</p> <p>Role of the regulator: The regime was originally imagined as something that would be sector led featuring a continuous learning approach. The learning culture included the role of the auditors and technical experts supporting operators to raise safety standards. The groups established to develop the Activity Safety Guidelines also provided sector leadership, supported sharing of information and brought cohesion to the sector. Question was raised about how we tap into this again. WS interest in the sector has declined rapidly. It's not just about the settings of the regime but also resourcing and prioritisation which leads to the funding question.</p>
3.	<p>Electing Chair</p> <p>The group elected Chris Roberts CE of TIA as Chair with Andrew Leslie from Recreation Aotearoa deputy Chair.</p>
4.	<p>Communication material will be included on the MBIE website highlighting the role the ERG will play in the targeted review. Names of ERG members will be included along with the terms of reference for the group.</p>

ACTIONS The following actions were agreed in the meeting

Member responsible	Item	Due
MBIE	Provide the group with a range of back ground information on the project including the phase 1 report, the definition of adventure activities, the regulatory regimes and overlaps involved, and the definition of natural hazards.	26 March
MBIE	Upload communication material to support phase 2 of the targeted review, the role of the ERG and the TOR for the group to MBIE's website	29 March
MBIE	Be cognisant of broader/systemic issues that could come up through the ERG process. These issues will be noted and either dealt with at a	On-going



Member responsible	Item	Due
	later date if relevant to AA or noted in supporting advice.	
MBIE	Update the context section to better reflect the sector split between tourism and recreation. Reference to government well-being objectives and the four capitals to be considered.	May
ERG members	Send any documentation or background literature that might be relevant to the project to MBIE for circulation to the group	On-going
WorkSafe	To consider whether the MOU between JAS-ANZ and WorkSafe can be circulated to the group in order to understand the roles and responsibilities involved	7 April
NZ Māori Tourism and Recreation Aotearoa	NZ Māori Tourism to consider how to bring a te ao Māori view to this work and come back to the group. Recreation Aotearoa noted there was a large body of knowledge around this area and would make the references available to the group.	7 April



MINUTES – EXPERT REFERENCE GROUP – TARGETED REVIEW OF THE ADVENTURE ACTIVITIES REGIME

DATE 7 APRIL 2021

TIME 12.00-3.00pm

LOCATION MBIE, 15 Stout St 8.08

ATTENDEES Chris Roberts (TIA) Chair, Andrew Leslie (RA) deputy Chair, Lori Keller (TIA), Sam Newton (RA), Hoki-Mai Chong (NZ Māori Tourism) Simon Bannock (JAS-ANZ), Kathryn Lockyer (JAS-ANZ), Gill Jolly (GNS), Don Bogie (DoC), Peter Mumford, Lisa Collins, Harriet Miller, Bob White (MBIE), Kelly Hanson-White, Raquel Achinelli (WorkSafe), Dr John McClure, Douglas Pearce, Chris Peace (VuW)

APOLOGIES Aidan Tansell

SUBJECT Workshop 1 – management of natural hazards

NOTES The following points were discussed during the meeting

Item	Agenda
1.	<p>Minutes from 23 March meeting accepted with following additions:</p> <ul style="list-style-type: none">- natural hazards can be central to incidents/fatalities, other times they're incidental- request to drill down into the cause of fatalities within the sector <p>Actions updated</p> <ul style="list-style-type: none">- WS JAS ANZ MOU won't be circulated but will inform its refresh- NZ Maori Tourism – will connect with Recreation Aotearoa and circulate a 1 pager for discussion at the next meeting
2.	<p>Natural hazard analysis from phase 1</p> <p>Definition – recommendation to remove the term disaster and use events instead. Discussion around the exclusion of earthquakes – industry supportive of this but question raised around why then you would include tsunamis. Discussion that definition should include natural hazards where there is some ability to predict the occurrence – this lends itself to excluding earthquakes but including tsunamis and other natural hazard events triggered by earthquakes. Recommendation made not to narrow down the definition at the early stage of the project.</p> <p>Terminology – discussion around the problematic nature of risk and hazard terminology. Often misunderstood and misapplied. The discussion centred on the concept of inherent risk and questioned its use, and queried if risk mitigations had been taken into account when assessing risk scores. DoC uses the concept of residual risk to identify the risk levels once mitigations taken into account.</p>



Item	Agenda
	<p>General consensus that the risk framework used in phase 1 provided a useful framework for thinking about natural hazards but there are alternative risk frameworks that could be used if implemented e.g. Guidelines for DOC on dealing with Natural Hazard Risk, Taig July 2020</p>
3.	<p>Natural hazard management – context setting</p> <p>General acceptance of the problem description but note reference to the policy objectives for inclusion. Important to establish the size of the problem, using credible data points. E.g. why fatalities is the only measure used. Industry/operators generally don't like using fatalities as the only measure of performance as it can lead to short termism. Industry consider injuries/near misses better measures. Data on near misses could provide opportunities for information sharing across the industry and support best practice. Comment made about excluding Whakaari fatalities from data – this is the reason for the work and should be there. Comment – Whakaari (and Mangatepopo illustrates the risk of catastrophic events taking place in the sector) – this is potentially the main area where the regime requires improvement around natural hazard management. The reducing fatality rates in the sector potentially illustrate that day to day 'foreground' risks involving natural hazards are generally managed well. Operators support the idea of notifiable events, previously the National Incident Database run by the Mountain Council performed this role. Additional information around how the regime and the sector manages natural hazards would improve the paper further.</p> <p>Recommendation: to reshape the text and reframe around sentinel events. Out of necessity, the main performance indicator currently is fatalities (worker injuries are collected but the way the ACC Earners Account is set up it is extremely difficult to measure significant injuries for participants). But note in future WS will consider the collection and reporting of a wider set of indicators e.g. injuries and near misses and sentinel events. The table detailing illustrative examples (table 3) could be reframed to highlight catastrophic natural hazard events that have taken place and also give examples of future natural hazard scenarios. Include additional information around the current state of natural hazard management in the sector.</p>
4.	<p>Natural hazard management – best practice & acceptable level of risk</p> <p>Best practice</p> <p>Noted that the regime seems to have opacity in the system. Initiated a discussion on the original development of the regime – that risks from natural hazards were always front and centre but recognise this is not explicit in the standard, certification scheme or regulations. Industry considered that many operators were managing natural hazard risks well. Example given around white water rafting – operators always consider cubic flow, changing river course, weather patterns and nature of rapids. It was discussed that the full range of dynamic natural hazard risks involved in their activities might be more difficult to manage.</p> <p>Discussion on qualifications vs competency. Noted that qualifications are fairly easy to tick off during the audit process but qualifications aren't the same as competency levels – tacit knowledge that comes with experience. Competency levels should be the focus of the regime.</p> <p>During discussion on experts it was noted that the regime was developed to ensure auditors had sector-level knowledge and experience e.g. Australian auditor would struggle to understand NZ's environment so would be at a disadvantage. The role of experts were queried in relation to this – if the auditor has specific sector level experience why also the requirement to have a technical expert as part of the on-site audit. Additional question asked about whether the regime was an audit or inspection based regime – the regime is a hybrid of both.</p>



Item	Agenda
	<p>Providing appropriate information to participants is seen as a critical component and allows individuals to make a choice – recognise there is complexity with information provided down the supply chain. Operators should be clear about the risks involved in their activities and convey this to customers in a clear and understandable way e.g. traffic light system.</p> <p>Risk assessment</p> <p>Often difficult to do well. Question asked about who does it well – Ministry of Health was mentioned. Also comment made that this regime treats operators equally so if you took a risk based approach it would be unfair to operators with a low risk profile. This point rebutted – you can design a regime multiple ways – there’s no reason to treat operators the same if their risk profile are different.</p> <p>Consider guiding principles – what is the regime trying to achieve – reduced fatalities, raising safety standards, reduced likelihood of catastrophic events – and design the regime accordingly e.g. risk based regulation. Also be clear about which risks we’re considering – individual or societal risk.</p> <p>Discussion around linking risk to competency levels – higher risk activities require high levels of qualifications and experience.</p> <p>Noted that activity safety guidelines are limited and would need more to support a risk based approach. WorkSafe noted that it’s not sustainable to develop ASG for discrete activities. JAS-ANZ discussed a ‘bolt on’ to the scheme relating to operator SOPs. Comment made that guidance materials are about creating more certainty rather than more detail.</p>
5.	<p>Natural hazard management – options for change</p> <p>1. Legal duties and standards of care are clear</p> <p>ERG favoured option D with duty on both private and public land owners, i.e. DOC and other private holders. DOC thought the number of private owners affected would be small and suggested about 3percent but noted that regional councils are responsible for waterways and there is no obvious ‘land-owner’ for marine areas. DOC want the issue put to public consultation because it will clarify their role and obligations. There are significant overlaps with the use of disclosures though, under section 5 and a suggestion of a related risk rating being completed for natural hazards on all AAOs. There are also related questions concerning a potential obligation for operators to be required to align their assessments and SOPs for natural hazards with the work being done by DOC, which would be in fulfilment of a duty such as proposed in 2 D. See 5 for discussion of risk rating possibilities</p> <p>2. Data and information is accessible for operators and guides</p> <p>Some support for option A but suggestion should be in ASGs or SWIs or guidance. Support of a mandatory sentinel incident notification requirement for operators and that it would replace the former NIDs system operated by Mountain Safety Council but which didn’t continue because it was not mandatory. Would be an increased role for WorkSafe, or another delegated body. This is related to the role of the regulator paper. A lot of discussion in this and following section on the role of ASGs in scheme and how they are developed or not.</p> <p>3. Systems, policies and processes</p> <p>Suggestion that option A and B should be at either regulatory or audit standard level. Support in general for strengthening the requirements to assess risks and manage systematically. But some wariness that risk assessment has to be done competently and not for tick box or to justify standing practices only. Feeling that DOC expertise on many natural hazards should be available to and used by</p>



Item	Agenda
	<p>operators in maintaining their SMS. Support in principle for option C but concern for costs on operators.</p> <p>4. Guides and others are trained</p> <p>Refer to above comments about the need for operators and auditors to ensure that there is a combination of training and experience applied as competency.</p> <p>5. Information provision to participants</p> <p>Both options supported through either regulatory or audit standard. Would need more detail and a general provision with detail provided in ASGs or SWI. Refer to discussion of a risk rating, which could inform the disclosure requirements for participants. The rating would only apply to the natural hazards, not an assessment of how the operator is addressing them.</p>

ACTIONS The following actions were agreed in the meeting

Member responsible	Item	Due
MBIE	Be cognisant of broader/systemic issues that could come up through the ERG process. These issues will be noted and either dealt with at a later date if relevant to AA or noted in supporting advice.	On-going
MBIE	Update the context section to better reflect the sector split between tourism and recreation. Reference to government well-being objectives and the four capitals to be considered.	May
ERG members	Send any documentation or background literature that might be relevant to the project to MBIE for circulation to the group	On-going
MBIE/WS	Meet with JAS-ANZ, RA and TIA to refine the data table 1 & 2 in natural hazard management issue paper. Together clarify data for inclusion into the discussion document. Liaise with DoC and GNS to develop credible future scenarios to inclusion in table 3 in natural hazard management issue paper.	7 April 2021



MINUTES – EXPERT REFERENCE GROUP – TARGETED REVIEW OF THE ADVENTURE ACTIVITIES REGIME

DATE 20 APRIL 2021

TIME 1.00-4.00pm

LOCATION MBIE, 15 Stout St 8.08

ATTENDEES Chris Roberts (TIA – Chair), Lori Keller (TIA), Hoki-Mai Chong (NZ Māori Tourism) Simon Bannock (JAS-ANZ), Kathryn Lockyer (JAS-ANZ), Gill Jolly (GNS), Don Bogie (DoC), Peter Mumford, Lisa Collins, Harriet Miller, Bob White, Nick Mercer (MBIE), Kelly Hanson-White, Tracey Ayre (WorkSafe), Dr John McClure, Douglas Pearce, Chris Peace (VuW)

APOLOGIES Andrew Leslie - deputy Chair, Sam Newton (RA), Raquel Achinelli (WorkSafe)

SUBJECT Workshop 2 – role of the regulator

NOTES The following points were discussed during the meeting

Item	Agenda
1.	Minutes from 23 March and 7 April meeting accepted.
2.	Logistics: MBIE and WS working collaboratively on all aspects of the project. The series of issue papers discussed at the ERG will be reframed into the draft discussion document. Feedback from the ERG workshops will be built into the drafting process. The draft discussion document will be circulated to the ERG for comment mid-late May. MBIE/WS will work with the Chair to ensure the ERG views are reflected in Ministerial advice.
3.	Mātauranga Māori and natural hazard identification and management (NZ Māori Tourism paper): Acknowledging the existence of Mātauranga Māori in relationship to the NZ environment and natural hazards gives us an opportunity to bring a multi-dimensional perspective to problem. Mātauranga Māori whakapapa relates to Ranginui (the Sky) and Papatūānuku (the Earth) and demi-god Rūaumoko. There can be regional and tribal differences in whakapapa. Extensive Mātauranga Māori has been built up over time to understand how to operate in the Aotearoa environment, for example there are around 800 different ways to describe the types of winds. Can be powerful to use Māori duty of care concepts such as Kaitiakitanga (we are nothing without our environment) and Manaakitanga (but this is broader) in our thinking. Noted that duty of care to others is something that fluctuates but even in war time warring parties are called 'angry friends'.
4.	How the scheme operates in practice (JAS ANZ paper): The adventure activities certification scheme was formed over a number of years, starting in Jan 2013, with a pilot scheme in June 2014 and a fully endorsed scheme in Nov 2015. The scheme was refreshed in July 2017 to align with the HSW Act. The scheme was developed by a technical committee made up of MBIE/WorkSafe/Maritime NZ/DOC reps, JAS-ANZ, safety auditors and a range of industry bodies. It's a 3-year safety audit certification cycle, with an initial certification audit in the first year, two surveillance audits between year 2 and 3 and a recertification audit in year 4. Safety auditors have discretion on whether the surveillance audits are conducted remotely reviewing documentation or site-based where activities are witnessed. Safety



Item	Agenda				
	<p>auditors have discretion to replace surveillance audits with an operator’s declaration of conformity. Operators may request a declaration of conformity for a variety of reasons including to reduce costs associated the safety audit. When operators have multiple adventure activities the safety auditor is required to audit all the individual activities as part of the initial certification but has discretion to determine the sampling process used thereafter. This can mean the audit cycle for individual activities can extend beyond the required 3 year cycle. There is currently a lack of data to understand the nature, extent and impact of the discretionary decisions made by auditors. JAS-ANZ considers that the declaration of conformity is overused.</p>				
5.	<p>Role of the regulator – main themes discussed</p> <p>Context: Focus on optimising the current regime design. Regulatory design involving 3rd parties can be used regardless of the level of risk involved in the activity e.g. Space regulatory regime which is very high risk uses third parties. 3rd parties are generally brought in to fill an expertise gap rather than lower risk activities per se. Suggest reframing the tight-loose regulatory approach in-light of this. But third party authorisation regimes doesn’t mean the Regulator is hands-off. The regulator needs to know the regime is working as intended and also needs to be able to act quickly when an issue arises. This goes to the need to understand the risk level involved and ensure the action/design is proportionate. Noted the table outlining WS functions is useful but would like to understand if these functions are being used in practice.</p> <p>The decision maker: the regime leaves the majority of decision making to the operator - even when high-risk activities are involved. Unrealistic to expect an operator to undertake a thorough cost/benefit analysis of every situation. Regulatory best practice suggests when the environment is highly uncertain as well as high risk then the decision about undertaking/banning activities should be made by the government – either the regulator, or in high threshold cases by the Minister or Cabinet. This could be done through prescriptive mandatory standards or a risk matrix. The group noted that the regulator needs to be brave to shut down an activity – they need to be empowered to do this. Risks from natural hazard often requires specialist expertise.</p> <p>Risk thresholds: Currently the regime treats all operators the same way. This assumes there is the same level of risk across the system. The Whakaari event shows this to be incorrect. It is possible to design a risk matrix that takes into account activities with different levels of technical risk vs. environmental risk (illustrative table below). A range of criteria could be developed to ensure the risk matrix is suitably nuanced for the activities involved. Note the definition of AA would still apply.</p> <table border="1" data-bbox="325 1615 1423 1740"> <tbody> <tr> <td data-bbox="325 1615 892 1677">Low technical/low environmental</td> <td data-bbox="892 1615 1423 1677">Low technical/high environmental</td> </tr> <tr> <td data-bbox="325 1677 892 1740">High technical/ low environmental</td> <td data-bbox="892 1677 1423 1740">High technical/ high environmental</td> </tr> </tbody> </table> <p>Information in the system: Members of the group noted that there is a lack of appropriate feedback loops in the system to enable the Regulator to determine if the regime is functioning as intended or identify the need to intervene. Notifiable events tailored to the sector is supported by the group. Improving the information that flows to the Regulator could include safety audit reports or operators SMS, events that indicate where risk might be in the system e.g. operators requesting a Declaration of Conformity instead of a surveillance audit – this could suggest financial pressure indicating potential to cut corners around safety. Currently, no statistics on the performance of the scheme are kept, overall trends are not analysed. Good regulatory practice would expect trend analysis to be undertaken in order to target enforcement activities.</p>	Low technical/low environmental	Low technical/high environmental	High technical/ low environmental	High technical/ high environmental
Low technical/low environmental	Low technical/high environmental				
High technical/ low environmental	High technical/ high environmental				



Item	Agenda
	<p>Clarity for the operator: The TIA/RA survey of AA operators indicate that they don't feel well supported by the regulator. Operators are left to make decisions around risk but don't necessarily have the guidance/support to do this. The current safety standards are light touch which leaves many decisions over to the operator. It was noted that audit standard is the key component to the regime and the current safety standard was developed eight years ago. The standard could be updated to reflect current best practice including minimum information to offer participants. It was noted that the feedback loops that go to the regulator should also come back down to the operator so they have a greater awareness of issues in the system and how to respond to them. It was noted the regulator, rather than industry bodies, is best placed to communicate with and provide guidance to the sector. Industry groups only represent parts of sector, while the regulator has a direct line of communication to all operators through the registrar function. A suggestion was made for an industry body/safety auditor/JAS-ANZ/WS roadshow to educate operators on the regime and create a shared understanding of roles in the regime.</p> <p>Recommendation: focus on aspects included in options 3, 4, 5. The group would like to revisit the issue.</p>

ACTIONS The following actions were agreed in the meeting

Member responsible	Item	Due
MBIE/WS/CR	Consider the most appropriate way to reflect the role of the ERG in the discussion document	Mid-late May
MBIE/WS	Approach NIWA and others to understand how bringing Maturanga Māori to natural hazard management works in practice. Consider this as part of the project.	Mid-late May
MBIE/WS	Develop a one-pager that describes a preferred option for the role of the regulator and distribute to the ERG for comment. Include an item on this in the 7 May ERG Workshop.	5 May one-pager circulated to group 7 May item is discussed by ERG
TIA/RA/NZ Maori Tourism	Consider the best way to reach the sector through a series of roadshows.	Mid-late May
Ongoing actions considered in previous meetings		
MBIE	Be cognisant of broader/systemic issues that could come up through the ERG process. These issues will be noted and either dealt with at a later date if relevant to AA or noted in supporting advice.	On-going



Member responsible	Item	Due
MBIE	Update the context section to better reflect the sector split between tourism and recreation. Reference to government well-being objectives and the four capitals to be considered.	May
ERG members	Send any documentation or background literature that might be relevant to the project to MBIE for circulation to the group	On-going

FINAL



MINUTES – EXPERT REFERENCE GROUP – TARGETED REVIEW OF THE ADVENTURE ACTIVITIES REGIME

DATE 7 MAY 2021

TIME 11.30am-2.30pm

LOCATION MBIE, 15 Stout St G.07

ATTENDEES Chris Roberts (TIA) Chair, Andrew Leslie (RA) deputy Chair, Lori Keller (TIA), Sam Newton (RA), Simon Bannock (JAS-ANZ), Gill Jolly (GNS), Don Bogie (DoC), Peter Mumford, Lisa Collins, Harriet Miller, Nick Mercer, Laura Sutherland (MBIE), Kelly Hanson-White, Raquel Achinelli, Aidan Tansell, Tracy Ayre, Natalie Howell (WorkSafe), Dr John McClure, Douglas Pearce, Chris Peace (VuW)

APOLOGIES Kathryn Lockyer (JAS-ANZ), Hoki-Mai Chong (NZ Māori Tourism)

SUBJECT Workshop 3 – Public transparency, funding and the audit system

NOTES The following points were discussed during the meeting

Item	Agenda
1.	<p>Minutes from 23 March meeting accepted with following alterations:</p> <ul style="list-style-type: none">- Remove reference to overall consensus on feedback loops, minutes should reflect the diversity of members' views- Include reference to audit cycle description paper presented at Workshop 2 <p>Actions updated</p> <ul style="list-style-type: none">- Clarify the role of the ERG in the discussion document
2.	<p>Paper 1: Public transparency and assurance</p> <p>Feedback loops to sector – General acceptance that developing a range of notifiable events specific to the sector would be valuable. Some examples were discussed but it is expected that a fuller range of examples will come out in public consultation. Comments that statistics on deaths in the sector are poor due to regime changes – definitional confusion should be noted in the discussion document.</p> <p>Customer awareness of risk – a range of views were expressed on the development of a risk matrix to convey activity risks to customers. Arguments for: current methods do not effectively convey risks involved – public believe if it's open, it's safe. Arguments against: complicated to develop, complicated for customers, operators might "game" it. Any solution should be simple to understand to allow customer to give informed consent. It was noted that the ISO 31000:2009 standard for risk management is good.</p> <p>Information available to public – it was noted that WorkSafe's register of adventure activity operators is difficult to find and information is sometimes incomplete. Suggested it could include the qualifications of guides. It was noted that participants would generally not use the register to decide what activity to do, and registration status should be sufficient assurance. It would be more relevant to have the operator</p>



Item	Agenda
	provide the information to the participant.
3.	<p>Paper 2: Revisiting the role of the regulator – summary options</p> <p>Who should make decisions on intolerable risk? – Discussion on what level and/or agency of govt is suited to making these decisions, or whether it should be left to the auditor/operator.</p> <p>Risk classification – Examples of risk classification can be found in Australian amusement devices regulations and maritime systems – there is precedent for risk classifications in regulatory systems. Who would design the matrix is not yet known – this would be the Minister’s decision, informed by advice from MBIE. The group discussed whether risk classification should be something operators have a role in, or a background part of audits.</p>
4.	<p>Paper 3: Audit system and guidance</p> <p>Audit system – option of removing JAS-ANZ and moving its functions to within WorkSafe was discussed but noted that this could be considered as part of the longer term review of the regime. Possibility of replacing audit standard with ISO 21101:2014 Adventure Tourism Safety was also discussed.</p> <p>Guidance – operators appreciate the current open sourcing and community ownership of activity safety guidelines. Noted that if change were to be made to the standard then operators would want to understand the cost impact this would have for them. Acknowledgement that complex natural hazards such as landslides and volcanoes are beyond the understanding of many adventure activity workers, whose expertise is elsewhere. There is precedent for requiring technical expertise in the sector already – e.g. requirement to provide an engineer’s report for high ropes courses.</p>
5.	<p>Paper 4: Funding the regime</p> <p>The sector is diverse – size of operations and revenue differ greatly. Benefits of the system were discussed – preserving operators’ ability to insure their activities, integrity of the health and safety system, and the number of people who are able to access activities and the outdoors with confidence about safety because of the regime’s existence.</p> <p>Costs and benefits of the regime are marginal – it exists on top of HSWA, requirements are additional.</p> <p>Concerns about the health of the regime once tourists return – sector might be understaffed for influx of new participants.</p>
6.	<p>Paper 5: Whakaari timeline</p> <p>It was noted that Whakaari has been erupting continuously over the last 100 years.</p>
7.	<p>Closing comments</p> <p>Arranging a final meeting to discuss the draft discussion document was agreed.</p>

ACTIONS The following actions were agreed in the meeting

Member responsible	Item	Due



Member responsible	Item	Due
MBIE	Update Meeting 3 minutes to reflect discussion.	May
MBIE	Schedule a final meeting for the ERG to discuss the draft discussion document	May