



## COVERSHEET

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|--------------------------|--|-----------------------------|--------------------------------|
| <b>Minister</b>          | Hon Michael Wood   | <b>Portfolio</b>            | Workplace Relations and Safety |
| <b>Title of briefing</b> | Adventure Activities Regulatory Regime: Proposed Changes | <b>Date to be published</b> | 8 November 2022                |

### List of documents that have been proactively released

| <b>Date</b>       | <b>Title</b>  | <b>Author</b>  |
|-------------------|---|--|
| 21 September 2022 | Adventure Activities Regulatory Regime: Proposed Changes                              | Office of the Minister of Workplace Relations and Safety |
| 21 September 2022 | Cabinet Economic Development Committee Minute of Decision: DEV-22-MIN-0222            | Cabinet Office   |
| 14 June 2022      | Regulatory Impact Statement: Strengthening the adventure activities regulatory regime | 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.

- Confidentiality



# Cabinet Economic Development Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Adventure Activities Regulatory Regime: Proposed Changes

**Portfolio**                      **Workplace Relations and Safety**

On 21 September 2022, the Cabinet Economic Development Committee (DEV):

#### Background

- 1        **noted** that reviews of the adventure activities regulatory regime following the 2019 Whakaari tragedy have identified several areas for improvement that should be addressed;
- 2        **noted** that in August 2021, DEV approved the release of a consultation document on potential changes to the adventure activities regulatory regime, and invited the Minister for Workplace Relations and Safety to report back seeking decisions on changes to the regime [DEV-21-MIN-0174];

#### Proposed changes

- 3        **agreed** to amend the Health and Safety at Work (Adventure Activities) Regulations 2016 to:
  - 3.1      introduce a duty requiring operators to have processes in place to communicate risks to participants;
  - 3.2      expand the registrar's powers to decline, suspend, cancel, and add conditions to adventure activity operator registrations, where justified on safety grounds, and provide operators with rights to appeal and request reviews of decisions where these powers are exercised;
  - 3.3      require adventure activity operators to register directly with the registrar and provide more detailed information upon registration;
  - 3.4      introduce sector-specific notifiable incidents that must be reported to WorkSafe;
- 4        **authorised** the Minister for Workplace Relations and Safety to develop an appropriate offence and penalty for the new risk communication duty referred to in paragraph 3.1 above, in line with Ministry of Justice guidance and based on the established framework for regulatory offences and penalties made under the Health and Safety at Work Act 2015;
- 5        **noted** that WorkSafe will make changes to the Safety Audit Standard for adventure activities to:
  - 5.1      introduce specific requirements for operators to assess and manage risks associated with natural hazards;

- 5.2 provide detailed requirements for what information about risks must be provided to participants and how risk communication should occur;
- 6 **noted** that WorkSafe will also:
- 6.1 develop specific guidance for adventure activity operators and others on good practice management of natural hazard risks;
- 6.2 review and update the adventure activities Activity Safety Guidelines, including reviewing content on managing risks from natural hazards associated with activities;
- 7 **noted** that a full review of the Health and Safety at Work (Adventure Activities) Regulations 2016 is scheduled to begin in 2026;

### Legislative implications

- 8 **invited** the Minister for Workplace Relations and Safety to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decisions;
- 9 **authorised** the Minister for Workplace Relations and Safety to make decisions, consistent with the above paragraphs, on any issues that arise during the drafting process or as a result of consultation on the exposure draft;
- 10 **authorised** the Minister for Workplace Relations and Safety, following consultation with the Minister of Tourism and other relevant portfolio Ministers, to approve and release an exposure draft of the regulations and related commentary for public consultation.

Janine Harvey  
Committee Secretary

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**Present:**

Hon Grant Robertson (Chair)  
Hon Nanaia Mahuta  
Hon Michael Wood  
Hon Kiri Allan  
Hon Dr David Clark  
Hon Dr Ayesha Verrall  
Hon Priyanca Radhakrishnan  
Hon Meka Whaitiri  
Hon Kieran McAnulty  
Dr Deborah Russell MP

**Officials present from:**

Office of the Prime Minister  
Officials Committee for DEV