

## Update of Adventure Activities Regulations and Safety Audit Standards

The Health and Safety in Employment (Adventure Activities) Regulations 2011 require adventure activity operators to undertake and pass an external safety audit of their safety management systems to continue to legally provide adventure activities.

[The safety audit standard](#) issued by the Ministry of Business, Innovation and Employment (MBIE) in March 2013 applies to adventure tourism or outdoor education operators who provide, for payment, activities that are designed to deliberately expose participants to a risk of serious harm that must be managed by the provider of the activity.

Operators covered by the regulations must undergo a safety audit with an approved auditor by 1 November 2014 or earlier if required to do so by MBIE, to ensure that their operations comply with the safety audit standard. The only exemption to this requirement is if an operator notified MBIE of its operations by 31 December 2012 and passed a safety audit from an auditor on MBIE's list of transitional auditors before 15 February 2013. These operators have until the expiry of their current audit certificates to pass the new safety audit standard.

### Who will Conduct Safety Audits?

On 7 May 2013, MBIE granted recognition as an auditor provider to the following three organisations:

- Bureau Veritas (New Zealand) Limited
- Outdoors New Zealand (Incorporated)
- Verification New Zealand Limited.

Further information on how to contact these providers, and a list of the scope of adventure activities they may audit can be found [here](#).

### Safety Audits & Activity Safety Guidelines

The Safety Audit Standard requires operators to conform to "good practice" for their adventure activity. The Standard specifies that "good practice" *may* include, but is not limited to, activity safety guidelines (ASGs), codes of practice or conduct, other recognised/approved guidelines and accepted professional practices.

Currently, there are ASGs for canyoning, caving and climbing on artificial structures. ASGs for heli-skiing, quad biking, abseiling and high wire, ziplines, bridge and canyon swinging are expected to be released this year.

If you offer any of these activities, it is important that your operations comply with the relevant ASG. Existing ASGs can be found [here](#).

### Timing and Consequences

All operators must obtain a safety audit certificate and become registered by 1 November 2014, or earlier, if required to do so by MBIE. This Ministry commenced the early registration process in May 2013. Operators who receive written notice from MBIE requiring early registration must initiate a safety audit within three months of receiving notice, and pass the safety audit within six months of commencing the audit process.

MBIE is encouraging operators to prepare for safety audits well ahead of time to ensure legal deadlines are met. Operators should view [the early registration schedule](#) on page 3 to determine when they are likely to receive their notice to initiate a safety audit.

Any operator who fails to obtain a safety audit certificate within the required time, but continues to provide adventure activities, will commit an offence under the Health and Safety in Employment Act 1992 which carries a fine of up to \$250,000.

Any operator who provides adventure activities and is required to be audited, but has not yet notified MBIE of their operations, is currently operating illegally.

## **Status of Contractors**

There has recently been some confusion about the status of contractors under the Regulations.

The Regulations require contractors to register with MBIE if they provide services to exempt organisations such as schools, associations or clubs. Although these contractors are required to notify the Ministry that they are an adventure activity operator, they will not be required to register (ie. pass a safety audit) in 2013. MBIE intends to further engage with contractors before deciding when to bring them into the registration system.

Contractors who contract only to operators who will be registered are **not required** to notify MBIE, as it is assumed that they will comply with the principal's safety plan, which will have been audited under the safety audit process.

Contractors who provide services to both registered operators and exempt organisations must notify MBIE of their operations.

If in doubt, notify!

## **Further Information**

Further information and guidance regarding the Adventure Activity Regulations can be found [here](#). Page 22 of this document contains a helpful diagram to assist you in determining whether you are required to notify and become registered with MBIE. The website [www.supportadventure.co.nz](http://www.supportadventure.co.nz) also provides useful and up-to-date information and you can [sign up](#) to receive their Adventure and Outdoor Updates.

If you have any questions about any of the above, including whether the Regulations apply to you or your business and how to comply with them, please do not hesitate to contact Maree Baker-Galloway or Katy Baxter.