



The Adventure Activity Regulations for Adventure Industry – what does this mean for you?

Clients often ask “What do these new Adventure Activity Regulations mean for us?” and “When will all these changes take place?”

In brief we could say “A more safety conscious adventure sector” and “They’re happening now”.

But more specifically:

The Adventure Activities Regulations aim to ensure that Adventure Activity operators can’t start up, or continue to operate, with inadequate safety systems. They require operators who provide activities that deliberately expose participants to a risk of serious harm to undergo a safety audit and be registered.

Are you covered?

To get an indication, consider these criteria for your activity:

1. Provided in return for payment?
2. Land or water-based?
3. Participants are guided, taught how, or assisted to participate?
4. Main purpose is recreational or educational?
5. Designed to deliberately expose participant to a risk of serious harm that must be managed by the provider?
6. Would failure of the provider’s management systems result in serious harm to the participant; or are the participants deliberately exposed to dangerous terrain or dangerous waters?

If the answer is YES to all, then you should notify MBIE – unless any of several exclusions apply (eg/ provided indoors, covered by other legislation/regulations, or provided by clubs, educational establishments or supply of equipment only).

NB:

- i. See MBIE’s “Health and safety in Employment (Adventure Activities) Regulations 2011 - Guidance for Operators” document for further & more accurate detail!
- ii. The HSE Act continues to apply to all workplaces irrespective of whether they are covered by the regulations.

I'm Covered - When Do I Need to Do Something?

MBIE have started notifying operators that they are required to register as an adventure activity. These operators have 9 months to complete a safety audit and advise MBIE, or they could be convicted of an offence under HSE Section 50(1), and be liable to a fine not exceeding \$250,000.

So, if you:

a. need to, but haven't, notified MBIE – do it now, before they contact you.

<http://www.business.govt.nz/healthandsafetygroup/notifications-forms/adventure-activity-operations>

b. Are ready for audit, but haven't got around to it yet – do so before you have to, and find that the key audit agencies are too busy. Contact <http://www.outdoorsnz.org.nz/outdoorsmark>

c. Are not ready for an audit yet. Get in contact with someone who can help – because once MBIE ask, you won't have much time to get everything done. Horizons have got several ways they can help – contact mark@horizons.co.nz.

d. Have already had an audit – make sure that you are fully compliant with current requirements. When it's your turn, the audit agencies will be checking to a higher standard than before – eg/ do you have an explicit way of managing Drug and Alcohol hazard? Contact mark@horizons.co.nz.

I'm Not Covered – Do I Need to Do Anything?

Educational establishments and/or those who contract providers, but don't need to be registered themselves should:

a. Ask adventure activities providers if they have notified MBIE?

b. Contract quality providers - find out whether they:

i. Have passed a safety audit from a recognised safety auditor

ii. Are an LEOTC provider contracted by the Ministry of Education

iii. Can provide referees' contact details.

After 1 November 2014, anyone will be able to check the register on the MBIE website to ensure that a provider is authorised to provide the adventure activity.

I'm a Self-Employed Contractor – What Do I Need to Do?

Self-employed contractors may need to go through the notify, audit and register process for themselves.

a. If you only work for an operator who has passed a safety audit and is registered - then you don't need to notify or register.

b. If you work solely for an exempt operator (eg/ most schools), and under their safety management system – you must notify MBIE, but won't be required to register in 2013. Nb: MBIE have yet to fully decide how to treat this category.

c. Contractors who fall into either of the above categories, but also provide services direct to participants, must notify, and register when required.

For More Information & Support

More detail and guidance from the Health and Safety arm of MBIE (the Ministry of Business, Innovation and Employment) can be found [here](#):

Contact Mark Smith at Horizons Unlimited. Mark has been involved in the development of the HSE (AA) Regulations, the Safety Audit standard and framework, and the Support Adventure website. He advises a wide range of operators, and will be able to provide you with several options to help you prepare for an audit, and/or support the on-going safety of your operation.

mark@horizons.co.nz; ph 03 3840384

Visit the Support Adventure website: <http://www.supportadventure.co.nz/>