

Arthur's Pass Outdoor Education Centre

Safety Management Plan

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Applications can be made to the following:

Centre Manager

Arthur's Pass Outdoor Education Centre

PO Box 51007, Arthur's Pass, 7654

Email: manager@apoec.org.nz

Legal Obligations for Operation of APOEC

SECTION 2

2:1 - INTRODUCTION

This section provides an overview of legislation that govern the safe operation of the Arthur's Pass Outdoor Education Centre.

The Section is set out in the following manner:

- ① Health and Safety at Work Act 2015 is discussed.
- ② Adventure Activity Guidelines 2016 are discussed.
- ③ Other legislation that impacts the operation of APOEC is discussed.
- ④ Considerations under current legislation is discussed.

Those responsible for the operation of Arthur's Pass Outdoor Education Centre (and other individuals or organizations acting under contract) should also be conversant with the following legislation.

2:2 - HEALTH AND SAFETY AT WORK ACT 2015

This Act aims to provide a balanced framework of health and safety regulation to protect both workers and workplaces from harm while conducting business.

Under the new Act the primary duty of care is the responsibility of board of trustees (both APOEC and your organisation) as a legal entity. The duty is to exercise due diligence in managing risks to a reasonably practicable level in relation to what you are doing.

It does this by:

- Protecting workers and other persons in the workplace against harm to their health, safety and welfare through the process of eliminating or minimising risks arising from work.
- Provide information, training, instruction or supervision necessary to protect workers or people in the workplace.
- Provide adequate facilities at work for the welfare of workers. Maintaining a work environment without risks to health and safety.
- Providing fair and effective workplace representation for all levels of an organisation.
- Encouraging employer organisations to take a constructive role in promoting improvements in workplace health and safety procedures and practices.
- Ensuring appropriate scrutiny and review of actions taken by persons performing functions under this Act.
- Providing a framework for continuous improvement and progressively higher standards of work health and safety.

2:2 - HEALTH AND SAFETY AT WORK ACT 2015

The HSWA 2015 goes on to state that regard must be had to the principle that workers and other persons should be given the highest level of protection against harm to their health, safety, and welfare from hazards and risks arising from work as is reasonably practicable.

APOEC's board of trustees is viewed as a Person Conducting Business or Undertaking (PCBU). As a PCBU it is in the best position to control any risks to students, staff. This is why the PCBU has the primary duty of care for health and safety whilst people are here at APOEC.

At APOEC we adopt a two tier approach. We have two representatives of our board of trustees specifically in the role of health and safety. And our "on the ground representative" the Centre Manager is the representative "on site". Both are regarded as "Officers" and are responsible for implementing the above points.

Follow link to learn more about the HSWA 2015:

[Health and Safety at Work Act 2015](#)

2:3 - HEALTH AND SAFETY IN EMPLOYMENT ACT (ADVENTURE ACTIVITIES) REGULATIONS 2016

This was created in 2011 to specifically target and apply Health and Safety policy for the Adventure Activity sector.

It sets out to achieve several objectives; the first is the definition of adventure activity:

“this is an activity provided to a participant for payment, land or water based, involves the participant being guided/taught/or assisted, with the main purpose being recreational or educational. it is designed to deliberately expose participants to risk of serious harm that must be managed by the provider as failure to do so could lead to serious harm or loss.”

The regulations also now require all adventure activity providers to comply with the following:

- Register as an adventure activity operator.
- Complete a nationally recognised safety audit and comply with nationally recognised safety standards. Then to continue to meet safety audit standards regularly.

Currently under this framework APOEC is not required to be registered or annually audited for the activities we provide to our clientele. However if you are to run/contract your own programme providing your own professional outdoor educators you may be required to undergo this process.

Follow links to learn more:

[Adventure Activities Regulations 2016 - Definition of Adventure Activities](#)

[Adventure Activities Regulations 2016 - Meaning of Adventure Activities](#)

[Letter for WorkSafe NZ Excluding APOEC from the Adventure Activities Sector](#)

2:4 - VULNERABLE CHILDREN ACT 2014

The Vulnerable Children Act requires specified organisations to safety check people working with children.

This does not include parents attending school camps or are volunteering as unpaid workers for the school.

Arthur's Pass Outdoor Education safety checks all of its employees in alignment to this act. You are also able to seek assurance that we meet the VCA before services are engaged to do this contact the Centre Manager.

Follow link to learn more about requirements of safety checks:

[Vulnerable Children Act 2014](#)

[APOEC Police Vetting Policy](#)

2:5 - EMPLOYMENT RELATIONS ACT 2000

Aims to build productive employment relationships through the promotion of mutual trust and confidence in all aspects of the employment environment and of the employment relationship by:

- Recognising that employment relationships must be built on behaviour.
- Acknowledging and addressing the inherent inequality of bargaining power in employment relationships.
- Promoting collective bargaining.
- Protecting the integrity of individual choice.
- Promoting mediation as the primary problem-solving mechanism.
- Reducing the need for judicial intervention.

This act also promotes observance in New Zealand of the principles underlying International Labour Organization Convention '87 on Freedom of Association, and Convention '98 on the Right to Organise and Bargain Collectively.

[Employment Relations Act 2000](#)

2:6 - INDUSTRY TRAINING ACT 1992

Sets standards that the Health and Safety at Work Act measures. Under this Act, Industry Training Organizations (ITOs) have been established to create sound professional practices (contained in Unit Standards of the New Zealand Qualifications Authority) and to ensure training is employer driven.

Skills Active (previously SFRITO) is the ITO for the recreation sector and is charged with setting the skill standards for workers in the field of recreation (usually in conjunction with national representative bodies and controlling or advisory groups). This responsibility has resulted in the establishment of minimum standards for worker competency and the design of qualifications for workers.

NZOIA, or New Zealand Outdoor Instructor's Association

The Aviation, Tourism and Travel Training Organization (ATTTO) is the ITO that encompasses the adventure tourism industry and, in a similar way, is developing minimum standards and qualifications for workers in the adventure tourism industry.

[Industry Training Act 1992](#)

2:7 - CRIMINAL LIABILITY ACT 2002

This applies to all Crown entities or government department such as Ministry of Education and State Schools.

It allows the government to prosecute for offences under the following Acts:

- Building Act
- Health and Safety at Work Act 2015

The Act was designed to:

“protect society and individuals from harm or danger arising from actions of the Crown by ensuring there are mechanisms to hold the Crown responsible and accountable for its actions”

[Criminal Liability Act 2002](#)

2:8 - BUILDING ACT 2004

The Building Act sets the standards for building compliance and building standards nation wide.

All building owners must comply with the following:

- Owners must obtain and necessary consent, approvals.
- Ensuring that building work is carried out by the owner meets consent guidelines and if it does not require consent it must meet with the Building Code.
- Ensure compliance with any notices to fix.
- Must provide access for people with disabilities.
- Must annually attain a Building Warrant of Fitness and have it displayed in the building.

[Building Act 2004](#)

2:9 - ELECTRICITY ACT 1992 AND THE ELECTRICITY REGULATIONS 2010

All places of business in New Zealand are required under several legislative acts to ensure all power supply and appliances meet certain standards. This is covered in the Electricity Act and the Electricity (Safety) Regulations.

Furthermore as a PCBU there is also a mandate to protect people in the workplace under the Health and Safety at Work Act.

... to ensure appliances are maintained and periodically tested for safety.

- Electrical testing and tagging to the NZS 3760 standard verifies compliance with your obligations. NZS 3760 is cited in the electrical regulations as a means of compliance (or a way to comply) with the requirements.
- Employers must not allow use of appliances if they are electrically unsafe.
- – *Electricity (Safety) Regulations 2010.*
- It is a grade-A offence to be reckless as to whether appliances are electrically unsafe.
- – *Electricity (Safety) Regulations 2010.*
- Appliances are deemed electrically safe if they have a current test tag issued in accordance with NZS 3760.
- – *Regulation 26, Electricity (Safety) Regulations 2010.*
- You can only know an appliance is safe if it has undergone electrical testing and tagging. Failure to do so is 'reckless behavior', i.e. a grade-A offence under the Electricity (Safety) Regulations 2010.

[ELECTRICITY \(SAFETY\) REGULATIONS 2010](#)

[ELECTRICITY ACT 1992](#)

[NZS 3760 – TESTING OF ELECTRICAL EQUIPMENT](#)

2:10 - FIRE SERVICE ACT 1975 – FIRE SAFETY AND EVALUATION OF BUILDINGS REGULATIONS 2006

Under this act all commercial building owners are required to comply with the following:

- Owner must maintain access to fire exits
- Flammable substances must be stored away from all exits and maximum levels under the Hazardous Substances Act must be adhered to – Maximum Capacity of Dangerous Goods
- Owner must have a current building Warrant of Fitness
- Owner must provide adequate fire suppression and signage in the building
- There must be an approved Fire Evacuation Scheme by the New Zealand Fire Service
- Training must be provided for staff

SEE APPENDIX FOR FIRE SAFETY PLAN

FIRE SAFETY AND THE EVALUATION OF BUILDING REGULATION 2006

FIRE SERVICE ACT 1975 – DEFINITION OF WHO REQUIRES AN EVACUATION SCHEME

2:11 - RURAL FIRES ACT 1977 – AS STATED IN THE ARTHUR'S PASS MANAGEMENT PLAN

Under this act the overall responsibility for the control and extinguishing of fire within National Parks is given to the Department of Conservation it states the following:

- Responsibility for the protection of buildings within the National Park is the responsibility of the New Zealand Fire Service. And building safety is the responsibility of the Selwyn District Council.
- The lighting of fires within the National Park is subject to strict controls and an open fire can only be lit if in a “permanently constructed fireplace”
- The use of portable camping stoves, cookers, burners is ok as long as there is observation as to the location of use and the ability to minimise the risk of fire spreading.
- Users are legally responsible for the damage caused by fires and must assess the use of any portable cookers or permanently constructed fireplace to minimise the hazard of fire spreading. Users are also held responsible for paying for the cost of any fire fighting required as a result of a fire spreading.
- No person shall light a fire within the national park if it is likely to present a fire hazard.
- Any person who lights a fire must have constant supervision of it until it is fully extinguished.
- If you have planned to light a fire within the national park you must first obtain a permit to do so, and in acquiring this you must stick to the guidelines outlined within it.

SEE THE FOLLOWING FOR MORE INFORMATION:

[RURAL FIRES ACT 1977](#)

[ARTHUR'S PARK MANAGEMENT PLAN – FIRE SAFETY](#)

2:12 - OCCUPIERS LIABILITY ACT 1962

An occupier of a premises owes the same duty of care to all visitors to that premises.

The common duty of care is to take such actions that the visitor will be reasonably safe in using the premises for the purposes of which it is intended for.

Where damage is caused to a visitor due to faulty execution of work, lack of maintenance or repair then the occupier is held accountable. The exception to this is if maintenance was carried out by independent contractor's.

[Occupiers Liability Act 1962](#)

2:13 - CRIMES ACT 1961

Imposes a duty on those with responsibility for others to provide the necessities for life, for example food, clothing and medical treatment.

It also imposes a duty to provide necessities to protect from injury or harm. This means provision of necessary Personal Protective Equipment where required and taking reasonable steps to protect that person from injury.

Furthermore, those in charge of "dangerous things" must use "all reasonable care" to avoid danger to human life.

Crimes Act 1961 - Part 8 Crimes Against the Person

2:14 - CARE OF CHILDREN ACT 2004

The purpose of this act is to promote children's welfare and best interests, and facilitate their development by ensuring appropriate arrangements are in place for their guardianship and care.

Guardianship is defined as all powers, rights, responsibilities of the child in relation to their upbringing.

This is why, under the Children Young Persons and their Family Act, it is a legal obligation to consult parents/guardians prior to seeking medical assistance, where possible.

In New Zealand a child is anyone under the age of 16 years.

Care of Children Act 2004 - Medical Consent

2:15 - CHILDREN, YOUNG PERSONS AND THEIR FAMILIES ACT 1989

The object of the Act is the protection of children and young persons and their well being. Furthur more it highlight the prevention of harm, ill treatment, abuse or neglect.

Where any person takes action or makes any decision, under this Act that has a a significant impact on the child/young person the following people must be contacted to discuss course of action:

- Pairent/gardians of the child.
- The child themselves if they are capable to understand it.

Also any medical practioner who carries out any medical examination is under an obligation to do so causing the least possible pestress to that person.

[Children Young Persons and their Families Act 1989 - Medical Treatment](#)

2:16 - PRIVACY ACT 1993

Identifies how personal information collected by organisations relating to employees and clients will be stored and utilised. It places responsibility on the employer to respect the privacy of the individual through the following actions:

- Obtaining the consent of the person to collect information.
- Collect information from the individual concerned unless they have given consent to collect it from other sources.
- Inform the person of reasons why information is collected.
- Only use the information for the purpose intended.
- The information must be accessible to the individual on request.
- The information should be stored securely for as long as it is relevant given the purpose it was collected for.

2:17 - CONSUMER GUARANTEES ACT 1993

Protects the rights of the consumer. The Act places responsibility on suppliers of a product to deliver what they say they will deliver. Where a consumer is dissatisfied with a product or service, the Act provides the consumer mechanisms for redress.

In regards to APOEC's programming our first objective is to maintain safety of our guests which overrides all other decisions. If we cancel a part of our service for safety we must make sufficient steps to provide an alternative.

However it is worth noting that our service extends into accomodation/food/power supply and our programs. So if we couldn't meet a groups needs with a provision we said we would provied (eg: electiricity) then the consumer would have rights for redress, if it was in our ability to provide it to them.

[Consumer Guaranties Act 1993 - Supply of Services](#)

2:18 - CIVIL DEFENCE EMERGENCY MANAGEMENT ACT 2002

The purpose of the Act is to:

- Promote the sustainable management of hazards in a way that contributes to the social, economic, cultural and environmental well-being and safety of the public and the protection of property
- encourage and enable communities to achieve acceptable levels of risk by identifying risks and applying risk reduction management practices
- provide for planning and preparation for emergencies and for response and recovery in the event of an emergency

Due to its geographical location Arthur's Pass is somewhat isolated so the act covers this by using Civil Defense Emergency Management Groups (EDEM Group). This is a consortium of the local authorities within the area, working in partnership with emergency services to achieve the following:

- Identify and understand local hazards and risks and implement cost effective risk reduction measures
- Provide, or arrange to provide, suitably trained people and an appropriate organizational structure, to conduct effective CDEM
- Provide, or arrange to provide, other resources necessary for effective CDEM

In Arthur's Pass this would consist of members of several organization like Search and Rescue, Department of Conservation, Fire Service.

The Arthur's Pass Emergency Centre is located at: Community Centre, 76 School Terrace, Arthur's Pass. If an emergency requires us to leave APOEC for safety the group will go there immediately and await further instruction.

2:19 - HUMAN RIGHTS ACT 1993

The Act covers discrimination in employment, the provision of goods or services, and access to places or facilities because of:

- Marriage status, Family status, including having or not having responsibility for children.
- Political opinion, Sexual orientation.
- Religion or ethics, Race or colour.
- Gender, including pregnancy and childbirth.
- Employment status, Ethnic or national origin.
- Age (once over 16).
- Disability or Health, including physical, psychiatric, or the presence of organisms in the body causing illness.

However, under the Act there are some exceptions. For example in some types of recreation it may be valid to discriminate on the basis that participation in an activity might result in harm to that person or to others if they took part.

The legislation described in this section places responsibilities on the Board of Trustees, management, staff and contractors of APOEC to make decisions based on the safety of their individuals and the group as opposed to individual discrimination.

2:20 - HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

A hazardous substance is any that has one or more of the following intrinsic properties:

Explosive, Flammable, Oxidisation, Toxicity, Corrosive, Ecotoxicity.

Mostly in the outdoors sector we deal with this in the form of Liquefied Petroleum Gas (LPG) or Diesel.

Diesel is considered to be of a “low flash point” so not as combustible as compressed gas or petrol. Yet with the storage and handling you must follow certain regulations. Firstly there must be a Stationary Container Test Certificate for the site, stating the storage of fuel next to an internal combustion engine is safe. Any spill of Diesel needs to be cleaned up immediately and reported to the head of operations.

With the use of LPG you must have a fire evacuation plan, extinguishers and first aid kit on hand. Make sure there is appropriate signage showing LPG is present. Ensure all staff are trained to use LPG safely, and if you are unsure submit yourself for retraining. All cylinders must be in a closed area, however this area should not be locked while in use. All commercial organisations using LPG must have a Location Test Certificate. Also an approved Dangerous Good Handler must train all staff in the handling of specific substances. This is covered under the Gas Act 1992.

With the cleaning products we use also it is required that the excess chemicals be locked away as not to expose people to any unnecessary risk.

Another consideration is human waste. APOEC has effluent storage onsite which means the whole area behind the lodge is “out of bounds” for groups.

[Hazardous Substances and New Organisms Act 1996](#)

[Information on Levels of Hazardous Substances allowed onsite](#)

2:21 - CIVIL DEFENCE EMERGENCY MANAGEMENT ACT 2002 AND THE CIVIL DEFENCE EMERGENCY MANAGEMENT AMENDMENT ACT 2016

The above acts were established to ensure public safety pre/during and post civil defense emergencies. It gives the following rights to civil defense agencies:

- improve and promote the sustainable management of hazards in a way that contributes to the social, economic, cultural and environmental well-being and safety of the public and the protection of property
- provide for planning and preparation for emergencies and for response and recovery in the event of an emergency
- require local authorities to coordinate Civil Defense Emergency Management (CDEM) through regional groups across the “4Rs” (reduction, readiness, response and recovery) and encourage cooperation and joint action between those groups
- encourage the coordination of emergency management across the range of agencies and organizations with responsibilities for preventing or managing emergencies

In Arthur’s Pass our key agencies used for civil defense are as follows:

Department of Conservation, Volunteer Fire Service, Land Search and Rescue Group.

[Civil Defence Website - Emergency Management Act](#)

[Civil Defence Emergency Management Act 2002](#)

[Civil Defence Emergency Management Amendment Act 2016](#)

2:21 - MISUSE OF DRUGS ACT 1975

Nowadays this is primarily covered under the Health and Safety in the Workplace Act, as “drugs” are now termed as a hazard.

This also includes the management of prescription medication and “*over the counter*” medicines that could affect the performance of individuals in the workplace. For most organisations you are required to state in your medical information what prescription medication you are taking, not so much to prevent you from doing your job but for the organisation to be aware and monitor any potential side effects that relate to safety sensitive tasks.

While employed APOEC staff may be required legally to partake in the following:

- Read and sign the drug and alcohol policy to acknowledge you understand it.
- Pre employment drug screening.
- Post incident testing.
- Random testing.
- Reasonable cause testing.

[Misuse of Drugs Act 1975](#)

2:22 - LAND TRANSPORTATION ACT 1998

This simply outlines the regulations around providing commercial transportation if you were to use an external transport provider. In addition to following the Standard New Zealand Road Rules they must also comply with the following:

- Vehicles must have a Transport Service Licence (TSL) and have it displayed.
- Drivers must hold relevant licence for the class of vehicle that they are driving.
- Drivers must complete a Log Book and follow the mandatory hours of work as outlined by the New Zealand Transport Authority.
- The transport provider must hold a Certificate of Law and Practice. This shows the organisation has an understanding of safe transportation operations.
- They must display their Concessionaire Card in the window of all vehicles used to show they can legally operate in the National Parks.
- Vehicles must have a Loading Certificate displayed and adhere to this at all times.
- The specific vehicle may have a lower top legal speed (for example most heavy vehicles are 90km/hr unless they have a licence to go faster)
- Vehicles must have a current Registration and Certificate of Fitness Displayed at all times.

2:23 - FOOD ACT 2014

The Act's key purposes are to minimise and manage risks to public health whilst protecting and promoting public health.

Under this act APOEC is considered a "food business" as we supply and store food to schools for monetary gain.

Our primary duty is as follows:

- We must ensure that food is safe and suitable for consumption.

The key ways we achieve our primary duty is:

- Check all food upon arrival from provider (Bidvest)
- Store all food appropriately: Fridge/Freezers/etc.
- Ensure appropriate food safety signage is available for group.
- Supply appropriate sanitation supplies
- Rotate and check stock expiration dates
- Monitor pest eradication and waste management systems

On the 14th of December 2017 the Centre Manager (Logan McKelvie) enquired with the Ministry of Primary Industries if we were required under this act to provide a Food Control Plan. Because the students and adults are preparing the food themselves, we are not required to do so. However we may choose to submit a voluntary Food Control Plan covering areas we currently already do as part of standard operation of the lodge.

[Email from Ministry of Primary Industries \(Dec 2016\)](#)

[Food Act 2014](#)

2:24 - FOOD HYGIENE REGULATIONS 1974

The Food Hygiene Regulations are enforced by local councils who set the food handling requirements and handle the registration and inspection of food businesses.

This is was covered by organisations implementing a Food Safety Programme but is now a requirment to have a Food Control Plan, which is required by 30th November 2018 to register under the Food Act.

Unit Standard 167 (*version 8*) is the bench mark for anyone handling food for commercial production

The current standard Unit 167 is set to be phased out by Unit 27955 (Apply food safety practices in a food related business, 5 credits

The above standards will soon be a requirment for anyone handling food.

[Food Hygiene Regulation 1974](#)

2:25 - FOOD SAFETY REGULATIONS 2002

These regulations relate to food containers/storage, infected people working with food.

It looks at transportation and storage of food prior to preparation.

All food arriving on site from external providers is checked and stored immediately upon arrival.

APOEC has a copy of its “*infected persons*” protocol, specifically for Norovirus containment, yet the principals apply to any viral outbreak. If you suspect a viral outbreak consult the manager to implement this plan.

[Food Safety Regulations 2002](#)

2:26 - CONSERVATION ACT 1987

As outlined in section 3b in the Conservation Act:

No activity can be carried out in a conservation area unless authorized by a concession. This means if you financially gain from operating on public land you must hold a relevant concession for your scope of operation.

For APOEC this would only become relevant once you stepped outside of the village setting and into the National Park area surrounding the village.

As part of the application for a concession you must submit a Safety Management Plan which has been audited by one of the following: Worksafe NZ, Skills Active, Outdoors Mark.

Failure to hold a relevant concession or easement can result in the following: [National Park Act Fines](#)

[Conservation Act 1987](#)

2:27 – CHARITABLE TRUSTS ACT 1957

To be registered under the Act, a trust must exist principally or exclusively for a charitable purpose according to the law of New Zealand, or for any purpose that is religious or educational whether or not such purpose is charitable according to New Zealand law. The following purposes may be the basis of registration as a charitable trust:

- the promotion of education
- the promotion of religion
- the relief of poverty
- other purposes of benefit to the community.

It is also charitable to establish facilities for recreation and other leisure-time activities if those facilities are provided in the interests of social welfare and are of public benefit. A charitable purpose may be the object of a trust or the purpose a society is formed. The trustees of the trust or society, as the case may be, may apply to the Registrar of Incorporated Societies for incorporation as a trust board.

APOEC is a registered Charitable Trust and registration of this trust can be obtained by using the link below.

[CHARITABLE TRUSTS ACT 1957](#)

[REGISTRATION OF APOEC AS A CHARITABLE TRUST](#)

2:28 - WAIVERS/LIABILITY DISCLAIMERS

A signed waiver does not release the organisation/ individual of their legal responsibility for prevention of harm. A high standard of care is still owed. APOEC uses this as a tool to highlight the risks applicable to our organisation, whilst engaging users in the management of their risks.

APOEC requires groups partaking in outdoor activities to review several forms: Activity Outline, which is a generic overview of each activity. Risk Analysis Management Strategy Forms, group leaders or representatives of a schools Board of Trustees must sign off each activity they intend to partake in prior to arriving at APOEC.

This process highlights risks we are actively trying to manage and your roles and responsibilities, by signing it off it shows APOEC you understand your roles as supervisors.

2:29 - LOCO PARENTIS

The term loco parentis has been around for quite awhile. Yet legally speaking the use seems to be obsolete in its application in the state school system due to the changes in Health and Safety at Work Act.

It simply states that any person supervising children is acting as a temporary parent and has the responsibility to provide care that is “reasonable of a careful and prudent parent”

Where this could apply to the school camp setting is through volunteer adult helpers from schools. While both teachers and APOEC staff are technically still PCBU's, the volunteer help would have to still adhere to the above. The situation where this could be used would be if an adult supervising children went against APOEC staff safety advice and a child was injured. So although it is not often used it still can have impacts on how we operate.

2:30 - LAW OF TORTS

This is briefly described as a “*civil wrong*”, where technically you are not directly breaking the law yet are in breach of a contract.

For example in the outdoor sector an example could be “*the negligence of duty of care*” to take “*reasonable and practical steps*” to ensure your and your guests safety.

Essentially this could anything from the failure of “*disclosure of risk*”, to the inability to “*identify risks*” to safeguard others. Both not crimes in themselves yet as a result you could be failing to take “*reasonable and practical steps*” and there for under the Crimes Act you could be found accountable.

2:31 - DUTY OF CARE

This states you owe a “*duty of care towards others to protect them from harm*”. You owe a duty of care to safeguard clients from harmful situation, where a reasonable person would have seen the likelihood of harm arising.

The term “duty of care” is used in several of the NZ Laws related to Adventure Tourism and the Adventure Activities Sectors.

Most often you will find the term used in the Health and Safety at Work Act and Crimes Act.

2:32 - STANDARD OF CARE

Under the Crimes Act this requires organisations to offer a “*standard of care that would be expected of a reasonable person*”

That standard of care changes when you are “*in charge of dangerous things*”. Under the Crimes Act your Standard of Care must be adequate to someone fully trained and competent in his or her role.