

Date

*****, M.P.
Parliament Building
Wellington

Dear ****

Health and Safety Reform Bill

Federated Mountain Clubs of NZ Inc. (FMC) has over 100 member clubs which represent some 17000 members of tramping, mountaineering, climbing and other outdoor clubs throughout NZ.

FMC is very concerned about some implications of the Health and Safety Reform Bill. Unfortunately, because it was not widely publicised that the Bill had significant implications on the voluntary sector, we did not make a submission to the Select Committee. We hope that you are able to recognise our concerns and influence the final make-up of the Bill.

Our reading of the Bill is that, as soon as a club has an employee, who may be an administrator, the Bill imports full employer obligations on all volunteers. Clubs with no employees are specifically exempt. So, for example, a club with no employees has no specific obligations to volunteers who may be undertaking activities such as leading a club trip. However, our largest club, the NZ Alpine Club, employs a small head office staff. It seems that, by doing that, they have added significant obligations regarding trip leaders and instructors (although not to participants).

All our clubs run their trips on a very collaborative basis, with knowledge willingly shared by the experienced. In this respect, a club trip is no different to a group of friends going tramping or climbing together, where one of the group has more experience than the others and willingly shares it. It seems inequitable that the Bill makes this arbitrary distinction.

This obligation will also affect clubs that are assisting contractors to maintain huts and tracks on the public conservation estate. The club members would see themselves there both for recreation and for the public good, but the contractor would be obliged to treat them as employees. This is likely to lead to reduced volunteer participation, at a time when government agencies, notably the Department of Conservation, are seeking to increase partnerships with the community.

Another aspect which concerns us is the removal of the current differentiation of obligations to people who are at a place of employment primarily for recreation and others. This has major implications for access to the backcountry, either tramping and climbing on farm land or using farm land to gain access to the public conservation estate. The current Act specifically limits the obligations of occupiers to a duty to warn users of abnormal hazards (so for example, warn about blasting but not about rivers or steep terrain) and provides for substantially lower penalties than the catchall "all practicable steps" provisions. The proposed change may mean that barriers to access

over wide tracts of our backcountry will become the norm. We are already noticing cases of skifield operators on public reserve land purporting to restrict access through the reserve on safety grounds.

The proposed change may also have implications for managers of public land, such as the Department of Conservation and local authorities. We would be very concerned if the Bill meant that those agencies placed restrictions on public access because of fears about their compliance risks.

Thank you for taking the time to consider this letter. We would be happy to arrange for a member of our Executive to meet you to discuss this further.

Yours faithfully,

Robin McNeill
President