

New Zealand Operators of Amusement Devices Meeting

Location: WorkSafe Offices, 12 Lambie Drive, Manukau on Tuesday 13th March 2018 10.00am

Present:	Chris Deere (Chair)	(CD)
	Dave Mitchell – Bungy NZ Ltd	(DM)
	Malika Rose - Bungy NZ Ltd	(MR)
	Richard Lockett - MEANZ	(RL)
	Gus Johannes – Finlay Park Adventure Camp	(GJ)
	Dave Giles - MEANZ	(DG)
	Mike Orange – MEANZ	(MO)
	Neil Rogers – RSE	(NR)
	Josie Spillane – Highlands Motorsport Park	(JS)
	Kevin Magness – K P Magness Ltd	(KM)
	Russell Jones – Boulder Park Amusements	(RJ)
	Steve Lee – Go Vertical Events	(SL)
	Richard Steel – WorkSafe NZ	(RS)
	Bob White – MBIE	(BW)
	CJ Mahon - Mahon Amusements Ltd	(CJM)
	Paul Mahon - Mahon Amusements Ltd	(PM)
	Steve Wilkinson – Silverdale Adventure Park	(SW)
	Shane Cameron – Off Road NZ	(SC)
	Karen Crabb – Rainbows End	(KC)
	Fwu Wren Loh – Rainbows End	(FWL)

1. Apologies

Judith Northcott (Big Fun Events), Paul Rose (Rosie's Rods), Graham Brooker (Splash Planet), Dave Mooney (Outdoor Amusements), Matt Hollyer (Canyon Swing), Elton Goonan (Hampton Downs), John Rippingham (Agrodome), Natalie Howell –(WorkSafe NZ), Maurice Flood (WorkSafe NZ), Darren McClutchie (Taupo Bungy), John Mahon (Mahon Amusements), Charlie Durrant (Rainbows End)

Meeting commenced at 10.05am.

2. Confirmation of minutes from 8th November 2017:

With the exception of a couple of typos, CD moved that the minutes from the previous meetings be accepted as a true and correct record of the meeting, KM seconded.

3. Matters Arising from previous minutes

- **Maurice Flood** to provide a copy of the Queensland 'do's and don'ts for Water Walker type activities for circulation amongst the group – Completed
- **MR** to Circulate list from Duncan Cotterill regarding action/talking points and no-go areas such as pricing strategies etc once received – Completed
- **CD** to contact ALARA to see if they have an existing sector list. Then a final list of sectors to be agreed by the group – Completed. CD discussed the sector breakdown with the intention of ensuring we have good representation across all sectors. Discussion was had around the list included in the draft paperwork. RL stated that MEANZ do not appear to fit into any current category, amendments to be made to paperwork. CD to check with AALARA how/if Model Railways are covered. GJ questioned if there was any potential confusion with having an Adventure Tourism sector with the Adventure Activities legislation. There was clarification in the

document which separated it to ensure that only Adventure Tourism that required an Amusement Device License are covered.

ACTION: DM to amend society paperwork to reflect Model Railway sector and CD to follow up with AALARA to see how they are covered in Australia.

- **DM** to move forward with the creation of an Incorporated Society - DM gave an update on where we are at. Legal paperwork has been created & circulated via email, together with rules and guidelines. Circulated the signatory sheets for the incorporation of the society at the meeting to establish the required 15 minimum members required.
- **CD** to report back on relevant content of the harmonisation of regulations meeting in USA – Completed, this was circulated with Agenda and Minutes via email dated 28 Feb 2018.
- **RS** to include supplementary information on the AAO list page to assist with reducing confusion around who is registered to operate and the different registration processes that exist. E.g. an explanation that some activities are exempt from the AAO process as they are registered under a different process and to check the individual companies' website. – See General Business below
- **RS** to provide feedback after meeting with Wellington Councils advising how it went and what the next steps are. If it works favourably, it will be replicated with other Councils and potentially an association that sits alongside LGNZ. – See General Business below
- **RS** to forward any emails from Operators enquiring about this meeting to the NZOAD@bungy.co.nz email so they can be followed up – See General Business below

4. Approval of NZOAD rules

Requested feedback on the rules and guidelines - KM questioned whether we were following Aussie rules, DM clarified that the rules of the society are a standard set of Incorporated Society Rules recommended by the Legal Advisors, Duncan Cotterill, they are not a copy of the AALARA rules. No other comments were aired.

NOTE: DM moved that the rules be accepted (with the amendment to the sectors to include Model/Miniature Railways. No objections. JS Seconded.

5. Market Sector Definition

Once the Society is established, the sector consideration is not very important as it will be one vote per member, but it is useful to ensure that we have well rounded representation across the whole Amusement Device sector to begin with to ensure all sectors have had a voice.

- 5.1.1 Aquatic Attractions – Graham Brooker
- 5.1.2 Events & Festivals – Gus Johannes / Steve Lee
- 5.1.3 Go Karting – Shane Cameron
- 5.1.4 Indoor play & Family Entertainment Centres – Steve Wilkinson
- 5.1.5 Laser tag/Laser Skirmish – Josie Spillane
- 5.1.6 Maze – Russell Jones
- 5.1.7 Theme Parks & Outdoors Attractions – Karen Crabb / Fwu Wren Loh
- 5.1.8 Trampoline centres – may consider combining into 5.1.4
- 5.1.9 Transportable Rides – Mahon's Amusements
- 5.1.10 Adventure Tourism - Bungy NZ
- 5.1.11 Miniature Railways – to be added to list

Action: CD to review Trampoline Centres with AALARA to see how they are categorised (not many trampoline centres will require an ADL registration).

6. MBIE Update on Amusement Device Regulations Changes

Bob White, MBIE, circulated a paper and gave an overview of the process with some indication of time frames. This included the background on the HSWA 2015 regulatory work programme and the issues

on times currently covered by the Amusement Device Regulations 1978. The previous submissions operators have put forward, have been read and considered.

The headings of the issues proposed to be included are below (not definitive), these were discussed with Richard & Morris, WorkSafe and the Recreational Safety Engineers:

- Coverage – what is covered by the term “amusement devices”
- Aligning current regulations with proposed plant and structures regulations
- Upstream duties
- Inspections
- Requirements for owners/controllers
- Operator Competency
- Design verification and registration processes
- Registration requirements
- Local Authority involvement/site permits
- Fees and Charges
- Alignment with international standards
- Key stakeholders

(N.B Bob White asked for the paper not to be circulated further than the people in attendance as it was a fluid process and not set in stone, the paper was just a discussion aid for the meeting.)

Proposed Timeframe and overview of process

- MBIE to brief minister (Iain Lees-Galloway) in next four/five weeks
- MBIE & Minister to form a view on next steps
- Paper written to put to Cabinet – May 2018
- If green light, Public Consultation for a period of six weeks occurs – mid July 2018
- Write up findings and create further brief, obtain agreement with Minister.
- Create a further Cabinet paper, which states intentions and reasons for new legislation
- When Cabinet permission is received, Parliamentary process begins and drafting of revised regs.
- 12 months minimum from end August until Regs become live

BW clarified that a formal submission from a group such as NZOAD, carries more weight during the Public Consultation process than individual submissions, so we need to ensure that we draft a comprehensive and clear submission during this time. Given that the group has now got an insight into the issues that MBIE are looking at, we have a ‘head start’ on reviewing and considering our position.

Proposal is to create the draft regulations using the Australian legislation as a template and review/tweak to make more appropriate to the NZ context. Some discussion was had around retaining registration process for ADL but adding in the requirement of registration of plant and plant designs (design verification) such as seen in Australia and extending this out to cover items such as passenger rope ways (eg Ski tows) and pressure equipment (eg large scale boilers).

The idea of this is to have a register of verified designs which would allow easier licensing of standard designed devices. CD advised at this point that the Australian design verification is actually causing issues in Australian standards and there is a current feel and movement towards a harmonisation standard as a replacement because they cannot currently buy a ride straight out of USA without being caught by the Australian standards. BW clarified that the Australian framework could still be utilised but we could amend items to best suit NZ. RJ questioned what happens in relation to ‘legacy’ equipment or NZ built, BW said that there would be a need to flush out how much was out there and how much is it a problem and how much to people want to change it. Need to ensure anything that is imported is suitable for the NZ environment eg seismic ratings etc. CD asked whether MBIE would be sending a representative to the AALARA conference in May as it would be hugely beneficial to hear the current situation and position of Amusement Devices in Australia and the pros and cons they are having from an Engineering, Operator and Regulator perspective. Disney Engineers and ASTM representatives will be present. BW did not confirm either way. So to sum up, no decision has been made to follow the

Australian Standard, it is just a starting point, but considerations will be given to following what the Australians do in consultation with the public in July. If anyone considers that there is a better way that following the Australian process, then MBIE is open to these suggestions. NR highlighted the difference between the “Standards” and the “Regulations” and not to get them muddled.

Discussion was then had around Plant & Structures areas and then the list of issues identified in the paper BW provided – headings above. BW said that he would be discussing these with the Minister in around 4 weeks so to give feedback on the content before then if there was anything further from the submissions already given.

BW confirmed that consultation will be had on Local Authority involvement and he will feed back to this group after discussions with LGNZ.

ACTION: NZOAD to feed back to BW on other alternatives to the Australian Standards and also any other issues highlighted in the paper tabled at the meeting.

7. IAAPA Meeting Notes/Insights

IAAPA (International Association of Amusement Parks & Attractions), CD attended and an overview was circulated with Agenda and Minutes via email dated 28 Feb 2018

8. ASTM update on Conference

ASTM (American Society for Testing & Materials) meeting that was held in New Orleans earlier this year. DM has been involved with them in relation to the F24 rides. ASTM invited Bungy NZ to the meeting as experts on Bungy Jumping as they are interested in developing a specific Bungy Jumping code. ASTM are doing interesting works on harmonisation of codes around the world. Australian engineers were in attendance too as they have been concerned that their own processes have become overly prescriptive and causing problems. DM explained the process that was occurring in NZ and was asked to send an email to MBIE & WorkSafe inviting them to the ASTM/AALARA conference meeting in Australia so they can get first hand exposure to the current issues and to avoid making the same mistakes that they have made. RS confirmed that WorkSafe are intending on having a presence there and that their presence is completed separate from MBIE’s as they are entirely separate organisations. CD advised that when speaking to the Australians, it appeared that the Australian Standard would not be around for long, with the movement being in favour of ASTM.

JS asked a question around a notification from WorkSafe recently that race tracks and driver training centres could potentially come under ADL regulations in the future – RS clarified that it would depend on how the equipment has been constructed/engineered; it was a case by case basis and had many variables.

9. Recreational Safety Engineers Meeting

DM advised NZOAD have been formally invited to attend the next meeting on 27th March 2018. NR advised that neither BW nor RS could attend this meeting and then went on to give an outline as to what the format of the meeting is and its intention. It is considered as a training opportunity for Engineers and assists with consistency of inspections etc.

ACTION: NR to confirm how wide the invitation extends to members of NZOAD eg is it an open invitation or a representation of limited numbers.

10. General Business

10.1 Updates from WorkSafe

- RS confirmed that the WorkSafe will include a ADL register on the website and include a paragraph that advises the differences between Adventure Activities and Amusement Device operators. Both of these will be live on the WorkSafe website from 1st April. Feedback from the Group was that in relation to the register it would be ideal to include contact details. RS clarified that privacy was an issue.

Action: RS to take advice on how much information can be included and the ease of seeking permissions.

- RS Confirmed that the Greater Wellington Regional Council is meeting with WorkSafe in April. RS will be discussing their involvement in the ADL process hasn't been ideal and to give them some useful advice on what they need to be looking at. PM asked whether Council should be employing Engineers to do the Local Government checks and why would they be doing, as it seems to be a growing trend around the North Island. RS was surprised at this and it is not clear who is paying for this attendance. MR asked whether consideration has been given to removing Local Government involvement for permanent structures that have not been modified in the previous 12 months, BW clarified that this would be something that would be discussed via the review of Regs process.
- RS reviewed the concern raised at the last meeting regarding unlicensed operators, the complaints process and follow up on this. An audit and investigation function has been implemented within WorkSafe and it is tasked with following up complaints. Complaints need to be comprehensive and include decent content that will allow good follow up, e.g. photos, names of businesses, number plates, dates and location of activity.
- WorkSafe are considering implementing a 'reminder' process, such as a letter/email being sent out three months prior to expiry date. Discussion was had around the three month time frame and was this adequate. It was consider that it was a reasonable time frame. Further discussion was had around the 'creep' in dates of the licenses due to delays in Engineers availability, WorkSafe involvement etc. RS confirmed that dates were linked to the dates on the engineer's certification. CD suggested that this be raised at RSE meetings. RS flagged that the costs of registration will inevitably increase, but no indication of that increase was given.

Action: NZOAD to raise issue of dating of certification with RSE at the meeting on 27th March, suggest something such as an 'effective date' of the certification, to ensure creep in dates is eliminated.

- 10.2** RJ queried if WorkSafe could raise with Councils the possibility of them assessing all rides/activities that are present at an event when going out to undertake their permit checks. If they did this, it would highlight any activities that have not applied for a permit (and may not be registered/licensed) benefit of this could be to reduce the number of unregistered activities. RS confirmed he would raise this.

Action: RS to raise with Councils the possibility of reviewing all activities when going to an event to review the permit of one activity and the benefits this could generated.

- 10.3** GJ queried whether the new ADL process would double up on the Adventure Activities audits. RS stated that currently the ADL process is not an 'end to end' audit process and this could be considered through the review process or may remain with the status quo as there was concern over being audited twice for the same thing. NR stated that he believed that whilst not strictly required, good Engineers did do a more thorough process than may be understood as part of their checks and it wasn't just a mechanical check, some consideration of 'safe operation' was done too. MR suggested that if an end to end audit, similar to Adventure Activities wasn't legislated for ADL products, then there could be a large hole and a missed opportunity to improve the overall safety of activities. A Safety Management System was integral to ensure safe operations. RS responded that they didn't see the connection of Safety Management Systems to an Engineers process of certification of integrity. DM questioned where this consideration would sit in the process then as it has been identified as a downfall/weakness with the current system and isn't good enough in this day and age not to ensure the topics of an SMS are covered, (eg Drug & Alcohol policies, training standards, maintenance standards, competencies of workers, monitoring of policies and procedures in action etc.) DM asked for a workshop to be available at the very start of consultation to ensure that the group didn't waste time on unwarranted feedback. BW made mention that it would need to be specifically legislated for it to be covered properly.

Action BW to advise a date for workshop in July

- 10.4** Membership signatures were obtained and we were four short, DM/MR would seek further signatures from the minute's circulation database in order to complete. CD suggested that we continued with the basic requirements to set up the society and sought to fill the required positions of the board.

Chairman	- Chris Deere nominated, supported by Kevin Magness
Secretary	- Malika Rose nominated, supported by Kevin Magness
Treasurer	- Bungy NZ nominated, supported by Kevin Magness
General Board Member	- Dave Mitchell nominated, supported by Chris Deere
General Board Member	- Josie Spillane nominated, supported by Kevin Magness
General Board Member	- Russell Jones nominated, supported by Kevin Magness

Other Comments

RS asked about the reach of the Society, DM confirmed that the database is growing and is spread mostly by word of mouth. Keen for all parties to ensure that they are making other operators aware of the Society and the importance of being part of it to have a recognised voice.

ACTION POINTS

- **Action:** DM to amend society paperwork to reflect Model Railway sector and CD to follow up with AALARA to see how they are covered in Australia.
- **Action:** CD to review Trampoline Centres with AALARA to see how they are categorised (not many trampoline centres will require an ADL registration).
- **ACTION:** NZOAD to feed back to BW on other alternatives to the Australian Standards and also any other issues highlighted in the paper tabled at the meeting.
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- **Action:** RS to raise with Councils the possibility of reviewing all activities when going to an event to review the permit of one activity and the benefits this could generated.
- **Action** BW to advise a date for workshop in July

Meeting concluded at 12.05pm

Next Society Meeting likely to be in July, notification to be sent out via email.