



**Playing an
active role in
keeping our
people safe.**

Health and Safety Reform Bill

Local Government New Zealand's submission to the Transport and Industrial Relations Committee

9 May 2014

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Introduction

Local Government New Zealand (**LGNZ**) welcomes the opportunity to submit on the Health and Safety Reform Bill. LGNZ is the national organisation of local authorities in New Zealand, of which all 78 councils are members. We represent the national interests of councils and lead best practice in the local government sector. LGNZ provides advocacy and policy services, business support, advice and training to our members to assist them to build successful communities throughout New Zealand. Our purpose is to deliver our sector's vision for New Zealand, of local democracy powering community and national success.

We are a member-based organisation, with a National Council as our governance body.

LGNZ wholly supports the Government's overall workplace health and safety reforms in the wake of the key findings and recommendations made by the Independent Taskforce on Workplace Health and Safety. The Reform Bill is of major importance to local authorities, which are significant employers throughout New Zealand, and which operate in a wide range of circumstances; ranging from complex business situations to engaging volunteers for work in parks and reserves. The nature of local authorities' roles also means that workers often carry out work in the field, as well as in a traditional office environment.

In relation to the Reform Bill, LGNZ and a number of our members have identified some area of concern, which we discuss in detail below. These deal with:

- Local authorities' elected members' status as officers;
- Liability in respect of all volunteers;
- Engagement with all volunteers, contractors and subcontractors as workers;
- The impact on Accident Compensation Corporation experience ratings;
- Liability in respect of public space workplaces;
- Liability in respect of recreation and leisure activities;
- Only reasonable compliance and cooperation by workers and other persons;
- Accidents on public roads; and
- The implementation of the Reform Bill's major changes.

LGNZ wishes to appear before the Select Committee to present its submission.

This submission has been adopted following consultation with our members, and we have attempted to reach consensus on the views and opinions it expresses. Some of our members have also chosen to make individual submissions, and this submission in no way derogates from their individual views and opinions.

Due to the short time frame provided for submissions, LGNZ may make further submissions either before or as part of its appearance before Select Committee.

This submission has been approved under authority delegated by Lawrence Yule as President of LGNZ.

Summary of key issues and recommendations

1. Local authorities' elected members are currently not exempted from the definition of "officers" under the Reform Bill. The definition of "officers" should be amended to expressly exclude elected members of local authorities acting in that capacity. Elected members should be removed from having any duty of due diligence. Instead, consideration should be given to adding the requirement for elected members to consider health and safety as a consideration when appointing chief executives, and chief executives should be made expressly accountable to local authorities (including elected members) for health and safety matters.

2. All volunteers are currently treated as workers like any other under the Reform Bill. The potential to incur liability in respect of volunteers should be amended to expressly exclude liability in relation to volunteers who do not carry out particular types of regular and on-going work that is essential to the business or undertaking of the PCBU engaging them.
3. All volunteers, and contractors and subcontractors (and their employees), are currently treated by the Reform Bill as workers who need to be consulted like any other. The nature of engagement required should be amended to account for the differing types of relationships that PCBUs will have with certain volunteers, contractors and subcontractors (and their employees) so as to avoid imposing liability where there is no managerial or operational control, and to reduce unproductive duplication of duties among PCBUs.
4. Due to the expanded definition of workers under the Reform Bill, there is the potential for adverse implications in relation to Accident Compensation Corporation experience ratings as a consequence of incidences over which local authorities have limited or no control. The Reform Bill should be amended to clarify that its definition is to have no effect in terms of levies payable under other enactments, nor to the Accident Compensation Corporation regime in general.
5. All places where work is carried out for an undertaking fall within the definition of workplaces; including civic or public places that remain accessible to the public when local authority officers or workers are not present. The liability for health and safety risks posed by workplaces should be amended to exclude situations where their use is not actually capable of being regulated by the PCBU that is said to have management or control over them.
6. Any person in a workplace will be owed health and safety duties by a PCBU under the Reform Bill, with no exception being made for the purpose for which the person is present. Liability for health and safety risks should be excluded for persons who are present solely for recreation or leisure purposes.
7. The Reform Bill only requires reasonable compliance or cooperation by workers and other persons with PCBUs' reasonable instructions, policies and procedures. The Reform Bill should be amended to clarify what will constitute unreasonable compliance and/or reasonable instructions, policies and procedures. The Reform Bill should also be amended to require compliance with policies and procedures rather than cooperation, as well as to limit liability for consequences arising from workers' or other persons' failure to comply.
8. The Reform Bill is unclear as to whether accidents on public roads are covered. As drafted, the requirement to protect the site (road) where serious crashes are involved may overwhelm WorkSafe resources and may increase risk to those on site managing the incident. If reporting requirements are also intended to capture incidents on public roads this is unrealistic.
9. Many of the major changes will require on-going attention following the Reform Bill's enactment. LGNZ notes the need for the Ministry of Business, Innovation and Employment and WorkSafe NZ (among others) to continue to provide guidance in relation to the implementation of these. LGNZ wishes to be involved in this process where local authorities are affected.

Local authorities' elected members as officers

10. Clause 12 of the Reform Bill defines a person conducting a business or undertaking's (PCBU) "officers" in a way that includes persons who make decisions that "affect the whole, or a substantial part, of the business of the PCBU (for example, the chief executive)". This creates a situation where local authorities' elected members will be counted among its officers under the Reform Bill, and therefore subject to officers' due diligence obligations (per cl 39).
11. During the early stages of consultation on the exposure draft of the Reform Bill, LGNZ provided feedback to the Ministry of Business, Innovation and Employment (MBIE) that commented, among other matters, on the potential exclusion of local authorities' elected members from the definition of "officers" altogether. LGNZ considers that local authorities' elected members should be removed from the definition of "officers", because this would be consistent with:
 - The particular roles occupied by elected members;
 - Good governance design;
 - The current operational structures of local authorities;
 - The drafting of the Australian legislation on which the Reform Bill is based; and
 - The drafting of the Reform Bill in general.
12. Elected members' particular roles within local authorities are distinct from other positions that are intended to be caught by the definition. The Select Committee is referred to ss 10, 11, 14, 39, 41 and 42 of, and cls 33–36 of sch 7 to the Local Government Act 2002 (LGA). LGNZ understands that wide drafting is needed to ensure that governance and senior management positions are included as "officers" regardless of their title or the particular structure of their PCBU. Local authorities' elected members, however, occupy a particular role that is circumscribed by the LGA. Consequently, elected members' roles are unlike those of company directors, trusts' trustees or the like, as elected members are not (and should not) be involved in local authorities' operational management. Elected members are required to ensure that their relationship with management is effective and understood, and that (so far as is practicable) the responsibilities and processes in relation to regulatory and non-regulatory decision-making are separated (per subss 39(a) and 39(c) of the LGA). Elected members are prevented by statute from exercising the kinds of control, or wielding the sort of influence, that are enjoyed by company directors.
13. Elected members provide governance and political guidance and, crucially, employ a chief executive, who holds all operational responsibilities (including for workplace health and safety) and who employs all other staff. Further, subjecting elected members to due diligence obligations may discourage people from standing for elected office, which is an undesirable outcome from a talent pool perspective.
14. Including elected members within the definition of "officers" would cut across the current operational structures of local authorities, with elected members in future being required to get involved in the operational management aspects of local authorities. This would fundamentally change the relationship between elected members and chief executives, which may not be workable without wider changes to the LGA (which may in turn have undesirable consequences in other respects). Moreover, under the existing model of local government, elected members would not be able to satisfy themselves in relation to officers' due diligence duties except through assurances provided by chief executives and their staff.
15. The Australian Work Health and Safety Act 2011 (Cth) (Model Law), on which the Reform Bill is based, has exempted elected members of local authorities acting in that capacity from the definition of officers (per s 4). This is in keeping with the points made above; namely, that elected members occupy a particular role within local authorities that does not include involvement in operational management, meaning that

subjecting them to the same duties as any other officer would cut across local authorities' operational structures, without in fact adding any benefits or greater assurances to the overall health and safety regime. LGNZ does not consider that there is any compelling reason to deviate from the exemption as drafted in the Model Law in the New Zealand context.

16. Removing elected members from the definition is also in keeping with the remainder of the Reform Bill, which excludes local authorities' elected members from liability for failure to comply with officers' duties (per sub-cl 47(2)). In its present form, the Reform Bill has adopted a middle ground of imposing a duty without a consequent liability, which would only serve to get elected members involved in matters with which they have no experience or historic competence, and for which they could not incur liability. This serves no discernible purpose, as operational management is the domain of chief executives, who already fall within the definition of "officers" under the Reform Bill, and who will be required to comply with all due diligence obligations imposed on them as such (with added inducement to comply in the form of their potential personal liability for any failure to do so).
17. LGNZ considers that amendments to legislation should be made to (1) make chief executives responsible to local authorities (including elected members) for fulfilment of health and safety duties and obligations; and (2) oblige local authorities (including elected members) to have regard to health and safety matters when appointing a chief executive. This can be achieved through appropriate amendments to the LGA. This would ensure that elected members cannot avoid taking health and safety into consideration without having to fundamentally alter the present model of local government, and without subjecting elected members to the full range of officers' due diligence duties where they could provide no actual assistance to health and safety matters.

Recommendations

- **Amend** the Reform Bill to specifically exclude local authorities' elected members from the definition of "officers" in cl 12, by adding to the definition of "officers" wording to the effect of:

... other than an elected member of a local authority acting in that capacity.

- **Amend** Part 6 of the Reform Bill so as to amend the Local Government Act 2002, by adding a new provision to subs 42(2) of the Local Government Act 2002 that would make chief executives expressly accountable to local authorities (including elected members) for fulfilment of health and safety duties and obligations, in wording to the effect of:

... [and] ensuring health and safety duties and obligations are fulfilled and complied with.

- **Amend** Part 6 of the Reform Bill so as to amend the Local Government Act 2002, by adding a new provision to cl 33 of sch 7 to the Local Government Act 2002 that would oblige local authorities (including elected members) to have regard to health and safety when appointing a chief executive, in wording to the effect of:

... [and] ensure fulfilment of, and compliance with, health and safety duties and obligations.

Liability in respect of all volunteers

18. Clause 12 of the Reform Bill defines "volunteers" as persons who are "acting on a voluntary basis" regardless of whether they receive out-of-pocket expenses; with cl 14 subsequently defining "workers" in a way that

includes volunteers (per sub-cl 14(1)(h)). Consequently, volunteers will be owed duties as "workers", and local authorities as PCBUs may be liable for any failure to comply with these duties (per cls 42–44).

19. This is a fundamental change from the current position under the Health and Safety in Employment Act 1992 (**HSE Act**), where, although duties are owed to volunteers (per ss 3C and 3D), liability can only be incurred in respect of volunteers who do regular, on-going work that is not fundraising, assisting with sports or recreation for clubs or educational institutions, assisting with educational activities outside an educational institution's premises, nor providing care in their own homes, and which is integral to the business of the person(s) engaging the volunteer (per subss 3C(2)–3C(3)).
20. LGNZ's members are very concerned about this change. They advise that this proposed change under the Reform Bill will have a significant impact on local authorities' operations, as local authorities engage vast numbers of volunteers for various volunteer work. This ranges from school groups who undertake streamside planting, and other people who set trap lines, count birds and carry out ecological assessments. Often, the work carried out by volunteers takes place in semi-remote locations (for regional councils in particular), and particular concerns also arise due to the aging of many volunteer groups. Other councils use volunteer effort to help with event management. A large number of Councils are Rural Fire Authorities and rely on volunteers to undertake rural fire activities on remote sites and locations. The volunteers also sometimes operate on fires in other Fire Authority areas. The duty of care obligation in these situations is unclear.
21. Such a change will create perverse outcomes as local authorities will have to reconsider their use of volunteers. Due to the nature of the work that many of these volunteers do, environmental projects in particular will not be capable of being as well resourced as they are at present. This is especially relevant in relation to irregular events that local authorities organise (which include stream or beach clean-ups and tree planting, among others), where the need to treat volunteers as workers is likely to have a negative effect on the programmes themselves, as well as on the subsequent benefits that these programmes provide to local communities.
22. LGNZ wholly supports the need for PCBUs to owe all volunteers a duty of care, but it considers that the correct balance between the imposition of a duty and the potential to incur liability had been achieved by the HSE Act, and that there is no reason to deviate from the current arrangement. Maintaining this balance would require removing the potential for liability in relation to volunteers who do not carry out particular kinds of regular, on-going work that is essential to the business of the person(s) engaging them.

Recommendation

- **Amend** the Reform Bill to retain the arrangement as under the HSE Act, in terms of liability in relation to volunteers (who do not carry out particular types of regular and on-going work that is essential to the business or undertaking of the PCBU engaging them) as set out in ss 3C and 3D of the HSE Act.

Engagement with volunteers, contractors and subcontractors

23. As noted at paragraph [18] above, the Reform Bill defines "workers" so as to include volunteers. Consequently, volunteers will be owed engagement duties as "workers" of local authorities as PCBUs (per cl 61).
24. The Reform Bill also defines "workers" as people who carry out "work in any capacity for a PCBU", including as a contractor or subcontractor, or employee thereof (per sub-cl 14(1)(b)). Consequently, contractors,

subcontractors and their employees will also be owed engagement duties as "workers" of local authorities as PCBUs (per cl 61).

25. LGNZ understands the need for consultation requirements that are equally applicable to all "workers" so as to ensure, for example, that matters raised by contractors are required to be taken into consideration by a PCBU however the increased consultation and engagement requirements under the Reform Bill, as they apply to volunteers are entirely problematic. LGNZ's members have raised concerns about the feasibility of effective engagement with volunteers, given the often limited nature of the relationship between local authorities and the vast number of volunteers who are engaged in a wide variety of volunteer work, and who often have limited interactions with the PCBU whose "worker" they will be for the purposes of the Reform Bill.
26. LGNZ's members have also raised concerns in relation to the feasibility of effective engagement with contractors and subcontractors, particularly as a result of local authorities engaging a large number of contractors and subcontractors who are spread over a wide geographical area. Further, as contractors and subcontractors (as opposed to their employees) are likely to be PCBUs in their own right, the particular mode of consultation required should reflect the actual nature of the particular relationship between the local authority and the contractor or subcontractor.
27. LGNZ considers that as workers who are contractors or subcontractors will be in a fundamentally different position (in relation to local authorities as PCBUs) compared to workers who are, for example, employees, the nature of the relationship (and, consequently, of the type of engagement required) is more appropriately covered by the duty to consult other duty holders (per cl 27). Failure to provide for varying kinds of engagement, depending on the different types of "workers" that are engaged, may result in difficulties in terms of accurately demarcating which matters will fall under the various parties' own operational and managerial spheres of control.
28. Requiring PCBUs to engage with all contractors and subcontractors, who will owe their own duties as PCBUs, as if they were workers on the same footing as employees, is not in keeping with the general import of the Reform Bill, which seeks to increase accountability for health and safety considerations that either are or should be within an entity's or a person's managerial or operational control. Having PCBUs who engage other PCBUs be accountable in such circumstances serves only to divide accountability and distance it from the people and entities best placed to effectively deal with health and safety concerns, and creates a new potential for perverse outcomes. Further, and specifically in the local authority context, requiring consultation beyond obtaining evidence of contractors' or subcontractors' compliance with their own health and safety obligations as PCBUs also runs counter to the *Better Local Government* reforms that seek to "reduce red tape and compliance costs".¹
29. The health and safety issues that arise in the absence of cooperation and coordination as between PCBUs are already addressed by the Reform Bill through the duty to consult other duty holders (per cl 27), and LGNZ does not consider that there is any justification for requiring additional engagement with contractors or subcontractors.

Recommendations

- **Amend** the Reform Bill so as to clarify the nature of the engagement required in respect of workers who are volunteers (who do not carry out particular types of regular and on-going work that is essential to

¹ Department of Internal Affairs "Better Local Government" <www.dia.govt.nz/better-local-government>.

the business or undertaking of the PCBU engaging them), so as to account for the often limited to non-existent operational and managerial control that the PCBU, engaging the volunteers as "workers", will have in relation to the particular health and safety considerations.

- **Amend** the Reform Bill so as to clarify the nature of the engagement required in respect of workers who are contractors or subcontractors (and are PCBUs in their own right, merely being engaged by another PCBU for specified work) and their employees, so as to account for the often limited to non-existent operational and managerial control that the PCBU, engaging the contractor or subcontractor as a "worker", will have in relation to the worker's health and safety practices.

Impact on Accident Compensation Corporation experience ratings

30. As noted at paragraphs [18] and [24] above, the Reform Bill defines "workers" so as to include volunteers, and contractors and subcontractors (and their employees), respectively. Consequently, volunteers and contractors, subcontractors and their employees are in analogous positions to employees, to whom particular obligations are owed in terms of the Accident Compensation Act 2001.
31. In relation to volunteers, and contractors and subcontractors (and their employees), being defined as "workers", LGNZ's members have identified potential implications for their Accident Compensation Corporation (ACC) experience ratings. Consequently, LGNZ notes the concern over the possibility of work levy increases as a result of incidences over which local authorities have limited or no operational and managerial control, due to the wide-ranging nature of their involvement in communities throughout New Zealand.
32. LGNZ understands that the present position under the Accident Compensation Act (and regulations made under the Accident Compensation Act) is not altered as a consequence of the wider definition of "workers" in the Reform Bill. However, LGNZ considers that the Reform Bill should expressly stipulate that its definition of "workers" is to have no effect in relation to the ACC regime and the experience ratings of levy-payers.

Recommendation

- **Amend** the Reform Bill to stipulate that the Reform Bill's definition of "worker" (per cl 14) is to have no applicability to the calculation of levies payable under other enactments, or to the Accident Compensation Corporation regime in general.

Liability in respect of public space workplaces

33. The Reform Bill defines a workplace as any "place where work is carried out for a business or undertaking" per sub-cl 15(1)), and imposes a duty of care on a PCBU that manages or controls a workplace in relation to "the health and safety of any person" (per sub-cl 32(1)). Consequently, local authorities as PCBUs may be liable for failures to comply with this duty in relation to any person (per cls 42–44).
34. Local authorities undertake a wide range of work in relation to civic or other public places that, in contradistinction to those of the majority of other PCBUs, often remain accessible to the general public even when no local authority officer or worker is physically present or otherwise able to exert any management or control over its use. As such, due to the use that such spaces may be put by other persons with local authorities often unable to prevent them, workplaces that are nominally managed or controlled by a local authority may pose risks to health and safety through no fault of the local authority as a PCBU.

35. Imposing liability in relation to workplaces even when not being used by workers, such as after hours, may create undesirable outcomes if local authorities need to consider restricting access to civic or other public spaces at times when officers or workers cannot be present to manage or control these and the use they are put to. LGNZ does not consider that there is any justification for imposing liability where unauthorised use of a public space beyond the control of a local authority as the PCBU results in health and safety risks.

Recommendation

- **Amend** the Reform Bill so as to exclude liability for health and safety risks that arise from a workplace, or the means of entering and exiting it, when the PCBU who manages or controls it is not in a position to manage or control its use.

Liability in respect of persons in a workplace solely for recreation or leisure

36. As noted at paragraph [33] above, the Reform Bill defines a workplace as any "place where work is carried out for a business or undertaking" (per sub-cl 15(1)), and imposes a duty of care on a PCBU that manages or controls a workplace in relation to "the health and safety of any person" (per sub-cl 32(1)). Consequently, local authorities as PCBUs may be liable for failures to comply with this duty in relation to any person (per cls 42–44).
37. This represents a change from the current position under the HSE Act, which creates an exception in relation to people who are at a place of work "solely for the purpose of recreation or leisure", to whom no such duty is owed (per subs 16(4)). At present, therefore, liability in respect of recreation or leisure pursuits, such as sporting activities, is excluded.
38. The proposed change under the Reform Bill will significantly impact PCBUs who conduct sporting, or other recreation or leisure businesses or undertakings, at a risk of prosecution for injuries. LGNZ considers that there will be significant consequences in terms of industry willingness to offer such recreation or leisure programmes and facilities, especially if the risk of prosecution is seen to be high.
39. Further, many local authorities directly or indirectly operate recreation and leisure programmes and facilities for the use of the public and adverse outcomes may result if local authorities have to reconsider their ability to provide these in light of their additional potential liability. LGNZ does not consider that there is a need to remove the exclusion as it presently exists under the HSE Act.

Recommendation

- **Amend** the Reform Bill to retain the exception found under the HSE Act, by adding to sub-cl 32(1) and 33(1) wording to the effect of:

... other than persons in the workplace solely for the purpose of recreation or leisure.

Reasonable compliance and cooperation by workers and other persons

40. The Reform Bill imposes a duty on workers to comply (so far as they are reasonable able to) with reasonable instructions given by PCBUs, and to cooperate with PCBUs' reasonable policies or procedures (in relation to workplace health and safety) that have been notified to workers (per sub-cl 40(c)–40(d)).

41. The Reform Bill also imposes a duty on other persons at a workplace to comply (so far as they are reasonably able to) with reasonable instructions given by PCBUs (per sub-cl 41(c)).
42. As a consequence of the expansive nature of liability and increased penalties for breaches of health and safety duties under the Reform Bill, LGNZ's members have raised concerns about the qualified nature of the obligation to comply as far as reasonably able to with reasonable instructions. Consequently, and given the limited nature of supervision that is often inherent in work carried out for local authorities, LGNZ notes the need for clarification in terms of:
- What reasonable compliance with reasonable instructions will entail; and
 - The limits of potential PCBU liability for health and safety breaches that result from workers or other persons' failure to comply with reasonable instructions.
43. LGNZ's members have also raised concerns about the obligation under the Reform Bill for workers to cooperate, rather than comply, with any reasonable policies or procedures that have been notified to them. For the same reasons in relation to consequences of breaches of health and safety duties as noted at paragraph [42] above, LGNZ considers that there is no justification for not requiring workers to comply with reasonable policies or procedures.

Recommendations

- **Amend** the Reform Bill so as to clarify and provide guidance in relation to what reasonable compliance with reasonable instructions will entail.
- **Amend** the Reform Bill so as to clarify and provide guidance in relation to what will constitute reasonable instructions, policies or procedures.
- **Amend** the Reform Bill so as to require workers to comply with reasonable policies or procedures in relation to health or safety that have been notified to them.
- **Amend** the Reform Bill so as to delimit the potential for liability to be incurred as a consequence of workers or other persons' failures to comply with reasonable instructions, policies and procedures (as applicable).

Notifiable events

44. This Bill appears to extend injury site to include public roads but whether this is intended is unclear. As written, site protection and inspectors' obligations appear to extend to the public road where a serious injury is involved. In isolated rural areas it can take several hours or longer for first responders to reach the accident site. These first responders will sometimes be rural fire officers. We understand the Bill, as drafted (clause 53), will require the site to be preserved until a Worksafe investigator arrives. A strict requirement to preserve the site in such cases has the potential to create delays on the roading system as well as increase the risk to those on site managing the incident.
45. These provisions in the Bill are at odds with calls for "Quick Clearance" laws to allow authorities to clear road crashes more quickly. "Quick Clearance" laws are directed at reducing secondary incidents – involving other road users and first responders.
46. If the injury site is to include public roads then delegations are needed to enable others to carry out the inspector's site specific investigations at the roadside.

47. The expectations under s 19 about reporting requirements for notifiable incidents in relation to a workplace are also unclear. Specifically, whether notification is required of severe injury crashes and also of minor injuries and “near misses” that could potentially result in severe injury or death. There are many serious injury crashes and minor injury crashes in a given year and the potential for a more serious outcome is associated with many of these. There are also many “near misses” recorded on traffic cameras. Some of these will involve someone on a work related trip but in most cases it will be impossible to tell. As drafted, the reporting requirements introduced in the Bill will not be feasible due to the sheer volume associated with public roads.

Recommendations

- **Amend** the Reform Bill to mitigate unintended consequences for the land transport system.
- **Amend** the Reform Bill to exempt road injury crashes from the absolute prohibition against disturbing the injury site.
- **Amend** the Reform Bill to provide for appropriate delegations so Worksafe inspectors do not duplicate roles already carried out by others
- **Amend** the Reform Bill to exclude motor vehicle near misses and minor injuries occurring on a public road from notifiable incident reporting requirements.

Implementation of major changes

48. The Reform Bill introduces several areas and changes in the law that will require on-going focus, attention and guidance for their implementation after the Reform Bill's enactment.
49. Specifically in relation to local authorities, LGNZ considers that MBIE and WorkSafe NZ (among other entities) will need to be mindful, in particular, of:
- The duties and liabilities under the new roles;
 - The relationships between the new roles;
 - The duties and liabilities of elected members of local authorities;
 - The duties and liabilities of volunteers;
 - The increased worker participation requirements;
 - The increased role of health and safety representatives;
 - The implications for Council-controlled organisations;
 - The new definitions, including the wider definition of "workplace";
 - The new consultation obligations of duty holders (including managing health and safety responsibilities with and between contractors);
 - The new and increased enforcement tools;
 - The new and increased penalties for offences;
 - The amendments to related legislation, including the Employment Relations Act 2000; and
 - How a series of sector specific health and safety procedure and process guidelines based on ‘best practice’ can be developed so that all local authorities can implement them.

Recommendation

- **Note** the need for on-going focus, attention and guidance by MBIE and WorkSafe NZ (among others) in relation to the implementation of the major changes introduced by the Reform Bill following its enactment.