

Effectiveness of the health and safety regulator

Introduction

1. This chapter evaluates the effectiveness of the Department of Labour (DOL)¹ in regulating health and safety in the underground coal mining industry. In order to do so the commission has found it necessary to examine the department's wider functions, structures and strategies, within which its regulation of the industry took place. That broader look has been limited in scope but has identified the issues described in this chapter. The commission has taken these issues into account when making its comments and formulating its recommendations.²
2. The chapter begins with an acknowledgement of the changes made following the Pike River tragedy.

Changes to the Department of Labour since the Pike River tragedy

3. DOL accepts that its regulation of health and safety in underground coal mining has been inadequate. Since the Pike River tragedy it has made or foreshadowed important changes to improve its performance.

High Hazards Unit

4. DOL has reviewed its approach to high-hazard industries,³ and created, with additional funding, a High Hazards Unit for the extractives, petroleum and geothermal sectors. This is headed by a general manager in Wellington. Below are two chief inspector positions, one for extractives and the other for petroleum and geothermal workplaces. Three specialist inspectors will report to each chief inspector.⁴ Risk assessment will determine the frequency of inspections and other interventions, including systems audits.⁵
5. There have been continuing difficulties in staffing the High Hazards Unit. It was established from 26 September 2011, but has had a chief inspector for the extractives sector (including mining) for only part of that time, seconded from the Queensland regulator.⁶ In August 2012 the position remained vacant and the recruitment process was ongoing. Of the three specialist inspectors only one, Michael Firmin, is a warranted mining inspector. The second, Brian Harrington, who holds a first class mine manager's certificate, is still undergoing training and is expected to be warranted in September 2012. The third, David Bellett, is an experienced inspector and investigator, but does not have coal mining expertise.⁷ Recruiting and retaining specialist mining inspectors will be difficult, given international demand.
6. The department has also reviewed its management of health and safety. The Mining Steering Group and Workplace Services Management Team have been disestablished and a new Labour Group Leadership Team created.⁸

Proposal to increase investment

7. Following a 2012 proposal by the minister of labour, health and safety funding will be increased by approximately \$37 million from 2012 to 2016.⁹ The increase comes from the Health and Safety in Employment (HSE) Act 1992 levy, not all of which has previously been allocated. There will be more inspectors and they will focus on the areas of

highest risk.¹⁰ There will be better support for joint and industry-led initiatives and employee participation.¹¹ Links with the Accident Compensation Corporation (ACC) and other interested parties will be strengthened. DOL has set a target of reducing the number of workplace fatalities and serious injuries by 25% by 2020.¹² This will still leave New Zealand behind comparable countries, including Australia and the United Kingdom.

8. In the commission's view the changes are a step in the right direction, but do not go far enough.¹³

Leadership of health and safety

9. DOL now appreciates the importance of, and deficiencies in, its leadership of health and safety. As the minister's proposal noted, 'the Pike River tragedy and Royal Commission hearings indicate areas of weakness in the effectiveness and credibility of the regulator, and the ability to support industry-led activity and effective employee participation.'¹⁴
10. The minister proposed a strategic review of the health and safety system,¹⁵ which Cabinet directed be undertaken by an independent working group.¹⁶ The six-member group is to report by 30 April 2013.¹⁷ The review is to be wide ranging and will examine whether New Zealand's health and safety system is fit for purpose.
11. Many submissions to the commission were also concerned about inadequate leadership of health and safety. As Dr Kathleen Callaghan stated:

failures of the system reflect leadership and governance and that is not to personalise this critical issue. ... If one had to isolate the one critical factor in the scientific literature pertaining to positive health and safety performance it would be 'leadership'. Credibility of the leader is paramount ...

The DOL, in my view, does not lead as it should. It does some very good things as this submission records. But the threats to its credibility are significant. The bar set for NZ workplaces is not being met by the Regulator itself. ... Until this changes, and the Regulator leads by example, until the Regulator 'walks its own talk' the evidence suggests that there is unlikely to be any real change to OH&S in NZ. The leader will not have the confidence of the workplace. This comment goes beyond mining.¹⁸

The functions and structure of the Department of Labour

Many functions

12. At the time of the Pike River tragedy, DOL had many functions. It administered 23 acts and 67 sets of regulations. Four of the acts were major: the Immigration Act 2009, the Health and Safety in Employment Act 1992, the Employment Relations Act 2000, and the Accident Compensation Act 2001.¹⁹ It did so through six groups: Immigration, Labour, Policy and Research, Business Services, Legal and International, and Executive.²⁰
13. The labour, and policy and research, groups were described as having 'substantial involvement in health and safety matters.'²¹ But the labour group was responsible for employment and health and safety functions and policy advice, and accident compensation policy advice. A subgroup, workplace services, was responsible for employment and health and safety. The policy and research group's responsibilities included labour market, employment, immigration and health and safety advice.

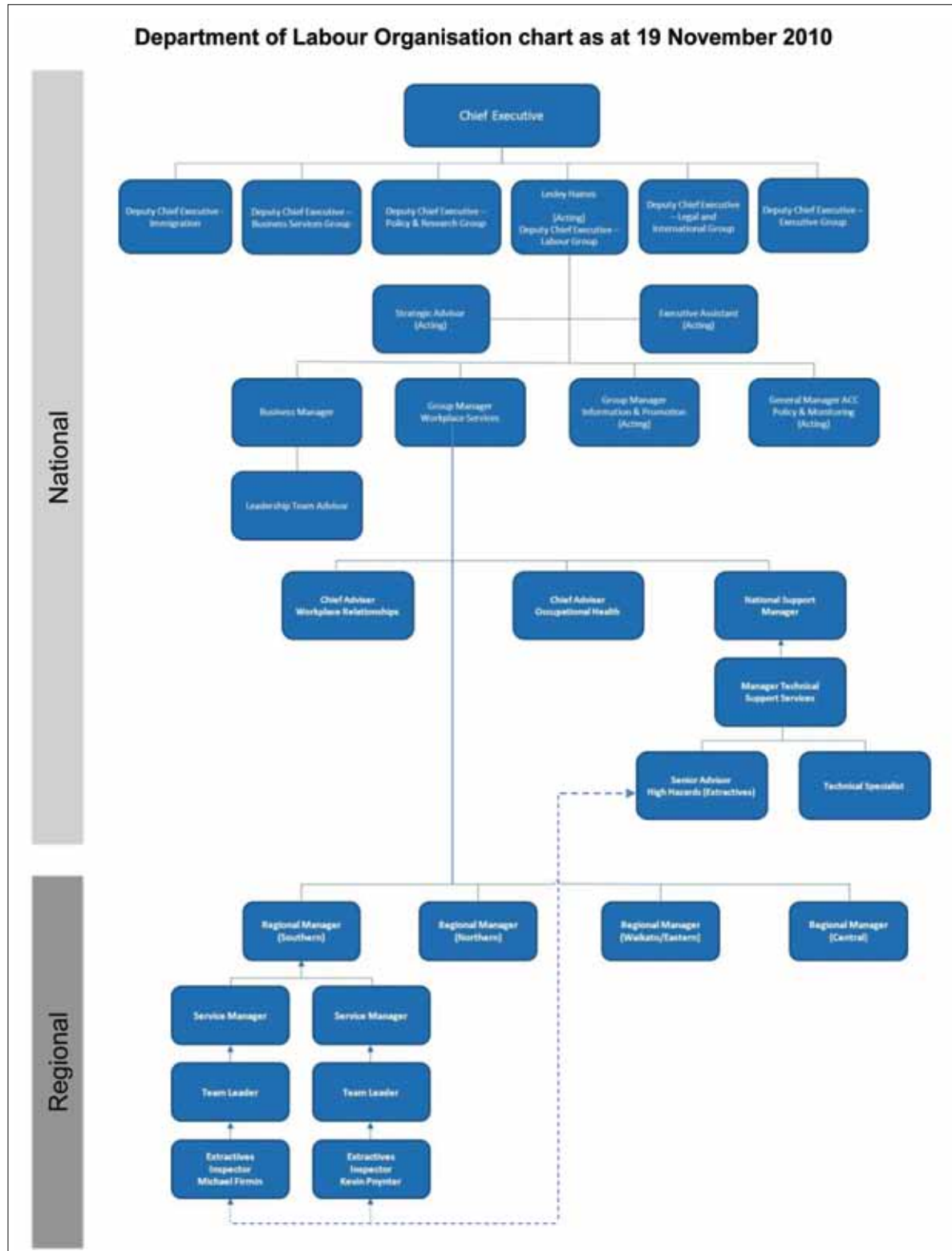


Figure 24.1: Department of Labour organisation chart as at 19 November 2010²²

Responsibilities of the senior officers and leadership teams

14. The senior DOL officers had broad responsibilities, of which health and safety was just one.²³ That breadth was also reflected in the high-level leadership teams. At 19 November 2010 DOL had two teams relevant to health and safety. The first was the Strategic Leadership Team, made up of the chief executive and the deputy chief executives of each of the six groups:

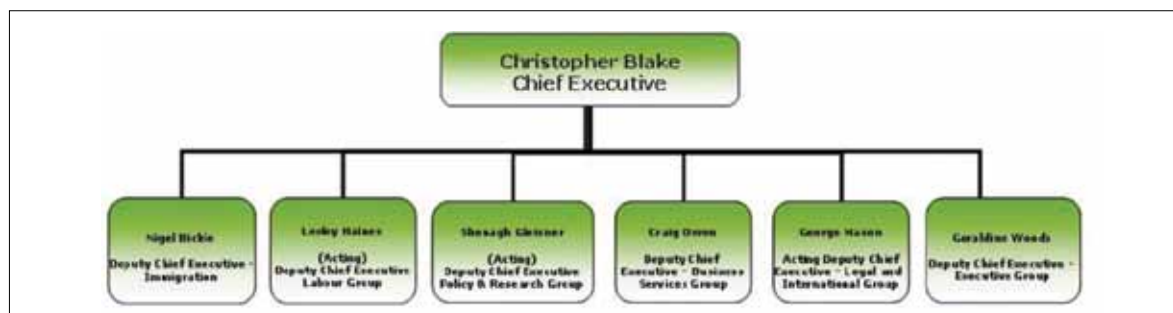


Figure 24.2: Strategic leadership team as at 19 November 2010²⁴

15. The second was the Workplace Leadership Team within the labour group. Its members included a strategic adviser, business manager, workplace services manager, information and promotion manager and ACC policy and monitoring manager:

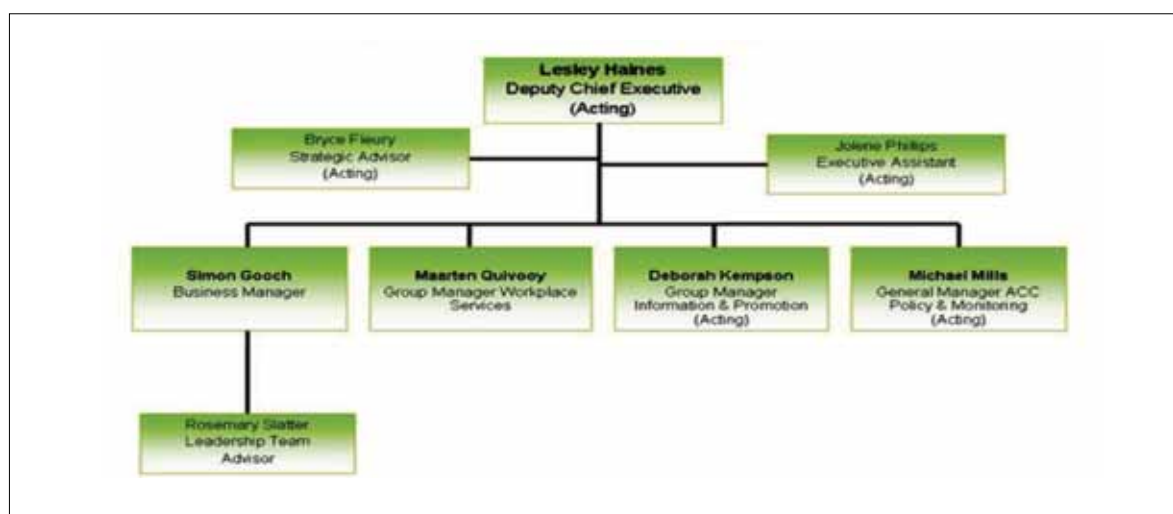


Figure 24.3: Workplace leadership team as at 19 November 2010²⁵

16. The labour group leadership team created following the Pike River mine tragedy also has broad responsibilities.²⁶
17. As at 19 November 2010 no one in either the strategic leadership team or the workplace leadership team had health and safety expertise, except for the acting deputy chief executive of the legal and international group, who had relevant legal experience. One member of the lower level workplace services management team had health and safety expertise.²⁷ Only three of the relevant members of the policy and research group appear to have had health and safety expertise. The request for an additional extractives inspector was first raised by mine inspectors at level seven of DOL, and had to pass up through two different groups over many months before it was declined.²⁸ The lack of understanding of the importance of the problem was clear.

Economic focus

18. Health and safety is not the main focus of DOL's statements of intent for 2010–13²⁹ and 2011–14,³⁰ which are aimed at improving economic performance. An increased focus on health and safety is apparent in DOL's statement of intent for 2012–2015.³¹

Conclusions

19. Health and safety in New Zealand was not led by a body for which improving health and safety was its sole, or even major, objective. Health and safety was just one of the responsibilities of a department with many responsibilities.
20. This diluted the attention paid to health and safety and contributed to an unwieldy structure in which senior officers had limited opportunities to develop health and safety expertise.

Shared responsibility at governance level

21. DOL recognised the importance of shared responsibility at governance level in its June 2005 10-year strategy, which proposed 'an effective governance arrangement, including a tripartite body'.³²
22. The Workplace Health and Safety Council was established in 2007 to provide representative leadership and advise the minister responsible for workplace health and safety.³³ The members include representatives from government, employer and employee organisations.³⁴ The council did not seek to participate in this inquiry, but the commission received its minutes and submissions from groups represented on the council or whose members attended meetings.³⁵
23. The council was to meet quarterly, but has met less often.³⁶ The meetings were attended by council members as well as stakeholder representatives, from ACC, DOL, Maritime New Zealand, the Ministry of Transport and Pike, among others.
24. Significant health and safety issues were referred to the council. In 2010, for example, it was told about 'limited frontline capabilities' within DOL,³⁷ and that 'injury stats are flat-lining with no significant decline and do not compare well with other like countries'.³⁸ Planned cuts to ACC health and safety representative training programmes were discussed.³⁹ On 18 February 2010, a council member noted frustration at 'endless reports and suggested the Council should meet in between the scheduled quarterly meetings and without other officials'.⁴⁰ The minister expressed concern that the 10-year plan and the council were 'not being as effective as they could be. She stated that both the Strategy and the Council need to have achieved more'.⁴¹
25. Submissions to this commission raised similar concerns. One submitter said the council:

*has not effectively engaged with the broader health and safety community, nor been given the necessary support to perform an accountability function. As a result initiatives identified under the Workplace Health and Safety Strategy have largely been allowed to wither and been replaced by a series of somewhat disjointed Action Plans which, whilst addressing important issues, seem to be lacking in strategic insight.*⁴²
26. The New Zealand Council of Trade Unions expressed concern that the council lacked power and a statutory basis, and thus could be ignored. It felt that 'those key functions... policy discussions, standard setting, oversight and monitoring of what goes on, on a tripartite basis should be done through a... statutory established national level council'.⁴³
27. In summary, New Zealand lacked effective shared governance, despite its importance being recognised in the DOL 10-year strategy. As Robens concluded 40 years ago, advisory committees have little influence; an executive board is required if there is to be effective participation in decision-making.

High-level health and safety expertise

28. The 10-year strategy also identified a need for high-level health and safety expertise. It contemplated that the National Occupational Health and Safety Advisory Committee (NOHSAC), established in 2003, would continue to give independent, evidence-based occupational health and safety advice to the relevant minister.⁴⁴ Its members included experts in public health, risk management, medicine and health, and safety surveillance systems.⁴⁵
29. NOHSAC's reports went to the heart of many of New Zealand's health and safety problems. In 2006, for instance, it noted that the 'amount of funding provided to prevent workplace harm appears to be significantly less than what actually may be required'.⁴⁶ In real terms the 2005–06 funding was less than the amount provided in 1989–90.⁴⁷
30. This 2006 report also pointed out that existing approved codes of practice were sometimes inconsistent with best practice, and that more were needed. A 2008 report affirmed the importance of approved codes of practice and other guidance; the right ones had to be developed, disseminated and complied with.⁴⁸
31. The foreword to NOHSAC's August 2008 fifth annual report highlighted mounting concerns. Though essential, policy documents, on their own, would not 'lead to an improvement in the prevention of occupational disease

and injury in New Zealand. There had been 'virtually no progress on even the most basic and easily achievable recommendations'. There had, for example, been 'four years of talk, but virtually no action, on simple and easily achievable recommendations such as the recording and coding of occupation on routinely collected data such as death registrations, cancer registrations and hospital admissions',⁴⁹ which was essential to the surveillance and therefore the prevention of occupational disease and injury.

32. NOHSAC's earlier reports had shown 'significant gaps' in the guidance materials that were supposed to 'encourage and facilitate compliance'.⁵⁰ Its latest report was undertaken in conjunction with the Office of the Australian Safety and Compensation Council and both it and NOHSAC were 'concerned that very little effort has been made to identify the relative importance of codes of practice and guidance materials to the functioning of the entire OHS regulatory system'.⁵¹
33. NOHSAC noted with concern, too, that 'the number of field active inspectors in occupational health and safety has decreased from 1.2 inspectors per 10,000 employees in 2001 to 0.8 inspectors per 10,000 employees in 2004' and proactive workplace visits from DOL inspectors had gone down from '26,405 in 1994/95 to less than 5,000 currently'.⁵²
34. NOHSAC was abolished in 2009 as part of a reprioritisation of government expenditure.⁵³
35. Serious problems identified by NOHSAC remain. In 2011 there were still substantial data deficiencies.⁵⁴ As is noted in Chapter 26, 'An effective regulatory framework', codes of practice and guidance are still inadequate, at least in the extractives sector.

The Department of Labour's 10-year strategy

Principles

36. The 10-year strategy, which aims to significantly reduce New Zealand's work toll,⁵⁵ sets out four principles:
 - prevention: focusing on preventing workplace illness and injury;
 - participation: participation by all groups involved in the workplace, including workers, health and safety representatives, unions, employers, industry and government agencies;
 - responsibility: employers are primarily responsible for health and safety, although employees have some personal responsibility; and
 - practicability: health and safety is based on what is reasonable, including the potential for harm, current knowledge and the cost of health and safety measures.⁵⁶

The commission endorses the prevention and participation principles.

37. The responsibility principle is narrowly expressed and concentrates on employers, while recognising some role for employees. But statutory responsibility for the prevention of harm in the workplace extends to a range of people, including the self-employed, contractors and machinery suppliers and repairers.⁵⁷ More importantly, the statement on responsibility overlooks the critical role of the regulator, whose inspectors inform, educate and ensure compliance,⁵⁸ functions integral to attaining the , whose inspectors inform, educate and ensure compliance, functions integral to attaining the Health and Safety in Employment Act 1992's objective.
38. The practicability principle reflects the definition of 'all practicable steps' in the HSE Act.⁵⁹ Whether a step is practicable depends on such factors as the nature, severity and likelihood of the potential harm and the availability, cost and effectiveness of the solution. The regulator has a crucial role in disseminating information about those. This is an aspect of the inspectorate's basic functions and reinforced by DOL's role in promulgating guidance material, including approved codes of conduct.⁶⁰
39. The way in which these two principles are explained understates DOL's pivotal role, and has been reflected in inadequate practice. That understatement is now recognised in DOL's initiatives to improve its performance.

Review of the 10-year strategy

40. A range of groups made submissions when the 10-year strategy was reviewed in 2009.⁶¹ Their concerns, which mirrored many of those expressed by NOHSAC, included the following:⁶²
- the leadership of health and safety was inadequate;
 - the strategy did not provide sufficiently meaningful goals and measures;
 - accident and injury rates would be most improved by refocusing the strategy on the high-hazard sectors;
 - resources were inadequate;
 - inspection rates had fallen to an unsatisfactory level;
 - policy initiatives were not reaching the 'coal face';
 - there was a lack of approved codes of practice and guidance;
 - health and safety surveillance data and benchmarking data were lacking;
 - managers and supervisors needed access to effective health and safety training;
 - there was no approved code of practice for employee participation;
 - employers and representatives needed more encouragement to use employee participation processes; and
 - workplace health and safety culture needed to be improved in order to make a sustainable improvement in workplace health and safety.
41. Many of these concerns, including inadequate resources, an insufficient focus on high-hazard industries and a lack of guidance, were still evident at the time of the Pike River tragedy.
42. The 2009 review led to a National Action Agenda for 2010 to 2013, published in March 2011, which 'sharpens the focus on action.'⁶³ Since then there has been a more fundamental rethink about workplace health and safety in New Zealand.

Focusing on high-risk sectors

43. The 10-year strategy and national action agenda identified the need to focus on the high-risk sectors:⁶⁴

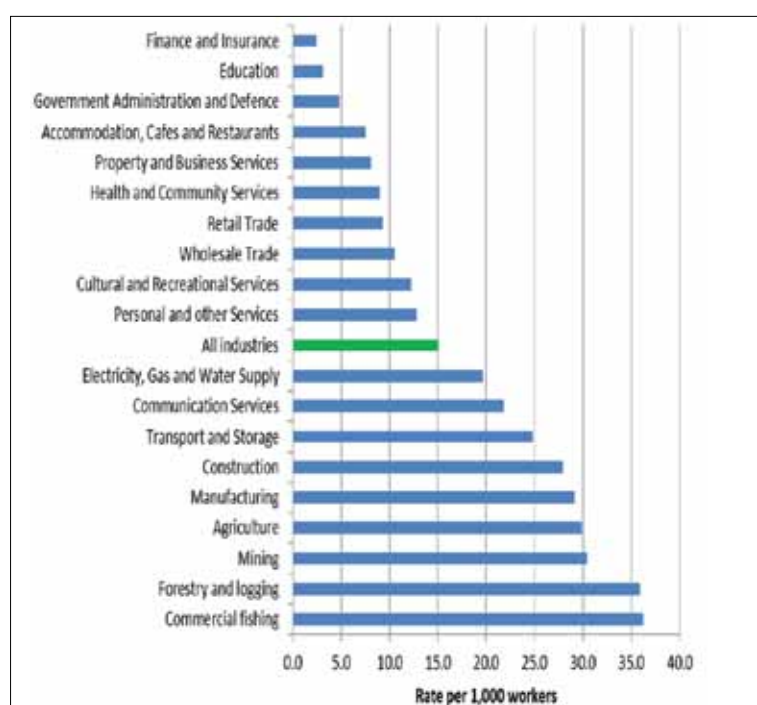


Figure 24.4: Highest risk sectors – injury rates⁶⁵

44. Although mining had the third highest injury rate, in contrast to the construction, agriculture, forestry, manufacturing and fishing industries, it was not seen as a priority area.⁶⁶ This seems to be because of a focus on industries with 100,000 or more full-time equivalent workers.⁶⁷ This approach was too blunt.
45. The creation of the High Hazard Unit improves matters by recognising the risk profile of the mining, petroleum and geothermal industries. But Dr Callaghan, after consultation with Acting Professor Mark Taylor of the Light Metals Research Centre, University of Auckland, considers there are significantly more high-hazard industries.⁶⁸ DOL agrees.⁶⁹
46. Interestingly, the highest risk sectors were identified primarily according to personal injury data – the consequences of individual accidents – but high-hazard industries are at risk of catastrophic process safety accidents, which are, by their nature, low frequency high consequence events. As the Pike River mine tragedy demonstrates, a focus on personal injury rates alone is not adequate to identify the ultimate workplace hazards. Until recently, there was no sign that catastrophic risk featured in the department's strategic thinking.

Accountability and review of the department

Performance measures

47. DOL lacks sufficient measures of its health and safety regulatory performance. Its 2011 annual report records that it had 'delivered' on the four intermediate 2010–11 outcomes, including that 'workplaces are healthier and safer.'⁷⁰ The performance measures upon which this conclusion was based included:
 - *The percentage of customers who indicated they were satisfied with the overall quality of service delivery received . . .*
 - *The percentage of investigations completed within five months of notification of the event.*
 - *The percentage of workplaces that, after six months, have satisfactorily addressed the compliance or enforcement requirements identified.*
 - *The percentage of e-enquiries requiring a substantive response that are responded to within three working days.*
 - *The percentage of workplace assessments targeted at industries identified in the Workplace Health and Safety Strategy Action Plan.⁷¹*
48. Those measures did not demonstrate how the core statutory health and safety functions have been performed and whether health and safety compliance has improved. As a consequence substantial problems with DOL's health and safety regulatory performance were largely invisible.
49. The *Performance Information for Appropriations: Vote Labour* for 2011–12 shows additional measures that improve the situation somewhat, including the number of approved codes of practice developed, revised or revoked.⁷² However better, qualitative, measures are needed, and should be included in the 10-year strategy and lower level plans.

Review and audits

50. DOL has had at least eight reviews and restructurings from when the HSE Act came into force until May 2012.⁷³ Those were 'in response to policy changes, tightening financial constraints, and the need to realign the Department's health and safety function with those of other agencies (such as the Department's Employment Relations Service and ACC's injury prevention function).'⁷⁴
51. DOL's internal reviews of its health and safety performance have been limited. They include a review commissioned in August 2010 of the quality of its investigation decision processes. The report of May 2011 found that significant improvements to investigation and compliance processes were needed.⁷⁵ Certain changes were agreed to in November 2011 and have been or are being implemented.⁷⁶

52. The health and safety performance of the regulator should be regularly reviewed and audited, using appropriate health and safety performance measures. The reviewers should include external health and safety experts.⁷⁷

Conclusions

53. DOL has been ineffective as the regulator of health and safety in the underground coal mining industry and its strategic approach to health and safety in general provides cause for concern. The reasons include:
- a lack of national leadership by the department, which has damaged its credibility;
 - no shared responsibility at governance level, including the absence of an active tripartite body;
 - not following the expert advice from NOHSAC on, for example, the need for approved codes of practice; and
 - insufficient departmental focus and expertise regarding health and safety, especially at the senior management levels, caused by its multiple functions, its organisational structures and management groups, gaps in its multi-year strategies and planning, poor performance measures and infrequent self-review.
54. The government and DOL have made significant changes since the Pike River tragedy. The setting up of the High Hazards Unit, the ministerial task force and the increased funding are steps in the right direction. For those improvements to be sustainable, and for New Zealand's poor health and safety record to be improved, the right administrative platform needs to be created, in the form of an expert regulator focused solely on health and safety. The characteristics of such a regulator are discussed in Chapter 25, 'A new regulator'.

ENDNOTES

¹ Now part of the Ministry of Business, Innovation and Employment.

² See the commission's Terms of Reference, para. (i), in Volume 1 of this report.

³ See, for example, Department of Labour, Practical Proposals for Improving the Department of Labour's Approach to High Hazard Industries, July 2011, DOL3000180051.

⁴ Department of Labour, Additional Submissions on Questions Arising During Final Submissions, 16 April 2012, DOL7770010010/3, paras 4–6; Letter, Brett Murray to Cameron Mander, 24 July 2012, MBIE3000010004/2.

⁵ Department of Labour, Additional Submissions, DOL7770010010/3, para. 7; Department of Labour, Phase Four Paper, 16 March 2012, DOL4000010005/18–20, paras 62–69.

⁶ Gavin Taylor, Chief Coal Mines Inspector, Queensland: Letter, Brett Murray to Cameron Mander, 24 July 2012, MBIE3000010004/1–2.

⁷ Letter, Brett Murray to Cameron Mander, 24 July 2012, MBIE3000010004/1–2; Michael Firmin, transcript, p. 616.

⁸ The Mining Steering Group was disestablished from 19 August 2011 and the Workplace Services Management Team from 31 August 2011: Department of Labour, Answers to Questions for Department of Labour, 31 August 2011, DOL7770010009/17, 18–19, paras 42, 47.

⁹ Kate Wilkinson (Minister of Labour), Proposal to Increase Investment in Safe and Skilled Workplaces Using Unallocated Revenue from the Health and Safety in Employment Act Levy, 4 April 2012, DOL7770060003/20; Cabinet Minute of Decision: Proposal to Increase Investment in Safe and Skilled Workplaces Using Unallocated Revenue from the Health and Safety in Employment Act Levy, 16 April 2012, CAB Min (12) 12/14, DOL7770060004.

¹⁰ Kate Wilkinson (Minister of Labour), Proposal to Increase Investment in Safe and Skilled Workplaces, DOL7770060003/11–12, paras 57–61; Cabinet Minute of Decision: Proposal to Increase Investment in Safe and Skilled Workplaces, DOL7770060004/2, para. 5.

¹¹ Kate Wilkinson (Minister of Labour), Proposal to Increase Investment in Safe and Skilled Workplaces, DOL7770060003/2, para. 9.

¹² *Ibid.*, DOL7770060003/3, para. 10; Cabinet Minute of Decision: Proposal to Increase Investment in Safe and Skilled Workplaces, DOL7770060004/3, para. 13.1.

¹³ Similar views are apparent from submissions. For example, Impac Services Ltd expressed concern that DOL's post-Pike River changes are not the start of a widespread and sustainable set of initiatives: Impac Services Ltd, Submission by Impac Services Ltd to Phase 4 of the Pike River Royal Commission, 9 March 2012, IMP0001/6.

¹⁴ Kate Wilkinson (Minister of Labour), Proposal to Increase Investment in Safe and Skilled Workplaces, DOL7770060003/8, para. 36.

¹⁵ *Ibid.*, Appendix 1, DOL7770060003/23–24.

¹⁶ Cabinet Minute of Decision: Proposal to Increase Investment in Safe and Skilled Workplaces, DOL7770060004/3, para. 14.

¹⁷ The members are Robert Jager, Chairman of Shell New Zealand and General Manager of Shell Todd Services (chair); Mavis Mullins, Director at Paewai Mullins Shearing; Michael Cosman, Managing Director of Impac Services Ltd; Paula Rose, former National Manager Road Policing; William Rosenberg, Policy Director/Economist for the Council of Trade Unions; and Paul Mackay, Manager Employment Relations at Business New Zealand: Kate Wilkinson (Minister of Labour), Health and Safety Review Taskforce Appointed, 6 June 2012, <http://www.beehive.govt.nz/release/health-and-safety-review-taskforce-appointed>

¹⁸ Kathleen Callaghan, witness statement, 23 March 2012, FAM0058/10–11, paras 47–48.

¹⁹ Department of Labour, Annual Report for the Year Ended 30 June 2011, p. 127, <http://www.dol.govt.nz/publications/general/ar1011/annualreport1011.pdf>

²⁰ Ministry of Business, Innovation and Employment, Structure, <http://www.dol.govt.nz/about/organisation/our-org-structure.asp>. The ministry is currently planning restructuring, the nature of which is not yet fully settled.

²¹ Christopher Blake, witness statement, 20 June 2011, DOL7770010004/4, para. 17.

²² Compiled from publicly available documents and the charts shown in

- Neil Gunningham and David Neal, Review of the Department of Labour's Interactions with Pike River Limited, 4 July 2011, DOL0100010001/36, 174–75.
- ²³ Neil Gunningham and David Neal, Review, DOL0100010001/174.
- ²⁴ *Ibid.*, DOL0100010001/175.
- ²⁵ *Ibid.*, DOL0100010001/174.
- ²⁶ The minutes of the current labour group leadership team show that it deals with a diverse range of matters, only some of which are related to health and safety: Department of Labour, Labour Group Leadership Team Meeting Minutes, 1 September 2011–1 May 2012, DOL3000180001–DOL3000180035.
- ²⁷ Dr Geraint Emrys.
- ²⁸ See Chapter 23, 'Management of the mining inspectorate'.
- ²⁹ Department of Labour, Statement of Intent 2010/11–2013/14, 2010, <http://www.dol.govt.nz/publications/general/soi2010/soi-2010.pdf>
- ³⁰ Department of Labour, Statement of Intent 2011–2014, 2011, <http://www.dol.govt.nz/publications/general/soi2011/soi-2011.pdf>
- ³¹ Department of Labour, Statement of Intent 2012–2015, 2012, <http://dol.govt.nz/publications/general/soi2012-2015/soi-2012-2015.pdf>
- ³² Ruth Dyson (Associate Minister of Labour), Workplace Health and Safety Strategy for New Zealand to 2015, June 2005, CAC0004/16.
- ³³ The role and terms of reference were revisited by the council at various times, see for example: Workplace Health and Safety Council, Meeting Minutes, No. 11, 18 February 2010, CAC0003/45–46.
- ³⁴ Its members are identified as the Hon. Kate Wilkinson, Minister of Labour; Helen Kelly, President of the New Zealand Council of Trade Unions; Phil O'Reilly, Chief Executive of Business NZ; Andrew Casidy, a union official and advocate; Fritz Drissner, Health and Safety Co-ordinator for the New Zealand Amalgamated Engineering, Printing and Manufacturing Union; Paul Jarvie, Manager Occupational Health and Safety, Employers and Manufacturers Association; and Panu Raea, a lawyer and General Manager of Safety and Employee Well-being at Air New Zealand (<http://www.dol.govt.nz/whss/whsc/whsc-members.asp>).
- ³⁵ Accident Compensation Corporation, Air New Zealand, the Department of Labour, the New Zealand Amalgamated Engineering, Printing and Manufacturing Union, the New Zealand Council of Trade Unions and Pike.
- ³⁶ From the minutes published on the Ministry of Business, Innovation and Employment, Labour Group's website, in 2010 it appears to have met only three times and twice in 2008 and 2011: <http://www.dol.govt.nz/whss/whsc/meetings.asp>
- ³⁷ Workplace Health and Safety Council, Meeting Minutes, No. 11, 18 February 2010, CAC0003/46.
- ³⁸ Workplace Health and Safety Council, Meeting Minutes, No. 12, 12 May 2010, CAC0003/33.
- ³⁹ For example: Workplace Health and Safety Council, Meeting Minutes, No. 8, 13 May 2009, CAC0003/69–70; No. 9, 17 September 2009, CAC0003/60–62; No. 12, 12 May 2010, CAC0003/37–38.
- ⁴⁰ Workplace Health and Safety Council, Meeting Minutes, No. 11, 18 February 2010, CAC0003/45.
- ⁴¹ *Ibid.*, CAC0003/44. The minutes for 12 May 2010 record that the council discussed the minutes from this meeting and 'confirmed that they were correct, if a little harsh in their recording of the discussion with the Minister over the Council's role and achievements': Workplace Health and Safety Council, Meeting Minutes, No. 12, 12 May 2010, CAC0003/31.
- ⁴² Impac Services Ltd, Submission, IMP0001/7.
- ⁴³ Ross Wilson, transcript, p. 5503.
- ⁴⁴ Ruth Dyson (Associate Minister of Labour), Workplace Health and Safety Strategy, CAC0004/26.
- ⁴⁵ National Occupational Health and Safety Advisory Committee, First Annual Report to the Associate Minister of Labour, June 2004, pp. 3–4, http://ohsnetnz.org.nz/images/pdfs/NOHSAC_AR_03-04.pdf
- ⁴⁶ Allen & Clarke Policy and Regulatory Specialists Ltd, Occupational Health and Safety in New Zealand (NOHSAC Technical Report 7), 2006, p. v, <http://ohsnetnz.org.nz/documents/NOH11098TechRep7Web.pdf>
- ⁴⁷ *Ibid.*
- ⁴⁸ Gunningham & Associates, Review of Key Characteristics that Determine the Efficacy of OHS Instruments (NOHSAC Technical Report 9), 2008, <http://ohsnetnz.org.nz/documents/EfficacyofOHSInstrumentsTechReport9.pdf>
- ⁴⁹ National Occupational Health and Safety Advisory Committee, Fifth Annual Report to the Minister of Labour, August 2008, p. 1, <http://ohsnetnz.org.nz/documents/AnnualReport2008.pdf>
- ⁵⁰ *Ibid.*, p. 2.
- ⁵¹ *Ibid.*, p. 1.
- ⁵² *Ibid.*, p. 2.
- ⁵³ Department of Labour, Response of the Department of Labour to Request for Information, June 2012, DOL7770060067/8, paras 16–17.
- ⁵⁴ Department of Labour, State of Workplace Health and Safety in New Zealand, June 2011, <http://www.dol.govt.nz/whss/state-of-workplace/DOL%2011724%20State%20of%20Workplace.pdf>; Impac Services Ltd, Submission, IMP0001/5; Chapter 22, 'The decline of the mining inspectorate'; Chapter 23, 'Management of the mining inspectorate'.
- ⁵⁵ Ruth Dyson (Associate Minister of Labour), Workplace Health and Safety Strategy, CAC0004/9.
- ⁵⁶ *Ibid.*, CAC0004/10.
- ⁵⁷ Health and Safety in Employment Act 1992, ss 6, 16–19.
- ⁵⁸ *Ibid.*, s 30.
- ⁵⁹ *Ibid.*, s 2A.
- ⁶⁰ *Ibid.*, s 20.
- ⁶¹ They included academics, employees, unions, employers, industry, and local and central government. The sectors included agriculture, construction, education, government, health and safety, medical and transport: Department of Labour, Review of the Workplace Health and Safety Strategy for New Zealand to 2015: Summary of Written Submissions, 2009, CAC0001/4.
- ⁶² *Ibid.*, CAC0001/13–17.
- ⁶³ Department of Labour, National Action Agenda 2010–2013, March 2011, DOL0020010015/4.
- ⁶⁴ Ruth Dyson (Associate Minister of Labour), Workplace Health and Safety Strategy, CAC0004/28.
- ⁶⁵ Kate Wilkinson (Minister of Labour), Proposal to Increase Investment in Safe and Skilled Workplaces, DOL7770060003/8.
- ⁶⁶ Department of Labour, National Action Agenda 2010–2013, March 2011, DOL0020010015/6.
- ⁶⁷ *Ibid.*, DOL0020010015/15.
- ⁶⁸ Kathleen Callaghan, witness statement, 23 March 2012, FAM0058/11–12, para. 54.
- ⁶⁹ Department of Labour, Practical Proposals for Improving the Department of Labour's Approach to High Hazard Industries, July 2011, DOL3000180051/9.
- ⁷⁰ Department of Labour, Annual Report for the Year Ended 30 June 2011, 2011, p. 19, <http://www.dol.govt.nz/publications/general/ar1011/annualreport1011.pdf>
- ⁷¹ *Ibid.*, pp. 56–57.
- ⁷² Performance Information for Appropriations: Vote Labour: Economic Development and Infrastructure Sector – Information Supporting the Estimates 2011/12, DOL0020010007/14–15.
- ⁷³ Department of Labour, Response of the Department of Labour to Request for Information, 15 May 2012, DOL7770060002/2–3, paras 2–7. This may not include the Labour Committee, Inquiry into the Administration of Occupational Safety and Health Policy: Report of the Labour Committee, 1996.
- ⁷⁴ *Ibid.*, DOL7770060002/3, para. 8.
- ⁷⁵ Department of Labour, Response of the Department of Labour to Request for Information, June 2012, DOL7770060067/12, paras 28–32.
- ⁷⁶ *Ibid.*, DOL7770060067/12–13, paras 33–35.
- ⁷⁷ For example the Civil Aviation Authority is externally audited by the International Civil Aviation Organisation http://www.caa.govt.nz/publicinfo/ICAO_audit.htm