

## HB Heavy Transport General Forum Meeting

### Minutes

2 June 2015

Commenced at 10.00am

Venue: War Memorial Centre, Napier

#### Attendees from Industry:

Emmerson Transport Ltd  
Hastings District Council  
NZ Police  
Tomoana Warehousing Ltd  
Apatu Farms Ltd  
Outgro Fertiliser Ltd  
Whitfield Transport Ltd  
Mike Kettle Contracting Ltd  
Kleer Contractors  
Nimon & Sons Ltd  
Austin Transport Ltd  
B&P Hermansen Logging Ltd  
SSS Trucking Ltd  
Conroy Removals Ltd  
Everfresh Ltd  
Deakin Motors

#### Executive members present:

Oliver Postings, Transport Agency  
Ken Holst, Transport Agency  
Chris Quinn, NZ Police  
Jenni Wilson-Kaio, Transport Agency  
Lynn Williams, Transport Agency  
Sandy Walker, RTA NZ

Changes to the Health & Safety Legislation – How will the changes affect this industry?

Presenter by invitation – Tim Wilson

Short activity for the audience was to take a piece of A4 paper, fold it 3 times, then rip a piece off on the top right hand corner, then open the piece of paper up. The different results helped to demonstrate how the same instructions given, were interpreted differently, therefore the final outcome or result was different.

This highlighted the importance of having effective systems and processes in place which help you to determine what action needs to take place to help prevent illness, injury.

Quote from Judge Tui of Masterton District Court:

**“The whole purpose of Health & Safety in Employment Act and hazard identification process which underlies it is to transfer benefits of hindsight into existence of foresight so that preventable injuries and death do not happen.”**

Prior to the HSE Act there were other Acts that required duty to report and duty to investigate. The Duties table hasn't worked over the last 20 years.

Must take all practicable steps to eliminate, minimise, or isolate hazards. If eliminating costs are excessive, minimising or isolating may be the “practicable step” to deal with the hazard.

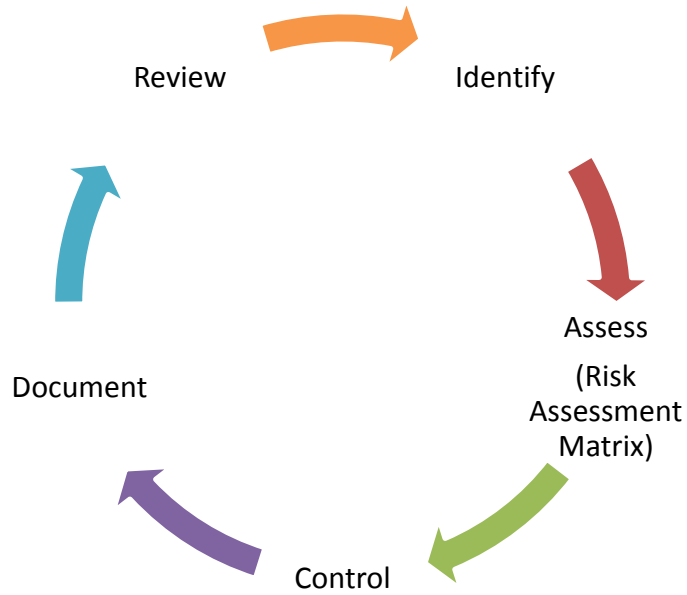
#### Key Aspects of H&S Management Systems:

If more than 30 staff: workplaces need staff participation systems.

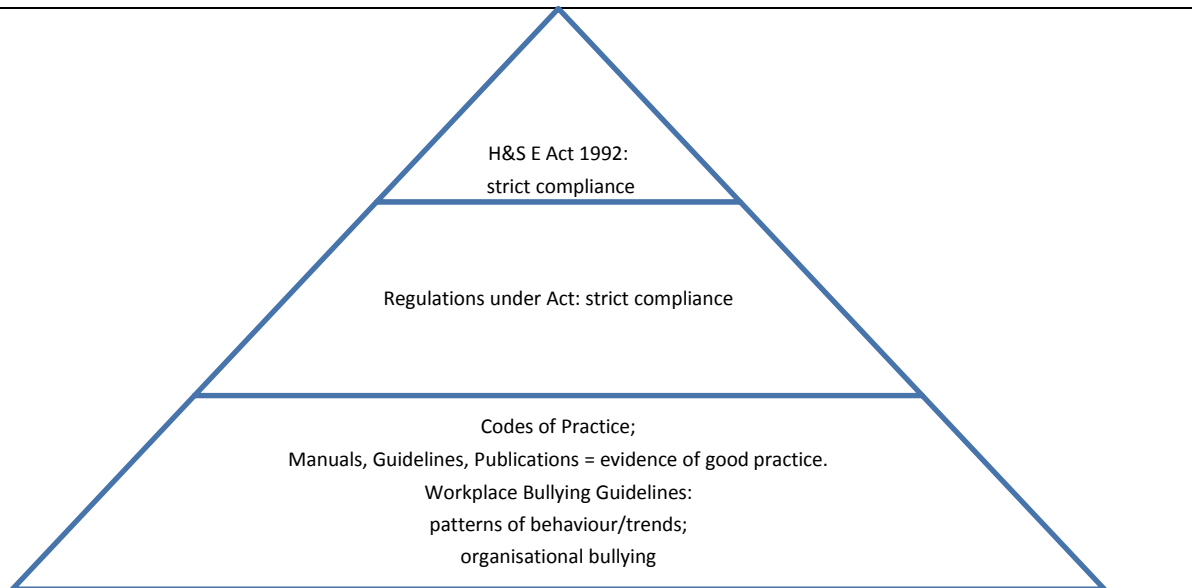
- Educate;
- Engage;
- Enforce.



One process for helping to manage Hazards & Risks: supported by hierarchies and different levels of systems and processes.



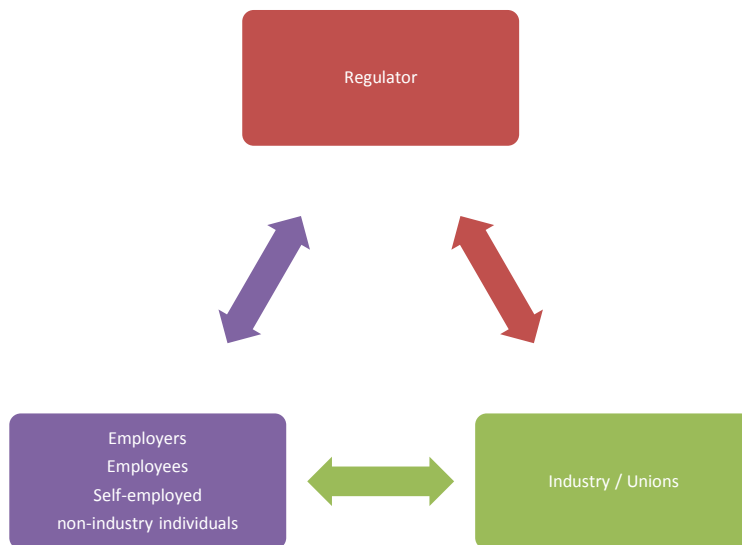
Sources of H&S information:



Who does what? Who is responsible?

Pike River tragedy – if we forget this, then we will continue to have preventable injuries and deaths in NZ.

**Failures identified from the Royal Commission review:**



High tolerance risk – will pay fines;  
 “I need my job”;  
 “Boss doesn’t care”;  
 No evidence/hard to get evidence to prosecute directors;  
 Worked in isolation to each other;  
 No robust regulatory action taken in consequence to incidents;  
 Industry/Unions relies on leadership;  
 Most organisations placed H&S under HR unit. They not fully competent. Not a right fit.

No organisation works in isolation towards the economy.

## The Big 6: What Businesses tell MoBIE what they struggle with:



What they're really saying is: "We don't have effective systems & processes in place".

### From the Review: Levers –

Knowledge, Accountability, Motivation.

- Health is becoming a significant focus;
  - Serious harm – what you need to do when you're going to do it;
  - Consider the wider business – this needs to be factored in;
  - Consider the entire role of where you fit into the business – silent director;
  - Due diligence will play a big role – who does what?
  - Manage risk – if you create risk you have a duty to manage risk;
  - Duties, Accountabilities, Knowledge, liabilities, motivation set to change;
  - How everyone jointly works together.
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- Under the H&S changes will be a strategy to change culture.
  - Dispute Resolution provision is also proposed.

### Points of Interest:

In preparing for H&S changes – Treat duties, accountabilities, roles, systems and processes for H&S as if duty to "God";

New world: Accountabilities will start at the top. If you create risk, you will have a duty to manage risk;

Officers – any person who makes decisions that affect the whole or substantial part of the business of the PCBU;

Due Diligence: taking all reasonable steps to:

- 1) Know about H&S and keep up to date;
- 2) Gain understanding of the operations of the org and hazards & risks associated with operations;
- 3) Ensure PCBU has appropriate resources and processes to eliminate or minimise those risks;
- 4) Ensure PCBU has appropriate processes for receiving info about incidents, hazards

and risks and for responding to that info;

- 5) Ensure processes for complying with any duty and that these are implemented;
- 6) Verify that resources and processes are in place and being used.

Who is a worker?

S.15 – meaning of workplace. Refer to Worksafe NZ website;

S.17 – meaning of reasonably practicable;

Refer to WorkSafe NZ website or free phone if you need:

Information/guidelines;

Help developing systems, processes for your business.