

A social responsibility framework for New Zealand's land transport sector November 2011

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Abbreviations and acronyms

DHB	District Health Board
ERA	Employment Relations Act 2000
GHG	greenhouse gas emissions
GPS	Government Policy Statement on Land Transport Funding
HRC	Human Rights Commission
H&SEA	Health and Safety in Employment Act 1992
ISO	International Organisation for Standardisation
LGA 2002	Local Government Act 2002
LTCCP	long-term council community plan
LTMA 2003	Land Transport Management Act 2003
MOT	Ministry of Transport
NLTP	National Land Transport Programme
NZTA	New Zealand Transport Agency
NZTS	New Zealand Transport Strategy
OIA 1982	Official Information Act 1982
PTMA	Public Transport Management Act 2008
QMS	quality management standard
RLTP	regional land transport programme
RLTS	regional land transport strategy
RMA 1991	Resource Management Act 1991

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Executive summary

Context

Since the implementation of the Land Transport Management Act 2003, public sector land transport organisations in New Zealand have had the obligation to be socially and environmentally responsible, either as one of their organisational objectives (NZ Transport Agency) or in terms of the activities and combinations of activities approved for payment from the National Land Transport Fund (regional councils and road controlling authorities). While most organisations had a strong sense of what was meant by environmental responsibility, less was known about what was required to be socially responsible.

In November 2010, after five years of extensive work involving 99 member countries and approximately 450 experts, the International Organisation for Standardisation (ISO) *Guidance on social responsibility* (ISO 26000) was published. The ISO 26000 is intended to guide organisations to translate the concept of social responsibility into action. However, because the ISO 26000 was developed for use by a wide range of organisations across many countries, it is a complex and involved document. We analysed the ISO 26000 to develop a practical guide for implementing it within local and central government organisations in New Zealand's land transport sector.

ISO 26000 Guidance on social responsibility

ISO 26000 has been prepared for use by organisations of all types, whether large or small, in both the public, private and not-for-profit sectors, in developed and developing countries, as well as in economies in transition. Government acting 'in its sovereign role to create and enforce law' is excluded.

Social responsibility is the willingness of an organisation to incorporate social and environmental considerations in its decision making; to contribute to sustainable development; and to be accountable for the impacts of its decisions and activities on society (including its health and welfare) and the environment. A socially responsible organisation is in compliance with applicable law and consistent with international norms of behaviour. Social responsibility is integrated throughout the organisation and practised in its (supply or value chain) relationships.

There are seven principles associated with social responsibility. Five of them – accountability, transparency, ethical behaviour, respect for the rule of law and respect for international norms of behaviour – underpin an organisation's governance structure. The remaining two (respect for human rights and respect for stakeholders' interests) may be seen as outcomes arising out of a sound governance structure.

The identification and engagement of stakeholders is a fundamental element of being socially responsible. There are seven core subjects identified in the ISO 26000: organisational governance, human rights, labour practices, the environment, fair operating practices, consumer issues and community involvement and development.

Adapting ISO 26000 for New Zealand's land transport sector

The ISO 26000 provides some guidance on how to integrate social responsibility throughout an organisation (ie how to apply the standard). However, given that the ISO 26000 is intended to be used by a wide range of organisations across many countries, the guidance is high level and non-specific.

Hence, we devised an alternative approach, based on the assertion in the ISO 26000 that 'compliance with law is a fundamental duty of any organisation and an essential part of their social responsibility' (c1). First, re-casting the core subjects as outcomes, we developed a series of simplified outcomes models showing

the lower-level steps or outcomes necessary to achieve higher-level social responsibility outcomes. Then, we went through the standard clause by clause, summarising the characteristics of the core subjects and their issues, clarifying which ones were relevant to the land transport sector, and identifying the requirements and accountability structures that existing New Zealand laws (including statutes, regulations and codes of practice) placed on organisations with respect to those core subjects and issues. Finally, we made an assessment of whether or not an organisation complying with the statutory requirements could be deemed 'socially responsible' without needing to implement additional policies or activities. Where the regulatory framework was lacking (in terms of implementing social responsibility principles), an organisation would have to undertake further actions to be considered socially responsible.

Conclusions

Generally, we found the existing legislative structure provided a sound basis (including a good accountability structure) for public sector land transport organisations to be socially responsible in terms of human rights, fair operating practices, labour practices and governance structures. With specific reference to social responsibility in the land transport sector, it appears a significant effort has been made to provide guidelines to manage the impact of activities, particularly roading-related projects, on the communities they occur in. In this sense, the public sector organisations operating in the land transport area could be seen as socially responsible.

However, there is potential to improve environmental performance as transport continues to have significant impacts on the environment across all four key areas of pollution, resource use, biodiversity and climate change. Similarly, while much work has been done and more is proposed in terms of managing the safety of the transport system for users, there is still tolerance for a high degree of risk that contributes to a large number of deaths and injuries each year, suggesting further improvements are desirable.

Furthermore, the ISO 26000 invites socially responsible organisations to consider *how* they make decisions and implement their activities. In this regard, fully integrated decision making and planning processes across multiple sectors are required to ensure 'social investment' (ie strengthening the ability of individuals, families and communities to improve their capacity to deal with adversity and improve their own situation over time) occurs and economic, social, environmental, health and cultural well-being are moved forward together. Currently, such integration of planning, particularly considering health and well-being, is not prominent in New Zealand.

If the ISO 26000 is applied, there is a potential gap in the identification and engagement of stakeholders, communities and, particularly, the transport disadvantaged, wherein a 'socially responsible' organisation would identify and actively involve and engage these different groups throughout the decision-making process. The current system of consultation in New Zealand does not require this. Effective engagement would require sufficient guidelines to be in place so that interest groups are not able to usurp or takeover the process.

Another area of weakness is in the treatment of vulnerable groups, particularly the transport disadvantaged. The LTMA 2003 requires the consideration of the needs of the transport disadvantaged in setting programmes, but no guidance is given as to how this should be done, nor are there accountability measures set in place.

Guide to implementing social responsibility in New Zealand public sector land transport organisations

We devised a simple guide illustrating the principles of social responsibility, including the primary outcomes being sought and the steps to achieving these. We also prepared a poster or one page flyer that briefly summarises the concept of social responsibility, what it means for an organisation and how an individual within the organisation can be socially responsible.

The guide and poster are found in appendix A at the end of this report and on the Pinnacle Research & Policy Ltd website www.pinnacleresearch.co.nz.

Abstract

Since the implementation of the Land Transport Management Act 2003, public sector land transport organisations in New Zealand have had the obligation to be socially and environmentally responsible, either as one of their organisational objectives (NZ Transport Agency) or in terms of the activities and combinations of activities approved for payment from the National Land Transport Fund (regional councils and road controlling authorities). While most organisations had a strong sense of what was meant by environmental responsibility, less was known about what was required to be socially responsible.

In November 2010, after five years of extensive work involving 99 member countries and approximately 450 experts, the International Organisation for Standardisation (ISO) *Guidance on social responsibility* (ISO 26000) was published. The ISO 26000 is intended to guide organisations to translate the concept of social responsibility into action. However, because the ISO 26000 was developed for use by a wide range of organisations across many countries, it is a complex and involved document. We analysed the ISO 26000 guidance standard in order to develop a practical guide for implementing it within local and central government organisations in New Zealand's land transport sector.

1 Background

1.1 Context

The Land Transport Management Act 2003 was prepared with the intention of integrating the New Zealand Transport Strategy (NZTS) into land transport funding and management decision-making processes.¹ The purpose of the Land Transport Management Act 2003² (LTMA 2003) reflected the NZTS vision, that is: to 'contribute to the aim of achieving an affordable³, integrated, safe, responsive, and sustainable land transport system' (Part 1, s3(1)).

The original Act also provided that, in achieving their statutory objectives, Transfund NZ and Transit NZ 'must exhibit a sense of social and environmental responsibility' (s68(1) and s73(1)). Transfund NZ was reformed as Land Transport NZ in 2004 and finally merged with Transit NZ to form the NZ Transport Agency (NZTA) in 2008.

Being 'environmentally responsible' in public sector organisations in New Zealand has been reasonably well established, particularly since the implementation of the Resource Management Act 1991 (RMA 1991). Prior to the implementation of the LTMA 2003, Transit NZ and Transfund NZ project evaluation and planning had included consideration and mitigation of social impacts for larger projects (eg projects of national significance or above a certain dollar value), but officials in both organisations considered that being socially responsible would extend beyond this type of assessment.

Hence, Pinnacle Research & Policy Ltd was asked to undertake a research project to delineate the parameters of social responsibility and to develop a framework for its implementation in New Zealand's land transport sector.

Shortly after funding for the project was granted in 2005–06, the International Organisation for Standardisation (ISO) began its work on developing the ISO 26000 *Guidance on social responsibility*. This shifted the timing and focus of our research project. Rather than proceed to independently review international experience of defining and implementing social responsibility and to develop a framework, we delayed the timing of the project and used the standard as the basis for developing guidance on implementing social responsibility in New Zealand's land transport sector.

To this end, we have analysed the ISO 26000 following its release in early November 2010 and provided some practical guidance for implementing it within local and central government organisations in New Zealand's land transport sector.

This report and the accompanying guide complements the NZTA's recently devised 'Environmental and Social Responsibility Policy' (internal document, 2011) by providing more in-depth analysis and advice on implementing social responsibility in the land transport sector.

¹ Transport and Industrial Relations Select Committee (2003) Land Transport Management Bill report back, 13 October 2003, Wellington: Parliament (DBSCH_SCR_2561_2824). According to the Ministry of Transport website, the NZTS (2008) is now considered to be 'less relevant as a practical guide to the issues facing New Zealand and the transport sector in the immediate term' and stakeholders/interested parties are referred to Connecting New Zealand (2011) as a more current summary of transport policy intentions.

² A number of changes are now being considered for the LTMA, which may have an impact on the analysis; however, studying these likely impacts was outside the scope of the project.

³ Section 3(1) was amended by inserting the word 'affordable' on 1 August 2008, by section 4(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

1.2 Report structure

Chapter 2 discusses the contents of the ISO 26000 standard, which is then applied chapter 3 to New Zealand's public sector land transport organisations. The application includes a simplified modelling of social responsibility outcomes and a detailed assessment of how well the current regulatory framework supports organisations to implement them. Chapter 4 presents the conclusions.

Appendix A contains a simple guide to assist staff in understanding the principles of social responsibility and how to achieve it as well as a poster/flyer giving an overview of the framework. Appendix B contains the detailed analysis of the legislative framework, including the accountability structures for social responsibility for the land transport sector in New Zealand.

2 ISO 26000 Guidance on Social Responsibility

2.1 What is it?

ISO 26000 is an ISO international standard providing guidance on social responsibility. An international standard is a document, established by international consensus and approved by the ISO, designed to supply, 'for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context.'⁴

The ISO 26000 international standard was developed using a multi-stakeholder approach involving experts from 99 ISO member countries and 42 international or broad-based regional organisations involved in various aspects of social responsibility. At the last meeting of the working group in July 2010, there were 450 participating experts and 210 observers, including observers from New Zealand. These specialists represented six different stakeholder groups: non-governmental organisations, consumers, government, industry, labour, and service, support, research and others. Particular attention was given to achieving a geo-political balance between developing and developed countries, as well as a gender balance, in the drafting group participants. The attainment of a 'full and equitable balance of stakeholders' was inhibited by various factors, including limited resources and a requirement for English language skills.

ISO 26000 went through three 'working drafts', a 'committee draft' and 'final draft' stage, prior to its release as an international standard. ISO 26000 contains voluntary guidance, not requirements, and therefore will not be for use as a certification standard like the ISO environmental standard, ISO 14001:2004.

Ultimately, the international standard is intended to integrate international expertise and to promote 'common understanding' of social responsibility – what it means; what issues an organisation needs to address in order to operate in a socially responsible manner; what is best practice in implementing social responsibility; and how to integrate socially responsible behaviour into existing organisational strategies, systems, practices and processes. In this way, it will complement other instruments and initiatives for social responsibility and not replace them. ISO 26000 will guide organisations to translate the concept of social responsibility into action.

2.2 Who does the guidance apply to?

While attention to social responsibility has previously been focused on business⁵, ISO 26000 has been prepared for use by organisations of all types, whether large or small, in both the public, private and not-for-profit sectors, in developed and developing countries, as well as in economies in transition.

The term 'organisation' does 'not include government acting in its sovereign role to create and enforce law, exercise judicial authority, carry out its duty to establish policy in the public interest or honour the international obligations of the state' (p3). However, the text notes that:

Governmental organizations, like any other organization, may wish to use this International Standard. However, it is not intended to replace, alter or in any way change the obligations of the state. (p.vii)

⁴ www.iso.org – FAQ

⁵ The standard posits that the term 'corporate social responsibility' is still more familiar to most people than 'social responsibility'.

2.3 What is social responsibility?

Clause⁶ 2 of the ISO 26000 states that social responsibility is the ‘responsibility of an organisation for the impacts of its decisions and activities on society and the environment, through transparent and ethical behaviour that:

- contributes to sustainable development, including health and the welfare of society
- takes into account the expectations of stakeholders
- is in compliance with applicable law and consistent with international norms of behaviour
- is integrated throughout the organisation and practised in its relationships.’

‘Activities’ are noted to include products, services and processes.

The ISO 26000 states that being socially responsible may extend beyond an organisation’s own boundaries to influencing the behaviour of organisations or individuals in its external relationships. The organisation’s ‘sphere of influence’ will usually include parts of the value chain or supply chain and it may also include any formal and informal associations in which it participates, peer organisations, or competitors. The value chain includes parties backward in the chain, such as suppliers, and parties forward in the chain, such as customers and users.

The standard also states that, while compliance with the law is a fundamental duty of social responsibility, an organisation may undertake activities that go beyond legal compliance, particularly in recognising obligations to others that may not be legally binding.

According to the standard, the overarching objective in practising social responsibility is to maximise the organisation’s contribution to sustainable development, which is defined as ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’ (s2.23). Sustainable development has three inter-dependent dimensions: economic, social and environmental. Because of this, sustainable development is considered in the standard as a way of ‘summing up the broader expectations of society’ that need to be accounted for by organisations seeking to act in a socially responsible manner.

2.4 Principles of social responsibility

Fundamentally, social responsibility is the willingness of an organisation to incorporate social and environmental considerations in its decision making, to contribute to sustainable development, and to be accountable for the impacts of its decisions and activities on society and the environment. The willingness to be responsible and accountable implies that the organisation’s conduct will be transparent and ethical, account for the interests of stakeholders and society, be in compliance with applicable law and consistent with international norms of behaviour, and be integrated throughout the organisation and practised in its relationships.

Clause 4 of the standard categorises the rules of ‘right’ or ‘good’ conduct identified above into seven principles, as described in table 2.1.

⁶ The standard refers to the chapters and sub-sections of each chapter as ‘clauses’ and ‘sub-clauses’.

Table 2.1 Seven principles of social responsibility (source: ISO 26000, 2010)

Category	Principle	Enacting the principle
Accountability	An organisation should be accountable for its impacts on society and the environment.	An organisation should accept 1) appropriate scrutiny and 2) the duty to respond to this scrutiny. The organisation is obliged to be answerable to its controlling interests, to legal authorities, and to those affected by its decisions and activities as well as society generally. Accountability also encompasses accepting responsibility where 'wrongdoing' has occurred, taking the appropriate measures to remedy the 'wrongdoing' and taking action to prevent it from being repeated.
Transparency	An organisation should be transparent in its decisions and activities that impact on society and the environment.	An organisation should disclose in a clear, precise and comprehensive manner and to a reasonable and satisfactory degree, the policies, decisions (including the criteria and processes for making the decisions) and activities for which it is responsible, including the identified and likely impacts on society and the environment. This information should be readily available, accessible and understandable to those who have been, or may be, affected in significant ways by the organisation.
Ethical behaviour	An organisation should behave ethically at all times. 'Ethically' means acting with honesty, equity and integrity.	An organisation should identify, adopt, promote and apply suitable standards for ethical behaviour, including mechanisms to monitor behaviour and the means of reporting, without fear of reprisal, unethical behaviour
Respect for stakeholders' interests	An organisation should respect, consider and respond to the interests of its stakeholders.	Irrespective of whom an organisation's objectives specify it as being answerable to, other individuals or groups (ie stakeholders) may also have rights, claims and/or specific interests that should be taken into account. The organisation has an obligation to identify its stakeholders; recognise and respect their interests and respond to their concerns; take into account the relation of its stakeholders' interests to the broader expectations of society and to sustainable development; and consider the views of stakeholders who will be affected by the decision, irrespective of whether or not they are aware of or have the ability to have a say in, the decision.
Respect for the rule of law	An organisation should accept that respect for the rule of law is mandatory.	An organisation should remain informed of all legal obligations in all relevant jurisdictions; ensure that individuals in the organisation are aware of their obligation to observe the laws and regulations; and periodically review its compliance.
Respect for international norms of behaviour	An organisation should respect international norms of behaviour (ie international law, treaties, conventions), while adhering to the principle of respect for the rule of law.	An organisation should strive to respect international norms of behaviour in all situations, even where no law exists, and should avoid being complicit in the activities of another organisation where these are not consistent with international norms of behaviour.
Respect for human rights	An organisation should respect human rights and recognise both their importance and their universality.	An organisation should respect and foster the International Bill of Human Rights and accept these rights as universal, ie applicable in all countries, cultures and situations. Where human rights are not protected, the organisation should take steps to respect human rights and not take advantage of the situation.

Five of the principles (accountability, transparency, ethical behaviour, respect for the rule of law and for international norms of behaviour) underpin an organisation's governance structure, which is one of the 'core subjects' to be addressed in practising social responsibility. The remaining two principles (respect for stakeholders' interests and respect for human rights) could be seen as outcomes arising out of a sound governance structure. Organisational governance and the other core subjects of social responsibility are considered in section 2.6, while a discussion regarding stakeholders is in section 2.5.

2.5 Stakeholders

Further to identifying the principle 'Respect for stakeholder interests' in clause 4, clause 5 describes stakeholder identification and engagement as a 'fundamental practice' that is 'central to addressing an organisation's social responsibility' (c5.3.1).

The standard specifically distinguishes three different relationships that have to be taken into account when an organisation is addressing its social responsibility. These are the relationships between the:

- *organisation and society* – the effects of an organisation's decisions and activities on society and the environment should be recognised and understood
- *organisation and its stakeholders* – whose interests may be affected by the decisions and activities of an organisation
- *stakeholders and society* – the organisation should recognise that the expectations of society may differ from stakeholders' interests affected by an organisation. A stakeholder's interest or objectives may not be consistent with the expectations or objectives of society or they may have different perspectives on the same issue.

The standard elucidates a fourth significant relationship, although it is not discussed in clause 5 (other than to state a core subject is 'community involvement and development'):

- *organisation and its community* – the size and nature of the community and/or area affected will vary depending on the organisation's activities and decisions.

The difference between society, community and stakeholders is not readily apparent. The standard clearly uses the term 'society' to denote all of the people living in a particular country or region. 'Stakeholders' are a distinct subset of people drawn from 'society' and, in addition to the bulleted points above, ISO 26000 states:

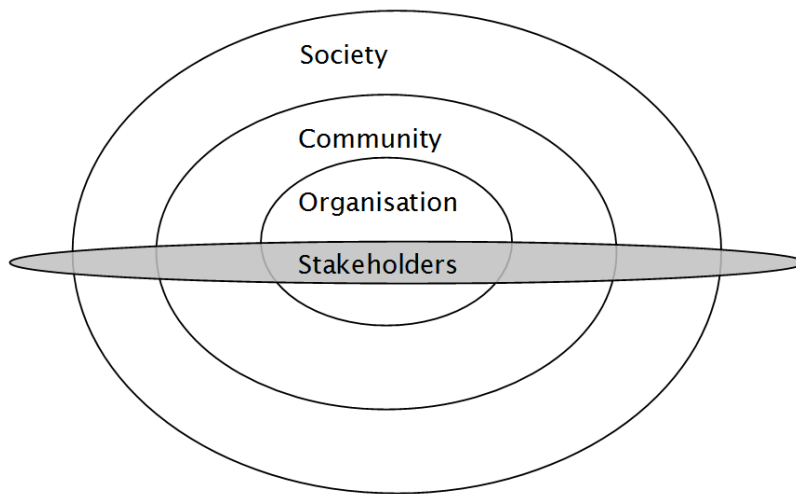
Although stakeholders can help an organisation identify the relevance of particular matters to its decisions and activities, stakeholders do not replace broader society in determining norms and expectations of behaviour. (p7)

The term 'community' is used throughout the standard to primarily refer to the particular geographical area or centre of population in which an organisation operates, as is illustrated by the definition provided in clause 6:

Community in this clause refers to residential or other social settlements located in a geographic area that is in physical proximity to an organisation's sites or within an organisation's areas of impact. The area and the community members affected by an organisation's impacts will depend upon the context and especially upon the size and nature of those impacts. (p60)

Diagrammatically, the context for the relationships can be represented as in figure 2.1. The organisation sits within a community, which itself sits within society. Stakeholders may exist within the organisation, community, or wider society as is discussed in section 2.5.1.

Figure 2.1 The context of an organisation's relationships



2.5.1 Identification of stakeholders

Stakeholders are organisations or individuals that have one or more interests in any decision and activity of an organisation, and may include employees, directors and/or shareholders of the organisation itself. The existence of these interests causes a relationship with the organisation to be created, whether or not the parties are aware of it.

An interest, in the context of social responsibility, forms the basis for a potential claim or a demand for respect for a right or for something that is owed. An interest does not necessarily involve legal rights or financial demands; it could be the right to be heard.

Many stakeholders may not be aware of the potential of an organisation to affect their interests. Hence, they may not be organised in ways that link into decision making in their community and because of this, may be overlooked or ignored. This predicament may be especially prevalent with respect to vulnerable groups. Vulnerable groups include those that are subject to 'persistent discrimination' and who, as a result, may be vulnerable to further discrimination. Such groups include older people, children, indigenous peoples among others. Vulnerable groups are discussed in section 3.4.3. Future generations are also affected by decisions made now and their interests need to be considered.

The standard suggests eight questions that organisations might use to identify potential stakeholders:

- To whom do legal obligations exist?
- Who might be positively or negatively affected by the organisation's decisions or activities?
- Who is likely to express concerns about the organisation's decisions and activities?
- Who has been involved in the past when similar concerns needed to be addressed?
- Who can help the organisation address specific impacts?
- Who can affect the organisation's ability to meet its responsibilities?
- Who would be disadvantaged if they were excluded from the engagement?
- Who in the value chain is affected?

2.5.2 Engagement of stakeholders

Stakeholder engagement should be interactive: its essential feature is that it involves *meaningful* two-way communication between the organisation and its stakeholders.

Guidance in the standard suggests that stakeholder engagement is likely to be more consequential if the following elements are present:

- The purpose for the engagement is clearly understood.
- The stakeholder's interests have been clearly identified.
- There is a direct or important relationship between the organisation and stakeholder as a result of the identified interests.
- The stakeholder's interests are relevant and significant to sustainable development.

The stakeholders have sufficient information and understanding to make their own decisions.

In many situations an organisation will already know, or can easily learn, society's expectations of how the organisation should address its impacts. In such circumstances, it will not be necessary to engage directly with stakeholders, although the stakeholder engagement process could provide other benefits. Such expectations may be found in laws and regulations, widely accepted social or cultural expectations, and established best practices or standards with respect to specific matters.

2.6 Scope of social responsibility

Clause 6 of ISO 26000 provides guidance on the areas or 'core subjects' of operation/activity where social responsibility practice applies. This defines the current scope of social responsibility, which is regarded as dynamic, such that further core subjects or issues may appear in the future. The seven core subjects identified in the standard are:

- organisational governance
- human rights
- labour practices
- the environment
- fair operating practices
- consumer issues
- community involvement and development.

Respect for human rights was earlier identified as a 'principle' or fundamental basis for decision making or behaviour and subsequently reappears as a 'core subject', perhaps emphasising its central importance to socially responsible behaviour.

Within each core subject, a number of 'issues' are highlighted as specific items that an organisation could act on to seek favourable outcomes for the organisation, its stakeholders, the society and/or the environment. It is asserted that *all* core subjects will be relevant, to a degree, for *every* organisation. Issues, on the other hand, are to be treated on a case-by-case basis, as not every issue is expected to be relevant to individual organisations. Table 2.2 provides a brief description of each core subject and its associated issues (bolded text in the issues column identifies an issue).

It is intended that an organisation consider each core subject, and identify and address all issues that may have a relevant or significant influence on its decisions and activities. Core subjects are inter-dependent and thus are meant to be considered holistically, altogether, rather than concentrating on a single issue or core subject. Where an improvement is sought for a specific issue, it should not be permitted to affect other issues or core subjects adversely or create adverse impacts, either within the organisation, on its products or services, its stakeholders, society or the environment.

Table 2.2 Core subjects, principles and issues associated with social responsibility (source: ISO 26000, 2010)

Core subject	Principles and considerations	Issues (bolded text identifies an issue associated with the core subject)
Organisational governance	Effective governance should be based on incorporating the principles and practices of accountability, transparency, ethical behaviour, respect for stakeholder interests and respect for the rule of law into decision making and implementation.	Decision-making processes and structures should make it possible to apply principles and practices of social responsibility while at the same time using all resources (human, financial, natural) efficiently; balancing organisational and stakeholder needs, including future generations; establish two-way communication processes with stakeholders that take into account the stakeholders’ interests and assist in identifying areas of agreement and disagreement in negotiation to resolve possible conflicts; keep track of the implementation of decisions – and their results (both positive and negative); and periodically review the organisational governance processes.
Human rights	Human rights are inherent, universal, inalienable, indivisible and interdependent. An organisation has the potential to, and does, affect human rights directly and indirectly (eg through its relationships with other organisations and individuals).	Due diligence is required to identify, prevent and address actual or potential impacts on human rights resulting from an organisation’s activities or the activities of those they have a relationship with. In human rights risk situations, the organisation may need enhanced due diligence. Avoidance of complicity: an organisation should not provide goods or services to entities that use them to carry out human rights abuses or form partnerships with such entities; and take care to inform itself about the conduct of any organisations or individuals it deals with. Effective mechanisms (accessible, transparent, equitable and predictable processes) should be developed to resolve grievances . An organisation should ensure it does not discriminate against employees, partners, stakeholders, customers, vulnerable groups or anyone else it has contact with. Discrimination involves any distinction, exclusion or partiality that nullifies equality of treatment or opportunity, where that consideration is based on prejudice rather than a legitimate ground. Unlawful grounds for discrimination include but are not limited to: race, colour, gender, age, marital status, language, property, nationality or national origin, religion, ethnic or social origin, caste, economic grounds, disability, sexual orientation, health status, employment status, political affiliation or political or other opinion. An organisation should respect all civil and political rights ; and economic, social and cultural rights , ensuring its activities do not infringe or obstruct individual’s access and enjoyment of their rights. While legislated for in New Zealand, organisations should ensure the fundamental principles and rights at work of individuals (eg freedom of association and collective bargaining; banning forced or child labour; equal opportunities and non-discrimination) are addressed.
Labour practices	Every person has the right to gain a living by freely chosen work, and the right to just and favourable conditions of work.	The ISO 26000 notes the primary responsibility for ensuring fair and equitable treatment for workers lies with governments, and is achieved through adopting and enforcing legislation consistent with the Universal Declaration of Human Rights and relevant International Labour Organisation standards and ensuring workers have the requisite access to justice. In New Zealand, these are provided for in the

Core subject	Principles and considerations	Issues (bolded text identifies an issue associated with the core subject)
		<p>Human Rights Act 1993, New Zealand Bill of Rights Act 1990 and Employment Relations Act 2000.</p> <p>Labour practices issues that may be significant for an organisation include: rights and obligations in employment and employment relationships; conditions of work and social protection (eg equal pay for work of equal value, annual leave, welfare); social dialogue (eg right of employees to form groups, collective bargaining, dialogue on operational or policy changes); health and safety at work (eg set up procedures, reporting practices, training, etc); and human development and training in the workplace.</p>
The environment	An organisation should respect and promote environmental responsibility, the precautionary approach, environmental risk management and the polluter pays principle	<p>The ISO 26000 invites organisations to consider adopting life-cycle thinking; use of environmental impact assessment for new activities; cleaner production and eco-efficiency; use of environmentally sound technologies and practices, including a product-service system approach and sustainable procurement.</p> <p>Organisations can improve their environmental performance through prevention of pollution (identifying sources, implementing measures to prevent pollution and monitoring the outcome); sustainable resource use (eg energy efficiency, water conservation, efficient use of materials and promotion of sustainable consumption); climate change mitigation and adaptation; and protection of the environment, biodiversity and restoration of natural habitats.</p>
Fair operating practices	Ethical conduct is fundamental to establishing and sustaining legitimate and productive relationships between organisations and individuals.	<p>Potential issues to be addressed in establishing fair operating practices include anti-corruption (identifying risks of corruption and bribery, setting appropriate policies, raising employee awareness and establishing a system of internal controls to counter corruption); responsible political involvement (eg policies regarding lobbying and political contributions and dealing with conflicts of interest); fair competition (eg safeguarding against anti-competitive behaviour; complying with competition laws); promoting social responsibility in the value chain (eg integrating social responsibility principles into purchasing, distribution and contracting practices; encouraging other organisations to adopt social responsibility policies); respect for property rights, including physical property and assets and intellectual and traditional knowledge (eg paying fair compensation for property acquired; not violating property rights)</p>
Consumer issues	Organisations that provide products or services have responsibilities to their consumers and customers	<p>The responsibilities to customers include providing fair marketing, factual and unbiased information and fair contractual practices (eg not engaging in misleading or fraudulent practices, openly disclosing total prices, substantiating claims; not unfairly targeting vulnerable groups, using clear understandable language); protecting consumers' health and safety (eg minimising risks in product development and use); promote sustainable consumption (eg designing products and packaging so they are easily</p>

Core subject	Principles and considerations	Issues (bolded text identifies an issue associated with the core subject)
		<p>reused, repaired or recycled, providing consumers with information); consumer service, support and complaint and dispute resolution; and managing consumer data protection and privacy, access to essential services, and consumer education and awareness, so that consumers are well informed, conscious of their rights and responsibilities, and able to make more responsible purchasing/consumption choices.</p> <p>The state has the primary responsibility for ensuring the right to satisfaction of basic needs is respected.</p>
<p>Community involvement and development</p>	<p>An organisation should consider itself part of – not separate from – the community. It should recognise and respect the rights of community members and the characteristics and history of the community.</p>	<p>Key areas of community development which an organisation can contribute to include creating employment; social investments and local development initiatives; cultural preservation; institutional strengthening of the community; and providing community health services. An organisation should understand its potential impacts on the community and plan to mitigate negative impacts and enhance positive ones, before engaging with the community.</p> <p>Community involvement is described as an organisation’s ‘proactive outreach to the community’ – it can pre-empt and resolve problems; foster partnerships with community stakeholders (including indigenous peoples) and help organisations familiarise themselves with community needs and priorities. Other issues an organisation may address include education and culture (encourage and support formal education and cultural activities); employment creation and skills development programmes (eg consider impact of investment decisions and technology choices on employment creation and participate in local and national skills development programmes); technology development and access; wealth and income creation (eg consider impacts of entering or leaving a community, consider supporting initiatives to encourage diversification of economic activity and use local suppliers); procurement practices to encourage local suppliers, etc; health (eg minimise or eliminate negative health impacts; consider promoting good health and raising awareness about health threats and major diseases and consider supporting access to essential health care services); social investment (ie investment in infrastructure and other programmes targeted to improving social aspects of community life). It also includes respect for history, heritage and culture.</p>

2.7 Integrating social responsibility throughout an organisation

Clause 7 outlines a framework for integrating social responsibility throughout an organisation which presumes the organisation has no or limited social responsibility practices in place (refer table 2.3). In New Zealand, this is very unlikely to be the case, as many aspects of social responsibility core subjects and issues have been legislated or regulated at a national level (eg through the Human Rights Act 1993, Employment Relations Act 2000; Health and Safety in Employment Act 1992; RMA 1991).

The standard warns that an organisation might assume that because it operates in a country with laws that address core social responsibility subjects, then compliance with the law will be sufficient to ensure all relevant issues of such subjects are addressed. However, responding to the intention of the law may, in some cases, require organisations to take action beyond simple compliance. For example, although some environmental laws and regulations may limit emissions of air or water pollutants to specific amounts or levels, a socially responsible organisation may choose to adopt best practice to further reduce or completely eliminate its emissions of these pollutants.

Table 2.3 Proposed steps to implementing social responsibility throughout an organisation (source: after ISO 26000, 2010)

Clause	Description
7.2	Identify key organisational characteristics and how they relate to social responsibility. Potentially relevant characteristics include the organisation's type, purpose, nature of operations and size; its locations of operation and the legal framework it operates in; characteristics of the organisation's workforce; the sector organisations in which the organisation participates; decision-making structures; the organisation's mission, vision, values, principles and code of conduct; concerns of internal and external stakeholders and the organisation's value chain.
7.3.1	Undertake due diligence, taking into account the country context in which the organisation operates or in which its activities take place; the potential and actual social, environmental and economic impacts of its own decisions and activities; and the potential for negative consequences resulting from the decisions and actions of other entities or persons whose activities are significantly linked to those of the organisation.
7.3.2	Determine the relevance and significance of core subjects and issues to the organisation. List the full range of activities; identify which core subjects and issues might arise when the organisation and others in its sphere of influence carry out the activities, taking into account relevant regulations and statutes; and examine potential impacts and societal and stakeholder concerns and expectations of responsible behaviour around the impacts.
7.3.3	Assess the organisation's sphere of influence. Identify sources of influence (eg through its supply and/or value chain, membership in other organisations, economic relationships; as a contracting authority; and ability to influence public opinion) and the nature/method of the organisation's influence.
7.3.4	Establish priorities for addressing issues. Establish priorities from the core subjects and issues that are of greatest relevance/importance to the organisation, and devise a plan of action to address them. Priorities are likely to vary over time.
7.4.1	Raise awareness and build competency for social responsibility within the organisation by increasing understanding of all aspects of social responsibility, including relevant principles, core subjects and issues, by all people at all levels of organisation

Clause	Description
7.4.2	Set the organisation's direction for social responsibility by including reference to social responsibility in strategy and/or vision statements; statement of intent; written codes of conduct/ethics etc; as well as translating the social responsibility priorities for actions into organisational measurable outcomes or objectives and processes for achievement.
7.4.3	Build social responsibility into the organisation's governance, systems and procedures (eg management practices, human resource management, purchasing and investment practices, operating procedures).
7.5	Adopt communication practices suitable to different social responsibility functions. Report on the organisation's performance in the area of social responsibility to stakeholders at regular intervals. Information and reporting should be complete, understandable, accurate, timely and accessible. Dialogue with stakeholders about the adequacy and effectiveness of the communications received.
7.6	Enhance credibility of reports and claims about social responsibility including establishing mechanisms for involving/consulting/communicating with stakeholders and communities, and for ensuring reporting is transparent and comprehensive and for resolving conflicts or disagreements.
7.7	Monitor and review actions and practices related to social responsibility , including keeping up-to-date with changes in regulations, legislation, etc. On the basis of such reviews, steps should be taken to improve the organisation's performance on social responsibility.

There is no certificate of compliance issued for adhering to or implementing the ISO 26000, as there might be for the ISO 14001.

2.8 Complementary paradigms

There are a number of alternative concepts or approaches which complement (overlap) aspects of the social responsibility framework described by the ISO 26000, including the Global Reporting Initiative, corporate social responsibility, ISO 14001 Environmental Management Systems, ISO 9001 Quality Management Systems, health impact assessments, social impact assessments, and the New Zealand Business Excellence Criteria. Table 2.4 gives a brief description of each paradigm and indicates how each contributes to the core elements of social responsibility as given in the ISO 26000.

Table 2.4 A comparison of paradigms complementary to the ISO 26000 Social Responsibility Framework

Mechanism	Description	Contributes to the core elements of social responsibility (as given in ISO 26000), either ◐ partially; ● (reasonably) comprehensively or [blank] not at all:										
		Governance structure	Labour / workforce practices	Identifying stakeholders	Engaging stakeholders / community	Respecting human rights	Fair operating practices	Improving environmental performance	Consumer safety and rights recognised	Community involvement and development	Monitoring/ performance measurement	Overall organisational effectiveness
ISO 26000	Social responsibility is defined as the responsibility of an organisation for the impacts of its decisions and activities on society and the environment. An organisation is expected to exhibit transparent, accountable and ethical behaviour that contributes to sustainable development, including the health and welfare of society, takes into account the expectations of stakeholders and communities, is in compliance with applicable law and consistent with international norms of behaviour and is integrated throughout the organisation and practised in its (supply or value chain) relationships.	●	●	●	●	●	●	●	●	●	●	
Corporate social responsibility (CSR)	Corporate social responsibility typically focuses on the activity of business or companies, rather than organisations in general. A 2000 report by the World Business Council for Sustainable Development defined CSR as 'the commitment of business to contribute to sustainable economic development, working with employees, their families, the local community and society at large to improve their quality of life'. The World Bank definition added 'in ways that are both good for business and good for development'. CSR is often associated with the concepts of 'sustainable development' and 'triple bottom line' (economic, social, environmental) reporting.	◐	◐			◐	●	◐	◐	◐		◐

		Contributes to the core elements of social responsibility (as given in ISO 26000), either partially; ● (reasonably) comprehensively or [blank] not at all:										
Mechanism	Description	Governance structure	Labour / workforce practices	Identifying stakeholders	Engaging stakeholders / community	Respecting human rights	Fair operating practices	Improving environmental performance	Consumer safety and rights recognised	Community involvement and development	Monitoring/ performance measurement	Overall organisational effectiveness
Global reporting initiative (GRI)	GRI provides guidance and support to organisations to adopt and use their comprehensive sustainability reporting framework. Its goal is to ‘mainstream’ the reporting of organisations’ environmental, social and governance performance. The Sustainability Reporting Guidelines provide a framework for reporting on governance processes, stakeholder identification and engagement, as well as establishing performance indicators for various areas, including the environment (eg materials use, energy use, water consumption, biodiversity impacts, regulatory compliance; resource use improvements); human rights (eg investment and procurement practices, non-discrimination, remediation); labour practices and decent work (eg workforce composition, labour management relations); society (eg local community engagement, training in anti-corruption); product responsibility (eg consumer health and safety; labelling; marketing); economic performance.	●									●	●
ISO 14001	ISO 14001 is a voluntary environmental management standard designed to assist organisations to a) minimise the negative effects of their operations (processes etc) on the environment, b) comply with applicable laws, regulations and other environmentally oriented requirements, and c) continually improve their							●			●	●

		Contributes to the core elements of social responsibility (as given in ISO 26000), either partially; ● (reasonably) comprehensively or [blank] not at all:										
Mechanism	Description	Governance structure	Labour / workforce practices	Identifying stakeholders	Engaging stakeholders / community	Respecting human rights	Fair operating practices	Improving environmental performance	Consumer safety and rights recognised	Community involvement and development	Monitoring / performance measurement	Overall organisational effectiveness
	environmental performance. The standard can be applied from an organisational level down to a product/service level. Its success is dependent on commitment from all levels of an organisation. Like other ISO standards, it is meant to be applied to any size or type of organisation in any sector or location.											
ISO 9001	ISO 9001 is a global quality management standard, which is used to establish an organisation's quality management system (QMS). The QMS ensures the delivery of a consistent quality of product or service over time and space. ISO 9001 applies to all types, sizes and locations of organisations, no matter what they do. The standard comprehensively outlines all the components of a QMS, including its design, implementation, documentation, maintenance and improvement. It emphasises the need for customer engagement.	●					●		●		●	●
Criteria for (business) performance excellence	The New Zealand Business Excellence Foundation states that the criteria (based on Baldrige's criteria) is designed to encourage organisations of any size and from any sector to improve their organisational productivity, performance and capability by providing performance assessments and sharing best practice in the areas of leadership, strategic planning, customer focus, measurement, analysis and knowledge management, workforce	●	●								●	●

		Contributes to the core elements of social responsibility (as given in ISO 26000), either ◐ partially; ● (reasonably) comprehensively or [blank] not at all:										
Mechanism	Description	Governance structure	Labour / workforce practices	Identifying stakeholders	Engaging stakeholders / community	Respecting human rights	Fair operating practices	Improving environmental performance	Consumer safety and rights recognised	Community involvement and development	Monitoring/ performance measurement	Overall organisational effectiveness
	focus, process management and business results											
Health impact assessment (HIA)	HIA identifies how any proposed policy, strategy, plan or project, might affect the wellbeing and health of a population, group or community prior to its implementation. Proponents of HIA argue that without such an explicit process there is unlikely to be sufficient technical information on the expected health and well-being impacts. In New Zealand, the NZTA funded research developing guidance on the application of HIA to land transport planning (Ball et al 2009).							●	●			
Social impact assessment (SIA)	SIA was originally based on the environmental impact assessment model and was developed as a way to assess how proposed developments will affect populations, groups and communities. Typically, SIA is carried out either in addition to, or as part of, an environmental impact assessment. Examples of the types of projects that may require an SIA include roads, airports, ports and electric generation facilities. The types of impacts assessed may include changes to people's way of life and to their culture, community, environment, health and well-being, personal and property rights, and to their perceptions about their safety, the future of their community and the future of their children.			●	●			●	●	●		

3 Adapting ISO 26000 for the New Zealand land transport sector

Having identified and summarised the central elements of the ISO guidance standard for social responsibility, we now consider its adaptation for adoption and implementation in the New Zealand land transport sector.

3.1 Legal obligation for social responsibility in the New Zealand land transport sector

As noted in chapter 1, public sector organisations working in the New Zealand land transport sector have an explicit directive, via the LTMA 2003, to conduct their business in a socially responsible manner. The overarching purpose of the LTMA 2003 is ‘to contribute to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system’ (s3(1)). To assist in achieving that purpose, the Act ‘improves social and environmental responsibility in land transport funding, planning, and management’ (s3(2)(b)), in part by setting the requirement that the NZTA (and its predecessors Transfund NZ, Land Transport NZ and Transit NZ) ‘must exhibit a sense of social and environmental responsibility’ (s96(1)). Section 20 extends the statutory requirement to ‘approved organisations’ (including regional councils and road controlling authorities) because activities and combinations of activities approved for payment from the National Land Transport Fund must also contribute to the NZTA’s objective, ‘including its social and environmental responsibility.’

While social responsibility is not fully defined, the Act states:

96(1) In meeting its objective and undertaking its functions, the [New Zealand Transport] Agency must—

a. exhibit a sense of social and environmental responsibility, which includes—

(i) avoiding, to the extent reasonable in the circumstances, adverse effects on the environment; and

(ii) ensuring, in relation to its functions under section 95, and to the extent practicable, that persons or organisations preparing regional land transport programmes—

(A) take into account the views of affected communities; and

(B) give land transport options and alternatives an early and full consideration in a manner that contributes to the matters in subparagraph (i) and subsubparagraph (A); and

(C) provide early and full opportunities to the persons and organisations who are required to be consulted in order to contribute to the development of regional land transport programmes; and

(iii) meeting the requirements of section 18H (Māori contribution to decision making)

Other social responsibility principles, particularly with reference to the NZTA, are addressed in the LTMA 2003, although without directly referring to the social responsibility concept. In particular, the LTMA 2003 outlines key elements of the NZTA’s governance structure that closely match the social responsibility principles of accountability and transparency.

3.2 Approach to applying social responsibility in New Zealand's land transport sector

We originally proposed to develop a framework for social responsibility and some practical guidelines on its practice and implementation for local and central government organisations in New Zealand's land transport sector. The ISO 26000 guidance standard gave us an underlying structure or context for such guidelines.

As outlined in chapter 2, the ISO 26000 standard is a comprehensive framework, intended to cover virtually all currently known aspects of a socially responsible organisation, whether in the private or public sector and in a developed or developing economy. The sheer amount of information required to address all of these situations renders the standard bulky (in excess of 100 pages) and somewhat user unfriendly from the perspective of a single organisation or sector. The one size fits all approach extends into the process outlined for integrating social responsibility throughout an organisation, thus making the adoption of a social responsibility framework into an onerous task that takes considerable time and resources.

Hence, our key aim has been to simplify the standard without impinging on the potential of an organisation to fulfil its intentions. First, we considered how to put together the social responsibility framework in a format that was both manageable and easy to understand. To do this we developed an outcomes model that shows the lower-level steps that need to occur in order to achieve higher-level social responsibility outcomes (see figure 3.2). The higher level outcomes and lower level steps are based on the core subjects, principles, and issues of the ISO standard. The map has been developed using the Easy Outcomes methodology⁷ and is visualised in DoView⁸ results mapping software.

The model shows all of the relevant outcomes for social responsibility that an organisation might seek to achieve if implementing the ISO 26000, as well as the important steps necessary to ensure those outcomes do occur. Contained within the model are all the linkages between lower-level steps and higher-level outcomes. It therefore spells out the logic of the way in which, in this case, it is believed land transport public sector organisations will bring about the desired socially responsible corporate behaviours and outcomes in the transport system. The best way to examine the details of the linkages is to look at the outcomes model itself.

While the model is hierarchical, the hierarchy does not assign importance: the highest level outcome is not necessarily the most important outcome, it is simply the one that occurs after all the other steps/outcomes have been achieved. For example, the base step in most models presented here is 'sound governance structure', which is clearly fundamental to any organisation's ability to function, and may be deemed by some as the most important outcome.

Secondly, we observed that the standard states 'compliance with law is a fundamental duty of any organisation and an essential part of their social responsibility' (c1). Hence, we saw that a logical next step to developing practical guidelines was to go through the framework clause by clause, defining the core subjects and their issues, clarifying which ones applied to the land transport sector, and identifying the requirements and accountability structures that existing New Zealand laws (including statutes, regulations and codes of practice) place on organisations with respect to the relevant core subjects and issues. In distinguishing the 'accountability structure', we sought to assess the processes (eg who or what entity

⁷ For more information see <http://www.easyoutcomes.org>

⁸ For more information see <http://www.doview.com>

would be scrutinising or auditing their practices, enforcing standards and/or what penalties could be imposed). In our view, if there was no accountability structure, there would be no assurance that an organisation was adhering to the law.

Having identified where there are laws in place addressing specific issues within the seven core subjects or addressing the social responsibility principles, we had to assess the sufficiency of the current requirements. In other words, we asked the question: does adhering to the existing New Zealand laws ensure an organisation is behaving in a socially responsible manner as defined by ISO 26000? Or are there gaps in the law, suggesting an organisation might be required to step outside the box in fulfilling its social responsibility? We considered the actual behaviour and programmes of the organisations to identify where they may be complying with the standard, even though there might not be an existing legal obligation to do so.

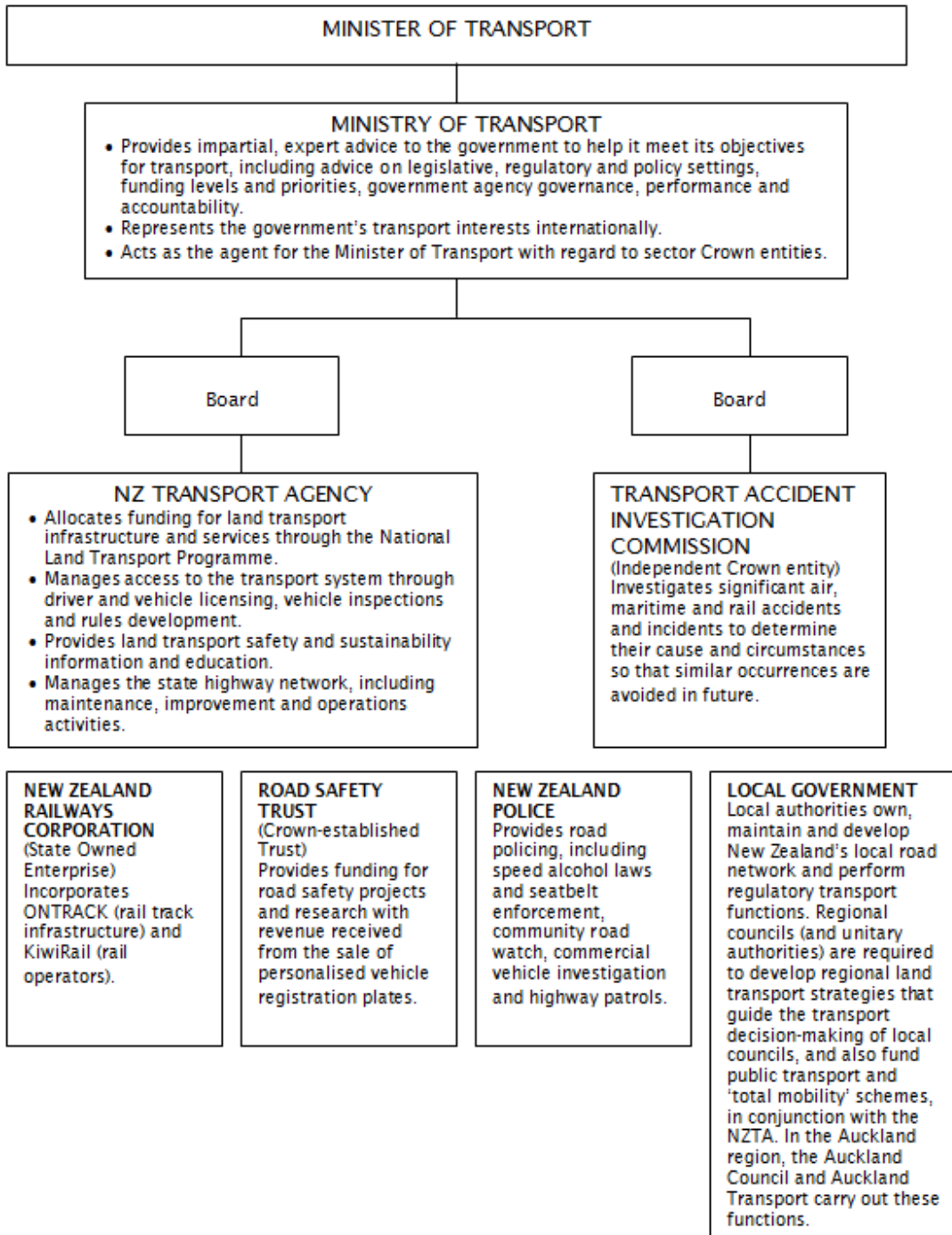
3.3 Key public sector players in New Zealand land transport

Because of the LTMA 2003 directive, our focus in developing the guidelines for adopting a social responsibility framework in the land transport sector was on the public sector land transport organisations. The key public sector players in the New Zealand land transport are:

- Ministry of Transport and its Secretary/CEO (accountable to the Minister of Transport as the representative of the government)
- New Zealand Transport Agency
- Local government: regional councils, territorial authorities, Auckland Council and Auckland Transport
- Transport Accident Investigation Commission
- NZ Police
- NZ Railways Corporation (a state-owned enterprise).

The agencies and their functions are explained in figure 3.1.

Figure 3.1 Public sector organisations in the New Zealand land transport sector (source: after MOT 2010)



There is a range of other organisations (including businesses and interest groups), who contribute to the land transport system and most or all of whom could be considered stakeholders of the public sector organisations, including:

- infrastructure construction companies/contractors
- planners and designers including architects and engineers
- public transport service providers

- freight industry: shippers, carriers, supply chain and logistics management, etc
- stakeholder/interest groups such as the Road Transport Forum, the Automobile Association, Disabled Persons Assembly (New Zealand) Incorporated and Bus and Coach Association (NZ)
- researchers.

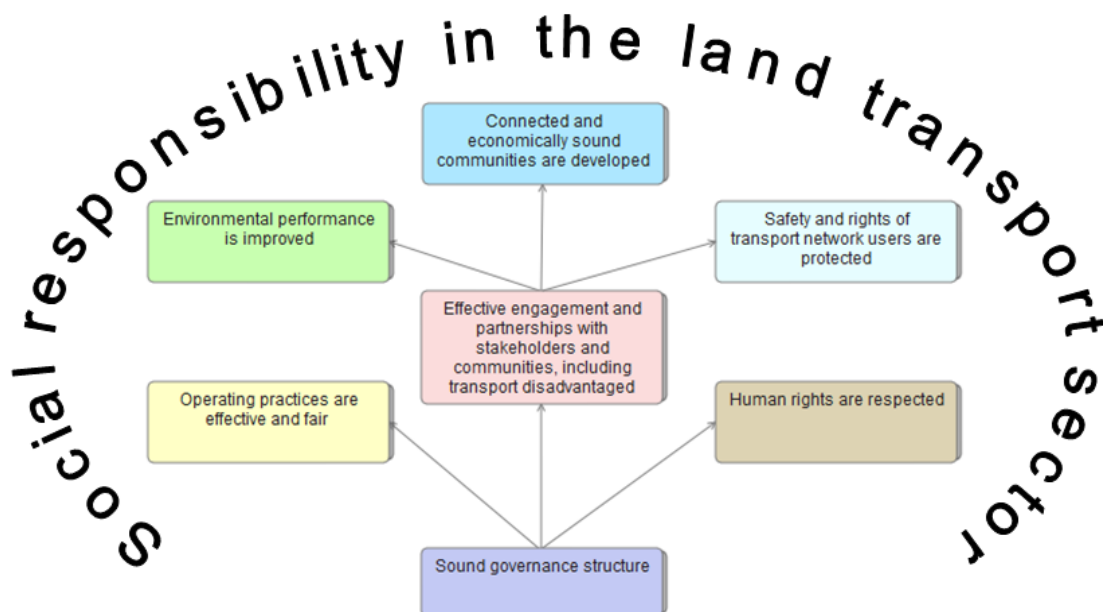
Other public sector organisation stakeholders include New Zealanders ('general public' or residents in communities) who use and/or are affected by decisions and activities involving the land transport system in their community or region, or in some instances, the entire country. Members of Parliament (both the government and the opposition) and cabinet ministers might be considered stakeholders in some contexts (eg developing a national or regional land transport strategy or programme) as well as being part of the accountability structure (to monitor organisational activities and behaviour).

3.4 Overview of social responsibility in the land transport sector

Figure 3.2 illustrates the core subjects of the social responsibility framework in the land transport sector. It may be seen as a tree: at the base or root, is a sound organisational governance structure, giving rise to effective engagement/partnerships with stakeholders and communities as the 'trunk'. These two structures combine, in varying ways, to provide the foundation for the branches: fair operating practices, responsible environmental management, recognition and respect for human and consumer rights, and the 'crown': contributing to the development of connected and economically sound communities.

Each box in the diagram is explored further in the sections that follow.

Figure 3.2 The structure of social responsibility in the land transport sector



3.4.1 Governance structure

A sound governance structure, incorporating the principles of social responsibility is the basis for having an organisation that behaves in a socially responsible manner.

The governance structure may be characterised as an organisation's set of 'internal rules', 'systems' or 'mechanisms' devised to guide its daily transactions, ie the interactions among individuals within the organisation and its relations with other organisations and stakeholders. Fundamental organisational and behaviour rules will be determined to a large degree by regulatory authorities via statutes, regulations, standards, codes and practices and so on. Other entities such as stakeholders, employees, officials and other external organisations will have an influence on how the rules are structured or enacted within the organisation. To facilitate the understanding and adherence to their organisational and behavioural rules, the NZTA prepared the 'Code of Conduct: the way we work here' which is read and signed by all NZTA employees, including the Chief Executive.

Most of the ISO 26000 'principles' can, to a large degree be treated as attributes of the governance structure, namely:

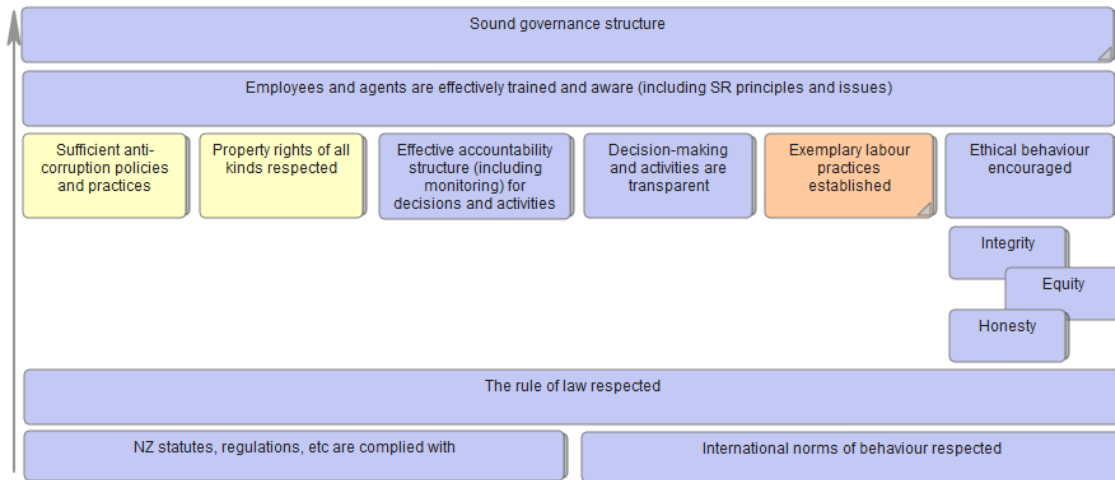
- accountability
- transparency
- ethical behaviour – implying a concern for people and the environment
- respect for the rule of law
- respect for international norms of behaviour where the national law or its implementation does not provide for this.

In New Zealand, the relevant 'international norms' (eg the Universal Declaration of Human Rights, the Johannesburg Declaration on Sustainable Development; ILO Declaration on Fundamental Principles and Rights at Work, and United Nations Framework for Climate Change) are addressed in existing law. For example, the four international norms mentioned are addressed through: the Human Rights Act 1992 and the Bill of Rights Act; various environmental and other statutes; the Employment Relations Act 2000, Health and Safety in Employment Act 1992 and other statutes; and the Climate Change Response Act 1992).

In New Zealand, the notion of 'respect for the rule of law' is not enshrined in legislation *per se*, but is a widely accepted social and legal convention.

One 'core subject' and one 'issue' of social responsibility are also most helpfully addressed as part of the governance structure, namely the core subject 'labour practices' and 'respect for property rights' (an issue associated with the core subject 'fair operating practices').

Figure 3.3 illustrates key outcomes required by an organisation to achieve a sound, socially responsible governance structure. The steps/results required for the 'exemplary labour practices' are discussed in section 3.4.2.

Figure 3.3 Outcomes/activities contributing to sound governance structure

As indicated in table 3.1, a number of statutes set out general requirements for New Zealand public sector organisations to operate in a fully accountable, transparent and ethical manner. There are a number of ‘checks and balances’ to ensure they do so, such as those found in the Public Records Act 2005, Official Information Act 1982, Public Finance Act 1989, Land Transport Management Act 2003 (LTMA 2003) and Local Government Act 2002 (LGA 2002). The LTMA 2003 particularly sets out a range of specific accountability structures for the NZTA, which are summarised in s92(2) and include preparation of an annual report on the National Land Transport Fund; form and content of regional land transport programmes, giving of reasons for decisions, monitoring and reporting, statement of intent, etc. In addition, the operating principles for the NZTA (s96(c) and (d)) specify it must ‘ensure that its revenue and expenditure are accounted for in a transparent manner’ and that ‘it acts in a transparent manner in its decision making under this Act’.

Table 3.1 Legal framework supporting sound governance structures

4	Principles	Applicable to all organisations	Ministry of Transport	NZTA	Local government
4.2	Accountability	Public Records Act 2005 OIA 1982	State Sector Act 1988	Crown Entities Act 2004 LTMA 2003	LGA 2002 Local Government Official Information & Meeting Act (LGOIMA) 1987
4.3	Transparency – disclosure of activities and decisions; reporting requirements, etc	RMA 1991 Public Audit Act 2001	Code of Good Regulatory Practice (2006) Public Finance Act 1989	Crown Entities Act 2004 LTMA 2003 Public Finance Act 1989	LGA 2002 LGOIMA 1987
4.4	Ethical behaviour	Employment Relations Act 2000 Public Audit Act 2001 Ombudsmen Act 1975 Protected Disclosures Act 2000	State Sector Act 1988	Crown Entities Act 2004	LGA 2002

4	Principles	Applicable to all organisations	Ministry of Transport	NZTA	Local government
4.6	Respect for rule of law	Requires compliance with legal requirements <i>No overriding statute exists – part of legal and social convention</i>			
4.7	Respect for international norms of behaviour)	Where national law does not cover core subject / issues <i>NZ has such legislation/law in place</i>			
6.4	Labour practices	<i>Refer section 3.4.2.</i>			
6.7	Respect for property rights	Commerce Act 1986 Companies Act 1993 Land Transfer Act 1952 Patents Act 1953 Copyright Act 1994 Property Law Act 2007 Protection of Personal and Property Rights Act 1988			

Assuming that an organisation (and the people working within it) follow the legal and social convention in New Zealand to ‘respect the rule of law’, the legal framework supporting the governance of public sector organisations operating in the land transport sector has sufficient mechanisms to provide the basis for a governance structure that lends itself to an organisation being socially responsible.

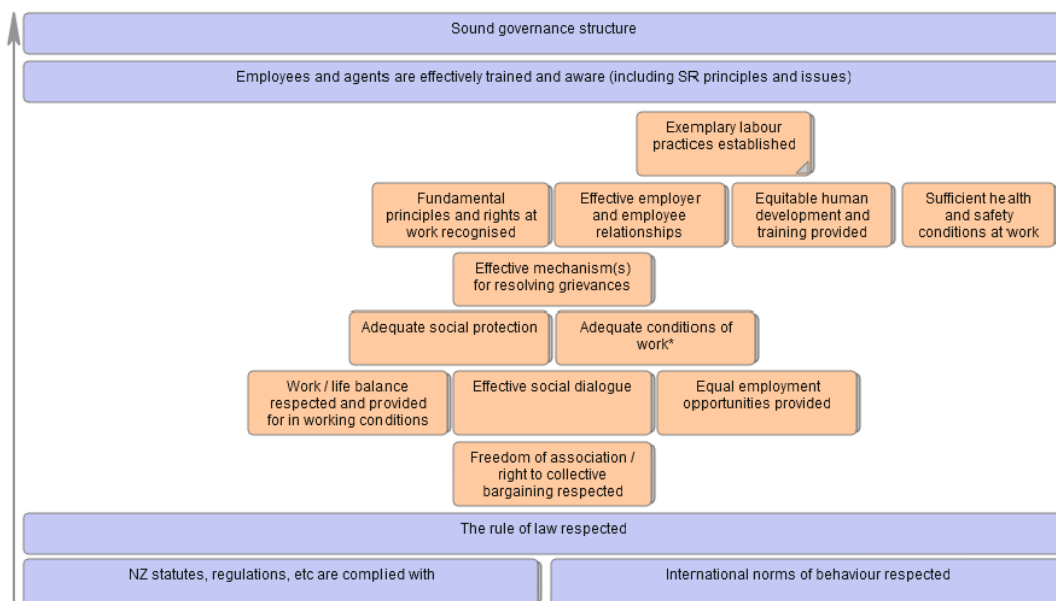
3.4.2 Labour practices

The principle for labour practices in the standard states labour is not a commodity: every person has the right to gain a living by freely chosen work, and the right to just and favourable conditions of work. Generally speaking, New Zealand’s labour practices follow those of the International Labour Organisation (ILO), which is what is recommended in the ISO 26000. As shown in figure 3.4, the main practices or outcomes include:

- the recognition of fundamental rights at work (including processes for resolving grievances)
- effective relationships between employers and employees
- equitable human training and development provided
- sufficient safety and health conditions at the workplace.

Recognition of and adherence to human right principles are clearly a critical aspect of good labour practices. In New Zealand, this is explicitly recognised in the Human Rights Act 1993, as discussed in section 3.4.4. The ISO 26000 includes the fundamental principles and rights at work and mechanisms for grievance resolution within the human rights rubric, while we have modelled it with labour practices.

Figure 3.4 Outcomes/activities contributing to exemplary labour practices



*In some jurisdictions globally, child labour, and other forms of forced or compulsory labour, would require attention

As can be seen in table 3.2, New Zealand law has a range of statutes addressing the various aspects of labour practices, which include providing effective mechanisms for resolving grievances (through the Employment Relations Act 2000 (ERA 2000) and Health and Safety in Employment Act 1992 (H&SEA 1992); adequate conditions of work, social protection, work/life balance, and equal employment opportunities (ERA 2000 and Human Rights Act 1993); and the freedom of association and right to collective bargaining (ERA 2000). Rules regarding workplace safety and health conditions are set out in the H&SEA 1992.

According to the standard, *social dialogue* includes all types of negotiation, consultation or exchange of information between or among representatives of governments, employers and workers, on subjects of common interest relating to economic and social issues. It is based on the recognition that employers and workers have both competing and mutual interests, and plays a significant role in industrial relations, policy formulation and governance. It may occur at different levels and between different groups. New Zealand does not have specific legislative requirements for social dialogue, although it is facilitated through sections of the ERA 2000 and Human Rights Act 1993, and Department of Labour programmes such as ‘Decent work in New Zealand’.⁹

None of the legislation is specifically drafted for the land transport sector yet, if adhered to, it will provide the basis for exemplary labour practices.

Table 3.2 Legal framework supporting exemplary labour practices

6.4	Labour practices	Applicable to all organisations	Ministry of Transport	NZTA	Local Government
6.4.3	Employment and employment relationships	Employment Relations Act 2000 Human Rights Act 1993	State Sector Act 1988		

⁹ Details may be found at www.dol.govt.nz/services/decentwork/index.asp (as of January 2011).

6.4	Labour practices	Applicable to all organisations	Ministry of Transport	NZTA	Local Government
6.4.4	Conditions of work and social protection	Employment Relations Act 2000 Health and Safety in Employment Act 1992 Equal Pay Act 1972 Wages Protection Act 1983 Holidays Act 2003 Parental Leave and Employment Protection (Paid Parental Leave) Act 2002 Human Rights Act 1993			
6.4.5	Social dialogue	<i>No direct legislation in New Zealand, facilitated through:</i> Employment Relations Act 2000 Human Rights Act 1993 <i>And some departmental programmes (eg Dept of Labour 'decent work')</i>			
6.4.6	Health and safety at work	Health and Safety in Employment Act 1992 Accident Compensation Act 2001			
6.4.7	Human development and training in workplace	Employment Relations Act 2000 Industry Training Act 1992 Human Rights Act 1993			
6.3.6	Resolving grievances (using organisation's process)	Employment Relations Act 2000 Human Rights Act 1993			
6.3.10	Fundamental principles and rights at work	Employment Relations Act 2000 Health and Safety in Employment Act 1992 Crimes Act 1961 Human Rights Act 1993			

3.4.3 Identifying and engaging stakeholders and communities

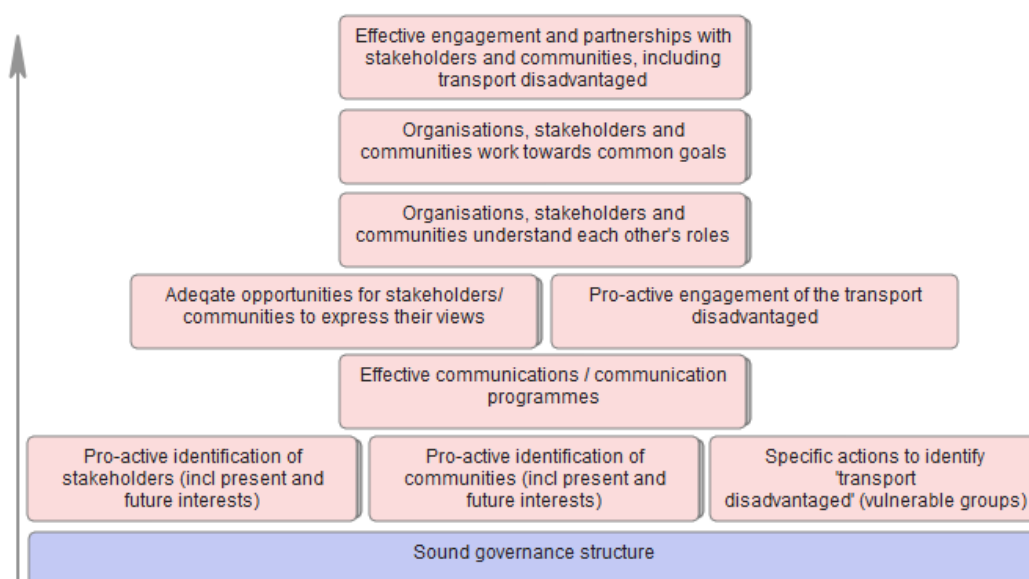
Unlike labour practices which are generic across all land transport sector (and public and private sector) organisations, the set of relevant stakeholders and communities will be unique to each organisation. Hence particular attention must be paid to the *identification* of stakeholders and communities, including present and future interests, and 'transport disadvantaged' (referred to as 'vulnerable groups' within the ISO 26000).

Identifying stakeholders and communities is not sufficient for ensuring engagement and good relationships, as indicated in figure 3.5. Once identified, an organisation should have effective communication and/or communication programmes in place to inform stakeholders and communities about current and proposed/future decisions and activities that may affect them. Organisations should

provide adequate opportunities for communities and stakeholders to express their views about the organisation's current and proposed decisions and activities. This implies organisations should proactively seek to engage the transport disadvantaged/vulnerable groups, rather than waiting for them to respond to community-wide calls for input.

Having effective communication/communication programmes in place will facilitate organisations, stakeholders and communities to understand each other's roles, leading to an ability to work towards common goals. It is also a form of risk management, in that stakeholder and community involvement may achieve more robust and reliable outcomes, while minimising the risk of failure. Ultimately, this will result in effective relationships and partnerships between communities, stakeholders and the organisation and ensure an organisation's decisions and activities have their full support.

Figure 3.5 Outcomes/activities contributing to identifying and engaging stakeholders and communities (including transport disadvantaged)



The primary sources of guidance for stakeholder, community and transport disadvantaged identification and engagement are the LTMA 2003), the LGA 2002 and, to a lesser extent, the RMA 1991.

Table 3.3 Legal framework for supporting identification and engagement of stakeholders and communities including transport disadvantaged

(Sub) clause	Principle	Applicable to all organisations	Ministry of Transport	NZTA	Local government
4.5 5.2 5.3	Stakeholder identification and meaningful engagement		LTMA 2003 (some)	LTMA 2003 RMA 1991	LTMA 2003 LGA 2002 RMA 1991 LGOIMA 1987

3.4.3.1 Stakeholders and communities involvement in the preparation of land transport programmes and strategies

There is a myriad of policy, strategy, planning documents prepared in New Zealand to guide investment and activity in the land transport sector. At the core, the LTMA 2003 provides for the Minister of

Transport, acting in his/her sovereign role to establish policy in the public interest, to complete a national land transport strategy, which would guide the government's outcomes and objectives for the transport sector over a 30-year period. It would be reviewed every six years. Instead, the Government produced a broader-based NZTS, including land transport, aviation and maritime in 2002 and substantially revised it in 2008 (see note 1 on page 11).

Short- to medium-term outcomes and impacts are provided through a Government Policy Statement on Land Transport Funding (GPS) every three years. The National Land Transport Programme (NLTP) outlines the scheduling and funding of activities for each three-year period and is based on the regional land transport programmes (RLTPs) prepared by regional transport committees for each regional council or unitary authority. The committees are also responsible for developing regional land transport strategies (RLTSs), which outline the regional outcomes the RLTP activities contribute to.

Text within the ISO standard declares the Government is not an 'organisation' in the context of the standard; hence, in setting policy, it is not required to engage stakeholders. Nonetheless, in New Zealand the Minister of Transport (ie the Government or State) has generally undertaken some engagement in completing the NZTS (2002 and 2008). The process for a national land transport strategy outlined in the LTMA 2003 involves slightly more consultation than the GPS and far less than a RLTS: prior to completing the strategy, notice in relevant daily newspapers is to be published to give 'interested persons' time to make submissions on the proposed strategy and the Minister of Transport must 'consult such persons, representative groups within the land transport system or elsewhere, government departments, local authorities and Crown entities *as the Minister in each case considers appropriate*' (s70(c) – italics added). For the most recent NZTS (2008), the stakeholder engagement was greater than what would have been required for a national land transport strategy. It included release of a discussion paper seeking feedback by way of submissions, 'engagement meetings', workshops with multiple agencies and one-on-one meetings with a range of agencies. However, the input was sought after the development of the core vision, objectives and priorities for land transport for the next 30 years had been devised by officials, which is somewhat different to involving stakeholders throughout the process.

Clearly the LTMA 2003 permits the consultation for a national land transport strategy to be quite selective, although the Minister/Ministry of Transport's approach for the NZTS encouraged wider feedback. The LTMA 2003 does not require the Minister to take cognisance of the submissions made or the parties consulted. Implementation of the national land transport strategy is essentially effected through the national and regional land transport programmes, which are required to be 'consistent with' any national land transport strategy.

As required by the LTMA 2003 (s84), the Minister of Transport issues a GPS every three years. The GPS guides the NZTA and land transport sector on the outcomes and objectives and short-to-medium term impacts that the government wishes to achieve through the NLTP and allocation of land transport funding. The GPS is to be consistent with any existing national land transport strategy and national energy efficiency and conservation strategy, take into account any relevant national policy statement made under RMA 1991, and to fulfil the objective of the LTMA 2003.

In terms of accountability, there are limited consultation requirements for the preparation and release of the GPS: the Minister of Transport is to 'have regard to the views of Local Government New Zealand and representative groups of land transport users and providers (including representative groups of coastal shipping users and providers)' (LTMA 2003, s87(1)(c)) and to 'consult with the Agency about the proposed GPS'. In 2011, the Minister of Transport released an 'engagement document' for key stakeholders to provide their views and feedback on the direction and content of the GPS for 2011. A similar process was used in 2008 for the earlier GPS.

Neither national land transport strategies nor the GPS are subject to the LTMA 2003 requirement to consider the needs of the transport disadvantaged. That said, the NZTS (2008) included extensive discussions on improving the access and mobility of the transport disadvantaged. However, all of the GPS to date (2008 through 2011) – wherein a GPS is the equivalent to an ‘action plan’ for a transport strategy – only referred to the transport disadvantage indirectly, when setting out the desired impacts for national land transport funding: ‘more transport choices, particularly for those with limited access to a car’ and ‘better access to markets, employment and areas that contribute to economic growth’.

In terms of identifying stakeholders and current interests of communities, the LTMA 2003 stipulates a very specific list of people and organisations that organisations preparing regional land transport programmes (regional councils plus Auckland Transport), regional land transport strategies (regional land transport committees plus Auckland Transport), road tolling schemes or regional fuel tax schemes must consult (s18 and s65H for fuel tax schemes), namely:

- every affected/adjoining regional council
- the Auckland Council (if affected), including affected local boards of the council
- every affected territorial authority
- every affected approved public organisation
- the New Zealand Transport Agency
- the Police Commissioner
- affected district health boards
- the Accident Compensation Corporation
- the New Zealand Historic Places Trust
- the New Zealand Railways Corporation
- representative groups of land transport users and providers (including representative groups of coastal shipping users and providers)
- affected communities
- Māori of the region
- the public in the region.

The Secretary of Transport and the Ministry of Health must also be consulted when preparing a regional land transport strategy.

Through the LGA 2002 (s14, among others), local governments are required, when making any decision, to take account of ‘the interests of future as well as current communities’.

The NZTA must ensure proper consultation has been completed prior to approving any activities in the national land transport programme (LTMA 2003, s20(2)f), although it is possible they would not specifically verify *future* community interests had been taken into account as this is not an explicit LTMA 2003 requirement. To facilitate consultation, the NZTA adopted the *Public engagement manual* (2008) prepared by Transit NZ (which is now part of the NZTA). The *Public engagement manual* outlines an ‘engagement’ process, including different approaches to communication and public involvement.

Despite the fact decisions must be made regarding the funding priority of activities within the NLTP, including what activities to include or exclude, there is no obligation for the NZTA to consult during the

preparation of the NLTP. They must provide written advice to a regional land transport committee/ Auckland Transport if they choose to exclude any activity proposed in its RLTP. The NLTP must be publicly available once completed.

In undertaking their consultation for the RLTP or RLTS or a long-term council community plan (LTCCP) (which sets out the activities and services a council intends to provide over the next 10 years, including road network, footpaths and cycleways), local authorities are required by the Local Government Act 2002 (s82) to adhere to the following principles, in order to ensure those affected by or having an interest in the decision or matter:

- have reasonable access to the relevant information in a form that is appropriate to their needs and preferences
- are encouraged to present their views
- are clear as to the purpose of the consultation and the scope of the decisions to be taken
- have reasonable opportunity to present their views
- are provided with information concerning the relevant decisions, including the reasons for the decisions.

The local authority is to ensure the views presented to it are received 'with an open mind' and *given due consideration* in making a decision (s82e – italics added). There appears to be an implicit assumption the process used is sufficient to resolve conflicting views.

The Local Government Act (s83) specifies the consultation procedure as well as the principles. Section 18G of the LTMA 2003 requires separate consultation with Māori affected by any proposed activity on their land (including land subject to a Māori land claim) or Māori historical, cultural or spiritual interests where feasible. In exhibiting a sense of social responsibility, the LTMA 2003, s96(1)(a)(ii) adds a further requirement for the development of RLTPs, that 'early and full opportunities' for consultation be provided.

The RMA 1991 requires local authorities to undertake public consultation (including provisions for public notification, submissions and public hearings) during the preparation of regional policy statements which, in some cases, may contain transport and/or urban development issues. Decisions of local authority with respect to policy statements and plans following submissions are required to be notified and available to the public. In some cases, where a proposed activity (eg a specific roading project) is not allowed 'as of right' in a regional or district plan, the project will have to be 'publicly notified'. Public notification for resource consent is not based on the recognition of affected stakeholders, but on whether or not the activity will have 'not minor' environmental effects or if a rule or national environmental standard requires public notification. The process for ensuring adequate accountability, consultation and hearings is specified in the act.

3.4.3.2 Transport disadvantaged

While the identification of stakeholders and communities is reasonably well specified for land transport sector agencies, the successful pro-active identification of transport disadvantaged (vulnerable groups) noted in figure 3.5 is less clear. First of all, the requirement is less stringent: in preparing any programme under Part 2 of the LTMA 2003, land transport organisations (including the Secretary of Transport – but not the Minister of Transport – the NZTA, local authorities and the Police Commissioner) are required to 'consider the needs of persons who are transport disadvantaged' (s35). The explicit mention of the transport disadvantaged implies that this 'group' is distinct from those listed in s18. Who comprised the 'transport disadvantaged' was not distinguished in New Zealand legislation until 2009, when the Public

Transport Management Act 2008 (PTMA) came into effect. The PTMA identifies the transport disadvantaged as:

people whom the regional council has reasonable grounds to believe are the least able to get to basic community activities and services (for example, work, education, health care, welfare, and food shopping)

In preparing a regional public transport plan under the PTMA, a regional council must explicitly state how any public transport, taxi or shuttle services will assist the transport disadvantaged. The councils are also required to consult with 'groups that the regional council has reasonable grounds to believe represent the transport disadvantaged' (s20(2)l). The LTMA 2003 does not have a similar consultation requirement for the transport disadvantaged nor is there a specific accountability structure in place to ensure 'consideration' of their needs occurs.

In terms of providing a basis for socially responsible behaviour, the PTMA definition of transport disadvantaged is quite vague ('people whom the regional council has reasonable grounds to believe'), focuses on the 'least able' (is this a proportion of the population or a single specific group?) and is limited to public transport. That said, it does provide some guidance, whereas the LTMA 2003 does not.

There is no process to assure transparency and accountability for the consideration of the needs of the transport disadvantaged: while some current RLTSs in New Zealand at least mention the transport or mobility disadvantaged (generally in the context of provided public transport services), the most recent NLTP 2009–2012 does not refer to the transport disadvantaged at all. People with disabilities are touched on once in the 72-page document, where public transport service funding is defined as including 'total mobility operational funding (transport assistance for people with disabilities)' (p43) while 'medium strategic fit' funding priorities in public transport services and infrastructure provide an indirect reference: 'transport choice in major urban areas, particularly for those with limited access to cars or who are vulnerable to fuel price changes' (pp43 and 45). The NZTA *Statement of Intent 2010–2103*, which is intended to set out the 'medium-term strategic intent for our contribution to delivering the government's goals and objectives for the land transport sector and for the economy as a whole.' (p1) does not refer to the transport disadvantaged, people with disabilities, the poor or poverty. The Ministry of Transport's *Statement of Intent 2010–2013* is also devoid of these considerations.

The ISO 26000 provides a potentially useful clarification of who (apart from the Māori who are specifically provided for in the Act) could be considered as the 'transport disadvantaged' in its definition of 'vulnerable groups' (clause 6.3.7.2):

- women and girls
- people with disabilities
- children
- indigenous peoples
- migrants and migrant workers
- people discriminated against on the basis of descent, including caste
- people discriminated against on the basis of race
- the elderly
- the poor
- displaced people
- illiterate people
- minority and religious groups.

The list of vulnerable people reflects the fact that the ISO standard has been devised for use by a wide range of countries and in a variety of situations, not all of which may be highly relevant to the land transport sector in New Zealand. In some cases, the vulnerable group may not be able to access and/or afford to use particular types of transport, or their circumstances could mean they live where different transport options are not available Cheyne and Imran (2009) term this 'locational disadvantaged' stating it

may lead to a financially crippling dependence on motor vehicles or simply not being able to get to everyday services.

‘People with disabilities’ encompass a broad range of people with permanent and ‘handicapping’ or temporary conditions, as indicated in the UK Disabilities Discrimination Act (1995):

Permanent

- wheelchair users
- ambulant disabled people
- elderly people
- those with poor dexterity or little strength
- those with visual impairment
- those with auditory impairment
- those who lack comprehension.

‘Handicapping’ or temporary conditions

- women in the later stages of pregnancy
- parents or caregivers in charge of small children, particularly where a pushchair is in use
- temporarily injured, sick or ill
- emotionally distressed or unstable
- of excessively small or large stature
- ethnic minorities
- new immigrants (who may have problems with communication in English).

Combining the ISO standard and UK Disabilities Act definitions together, it is possible to identify six transport disadvantaged groups, as shown in table 3.4. Note that an individual could fit into more than one category.

Table 3.4 Proposed categories of the transport disadvantaged

Transport disadvantaged category	Description
Physical limitations	People with ambulatory/physical disabilities, whether temporary (through illness or accident) or long term: eg wheelchair users, pregnant women, elderly people, people on crutches or with a cane; people with babies/small children in pushchairs; people with poor dexterity or little strength, people with epilepsy or other diseases that affect their physical ability)
Comprehension	People with mental/cognitive disabilities or illnesses, as well as those with language difficulties: eg indigenous peoples, ethnic minorities, new immigrants and migrant workers
Visual	People with sight impairments and the illiterate
Auditory	People with hearing impairments
Age	Children and the elderly
Locational disadvantage/financial limitations	The poor, including those households/individuals with high living expenses due to disabilities/illness

In terms of being socially responsible, a pro-active organisation would assume a wide view of the ‘transport disadvantaged’, including such categories of people as identified in table 3.4, and, at a minimum, adopt consultation procedures similar to those identified elsewhere in the LTMA 2003.

Note that this discussion is focused on the *identification and engagement* of relevant stakeholders and communities, including vulnerable groups such as the transport disadvantaged, as opposed to examining or commenting on the activities that an organisation may be undertaking to overcome issues such stakeholders or communities may be experiencing. With respect to identification and engagement of vulnerable groups, it may be that many (or all) land transport sector organisations have already adopted a

wide view of the transport disadvantaged and routinely consult and include them in their decision making. Currently there is no clear means of assessing this. However, the NZTA's (2008) *Public engagement manual* provides extensive guidance on Māori stakeholder consultation, but is silent on engagement or consultation with the transport disadvantaged. Because it was prepared by Transit NZ for use by Transit NZ, the manual also lacks consideration of the range of stakeholders and activities stipulated for consultation in the LTMA 2003, and the NZTA should consider revising it.

3.4.3.3 Summary: current weaknesses in identifying and engaging stakeholders

While the LTMA 2003 provides an extensive list of persons/groups to be consulted when preparing key documents in the land transport area, it is clear the transport disadvantaged may not be fully consulted on some issues, given the lesser requirement stipulated in the Act. Hence, the suggestion in the preceding section that organisations ensure they adopt a broad definition of transport disadvantaged to be included in their decision making and engage with them using the LGA 2002 consultation procedures.

Furthermore, by appearing to specify an apparently comprehensive list of stakeholders, there is a risk that newly formed organisations or groups, or other public sector agencies with an interest in transport do not have a voice in the consultation process. Care would need to be taken to ensure this situation did not arise.

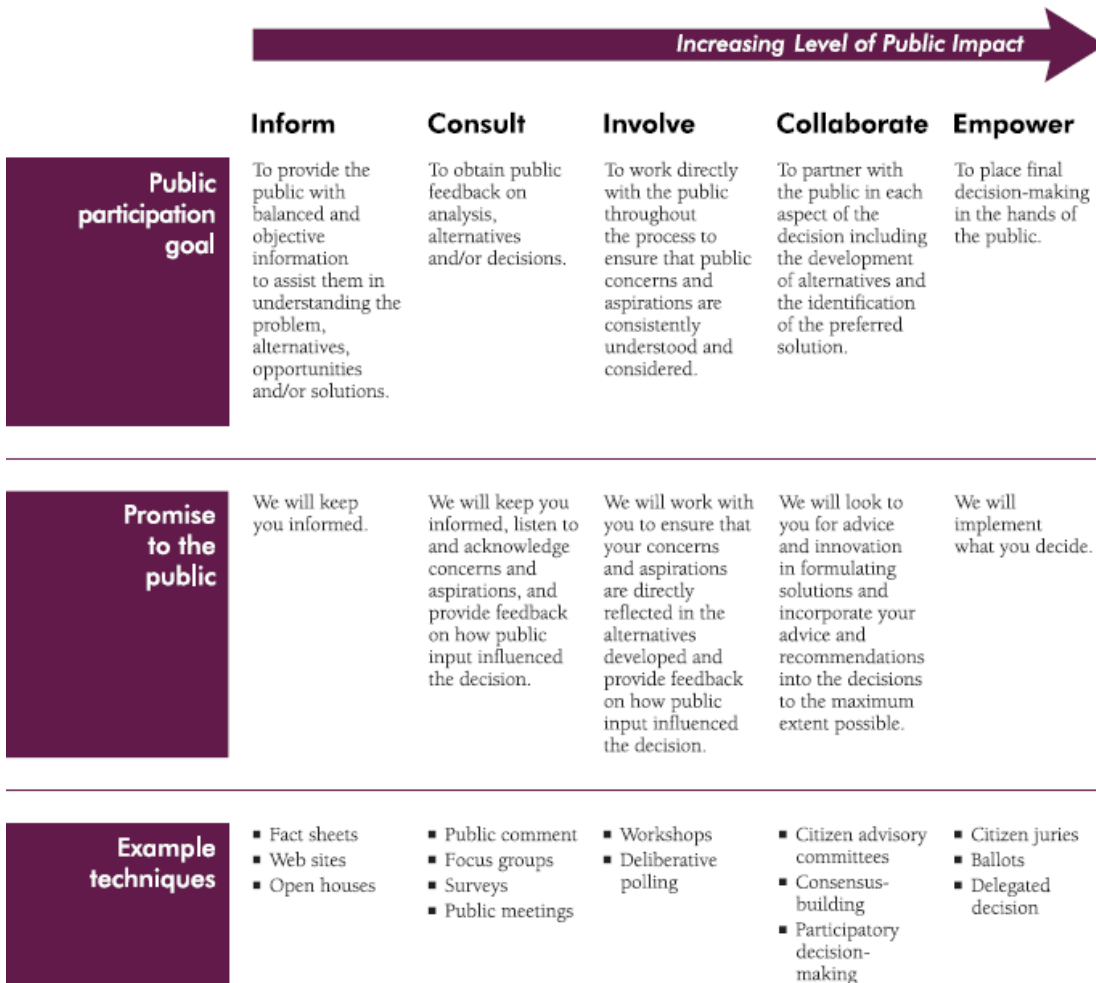
The consultation procedures set out in the LGA 2002 (and referred to by the LTMA 2003) are a 'one size fits all' approach, ie the organisation prepares a written proposal, puts out public notices, invites submissions, holds a hearing(s) and publishes its decision, including the reasons for the decision. While local authorities can, and do, vary from this prescriptive approach in an effort to tap into the widest 'affected community' and/or 'public in the region' possible for some decisions, it is feasible to adhere to the rules prescribed in the LGA 2002, and declare that an adequate consultation process has been undertaken, while not engaging with particular segments of the community or public/society (such as the transport disadvantaged). The NZTA (2008) *Public engagement manual* does outline different approaches that can be taken and their relative advantages/disadvantages and suitability for different situations, which is more in line with what the ISO 26000 proposes to ensure interactive two-way communication.

The manual also reveals the potential shortcoming of the current 'engagement' process. It summarises the International Association for Public Participation approach to public engagement (refer figure 3.6) and states:

Transit's [sic] core focus for the majority of issues and decisions is the Inform and Consult levels. Transit's occasional focus is at the Involve level when the public has useful information to contribute. Transit is less likely to use the Collaborate and Empower levels. (p40)

Legally, what is required by New Zealand public sector land transport organisations is largely to inform and consult, while adopting the social responsibility approach put forward by the ISO 26000 would demand more than consultation; rather full engagement would occur most often at the involve and/or collaborate level, and sometimes the empower level.

Figure 3.6 International Association for Public Participation: Spectrum of public participation (source: www.iap2.org/)



In order to fairly address and recognise stakeholder and community concerns in an engagement process, it may be useful to have conflict resolution guidelines and staff training within an organisation.

There is, of course, the potential issue that the ISO 26000 is overly demanding in terms of stakeholder and community engagement, in that greatly expanding the range of participants and/or the engagement process (be it consultation or other involvement) may significantly slow down and/or hinder the planning and implementation of activities. Clearly, community and stakeholder involvement needs to be integrated into the planning process for an activity or programme from the outset. To be effective and worthwhile, an engagement procedure appropriate to the task at hand should be developed as a first step in the planning process. In this way, the pitfalls of engagement (eg too much talking and not enough action; or some groups holding up the process due to misunderstandings or differences of opinion) may be avoided.

3.4.4 Human rights

The ISO 26000 identifies the protection of human rights as principally a responsibility of the state, insofar as the government should set in place the rules that will have all organisations adhere to the rights set out in the International Bill of Human Rights. In New Zealand, the International Bill is primarily enshrined in three pieces of legislation: the Human Rights Act 1993, New Zealand Bill of Rights Act 1990 and Employment Relations Act 2000. In addition, under the State Services Act 1988, the State Services Commissioner has prescribed two minimum standards – the non-discrimination standards for government and the public sector, and standards of integrity and conduct¹⁰ – and agencies must adhere to them. Hence, provided organisations adhere to the legislated provisions, there is very little in figure 3.7 and table 3.5 that is specific to the land transport sector.

Figure 3.7 Outcomes/activities contributing to respecting human rights



While many of the human rights risk situations described in the ISO 26000 do not apply in a New Zealand context, three situations may be relevant for the land transport sector: 1) involvement in extractive activities or other activities that might disrupt communities and/or significantly affect natural resources such as water, forests or the atmosphere; 2) natural disasters; and 3) proximity of operations to communities of indigenous peoples. These issues are discussed in the context of the environment and the community (refer sections 3.4.6 and 3.4.8).

The avoidance of complicity is not a highly relevant issue with respect to land transport, but is an area where there could be clearer statutory guidance for organisations in New Zealand, as currently it is only explicitly addressed within the context of criminal acts, rather than human rights abuses (which may or may not be criminal).

One relevant human rights concern for land transport is related to discrimination against vulnerable groups. As noted in the discussion about identifying and engaging stakeholders (section 3.4.3), there is a risk the transport disadvantaged as a vulnerable group are not fully recognised and/or accommodated in decision making regarding land transport activities or within the activities themselves. Such

¹⁰ Available from www.ssc.govt.nz

inattentiveness may be considered tantamount to discrimination, and thus an infringement of human rights. This issue was explored in a particular context (travel by public transport) by the Human Rights Commission (HRC) (2005), where the inquiry concluded:

During the Inquiry, it became clear that while there is general acceptance of the importance of the accessible journey, there is no comprehensive approach to implementation and accountability. The result is that the accessible journey is unattainable for many disabled people. As the effect is to greatly reduce their ability to participate in areas of life, such as education and employment, that most people accept as their right, access to transport can be seen as a human rights issue.

It is difficult to attribute fault to any particular part of the system. It is the system as a whole that is the problem. The Commission therefore considers that the manner in which public transport is currently provided and regulated in New Zealand arguably amounts to systemic discrimination against disabled people. (paras 8.25 and 8.26)

The HRC identified four key requirements for developing accessible public transport for the disabled, namely:

- adopting a common definition of disability
- having disabled people participate directly in planning processes
- implementing industry-wide disability awareness and competency training
- setting and implementing mandatory national accessibility design performance standards.

To 2011, none of the recommendations have been fully implemented: eg national vehicle quality standards have been developed, and their use encouraged through the PTMA 2008, but they are not mandatory. Thus, the implication is there may still be discrimination of some transport disadvantaged groups in New Zealand, particularly the right to access to basic public services.

Table 3.5 Legal framework supporting respect of human rights

6.3	Human rights	Applicable to all organisations	Ministry of Transport	NZTA	Local Government
6.3.3	Due diligence	The non-discrimination standards for government and the public sector (2002)			
6.3.4	Human rights risk situations	Human Rights Act 1993 NZ Bill of Rights Act 1990			
6.3.5	Avoidance of complicity (in human rights abuses)	Crimes Act 1961 Human Rights Act 1993 (does not specifically mention complicity)			
6.3.6	Resolving grievances (using organisation's process)	<i>Modelled under labour practices (s3.4.2)</i> Employment Relations Act 2000 Human Rights Act 1993			
6.3.7	Discrimination and vulnerable groups	Employment Relations Act 2000 Human Rights Act 1993	State Sector Act 1988	LTMA 2003 PTMA 2008 (transport disadvantaged & public transport)	

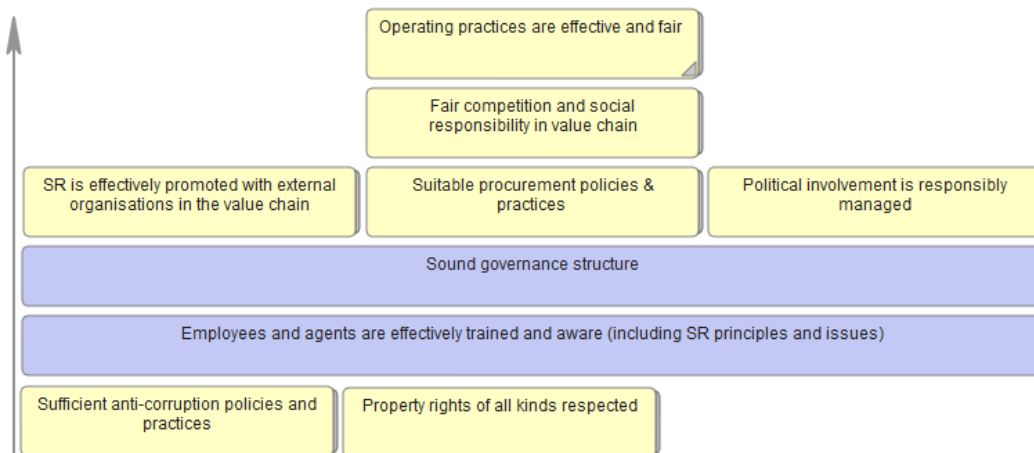
6.3	Human rights	Applicable to all organisations	Ministry of Transport	NZTA	Local Government
6.3.8	Civil and political rights. Incl some basic human rights 'the right to access to public services'	Human Rights Act 1993 NZ Bill of Rights Act 1990		LTMA 2003 PTMA 2008	
6.3.9	Economic, social and cultural rights	<i>Much is immaterial to LT sector</i> Human Rights Act 1993 NZ Bill of Rights Act 1990 RMA 1991 Employment Relations Act 2000			LGA 2002
6.3.10	Fundamental principles and rights at work	<i>Modelled under labour practices (s3.4.2)</i>			

3.4.5 Fair operating practices

The outcomes contributing to fair operating practices are shown in figure 3.8. In New Zealand, anti-corruption practices (ie avoidance of potential bribery or undeclared conflict of interest) are guarded against through the Crown Entities Act 2004 (providing for undeclared conflict of interest); Protected Disclosures Act 2000 (protecting employees who report serious wrongdoing) and the Crimes Act 1986, which allows for the conviction and imprisonment of those accepting bribes or undertaking other corrupt behaviour (refer table 3.6).

Responsible political involvement, ie political impartiality or neutrality, is enshrined in the standards of integrity and conduct, which apply to the Ministry of Transport, the NZTA and the Transport Accident Investigation Commission. The standards are enforced by the State Services Commissioner by investigating and identifying possible breaches and providing advice on compliance. The standards state that impartiality requires employees to: maintain political neutrality in order to be able to work with current and future governments; carry out organisational functions unaffected by personal beliefs; provide robust and unbiased advice and respect the authority of the government of the day. There is no similar requirement in the LGA 2002 governing local authorities.

Figure 3.8 Outcomes/activities contributing to fair operating practices



The promotion of social responsibility throughout the supply chain (eg by ensuring that contracted organisations adhere to the principles of social responsibility) is not currently a strong feature in New Zealand procurement practice.

The New Zealand government’s procurement policy is currently under extensive reform. The policy for suppliers and agencies is (and will be) expressed across several guides and tools, such as the *Government procurement in New Zealand – policy guide for purchasers* (MED 2010); *Mastering procurement – a structured approach to strategic procurement* (MED 2011); and *Australian and New Zealand government framework for sustainable procurement* (Australian Procurement and Construction Council 2007). The procurement guidelines emphasise the need to government agencies and organisations to exhibit socially responsible behaviour, eg by adopting ethical, transparent, fair, impartial methodologies, including regarding suppliers’ environmental responsibility (refer to section 3.4.6 for discussion).

The focus is on ensuring there is a fair competitive process with a cost-effective outcome, including giving New Zealand suppliers a ‘full, fair and reasonable opportunity’ (MED 2011, p64) to participate in the procurement process. Earlier, the Office of the Auditor General (OAG 2008) public entities procurement guidance suggested that ‘low value and low risk’ goods and services should be generally available through competitive local supply, and that procurement should occur at the ‘lowest practical geographic level where competitive local markets exist’. As a result, the NZTA (2009) procurement manual identified, as an example of a procurement objective or outcome, the following: ‘Encourage the development of a range of suppliers and providers that will contribute to the economic growth of the local economy’, although it does not require that commitment from approved organisations.

Each agency/organisation is expected to set their own procurement strategy, with directions, priorities and outcomes appropriate to its needs. The LTMA 2003 specifies the direction of the NZTA procurement procedures through a requirement for different types for different purposes for itself and approved organisations, in order to:

- obtain best value for money
- have regard to the desirability of competition
- have regard to the purpose of the Act.

In outlining the legislative and policy framework for procurement, the NZTA’s (2009) current procurement manual mentions the Australian Procurement and Construction Council (2007) procurement guidelines,

and references its four principles, including ‘Support suppliers to government who are socially responsible and adopt ethical practices’. However, their extensive guidance on supplier selection is silent on applying this principle.

Overall, the emphasis in the New Zealand procurement process has been on fair competition between potential suppliers, including facilitating the inclusion of domestic suppliers, and on the environmental responsibility of potential suppliers, with little attention paid to ensuring that socially responsible behaviour is present throughout the supply chain. While this may be less of an issue where suppliers are domestically located (and thus subject to New Zealand laws and social norms), in an increasingly global economy where suppliers of goods and services may be located overseas, it is prudent to have policies in place to assess the presence or absence and quality of the socially responsible practices of potential suppliers.

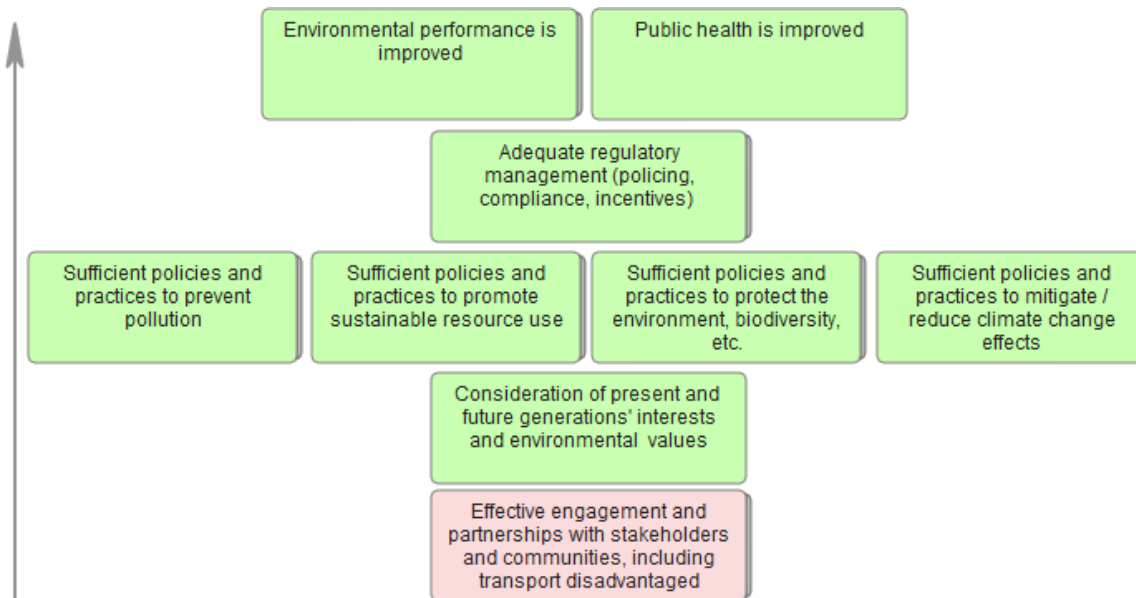
Table 3.6 Legal framework supporting fair operating practices

6.6	Fair operating practices	Applicable to all organisations	Ministry of Transport	NZTA	Local Government
6.6.3	Anti-corruption	Protected Disclosures Act 2000 Crimes Act 1986		Crown Entities Act 1986	
6.6.4	Responsible political involvement		State Sector Act 1988	State Sector Act 1988	
6.6.5	Fair competition	Commerce Act 1986		LTMA 2003 PTMA 2008	LTMA 2003 PTMA 2008
6.6.6	Promoting social responsibility in the value chain			LTMA 2003 – requires NZTA to set procurement procedures	
6.6.7	Respect for property rights	<i>Addressed in section 0</i>			

3.4.6 Improving environmental performance

Figure 3.9 categorises potential environmental performance management issues identified by ISO 26000 into four categories: preventing pollution, protecting the environment and its biodiversity and restoring natural habitats or ecosystems, promoting sustainable resource use and mitigating or avoiding climate change effects. In New Zealand, the government/state has taken the role of ensuring the environment is managed and protected. The result is an extensive framework of legislation, rules, plans, policies and regulations (shown in table 3.7) governing the activities by private and public sector organisations and how they impact on the environment.

Figure 3.9 Outcomes/activities contributing to improving environmental performance



3.4.6.1 Pollution prevention, protection of the environment and biodiversity, and environmental restoration

In addition to the overarching statutory framework, organisations may have specific requirements in their enabling acts. This is the case for the NZTA, which must ensure the activities and combination of activities included in the NLTP assist in achieving the objective ‘ensuring environmental sustainability’ and that it is ‘avoiding, to the extent reasonable in the circumstances, adverse effects on the environment’. This requirement flows through to local authorities, as RLTPs and RLTSs must also contribute to achieving the environmental sustainability objective. The GPS (2011) re-emphasised the importance of this obligation: one of the short-to-medium term impacts being sought through the NZTA’s investment in the transport network is ‘reductions in adverse environmental effects from land transport’. At the same time, avoiding or reducing adverse environmental effects from land transport, where it affects local air quality, noise and/or water quality, may contribute to the LTMA 2003 objective ‘protecting and promoting public health’. Encouraging walking, cycling and public transport use (as a means of mitigating adverse environmental effects) has the potential added bonus of improving public health outcomes, by improving physical well-being (eg reducing risk of heart disease, diabetes and obesity), and reducing isolation and social exclusion.

To facilitate the inclusion of environmental consideration in their decision making, the NZTA has incorporated assessment of environmental impacts in its *Economic evaluation manual* (NZTA 2010), which was developed to assist approved organisations eg regional councils or territorial authorities, and the agency itself, to evaluate the economic efficiency of activities for which they seek funding from the NZTA. Generally speaking, the evaluation must include a consideration of alternatives and options, as well as environmental impacts, ie benefits and costs – including (as appropriate) water quality, special areas, ecological and visual impacts, community severance, overshadowing, isolation, vibration and road traffic noise. Local and global air quality is assessed for activities involving vehicle emissions: pollutants measured include carbon monoxide, nitrogen oxides, particulates, volatile organic compounds and carbon dioxide (greenhouse gases). The NZTA’s (2005) *Environmental policy manual and environmental plan* outlines specific actions that can improve performance across several areas including mitigating traffic

noise and vibration, managing effects on air and water quality, efficient resource use and protecting cultural and heritage features and biodiversity.

Where an activity is for new infrastructure, or substantial improvement to existing infrastructure, it may also be subject to a consent process under the RMA 1991 where the environmental effects are considered 'not minor'. The consent process will involve, at a minimum, consultation with affected parties and may include a full public submission and hearing process.

The Hazardous Substances and New Organisms Act 1996 places an obligation on all land transport organisations involved in the construction of transport infrastructure or the provision of services to ensure that hazardous substances used in construction are managed according to protocols in the Act and procedures formulated by the Environmental Protection Authority.

As is shown in table 3.7, a variety of statutes ensure the preservation and/or restoration of ecosystems, habitats and waterways that may be affected through infrastructure development.

Table 3.7 Legal framework supporting environmental management

6.5	The environment	Applicable to all organisations	Ministry of Transport	NZTA	Local government
6.5.3	Prevention of pollution (broadly defined)	RMA 1991 Waste Minimisation Act 2008 Hazardous Substance and New Organism Act 1996 Health and Safety in Employment Act 2003 Ozone Layer Protection Act 1996 Environment Act 1986		LTMA 2003	
6.5.4 6.7.5	Sustainable resource use and Sustainable consumption	RMA 1991 Waste Minimisation Act 2008 Energy Efficiency and Conservation Act 2000	Land Transport Act 1998 LTMA 2003	LTMA 2003	LTMA 2003
6.5.5	Climate change mitigation and adaptation	Climate Change Response Act 2002 Forest Act 1989 <i>Indirectly through:</i> RMA 1991 LTMA 2003 Land Transport Act 1998			
6.5.6	Protection of the environment, biodiversity and restoration of natural habitats	RMA 1991 Conservation Act 1987 Reserves Act 1977 Forests Act 1949 Hazardous Substances and New Organisms Act 1996 Biosecurity Act 1993 Native Plant Protection Act 1934 Wildlife Act 1953 Fisheries Act 1996			

3.4.6.2 Sustainable resource use/sustainable consumption and climate change

The government's response to climate change concerns are addressed at the national level through the Climate Change Response Act 2002. The primary tool affecting transport is the New Zealand emissions trading scheme which addresses transport GHG emissions through the trading/removal of units relating to liquid fossil fuels at the refinery level. Provisions in the Act are made to remove units from the market in all sectors.

Climate change effects from transport occur from the burning of fossil fuels where motor vehicles are in use. The transport sector is the second largest, and the fastest growing, greenhouse gas emissions sector. Hence, any activities (including rules, regulations, education programmes, traffic management programmes) that result in the reduction of fuel use and/or vehicle kilometres travelled, and/or improved fuel economy, will contribute not only to sustainable resource consumption and use, but to climate change mitigation or avoidance. Reductions in fuel use may also contribute to improvements in local air quality and, hence, better public health.

Sustainable resource use and/or sustainable consumption is mandated at a national level through several statutes, which are then implemented by central government agencies and local authorities, sometimes in conjunction with the private sector. The ones of direct relevance to the land transport are discussed below.

Through the Energy Efficiency and Conservation Act 2000, energy efficiency, conservation and renewable energy use are supported. The government may make regulations for minimum energy performance standards and/or energy labelling (as they have done for motor vehicles) in terms of their energy efficiency. To this end, government agencies have collaborated to provide:

- www.Rightcar.govt.nz – provides information on fuel economy, safety ratings and vehicle (air) emissions for motor vehicles available in the New Zealand market.
- www.fuelsaver.govt.nz and www.energywise.govt.nz to explain vehicle fuel economy labels and give tips on how to economise on fuel.

The Waste Minimisation Act 2008 is intended to encourage waste minimisation and decrease waste disposal to protect environment and provide benefits. Currently, used oil, vehicle batteries and tyres have 'product stewardship' schemes, where the end-of-life batteries, oil and tyres are collected and either recycled or disposed of responsibly. End-of-life vehicles may be sold to vehicle recyclers, who will recycle usable parts and sell scrap metal. The Ministry of Transport has operated pilot programmes to encourage people to 'scrap' their older, polluting (and potentially unsafe) vehicles for more modern fuel efficient vehicles or an alternative mode, usually public transport, but these have not been followed up with a full-scale initiative.

Under the rule setting provisions of the Land Transport Act 1998, the Ministry of Transport and the NZTA have developed Land Transport Rule: Vehicle Exhaust Emissions 2007 which establishes progressively tougher emissions standards designed to encourage more fuel efficient vehicles into New Zealand's fleet and to ensure existing vehicles are maintained to a suitable standard.

3.4.6.3 Managing environmental issues through the supply chain

The environmental performance of contractors and suppliers to the transport sector is also significant. Under government procurement policies (discussed in section 3.4.5), agencies are expected to take account of various environmental issues when procuring services, including:

- the goals, targets and/or priorities of the NZ Energy Strategy and National Energy Efficiency and Conservation Strategy (currently being revised, combined draft released in 2010) and New Zealand

Waste Strategy (2011). Purchasing agencies are meant to consider minimising waste and disposal costs in assessing value for money over ‘whole-of-life’ of a project

- the requirement, via the Timber and Wood Products Procurement Policy, to use legally sourced timber and wood products (including paper)
- the need to adhere to the Ozone Layer Protection Act 1996 and Regulations
- requesting that potential suppliers include environmental accreditation criteria in their proposal for services. Accreditation schemes may incorporate those based on: life cycle analysis (production, use and disposal) such as the government-endorsed Environmental Choice New Zealand, single resource use such as energy efficiency labelling of appliances, or sustainable management practice such as the ISO 14000 series
- requesting that potential suppliers include other information in their proposal for services, such as sustainable production practices, energy efficiency practices, recycled content, durability and reuse options, hazardous material content and end-of-life disposal provisions.

3.4.7 Consumer safety and rights recognised and protected

Drawn from the United Nations guidelines and other international agreements, the state is considered to have the primary responsibility for adhering to consumer rights principles, although the ISO 26000 suggests an organisation can contribute to their fulfilment.

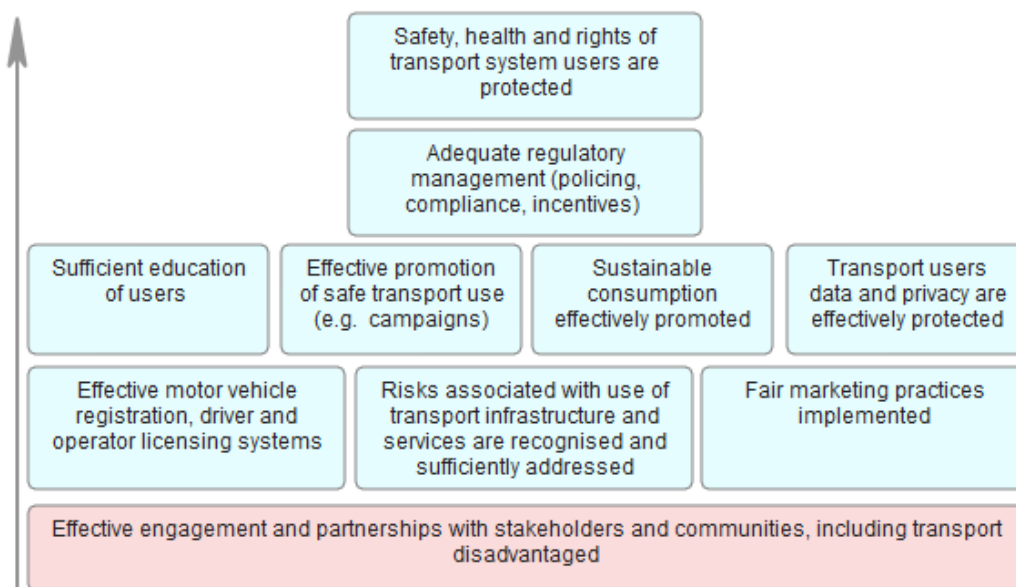
For the most part, the consumer rights referred to relate to goods or services that consumers directly purchase and consume, such as food and clothing, rather than those that are ‘public goods’, provided for use by all and paid for indirectly through taxes, which describes the provision of most land transport infrastructure and services. However, in examining figure 3.10, the importance of recognising and protecting consumer rights in the context of land transport ‘goods and services’, particularly that ‘consumer health and safety are effectively protected’ is evident:

- *Sustainable consumption effectively promoted* – ensuring consumers are fully informed of the impact on energy use and the environment (eg air, water and noise pollution) of their choice of transport mode; providing consumers with the information to make informed choices between different makes and types of motor vehicles when they are purchasing one; educating consumers on operating and maintaining vehicles to minimise negative environmental impacts and maximise fuel economy, including end-of-life disposal for vehicles and their parts (tyres and batteries).
- *Consumers well educated on purchasing decisions* – implies that, in addition to the preceding points about energy use and the impact on the environment, consumers are aware of other relevant factors in making their ‘purchase decision’ to use a particular mode. Among other things, such factors include safety (both personal and of people around them), training (eg to drive a motor vehicle or cycle in traffic, road safety education in schools), personal and community health and well-being (eg contribution to overall physical activity levels) and the effects of misuse (eg speed and alcohol).
- *Fair marketing practices* – land transport goods and services range from those supporting motor vehicles (driving), public transport (including bus, rail and ferry), walking and cycling – fair marketing could imply impartial representation of each mode so consumers can make an informed choice. With respect to services advertised or ‘promoted’, then more general consumer fair trading practices/rights could apply.
- *Protection of consumer data* – where data is collected (eg the motor vehicle registry of licensed motor vehicles and their owners, drivers’ licence registration, bus pass, road user charges) there is an

obligation to ensure privacy is maintained, that the data is not misused or that it is not shared without permission.

- *Consumer health and safety*, when using the transport system, can be managed through addressing the transport infrastructure and environment, user behaviour and vehicles (cars, bikes, motorbikes, trucks).

Figure 3.10 Outcomes/activities contributing to protecting consumer rights



In New Zealand, the existing statutory framework recognises and provides for the protection of ‘consumer rights’ in the realm of land transport as shown in table 3.8. For example, the LTMA 2003 requires the NZTA, Auckland Council and regional councils to contribute to ‘protecting and promoting public health’ and ‘assisting safety and personal security’, while their overall purpose is to ‘contribute to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system’ while the Land Transport Act 1998 gives the Minister of Transport responsibility to promote safety in land transport. Decision making for the NLTP, RLTPs, RLTSs, road policing programme and funding of approved activities must take into account the contribution to achieving the three aims/goals.

Safety is a significant focus of the land transport sector, while health is less so – the terms ‘health’ and/or community ‘well-being’ are completely absent from the current NZTA statement of intent, although the GPS 2011 includes ‘Contributions to positive health outcomes’ as an impact the government wants to achieve and, according to the LTMA 2003, ‘protecting and promoting public health’ is an objective of the NLTP and RLTPs. Public health issues associated with environmental pollution (particularly local air, noise and water pollution) and sustainable resource use may be addressed in the context of environmental management (outlined in section 3.4.6) and through integrated planning processes as discussed in section 3.4.8.

With respect to consumer/user safety, the legislative structure creates an obligation to provide ‘products’ (roads, cycleways, footpaths, bridges and other infrastructure) and services (eg public transport, rideshare) that are safe when used either due to in-built safety features or using traffic management techniques, and/or to inform consumers about the inherent risks in their use. Hence, in addition to engineering ‘safe’ infrastructure and enforcing network safety (through rules and regulations which are enforced by traffic police), the NZTA approves and funds activities to encourage and educate transport network users in safe behaviour. Vehicle safety is another aspect which is highly regulated to increase consumer safety.

The NZTA regularly undertakes, or funds, activities such as advertising campaigns and school-based education programmes to educate the public about road safety issues (eg safety belt and child seat use, drink and drive, driver fatigue, speed). Driver and operator licensing and testing services funded by the NZTA and provided through third party agents, ensure minimum standards are met and that those operating on the transport network understand their regulatory responsibilities and behave in a safe and responsible manner. Enforcement is carried out through a variety of means.

The NZTA uses a risk-based, information ('intelligence') driven approach to identifying areas where risk levels are unacceptably high, ie where safety outcomes could be improved. Interventions to address the risk are then identified and implemented, and monitoring conducted to ensure the desired impact is achieved.

While much work has been done and more is proposed in terms of managing the safety of the transport system for users (see for example www.transport.govt.nz/saferjourneys/ which outlines the road safety strategy to 2020, as well as the annual implementation plans for the land transport sector), there is still tolerance within New Zealand for a high degree of risk that contributes to a large number of deaths and injuries each year.

Other activities where promotional messages or advertising occurs are for activities designed to encourage changes in travel behaviour, eg taking the bus or using a ride share programme. Education programmes include driver and cycle skills training, road safety education and commercial vehicle driver training.

Table 3.8 Legal framework supporting consumer right protection

6.7	Consumer issues	Applicable to all organisations	Ministry of Transport	NZTA	Local government
6.7.3	Fair marketing, factual and unbiased information and fair contractual practices	Land Transport Act 1998 (public transport fares) <i>Not specifically relevant to land transport-related goods and services, but providing overarching principles:</i> Fair Trading Act 1986 Consumer Guarantees Act 1993			
6.7.4	Protecting consumers' health and safety		Land Transport Act 1998	LTMA 2003	LTMA 2003
6.7.5	Sustainable consumption	<i>Discussed under 'The environment' (section 3.4.6)</i>			
6.7.6	Consumer service, support, complaint and dispute resolution	<i>Not relevant to LT sector in this context</i>			
6.7.7	Consumer data protection and privacy	Land Transport Act 1998 Transport (Vehicle and Driver Registration and Licensing) Act 1986 Privacy Act 1993			
6.7.8	Access to essential services	<i>Refer to 6.8.8</i>			
6.7.9	Education and awareness	Energy Efficiency and Conservation Act 2000		LTMA 2003	LTMA 2003

3.4.8 Community involvement and development

The ISO 26000 recommends an organisation consider itself part of – not separate from the community(ies) it operates in. It suggests ‘community involvement’ be seen as an organisation’s pro-active outreach to the community, and suggests an organisation make ‘social investments’ in various aspects of community life. A social investment is considered to strengthen the ability of individuals, families and communities to improve the capacity of people to deal with adversity and improve their own situation over time. In this regard, land transport sector activities, ie providing and supporting transport infrastructure and networks (including their use), are a form of social investment.

Overall, the standard indicates a socially responsible organisation will be an active part of its community(ies) and their investments and activities will contribute to community development that the community itself has identified, prioritised and supported (refer figure 3.11). The ISO 26000 invites socially responsible organisations to consider *how* they make decisions and plan and implement their activities. Community involvement and development means ensuring economic (eg wealth and job creation), social, environmental, health and cultural well-being are all considered and moved forward together. The reference to community characteristics and history (termed ‘cultural well-being’ in the LGA 2002) includes respecting built heritage and the uniqueness of communities, which could be disrupted by ‘one size fits all’ decisions about the use of road space. Taken together, the requirements of the standard imply transport agencies cannot achieve these wider social objectives alone but must seek to integrate with other sectors, especially land-use planning.

The social investment in transport infrastructure and other transport-related programmes contributes to a range of other community benefits, particularly providing access to basic community services (eg work, health, education, shopping for food and financial services) and social activities such as visiting family and friends, exercise and recreational pursuits. Infrastructure activities/investments may also contribute to employment creation and thus positively affect the economy. For example, the New Zealand government supported its investment in the construction of seven ‘roads of national significance’ in 2009 (NZ Government 2009) and for major infrastructure investments generally (NZ Government 2010) by stating that maintaining or creating employment/jobs was important to assisting communities (during the global economic recession), raising New Zealand living standards, and providing other social benefits.¹¹

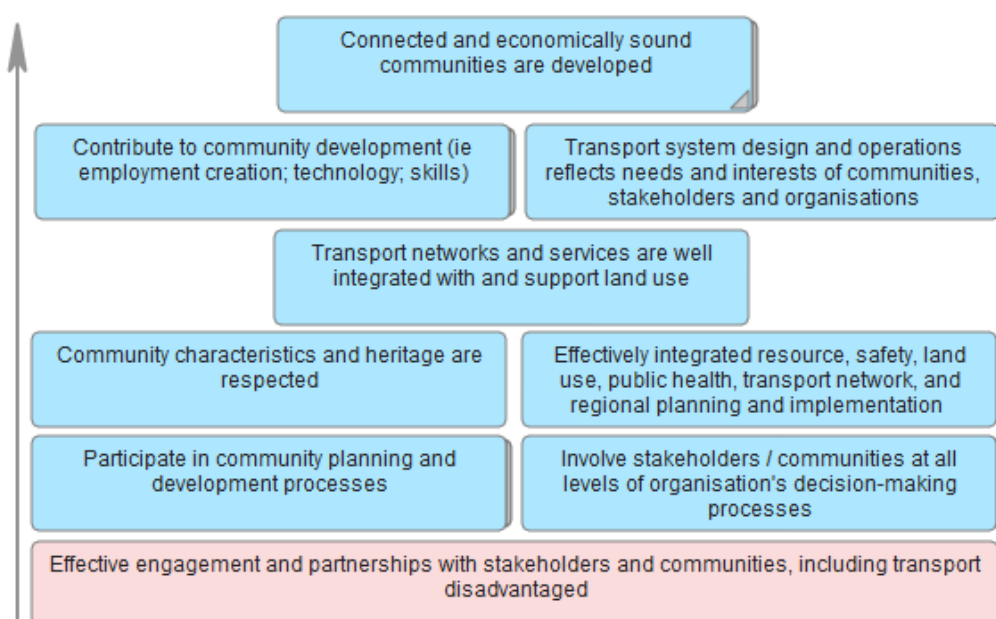
In addition, the LTMA 2003 requires the NZTA and local authorities to consider the contribution of their decisions, investments and activities to five objectives:

- assisting economic development
- assisting safety and personal security
- improving access and mobility
- protecting and promoting public health
- ensuring environmental sustainability.

All five are potential objectives in community development generally, although the LTMA 2003 requirement does not place them in that perspective.

¹¹ While some posit that the construction of transport networks, particularly roads, *on their own* will improve labour market and domestic and international trade accessibility (leading to increased economic productivity), meaning that businesses can share larger markets for inputs and outputs, others have refuted that assertion providing evidence to show that there must be supporting programmes and other infrastructure in place. Readers are referred to Wallis (2009) and O’Fallon (2004) for analysis of the evidence on both sides of the argument. -

Figure 3.11 Outcomes/activities contributing to community involvement and development



Long-term council community plans (LTCCPs) define the community's agreed outcomes thus creating a context for local authority activities. Generally, the LTCCPs address the ISO 26000 need to ensure the population has adequate education, skills and opportunity to work and remain in the community. The LTCCP activities may include, *inter alia*, promoting education and training opportunities, providing employment and business development support, establishing youth employment schemes and/or apprenticeship programmes, and providing scholarships or other financial assistance for specific education programmes. As noted in section 3.4.3.1, transport forms a core element of an LTCCP, setting out the activities and services a council intends to provide over the next 10 years – including road network, footpaths and cycleways – particularly in terms of providing access to basic services and transport's contribution to the objectives of the LTCCP.

Hence, local authorities and the NZTA provide some support for specific aspects of community development identified in the ISO 26000 (education, employment creation and skills development, and public health), while the New Zealand government provides complementary and additional support at a national and community level for *all areas* as listed in table 3.9.

Table 3.9 Legal framework supporting community involvement and development

6.8	Community involvement and development	Applicable to all organisations	Ministry of Transport	NZTA	Local government
6.8.3	Proactive outreach to/ social investment in community	<i>Consultation requirements (which may be distinct from proactive outreach) through LTMA 2003 and LGA 2002 – social investment, per se, not addressed</i>		LTMA 2003 (regional land transport strategies and plans)	LGA 2002 (long-term community plans)
6.8.4	Education and culture	<i>Promotion of education is outside purview of LT sector – education about products/services</i>			

6.8	Community involvement and development	Applicable to all organisations	Ministry of Transport	NZTA	Local government
		<i>discussed in c6.7.9</i> <i>Culture: heritage sites protected through RMA 1991 – consultation procedures</i>			
6.8.5	Employment creation and skills development	Modern Apprenticeship Training Act 2000 Industry Training Act 1992			
6.8.6	Technology development and access	<i>Largely irrelevant to land transport sector</i>		LTMA 2003 (research)	
6.8.7	Wealth and income creation (create an environment in which business thrives)	RMA 1991	LTMA 2003 (government policy statement)	LTMA 2003	LTMA 2003 LGA 2002
6.8.8	Health (incl promote practices to maintain good health, minimise negative health impacts and access to essential services)	RMA 1991 Health and Safety in Employment Act 1992	LTMA 2003 (government policy statement)	LTMA 2003	LTMA 2003 LGA 2002
6.8.9	Social investment to improve social aspects of community life	RMA 1991	LTMA 2003	LTMA 2003	LGA 2002 LTMA 2003

While not specifically stipulated in the ISO 26000, achieving the outcomes ‘connected and economically sound communities’ demands that transport planning and infrastructure investment be integrated with other community planning, investment and development. Given the importance the ISO 26000 places on health (socially responsible organisations are to contribute to ‘health and the welfare of society’ (p3), public health should also be part of a multi-disciplinary, integrated planning process. Health is not limited to safety impacts, social severance, or air pollution impacts, but considers public health issues such as physical well-being, obesity and disease. Essentially, such integration operationalises the ISO 26000 statement that organisations should consider themselves as part of a community, rather than separate from it.

The integration of land use and transport planning has been recognised in the New Zealand context, as sections 75(b)(iii) and 76(g) of the LTMA 2003 require regional transport committees to take into account ‘any relevant district plans’ and ‘the relevant regional council’s function under section 30(1)(gb) of the RMA 1991 to consider the strategic integration of transport infrastructure with land use through objectives, policies, and methods’ in developing an RLTS. However, the converse does not hold: the

development of LTCCPs does not specifically require the land transport sector and/or NZTA to 'participate in community planning and development processes', although such entities may voluntarily participate in the consultation phase. Following publication of the plan(s), the NZTA contributes funding to local roading projects as part of an RLTP and subsequently the NLTP.

Gray et al (2010) and Ball et al (2009) provide examples of how public health could be incorporated in an integrated planning process such as establishing partnerships involving public health specialists, transport and planning professionals and the relevant communities; using health impact assessments as one of the tools for developing plans and/or assessing proposed activities; and/or employing public health specialists within planning and/or transport organisations.

While the investments and activities undertaken by the NZTA and local authorities generally contribute to their economic and, in some cases, their social and environmental well-being, the *involvement* of the community in the *decisions* leading to the investments and activities may be insufficient from a social responsibility perspective. The LTMA 2003 (s18, 65H and 78) identifies communities ('affected communities' and 'the public in the region') to be included in the consultation process, thus ensuring the community as a whole is invited to engage at some point in the development of pivotal programmes and strategies. However, the defined consultation process falls short of the ideal of 'community involvement', indicated in the ISO 26000:

Community involvement goes beyond identifying and engaging stakeholders in regard to the impacts of an organisation's activities; it also encompasses support for and building a relationship with the community. (p60)

An organisation should consult representative community groups in determining priorities for social investment and community development activities. (p64)

An organisation should contribute to policy formulation and the establishment, implementation, monitoring and evaluation of development programmes. When doing so, an organization should respect the rights and have due regard for the views of others to express and defend their own interests. (p64)

By contrast, stakeholder engagement is distinguished as:

[the] activity undertaken to create opportunities for dialogue between an organisation and one or more of its stakeholders, with the aim of providing an informed basis for the organisation's decisions. (p4)

The LTMA 2003 requires that regional transport committees and local government consult with a variety of groups, and prescribes the consultation procedure, without stating how early in the process this should take place. As specified, the consultation does not necessarily provide an opportunity for building relationships with the community, nor for ongoing dialogue or support. As structured, it is possible for communities (and stakeholders, including the transport disadvantaged) to be involved in a decision at a very late stage in the process, ie after the organisation has identified what it considers as suitable options, assessed them and thus prepared the draft proposal, or not to be involved at all should the group or individual not respond to an invitation to provide their input to the process. While the NZTA is tasked with the responsibility to ensure consultation does occur, they may not know whether or not all interested groups were suitably involved.

4 Conclusions

4.1 Social responsibility in New Zealand's land transport sector

The purpose of this research project was to provide some practical guidance for implementing the ISO 26000 voluntary guidance standard for social responsibility within local and central government organisations in New Zealand's land transport sector.

The international standard is intended to integrate international expertise and to promote 'common understanding' of social responsibility – what it means; what issues an organisation needs to address in order to operate in a socially responsible manner; what is best practice in implementing social responsibility; and how to integrate socially responsible behaviour into existing organisational strategies, systems, practices and processes. It is a voluntary standard, meaning that no certification is available to confirm that an organisation is socially responsible.

Fundamentally, applying the ISO 26000 within an organisation requires a sound internal framework or governance structure to be established, so that organisation is socially responsible in its treatment of staff, provides some training in the concepts and application of responsibility so staff, in turn, can then implement/adhere to social responsibility principles in their relationships, decisions, and activities on behalf of the organisation. The standard also requires an organisation to be cognisant of how social responsibility is carried out through its entire supply chain partnerships.

The ISO 26000 document provides some guidance on how to integrate social responsibility throughout an organisation (ie how to apply the standard). However, given that the ISO 26000 is intended to be used by a wide range of organisations across many countries, the guidance is high level and non-specific, eg suggesting that an organisation identify its key organisational characteristics and how they relate to social responsibility, undertake due diligence on the impacts of its decisions and activities; and determine the relevance and significance of core subjects and issues.

Hence, we devised an alternative approach, based on the assertion in the ISO 26000 that 'compliance with law is a fundamental duty of any organisation and an essential part of their social responsibility' (c1). First, re-casting the core subjects as outcomes, we developed a series of simplified outcomes models showing the lower-level steps or outcomes necessary to achieve higher-level social responsibility outcomes. Then, we went through the standard clause by clause, summarising the characteristics of the core subjects and their issues, clarifying which ones were relevant to the land transport sector, and identifying the requirements and accountability structures that existing New Zealand laws (including statutes, regulations and codes of practice) placed on organisations with respect to those core subjects and issues. Finally, we made an assessment of whether or not an organisation complying with the statutory requirements could be deemed 'socially responsible' without needing to implement additional policies or activities. Where the regulatory framework was lacking (in terms of implementing social responsibility principles), an organisation would have to undertake further actions to be considered socially responsible.

Generally, we found the existing legislative structure provided a sound basis (including a good accountability structure) for public sector land transport organisations to be socially responsible in terms of human rights, fair operating practices, labour practices, and governance structures. With specific reference to social responsibility in the land transport sector, it appears a significant effort has been made to provide guidelines to manage the impact of activities, particularly roading-related projects, on the

communities they occur in. In this sense, the public sector organisations operating in the land transport area could be seen as socially responsible.

However, there is potential to improve environmental performance as transport continues to have significant impacts on the environment across all four key areas of pollution, resource use, biodiversity and climate change. While good regulatory management is well established in New Zealand law, there is considerable scope to reduce the environmental impacts of specific transport projects and programmes while continuing to deliver its social and economic benefits. Similarly, while much work has been done and more is proposed in terms of managing the safety of the transport system for users, there is still tolerance for a high degree of risk that contributes to a large number of deaths and injuries each year,¹² suggesting further improvements are desirable.

Furthermore, the ISO 26000 invites socially responsible organisations to consider *how* they make decisions and implement their activities. In this regard, fully integrated decision-making and planning processes across multiple sectors are required to ensure that 'social investment', strengthening the ability of individuals, families and communities to improve their capacity to deal with adversity and improve their own situation over time, occurs and that economic, social, environmental, health, and cultural well-being are moved forward together. Currently, such integration of planning, particularly considering health and well-being, is not prominent in New Zealand.

If the ISO 26000 is applied, there is a potential gap in the identification and engagement of stakeholders, communities and, particularly, the transport disadvantaged, wherein a 'socially responsible' organisation would identify and actively involve and engage these different groups throughout the decision-making process. The current system of consultation in New Zealand does not require this. Effective engagement would require sufficient guidelines to be in place so that interest groups are not able to usurp or takeover the process.

Another area of weakness is in the treatment of vulnerable groups, particularly the transport disadvantaged. The LTMA 2003 requires the consideration of the needs of the transport disadvantaged in setting programmes, but no guidance is given as to how this should be done, nor are there accountability measures set in place. It may be that organisations currently engage with such vulnerable groups in a more rigorous manner than intimated through the LTMA 2003, PTMA 2008 or LGA 2002 (the latter is silent on the issue). If so, then further (transparent) reporting is required.

4.2 Tools for public sector land transport organisations

To support public sector land transport organisations to implement the ISO 26000 guidance standard, we have devised a simple guide illustrating the principles of social responsibility, including the primary outcomes being sought and the steps to achieving these. We have also prepared a poster or one page flyer that briefly summarises the concept of social responsibility, what it means for an organisation and how an individual can be socially responsible.

The guide and poster are found in appendix A at the end of this report or on the Pinnacle Research & Policy Ltd website www.pinnaclesearch.co.nz.

¹² In 2008, New Zealand was in the bottom one-third – ranked 19 – of 30 OECD countries in terms of road deaths per 100,000 people (International Traffic Safety Data and Analysis Group (2009))

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Appendix A: Tools to support implementing the ISO 26000 in public sector land transport organisations

Guide to implementing social responsibility in the New Zealand public sector land transport organisations

Introduction

ISO 26000 is an international standard developed by the International Organisation for Standardisation (ISO) providing guidance on social responsibility. The ISO 26000 is intended to integrate international expertise and to promote 'common understanding' of social responsibility – what it means; what issues an organisation needs to address in order to operate in a socially responsible manner; what is best practice in implementing social responsibility; and how to integrate socially responsible behaviour into existing organisational strategies, systems, practices and processes. In this way, it complements other instruments and initiatives for social responsibility, rather than replacing them. ISO 26000 will guide organisations to translate the concept of social responsibility into action.

Because the ISO 26000 was developed for use by a wide range of organisations across many countries, it is a complex and involved document. Our key aim in developing this guide has been to simplify the standard without impinging on the potential of an organisation to fulfil on its intentions. To do this we developed an outcomes model that shows higher-level social responsibility outcomes along with the lower-level steps (or lower-level outcomes) that need to occur in order to achieve them. The outcomes model is highly visual: on the pages that follow, the models flow from the bottom to top, ie the highest level outcomes are at the top with the steps/outcomes that contribute to them laid out below, so that the lowest step is the most basic outcome required. All of the steps/outcomes are based on the core subjects, principles and issues associated with social responsibility, as described in the ISO 26000. The model has been developed using the Easy Outcomes methodology¹³ and is visualised in DoView¹⁴ version 3.0 results mapping software.

While the model is hierarchical, the hierarchy does not assign importance: the highest level outcome is not necessarily the most important outcome, it is simply the one that occurs after all the other steps/outcomes have been achieved. For example, the base step in most models presented here is 'sound governance structure', which is clearly fundamental to any organisation's ability to function, and may be deemed by some as the most important outcome.

The model shows all of the relevant outcomes for social responsibility that an organisation might seek to achieve if implementing the ISO 26000, as well as the important steps necessary to ensure those outcomes do occur. It therefore spells out the logic of the way in which, in this case, it is believed land transport public sector organisations in New Zealand will bring about the desired socially responsible corporate behaviours and outcomes in the transport system. The best way to examine the details of the linkages is to look at the outcomes model itself.

¹³ For more information see <http://www.easyoutcomes.org>

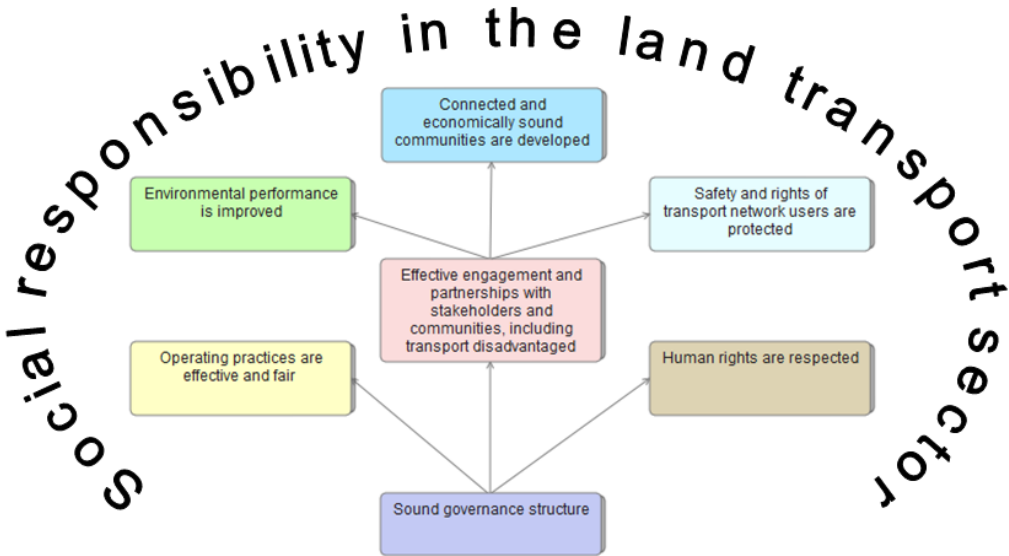
¹⁴ For more information see <http://www.doview.com>

Principles of social responsibility

The principles of social responsibility developed here for the land transport sector could be adopted for use in most, if not all, other sectors.

Figure A.1 illustrates the core subjects of the social responsibility framework in the land transport sector. It may be seen as a tree: at the base or root, is a sound organisational governance structure, giving rise to effective engagement/partnerships with stakeholders and communities as the ‘trunk’. These two structures combine, in varying ways, to provide the basis for the branches: fair operating practices, responsible environmental management, recognition and respect for human and consumer rights, and the ‘crown’: contributing to the development of connected and economically sound communities.

Figure A.1 The structure of social responsibility in the land transport sector



A sound governance structure

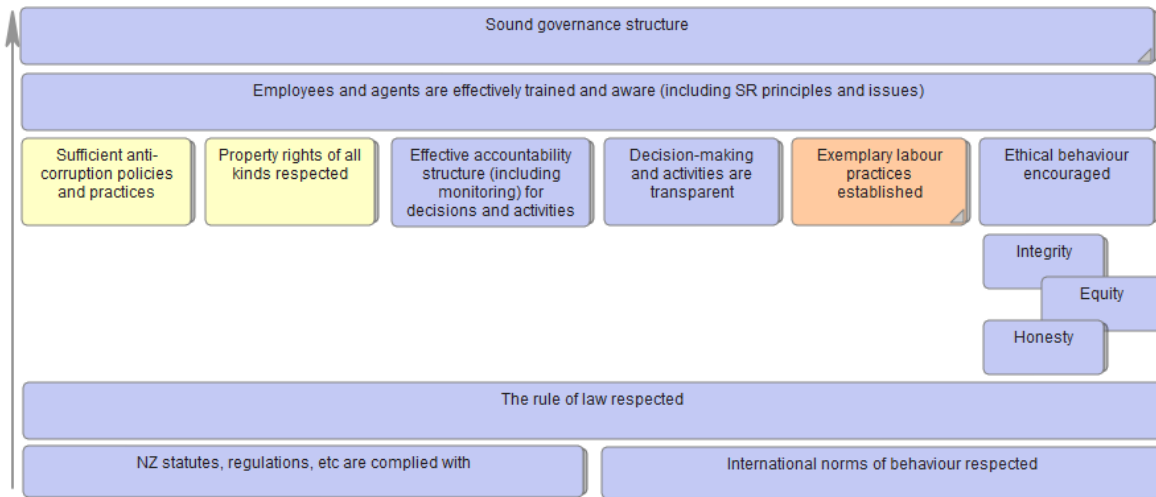
The governance structure may be characterised as an organisation’s set of internal ‘rules’ or ‘systems’ devised to guide its daily transactions, ie the interactions among individuals within the organisation and its relations with other organisations, stakeholders and communities. To facilitate the understanding and adherence to their organisational and behavioural rules, the NZTA prepared the ‘Code of Conduct: the way we work here’ which is read and signed by all NZTA employees, including the Chief Executive.

Sound governance structures require an organisation to be:

- accountable (ie open to scrutiny through its reporting and monitoring activities) for its impacts on society, the economy and the environment
- transparent in its decisions and activities that impact on society and the environment
- ethical in its behaviour, where ethics particularly include honesty, equity and integrity
- respectful of stakeholder interests
- respectful for the rule of law and international norms of behaviour
- respectful of human rights.

In New Zealand, fundamental organisational and behaviour rules, including internal and external accountability structures, are determined to a large degree by regulatory authorities via statutes, regulations, standards, codes and practices and so on. Assuming the people working within the organisation follow the legal and social convention in New Zealand to ‘respect the rule of law’, the legal framework appears to provide the basis for having an organisation that behaves in a socially responsible manner.

Figure A.2 Outcomes/activities contributing to sound governance structure



The steps required for the outcome ‘exemplary labour practices’ are expanded separately below.

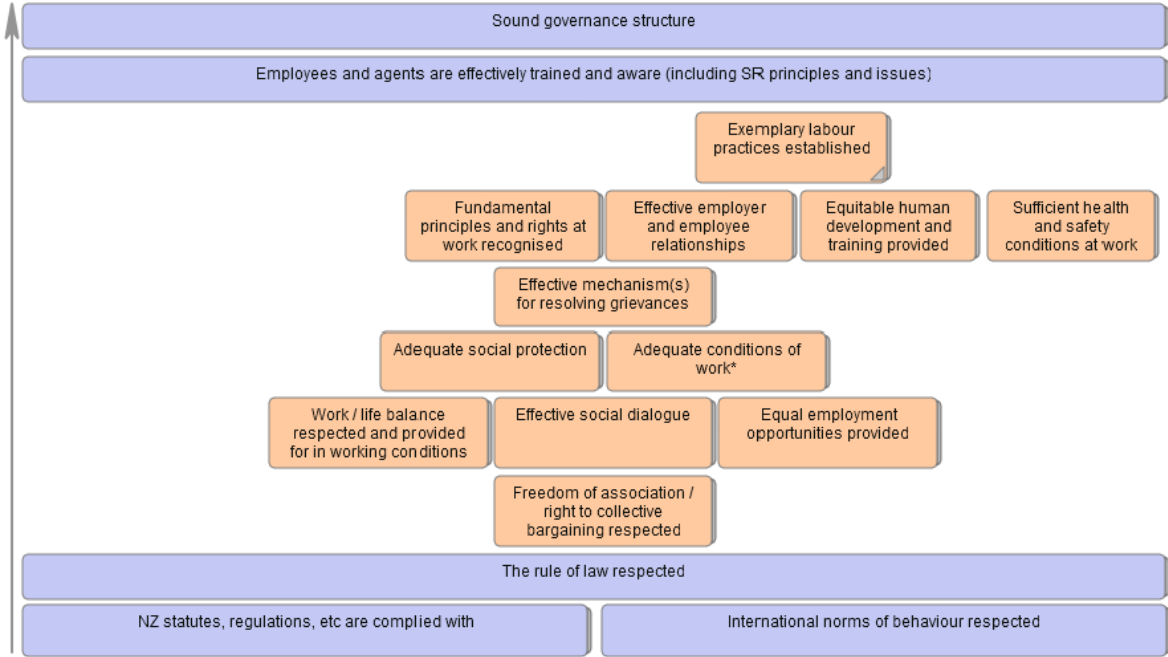
Exemplary labour practices

Generally speaking, New Zealand’s labour practices follow those of the International Labour Organisation (ILO), which is what is recommended in the ISO guidance standard. The main practices or outcomes include:

- the recognition of fundamental rights at work(including processes for resolving grievances)
- effective relationships between employers and employees
- equitable human training and development provided
- sufficient safety and health conditions at the workplace.

While it is not specifically drafted for the land transport sector, New Zealand law has a range of statutes addressing the various steps contributing to excellent labour practices shown in figure A.3.

Figure A.3 Outcomes/activities contributing to exemplary labour practices



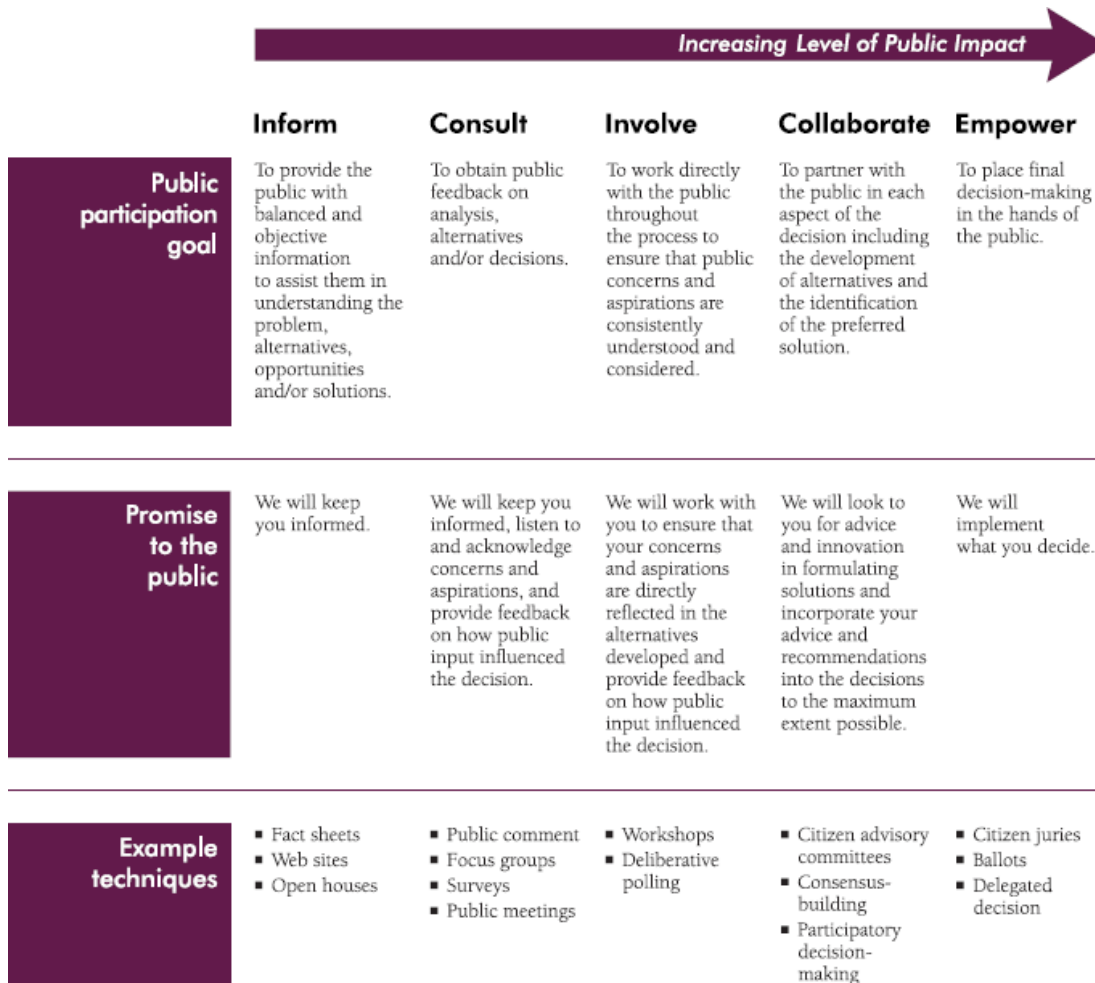
Assuming the people working within the organisation follow the legal and social convention in New Zealand to ‘respect the rule of law’, the legal framework provides the basis for an organisation to behave in a socially responsible manner with respect to labour practices.

Identifying and engaging stakeholders and communities

LTMA 2003 is quite specific about who must be consulted in the preparation of regional land transport programmes, regional land transport strategies, road tolling schemes or regional fuel tax schemes while the LGA 2002 states that those affected by or having an interest in the decision or matter, including future generations, must be considered and/or consulted when preparing long-term council community plans and related documents. The LGA 2002 specifies the consultation process used in either case. The NZTA is responsible for ensuring ‘proper’ consultation has occurred prior to preparing the National Land Transport Programme and, to this effect has adopted its predecessor Transit NZ’s *Public engagement manual* (NZTA 2008) as a guideline on how to set up a consultation process.

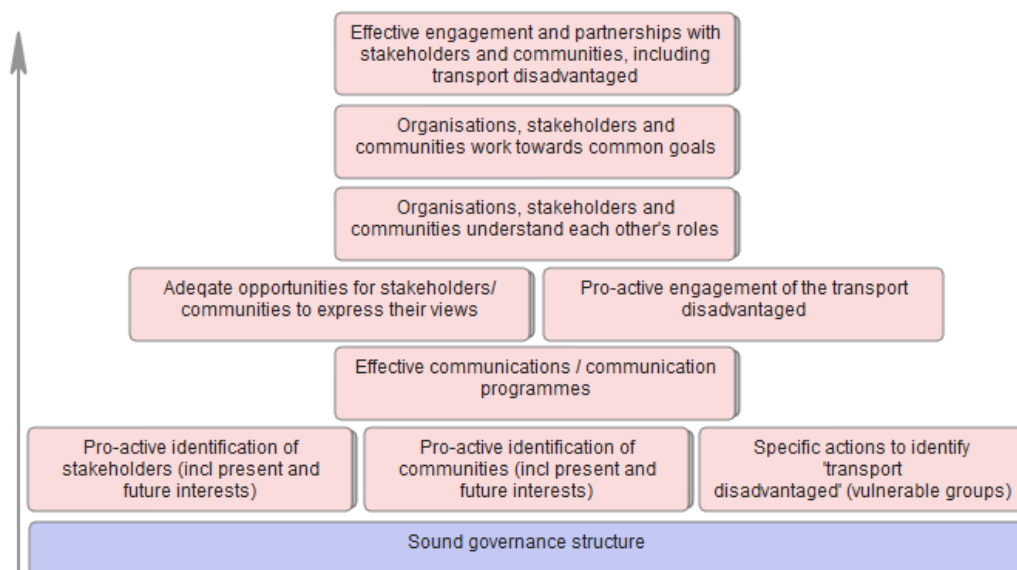
However, implementing the ISO 26000 requires land transport public sector organisations to go beyond the minimum legislated requirements to ‘consult’ with specified stakeholders and communities. Rather, efforts should be made to ensure effective two-way engagement, communication and understanding between all stakeholders and communities who may be affected by current and proposed/future decisions and activities. Using the framework of the International Association of Public Participation, most engagement would be at the level of Involve, if not Collaborate, rather than at Consult (refer Figure A.4) Thus, staff are encouraged to take care to ensure that each and every organisation, group, public sector agency with a demonstrated interest in transport has a voice in an engagement process, and that the engagement occurs early on in the project/activity planning and continues throughout the decision-making process.

Figure A.4 International Association for Public Participation: Spectrum of public participation (source: www.iap2.org/)



To avoid the risk that engagement significantly slows down and/or hinders the planning and implementation of activities, an engagement procedure appropriate to the task at hand should be developed as a first step in the planning process. In this way, the pitfalls of engagement (eg too much talking and not enough action; or some groups holding up the process due to misunderstandings or differences of opinion) may be avoided.

Figure A.5 Outcomes/activities associated with effective engagement with stakeholders and communities



Accounting for the needs of the transport disadvantaged

Under the LTMA 2003, the ‘needs of the transport disadvantaged’ (vulnerable groups) must be *considered* in preparing any programme. Effective engagement as defined in ISO 26000 would involve two further steps, to specifically identify the transport disadvantaged and to proactively engage with representatives of these communities and include their views in the decision-making process.

Table A.1 shows the potential specific categories of transport disadvantaged, which is not well defined in existing legislation.

Table A.1 Potential categories of the transport disadvantaged

Transport disadvantaged category	Description
Physical limitations	People with ambulatory/physical disabilities, whether temporary (through illness or accident) or long term: eg wheelchair users, pregnant women, elderly people, people on crutches or with a cane; people with babies/small children in pushchairs; people with poor dexterity or little strength, people with epilepsy or other diseases that affect their physical ability)
Comprehension	People with mental/cognitive disabilities or illnesses, as well as those with language difficulties: eg indigenous peoples, ethnic minorities, new immigrants and migrant workers
Visual	People with sight impairments and the illiterate
Auditory	People with hearing impairments
Age	Children and the elderly
Locational disadvantage/financial limitations	The poor, including those households/individuals with high living expenses due to disabilities/illness

In order to fairly address and recognise stakeholder and community concerns in an engagement process, it may be useful to have conflict resolution guidelines and staff training within an organisation.

Respecting human rights

The ISO 26000 identifies the protection of human rights as primarily a responsibility of the state, insofar as the government should set in place the rules that will have all organisations adhere to the rights set out in the International Bill of Human Rights. Hence, provided organisations adhere to the legislated provisions, there is very little that is specific to the land transport sector.

Figure A.6 Outcomes/activities associated with respecting human rights

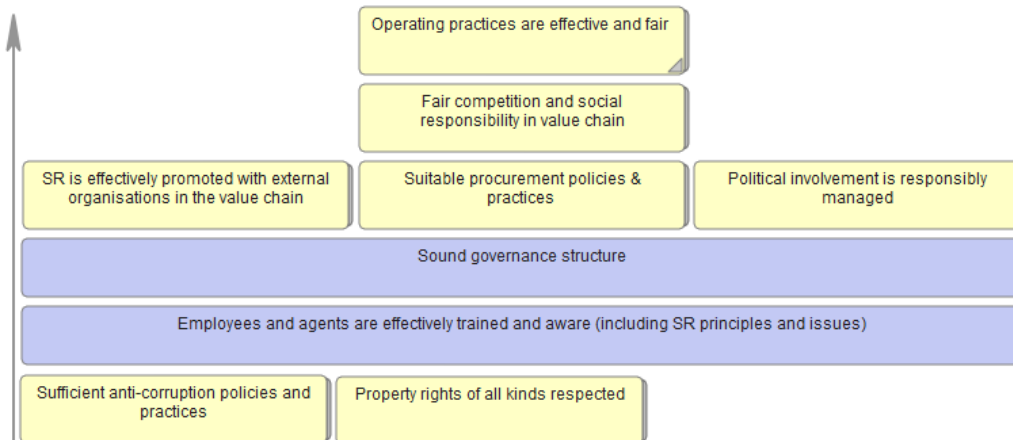


In undertaking an organisations activities, care is required to ensure that non-discriminatory policies, practices and processes are developed and followed, particularly with respect to vulnerable groups such as the transport disadvantaged.

Effective and fair operating practices

The regulatory framework setting out effective and fair operating practices in the public sector provides the basis for an organisation and its staff to behave in a socially responsible manner with respect to anti-corruption, political involvement, fair competition and respect for property rights.

Figure A.7 Outcomes/activities associated with effective and fair operating practices



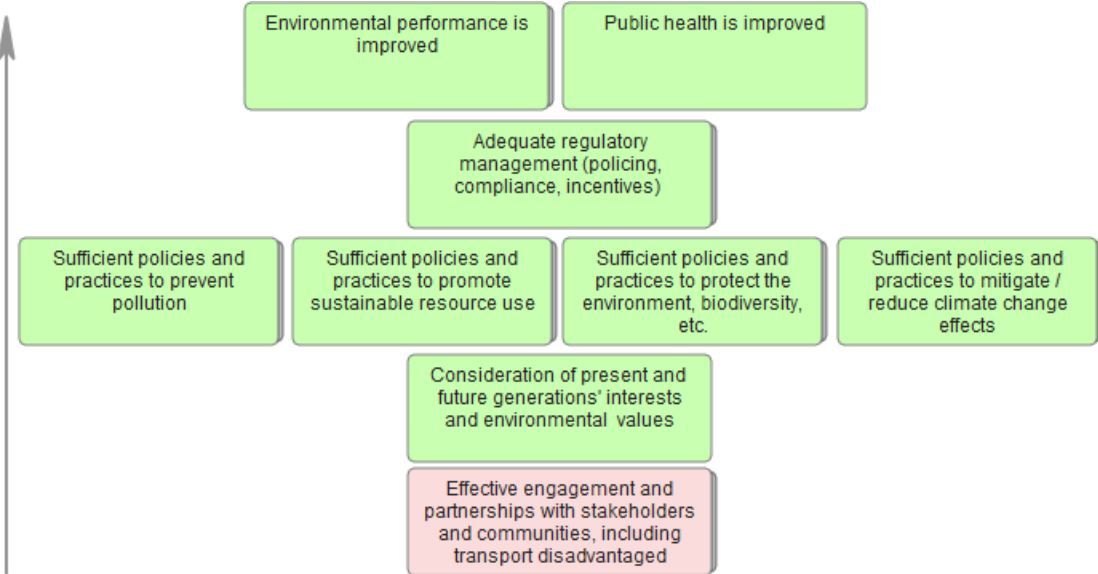
In the area of procurement policies and practices, however, the emphasis in New Zealand has been on fair competition between potential suppliers, including facilitating the inclusion of domestic suppliers, and on the environmental responsibility of potential suppliers. In an increasingly global economy where suppliers

of goods and services may be located overseas, it is prudent to have policies in place to assess the presence or absence and quality of the socially responsible practices of potential suppliers.

Improving environmental performance

In New Zealand, the government/state has taken the role of ensuring the environment is managed and protected. The result is an extensive framework of legislation, rules, plans, policies and regulations governing the activities by private and public sector organisations and how they impact on the environment, thus facilitating their socially responsible behaviour. Improvements in environmental performance, particularly in pollution prevention, sustainable resource use and reducing climate change effects (by reducing fuel use) will also assist in improving public health outcomes.

Figure A.8 Outcomes/activities associated with improving environmental performance



Transport has significant impacts on the environment across all four key areas of pollution, resource use, biodiversity and climate change. As well as good regulatory management, which is well provided for in New Zealand law, good transport projects and programmes are needed. There is further scope to reduce the environmental impacts of transport while continuing to deliver its social and economic benefits.

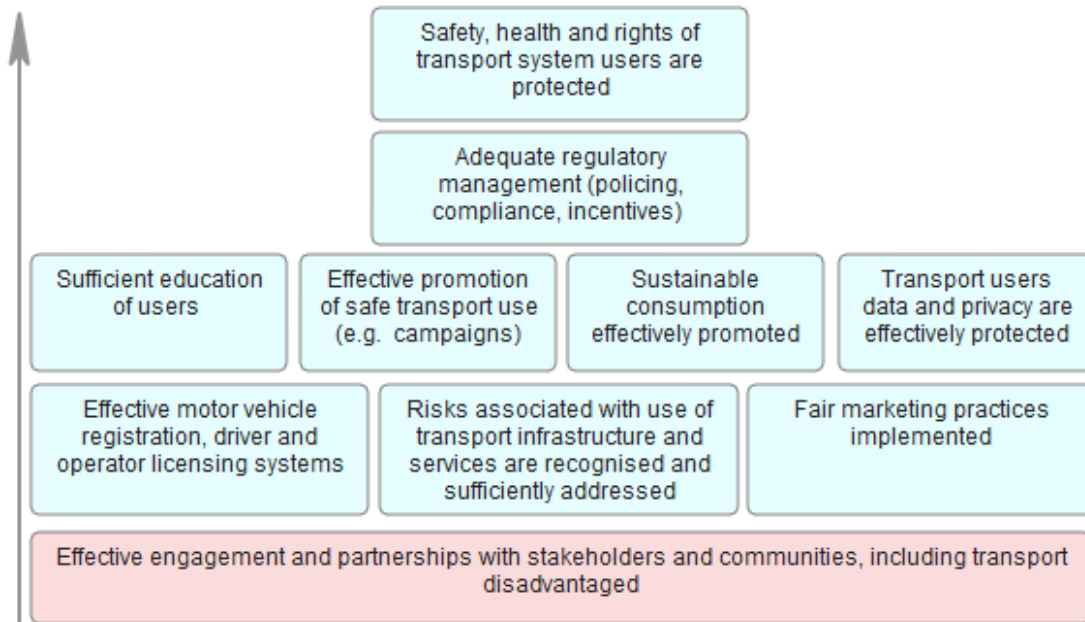
The environmental performance of contractors and suppliers to the transport sector is also significant. Under government procurement policies, agencies are expected to take account of various environmental issues when procuring services including the NZ Energy Strategy and Energy Efficiency and Conservation Strategy (draft 2010); NZ Waste Strategy (2010); Timber and Wood Products Procurement Policy; Ozone Layer Protection Act 1996 and regulations. Other information about a potential supplier’s environmentally related practices and/or accreditation criteria may also be requested.

Consumer safety and rights recognised and protected

While New Zealanders do not purchase their transport-related goods and services off the shelf in a supermarket, they are still consumers with rights to be recognised and protected when using the transport system: hence, all the steps/outcomes in this section of ISO 26000 apply as shown in figure A.9. In New Zealand, the existing statutory framework recognises and provides for the protection of ‘consumer rights’ in the realm of land transport, eg the LTMA 2003 requires the NZTA, Auckland Council and regional councils to contribute to ‘protecting and promoting public health’ and ‘assisting safety and

personal security’, while their overall purpose is to ‘contribute to the aim of achieving an affordable, integrated, safe, responsive and sustainable land transport system’.

Figure A.9 Outcomes/activities associated with recognising and protecting consumer rights



Being socially responsible in the protection of consumer rights in land transport would thus imply an organisation ensures consumers are well educated and well informed about their ‘purchasing’ decisions, ie understanding the full costs and impacts of choosing to use a mode of transport for a particular trip. Some factors that may be relevant in their decision are safety; adequate skills training (eg driver education, road safety education); effects of alcohol, speed, and fuel use on the environment and people around them; the different modes available, their relative costs and positive and negative effects.

Consumer health and safety when using the transport system can be managed through addressing the transport infrastructure and environment, user behaviour and the vehicles (cars, bikes, motorbikes, trucks).

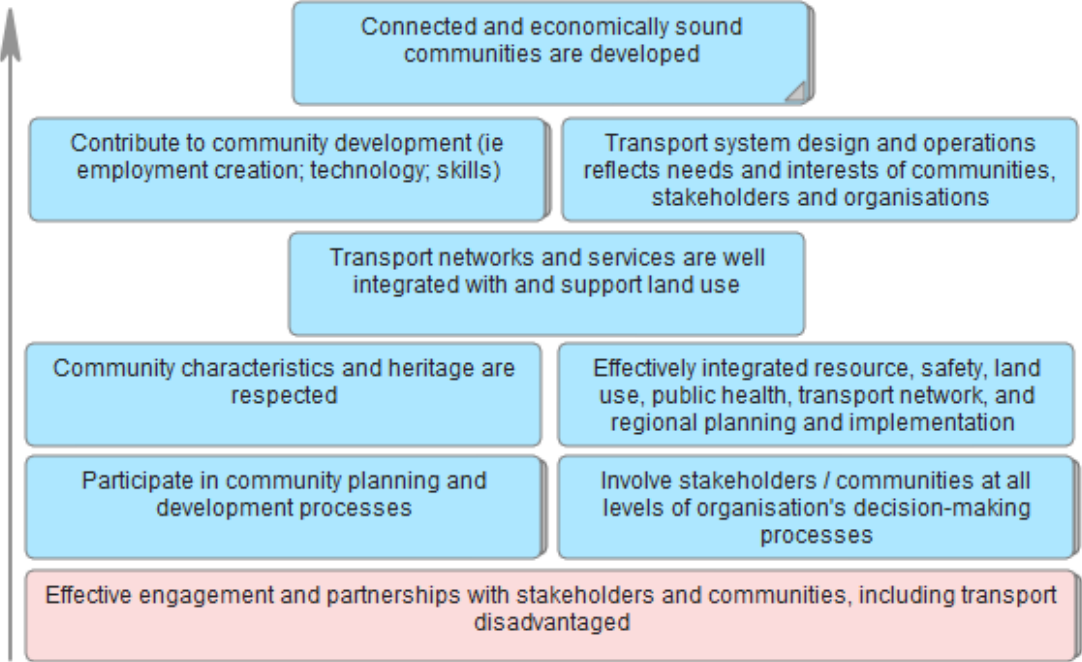
While much work has been done and more is proposed in terms of managing the safety of the transport system for users (see for example www.transport.govt.nz/saferjourneys/), there is still tolerance for a high degree of risk that contributes to a large number of deaths and injuries each year.

The management of consumer data is established through the Land Transport Act 1998, Transport (Vehicle and Driver Registration and Licensing) Act 1986 and the Privacy Act 1993.

Community involvement and development

The ISO 26000 recommends an organisation consider itself part of – not separate from – the community(ies) it operates in. It suggests an organisation make ‘social investments’ in communities that strengthen the ability of individuals, families and communities to improve the capacity of people to deal with adversity and improve their own situation over time. To a large degree, land transport sector activities, ie providing and supporting transport infrastructure and networks (including their use), are a form of social investment, one that is crucial to providing people with access to basic services such as food, work, education, health and finance.

Figure A.10 Outcomes/activities associated with community involvement and development



However, the ISO 26000 invites socially responsible organisations to consider *how* they make decisions and plan and implement their activities. Integrated planning takes on an expanded meaning of ensuring that economic, social, environmental, health and cultural well-being are all considered and moved forward together.

Health is not limited to safety impacts, social severance, or air pollution impacts, but considers physical well-being, obesity and disease as relevant. Likewise cultural well-being includes respecting built heritage and the uniqueness of communities, which can be disrupted by ‘one size fits all’ decisions about the use of road space. Transport agencies cannot achieve these wider social objectives alone but must seek to integrate with other sectors, especially land-use planning.

Figure A.10 suggests that organisations participate in community planning and development processes and that stakeholders and communities should be fully involved in the decision-making processes from the outset. Vulnerable groups such as the transport disadvantaged require a voice in the decision-making process.

Poster/flyer to promote social responsibility

We have prepared a poster or one-page flyer that briefly summarises the concept of social responsibility, what it means for an organisation and how an individual can be socially responsible.

Further electronic copies of this guide and the poster are found on the Pinnacle Research & Policy Ltd website www.pinnacleresearch.co.nz

In land transport, we take improving social responsibility seriously!

What is social responsibility?

The ISO released its international standard *Guidance on social responsibility* (ISO 26000) in November 2010. The ISO 26000 defines social responsibility as the responsibility of an organisation for the impacts of its decisions and activities on society and the environment, through transparent and ethical behaviour that:

- contributes to sustainable development, including health and the welfare of society
- takes into account the expectations of stakeholders
- is in compliance with applicable law and consistent with international norms of behaviour
- is integrated throughout the organisation and practised in its relationships.

How do we implement social responsibility in the land transport sector?

We strive to have a governance structure that ensures people in our organisation:

- respect and comply with New Zealand law, including statutes, regulations, rules and procedures
- are transparent and accountable for all our decisions and activities
- have non-discriminatory, equitable, healthy and safe working conditions
- foster ethical behaviour
- respect human rights
- engage with stakeholders and communities affected by our decisions and activities
- leave communities, including future generations and the transport disadvantaged, and the environment better off as a result of our decisions and activities
- encourage organisations we work with to actively implement and adhere to social responsibility principles.

What does social responsibility mean for you?

As an individual, being socially responsible requires you to:

- respect and comply with relevant statutes, regulations, rules and procedures
- be transparent and accountable for your decisions and activities
- act with integrity and honesty
- respect human rights
- avoid complicity and discrimination: bring it to someone's attention as soon as you notice/experience it
- identify and engage with stakeholders and communities affected by your decisions and activities
- leave communities, including future generations and the transport disadvantaged, and the environment, better off as a result of your involvement
- encourage organisations you interact and/or work with to adopt and implement social responsibility principles.

Appendix B: Detailed analysis of legislative framework supporting principles of social responsibility

We identified the existing legislative framework supporting each principle and core subject of the ISO 26000, including the gaps which are discussed in the main report. In some cases we found that the existing legal and accountability framework does not perfectly cover the scope of the principle or core issue as embodied in ISO 12600. These gaps are discussed in some detail in the main body of the report.

Principles

Accountability

Principle: an organisation should be accountable for its impacts on society, the economy and the environment.

(Sub) clause	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
4.2	An organisation should accept appropriate scrutiny for its impacts on society and the environment and also accept a duty to respond to this scrutiny; be answerable to controlling interests and legal authorities.		<p>Local Government Official Information and Meeting Act 1987 Specifies rights of public to local government information.</p> <p>Crown Entities Act 2004 Requirement to prepare statement of intent for the Crown (and public) which includes 'the specific impacts, outcomes, or objectives that the entity seeks to achieve or contribute to' and to report annually on its performance. Land Transport Management Act (LTMA) 2003 requires the NZ Transport Agency (NZTA) to have further specific content.</p> <p>Local Government Act (LGA) 2002 Requirements for long-term council community plan and annual plans.</p>	<p>Local Government Official Information and Meeting Act 1987 Right to appeal decision to Ombudsman and/or Privacy Commissioner.</p> <p>Crown Entities Act 2004 Reports go to Minister and Parliament and are to be published; financial statements to be independently audited.</p> <p>Official Information Act (OIA) 1982 (Almost) any information held by a department, organisation, or Minister of the Crown may be requested by a person or body corporate in New Zealand.</p> <p>LTMA 2003 Secretary of Transport to monitor and review specified activities and</p>

(Sub) clause	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>Public Records Act 2005 Requirement to maintain public records that are full and accurate accounts of central and local government affairs as well as for historical and cultural reasons.</p>	<p>procedures to evaluate the performance and functioning of the land transport funding and planning system. LGA 2002 Requirement for annual report of actual activities and performance compared with proposed activities and performance, including financial statement. Annual report to be audited. State Sector Act 1988 Provides for review of departments (eg Ministry of Transport) and their chief executive's performance by the State Services Commissioner.</p>
	<p>An organisation should account for the impacts of its decisions and activities, including significant consequences, even if they were unintended or unforeseen, of its decisions and actions on society, the economy and the environment; and the actions taken to prevent repetition of unintended and unforeseen negative impacts.</p>	<p><i>Refer para 4.3</i></p>		

Transparency

Principle: an organisation should be transparent in its decisions and activities that impact on society and the environment.

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
4.3	Transparency – General disclosure of activities and decisions	An organisation should disclose in a clear, accurate and complete manner and to a reasonable and sufficient degree, the policies, decisions (including the criteria and processes for making the decisions) and activities for which it is responsible.	<p>LTMA 2003 Specifies form and content, disclosure of reasons for exclusions/ variations/ changes; and public availability of regional land transport programmes (RLTPs); National Land Transport Programme (NLTP); and road policing programmes; and the form and content and public availability of national and regional land transport strategies (RLTSs). Also specifies development of systems and procedures for evaluation of activities to include in programmes, applying design standards for roads; and procurement.</p> <p>LGA 2002 Requirements for long-term council community plan and annual plans – community views have to be sought at specific points in the process.</p> <p>Crown Entities Act 2004 Requirement to prepare statement of intent for the Crown (and public) which includes ‘the specific impacts, outcomes, or objectives that the entity seeks to achieve or contribute to’ and to report annually on its performance.</p>	<p>LTMA 2003 Secretary of Transport to monitor and review specified activities and procedures to evaluate the performance and functioning of the land transport funding and planning system; NZTA to make them available on internet and report on their implementation in annual report. Annual financial audit to include some aspects.</p> <p>Crown Entities Act 2004 Reports go to Minister and Parliament and are to be published; financial statements to be independently audited.</p> <p>LGA 2002 Minister has power to review if local authority deemed to be not performing.</p> <p>OIA 1982 Transport agencies would be required to release information in the interest of transparency unless there is good reason not to do so which outweighs the public interest in terms of transparency and disclosure.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>Local Government Official Information and Meeting Act 1987 Requirements for local government meetings.</p> <p>OIA 1982 To increase the availability of official information to New Zealanders to enable their effective participation in making and administering laws and policies and to promote accountability of Ministers of the Crown and officials.</p>	
	<p>Transparency – impacts of activities and decisions</p>	<p>Including the known and likely impacts on society and the environment.</p>	<p>Resource Management Act (RMA) 1991 Imposes duty to avoid, remedy or mitigate adverse effects of use (including discharges) and/or activity on the environment, on land, coastal marine, rivers, lakes and water. Also imposes duty to present and future generations. Local authorities to develop policy statements and/or plans, including rules permitting, controlling or restricting activities.</p> <p>LGA 2002 In making ‘every decision’, local authority must meet certain conditions/criteria, eg identify all practicable options; assess options in terms of benefit, costs, and impact; seek community views (through consultation); and comply with procedures specified in the Act.</p>	<p>RMA 1991 Policy statements and plans to be regularly reviewed; appeals on decisions to Environment Court (which has power to require changes to policy statements and plans as well as to resource consents, permits, etc)</p> <p>LGA 2002 Development of long-term and annual plans and reports includes community consultation and making them publicly available.</p> <p>Code of Good Regulatory Practice (2006) The Treasury provides guidance on reporting and policy development and monitors departmental/ministry regulatory impact analysis and statements on behalf of the government.</p>

Appendix B: Detailed analysis of legislative framework supporting principles of social responsibility

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>Code of Good Regulatory Practice (2006) Sets out quality standards (for efficiency, effectiveness, transparency, clarity and equity) for regulatory impact analysis and regulatory impact statements that form part of policy proposal and decision processes.</p>	
	<p>Transparency – stakeholder identity</p>	<p>The organisation should disclose the identity of its stakeholders and the criteria and procedures used to identify, select and engage them.</p>	<p>LTMA 2003 Identifies stakeholders for consultation to prepare RLTPs, road tolling schemes, concession agreements for roads, regional fuel tax schemes. Much narrower definitions of stakeholders are applied for national land transport strategy and government policy statements.</p> <p>LGA 2002 Requires that local authority give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter and to take account of the diversity and interests of the community, including both current and future communities when making decisions. Where consultation is warranted or required, the Act specifies how it is to be conducted.</p> <p>Code of Good Regulatory Practice (2006) Requires public consultation to ‘occur as widely as possible, given the circumstances, in the policy development process’.</p>	<p>LTMA 2003 NZTA to ensure relevant consultation requirements have been met at the regional level.</p> <p>LGA 2002 Minister may appoint a review authority to review the performance of a local authority.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
	Transparency – financial reporting		<p>LTMA 2003 Sets out requirement that revenue and expenditure are accounted for in transparent manner. NZTA to prepare NLTP with proposed funding for three years, as well as annual reports documenting actual expenditure.</p> <p>Public Finance Act 1989 Provides a framework for parliamentary scrutiny of the government's expenditure proposals, and its assets and liabilities. Establishes effective and efficient management of public financial resources. Specifies the minimum financial and non-financial reporting obligations of ministers, departments, offices of Parliament.</p>	<p>LTMA 2003 NZTA subject to annual audit of systems, processes and annual report by Auditor General.</p> <p>Public Finance Act 1989 Required reporting (statement of intent, annual report, main and supplementary estimates) to the responsible Minister, Treasury, Parliament</p> <p>Public Audit Act 2001 The Auditor-General may at any time examine 1) the extent to which a public entity is carrying out its activities effectively and efficiently or 2) its compliance with its statutory obligations. Public entities include government departments, Crown entities and local authorities.</p>

Ethical behaviour

Principle: an organisation should behave ethically.

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
4.4	An organisation's behaviour should be based on the ethics of honesty, equity and integrity. These ethics imply a concern for people, animals and the environment and a commitment to address the impact of its activities and decisions on stakeholders' interests.		<p>Employment Relations Act 2000 Requires the 'parties in an employment relationship' to deal with each other in good faith, and to do nothing to mislead or deceive each other.</p>	<p>State Sector Act 1988 Commissioner 'enforces' the standards it sets by investigating and identifying possible breaches and providing advice on compliance.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>State Sector Act 1988 Requires chief executive officers of Crown entities (eg NZTA) and public services (MoT) to ensure 'all employees maintain proper standards of integrity, conduct, and concern for the public interest'. The State Services Commissioner may, and has, set minimum standards (eg the non-discrimination standard; standards of integrity and conduct) and agencies must adhere to them. Implementation guidance and resources are provided.</p> <p>LGA 2002 Provides for code of conduct and standards of behaviour for elected members (members must act with honesty and integrity); procedures for meetings and voting; employment of chief executive; and requirement of local authority to operate a personnel policy to be a good employer; requires separation of decision making for regulatory and non-regulatory responsibilities; employee of local authority must resign before taking up position as member of local authority.</p> <p>Crown Entity Act 2004 Imposes duty to act with honesty and integrity; duty to act in good faith and not at expense of entity's interests; duty to act with reasonable care, diligence and skill; duty not to disclose information.</p>	<p>LGA 2002 Conditions and power for removal of members; Chief Executive has responsibility to ensure local authority is a good employer - chief executive's performance is subject to review (unless chief executive expresses intention to resign)</p> <p>Public Audit Act 2001 The Auditor-General may at any time examine 1) the extent to which a public entity is carrying out its activities effectively and efficiently or 2) its compliance with its statutory obligations. Public entities include government departments, Crown entities and local authorities.</p> <p>Ombudsmen Act 1975 Ombudsmen have the ability to investigate any complaint by any person or body of people (or raised by an Ombudsman) about administrative acts, decisions, or recommendations of central and local government agencies. They can also take on investigations directed to them by Parliament.</p> <p>Protected Disclosures Act 2000 Protects employees who make disclosures of information about serious wrongdoing in or by an organisation.</p>

Respect for stakeholder interests

Principle: an organisation should respect, consider and respond to the interests of its stakeholders.

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
4.5	An organisation should respect, consider and respond to the interests of its stakeholders .	<p>The organisation has an obligation to:</p> <ul style="list-style-type: none"> • identify its stakeholders • recognise and respect their legal rights and legitimate interests and respond to their concerns • take into account the relative capacity of stakeholders to contact and engage the organisation • take into account the relation of its stakeholders' interests to the broader expectations of society and to sustainable development, as well as the nature of the stakeholders' relationship with the organisation • consider the views of stakeholders who will be affected by the decision, irrespective of whether or not they are aware of or have the ability to have a say in the decision. 	<p>LTMA 2003 Identifies stakeholders (including 'affected communities'; Māori and general public in region) for consultation to prepare RLTSs, RLTPs, road tolling schemes, concession agreements for roads, regional fuel tax schemes. Much narrower definitions of stakeholders applied for national strategies and government policy statements.</p> <p>LGA 2002 Requires local authorities to give consideration to views and preferences of persons likely to be affected by, or to have an interest in, the matter and to take account of the diversity and interests of the community, including both current and future communities when making decisions. Where consultation is warranted or required, the Act specifies how it is to be conducted.</p> <p>Local Government Official Information and Meetings Act 1987 Specifies how meetings are to be notified and conducted (including availability of documents) to encourage public attendance.</p> <p>RMA 1991 During the preparation of a proposed</p>	<p>LGA 2002 Legal proceedings can be taken against a local authority and the Minister has power to review if local authority deemed to be not performing.</p> <p>LTMA 2003 In approving activities or combinations of activities for the NLTP, NZTA must be satisfied the relevant consultation requirements have been met.</p> <p>RMA 1991 Decisions of local authority with respect to policy statements and plans following submissions are required to be notified and available to the public.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			policy statement (including regional policy statements which incorporate transport and urban development issues) or plan, local authorities required to consult: the Minister for the Environment; other ministers of the Crown; other local authorities, tangata whenua through iwi authorities. May consult anyone else during statement and plan preparation. Required to publicly notify proposed policy statements/ plans and accept submissions from the public, prepare a report on submissions and (usually) hold a public hearing.	

Respect for the rule of law

Principle: an organisation should accept that respect for the rule of law is mandatory.

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
4.6	The rule of law refers to the supremacy of law and, in particular, to the idea that no individual or organisation stands above the law and that government is also subject to the law. In the context of social responsibility, respect for the rule of law means that an organisation complies with all applicable laws and regulations.	An organisation should: <ul style="list-style-type: none"> • comply with legal requirements in all jurisdictions in which the organisation operates • ensure that its relationships and activities fall within the intended and relevant legal framework • remain informed of all legal obligations • periodically review its compliance. 	<i>There is no omnibus act in the body of New Zealand law which explicitly states that the rule of law must be observed. Observance or respect for the rule of law is part of social and legal convention. Any breach of an Act or Regulation can be deemed to be as showing disrespect for the rule of law.</i>	<i>Parliament and the Courts are the sole accountability structures for determining if the rule of law has been respected and are empowered to impose sanctions or penalties where the rule of law has not been observed. Specific accountability provisions are generally established in individual acts and regulations.</i>

Respect for international norms of behaviour

Principle: Organisations should respect international norms of behaviour, while adhering to the principle of respect for the rule of law.

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
4.7	In countries where national law or its implementation does not provide for minimum environmental or social safeguards, an organisation should strive to respect international norms of behaviour.	<ul style="list-style-type: none"> • Where national law or its implementation prohibits organisations from respecting international norms of behaviour, an organisation should strive to respect such norms to the greatest extent possible. • In situations of conflict with international norms of behaviour, and where not following these norms would have significant consequences, an organisation should, as feasible and appropriate, review the nature of its activities and relationships within that jurisdiction. • An organisation should consider legitimate opportunities and channels to seek to influence relevant organisations and authorities to remedy any such conflict. • An organisation should avoid being complicit in another organisation's activities that fail to meet international norms of behaviour. 	<i>New Zealand has set minimum environmental standards and social safeguards through a multiplicity of legislation, as indicated in the sections following.</i>	

Respect for human rights

Principle: An organisation should respect human rights and recognise both their importance and their universality

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
4.8	Respecting and recognising human rights	<ul style="list-style-type: none"> • Respect and promote the rights set out in the International Bill of Human Rights. • Accept these rights are universal, that is, they are indivisibly applicable in all countries, cultures and situations. • In situations where human rights are not protected, take steps to respect human rights and avoid taking advantage of these situations. • In situations where national law or its implementation does not provide for adequate protection of human rights, adhere to the principle of respect for international norms of behaviour. 	The International Bill of Rights is captured in two New Zealand statutes: <ul style="list-style-type: none"> • Human Rights Act 1993 • New Zealand Bill of Rights Act 1990. <i>Refer to paras 6.3.3 to 6.3.10 below.</i>	

Recognising social responsibility and engaging stakeholders

Para #	Issues	Related actions	New Zealand regulation/statutes/framework
5.1 and 5.2	The recognition of social responsibility involves 1) identifying the issues raised by the impacts of an organisation's decisions and activities, as well as the way these issues should be addressed so as to contribute to sustainable development and 2) recognising an organisation's stakeholders.	Identifying an organisation's social responsibility can be facilitated by through an understanding and familiarity with the core subjects and issues concerning social responsibility, namely: organisational governance, human rights, labour practices, the environment, fair operating practices, consumer issues, and community involvement and development.	<i>Refer to the sections below.</i>

Para #	Issues	Related actions	New Zealand regulation/statutes/framework
		<p>In addressing its social responsibility, an organisation should understand three relationships: 1) between the organisation and society; 2) between the organisation and its stakeholders; and 3) between the stakeholders and society.</p> <p>The guidance on each core subject <i>in the sections that follow</i> includes a number of actions and/or behaviours that should prevail in an organisation.</p>	

Stakeholder identification and engagement

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks
5.3	<p>Parameters for stakeholder identification.</p> <p>Recognition that stakeholder engagement is interactive</p>	<p>Individuals or groups that are affected, or likely to be affected, by an organisation and its activities are considered to be among its stakeholders.</p> <p>Stakeholder engagement should be interactive: it essentially involves meaningful two-way communication or dialogue between the organisation and stakeholder.</p> <p>Stakeholder engagement is more likely to be meaningful when the following elements are present:</p> <ul style="list-style-type: none"> • a clear understanding of purpose for the engagement • the stakeholder's interests have been identified • the relationship that these interests establish between the organisation and the stakeholder is direct or important • the stakeholders have the necessary information and understanding to make their decisions. 	<p><i>Refer paragraph 4.5 above.</i></p>

Guidance on social responsibility core subjects

Organisational governance

Principles: Effective governance should be based on incorporating the principles and practices of accountability, transparency, ethical behaviour, respect for stakeholder interests and respect for the rule of law into decision making and implementation.

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
6.2.3	<p>Decision making processes and structures</p> <p>All organisations should put in place processes, systems and structures to make it possible to apply the principles and practices of social responsibility.</p>	<ul style="list-style-type: none"> • Create and nurture an environment in which the principles of accountability, transparency, ethical behaviour, respect for stakeholder interests and respect for the rule of law are practised in decision-making processes and structures. • Demonstrate leadership commitment and accountability. • Periodically review and evaluate the governance processes of the organisation. 	<p>LGA 2002</p> <p>Sets out governance principles (transparent, open, effective and ethical) <i>for local authorities</i> and the requirement that regulatory and decision-making responsibilities are separate from other responsibilities; and the requirements for local governance statements to be made following every local authority election.</p> <p>For all organisations: <i>Specific information about accountability, transparency, ethical behaviour, and respect for stakeholder interests, human rights, international norms of behaviour, and the rule of law are addressed in paragraphs 4.2 to 4.8 above.</i></p>	<p>LGA 2002</p> <p>Stipulates that the governing body of the local authority (comprised of appropriately elected members) are ‘responsible and democratically accountable for the decision making of the local authority’.</p>
		<ul style="list-style-type: none"> • Create a system of economic and non-economic incentives related to performance on social responsibility. • Use financial, natural and human resources efficiently. • Balance the level of authority, responsibility and capacity of people who make decisions on behalf of the 	<p>Public Finance Act 1989</p> <p>Establishes requirement for effective and efficient management of public financial resources.</p> <p><i>Other regulatory and accountability structures outlined in paragraph 4.2.</i></p>	<p>Public Audit Act 2001</p> <p>The Auditor-General may at any time examine the extent to which a public entity is carrying out its activities effectively and efficiently. Public entities include government departments, Crown entities and local authorities.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
		<p>organisation; and keep track of decisions to ensure that they are followed through and to determine accountability for the results of the organisation's activities, either positive or negative.</p>		<p>Public Finance Act 1989 Specifies the minimum financial and non-financial reporting obligations of ministers, departments, and Crown entities.</p>
		<ul style="list-style-type: none"> • Balance the needs of the organisation and its stakeholders, including immediate needs and those of future generations. 	<p>LGA 2002 In performing their role, local authorities (including regional councils) have to take into account sustainable development principles as well as promote the social, economic, environmental and cultural well-being of communities, in the present and for the future. Provisions for consultation during planning and other decision-making processes permit authorities to take into account the diversity of the community, and the community's interests, within its district or region; the interests of future as well as current communities; and the likely impact of any decision on: opportunities for Māori to contribute to decision-making processes.</p>	

Human rights

Principle: Human rights are inherent, inalienable, universal, indivisible and interdependent

The principles of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights the International Convention on Economic, Social and Cultural Rights and the standards (eg access to justice) set by the International Labour Organisation form the basis for existing New Zealand legislation: Human Rights Act 1993; New Zealand Bill of Rights Act 1990; Employment Relations Act 2000.

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
6.3.3	<p>Due diligence</p> <p>Due diligence is a process whereby organisations not only ensure compliance with law but also manage the risk of human rights harm with a view to avoiding it. Organisations have a responsibility to exercise due diligence to identify, prevent and address actual or potential human rights impacts resulting from their activities or the activities of those with which they have relationships.</p>	<p>An organisation’s due diligence process should include the following components:</p> <ul style="list-style-type: none"> • an organisational human rights policy • a process for assessing how existing and proposed activities may affect human rights • a process for integrating the human rights policy throughout the organisation • a process for tracking performance over time, to be able to make adjustments • actions to address the negative impacts of its decisions and activities. 	<p><i>Note: Current human rights legislation in New Zealand provides a legal basis (but does not prescribe a due diligence process) for organisations to identify breaches of human rights.</i></p> <p><i>Due diligence processes for applying the non-discrimination standards in the Bill of Rights and Human Rights Acts in the public sector are outlined in ‘The non-discrimination standards for government and the public sector (2002)’.</i></p>	
6.3.4	<p>Human rights risk situations</p> <p>There are certain circumstances and environments where organisations are more likely to face challenges and dilemmas relating to human rights and the risk of human rights abuse may be exacerbated. These include:</p> <ul style="list-style-type: none"> • conflict or extreme political 	<p>Organisations may require an enhanced process of due diligence when dealing with situations that present a risk for human rights abuse. In responding, an organisation should consider the potential consequences of its actions so that the desired objective of respecting human rights is actually achieved. In particular, it is important not to</p>	<p>New Zealand Bill of Rights Act 1990</p> <p>Addresses discrimination by those in the public sector, except in relation to employment, sexual and racial harassment, racial disharmony and victimisation.</p>	<p>Human Rights Act 1993</p> <p>Established the Human Rights Commission, Race Relations Commissioner; and Equal Opportunities Commissioner to promote and protect human rights. Variety of functions/powers to resolve complaints/breaches of both Human Rights Act and Bill of Rights Act,</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
	<p>instability, or absence of political and other civil rights</p> <ul style="list-style-type: none"> • situations of poverty, drought, extreme health challenges or natural disasters • involvement in extractive activities or other activities that might significantly affect natural resources such as water, forests or the atmosphere, and often disrupt communities • proximity of operations to communities of indigenous peoples • activities that can affect or involve children • a culture of corruption • complex supply chains that involve work performed on an informal basis without legal protection • a need for extensive measures to ensure security of premises or other assets. 	<p>compound or create other abuses. A situation's complexity should not be used as an excuse for inaction.</p>	<p>Human Rights Act 1993 Established the Human Rights Commission, Race Relations Commissioner, and Equal Opportunities Commissioner to promote and protect human rights. Addresses discrimination by those in the private sector, and those in the public sector in relation to employment, sexual and racial harassment, racial disharmony, and victimisation; sets out the prohibited grounds of discrimination, the areas of life where such discrimination is prohibited, and various exceptions where discrimination is lawful.</p>	<p>including tribunal, access to courts, and conciliation.</p>
6.3.5	<p>Avoidance of complicity Complicity in the <i>legal</i> context – organisational conduct that has a substantial effect on the commission of an illegal act such as a crime, while knowingly contributing to that illegal act. Complicity in the <i>non-legal</i> context – an organisation may be considered complicit when it assists in the commission of wrongful acts of others.</p>	<p>A prominent area of concern relates to security arrangements (eg using repressive measures while guarding facilities). An organisation should verify that its security arrangements respect human rights. Personnel should be adequately trained. In addition, an organisation should:</p> <ul style="list-style-type: none"> • not provide goods or services to an entity that uses them to carry out 	<p><i>Largely irrelevant to land transport sector.</i> <i>There is no New Zealand legislation that specifically deals with complicity in committing an act or omission that leads to human rights abuse, in all its forms, by another associated party.</i> Crimes Act 1961 Applies to all offences for which the offender may be proceeded against and</p>	<p>Crimes Act 1961 Provides for the prosecution and punishment of offences identified in this or any other act Human Rights Act 1993 While there is no direct reference to complicity, the Act provides a variety of functions/powers to resolve complaints/breaches of both Human Rights Act 1993 and Bill of Rights Act</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
	<p>Three forms of complicity:</p> <p>Direct complicity An organisation knowingly assists in a violation of human rights.</p> <p>Beneficial complicity An organisation benefits directly from human rights abuses committed by someone else.</p> <p>Silent complicity An organisation fails to raise with the appropriate authorities the question of systematic or continuous human rights violations.</p>	<p>human rights abuses</p> <ul style="list-style-type: none"> • not enter into a formal partnership with a partner that commits human rights abuses in the context of the partnership • inform itself about the social and environmental conditions in which purchased goods and services are produced • consider making public statements or taking other action indicating that it does not condone acts of discrimination occurring in employment in the country concerned • avoid relationships with entities engaged in anti-social activities. <p>An organisation should address risks of complicity by integrating the common features of legal and societal benchmarks into its due diligence processes.</p>	<p>tried in New Zealand, as well as all acts done or omitted in New Zealand. Offences include any act or omission for which any one can be punished under this Crimes Act or under any other enactment. Complicity is specifically addressed in Part 4: parties to commission of offences. Act applies to individuals, government bodies and entities and all other bodies or organisations. Excessive use of force is expressly listed as a crime.</p> <p>Crimes of Torture Act 1989 Outlaws a specific form of human rights abuse with regards to torture which includes complicity in an act of torture (attempted torture; conspiracy to torture and being an accessory after the fact of torture).</p>	<p>1990, including tribunal, access to courts and conciliation.</p>
6.3.6	<p>Resolving grievances An organisation should have effective grievance mechanisms with to respect human rights. It should include a means for those who believe they have been harmed to bring this to the attention of the organisation and seek redress, without losing their right to use available legal channels.</p>	<p>An organisation should establish grievance mechanisms that are:</p> <ul style="list-style-type: none"> • legitimate - (independent governance structures) • accessible - (no barriers to access) • predictable - (clear and known procedures) • equitable - (fair access to sources of information, advice and support) • rights-compatible - (in-line with 	<p>Employment Relations Act 2000 Employees can pursue a personal grievance for a variety of reasons (including unjustifiable dismissal; breach of employment conditions; all types of discrimination as contained in Human Rights Act 1993; sexual harassment; racial harassment; duress as a result of union membership), either through HRC or Employment Relations Authority.</p>	<p>Human Rights Act 1993 Established the Human Rights Commission, Race Relations Commissioner; and Equal Opportunities Commissioner to promote and protect human rights. Variety of functions/powers to resolve complaints/breaches of both Human Rights Act and Bill of Rights Act, including tribunal, access to courts, and conciliation.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
		<p>internationally recognised human rights standards)</p> <ul style="list-style-type: none"> • clear and transparent – (open to independent scrutiny) • based on dialogue and mediation – (right to seek alternative, independent mechanisms for adjudication). 	<p>Human Rights Act 1993</p> <p>Members of the public (including employees) can submit a complaint to HRC where they have suffered discrimination on prohibited grounds. The HRC has the responsibility of facilitating the resolution of any dispute through various means.</p>	<p>Employment Relations Act</p> <p>Provides personal grievance procedure; mediation and dispute resolution services; establishes Employment Relations Authority as the body to address grievances (along with HRC); Employment Court. The Act stipulates possible remedies, penalties and permits the issue of compliance orders by the Employment Court (which the District Court can enforce).</p> <p>OIA 1982</p> <p>The provisions of the OIA facilitate access to personal information that may be necessary for dealing with grievances under the Bill of Rights Act and/or the Human Rights Act.</p>
6.3.7	<p>Discrimination and vulnerable groups</p> <p>Groups that have suffered persistent discrimination, leading to entrenched disadvantages, are vulnerable to further discrimination, and their human rights should be the focus of additional attention in terms of protection and respect by organisations.</p> <p>Discrimination can also be indirect when an apparently neutral provision, criterion or practice would put persons with a particular attribute, for example a particular religion or belief, disability, age, race or sexual orientation, at a disadvantage.</p>	<p>An organisation should not discriminate against employees, partners, customers, stakeholders, members and anyone else with whom it has any contact or on whom it could have an impact.</p> <p>Organisations should also examine their own operations and the operations of other parties within its sphere of influence, to determine whether direct or indirect discrimination is present.</p> <p>An organisation should consider facilitating the raising of awareness of the rights among members of vulnerable groups and contribute to redressing</p>	<p>Human Rights Act 1993</p> <p>The Act does not identify vulnerable groups that are, can be or have been, the subject of discrimination but it does state the prohibited <i>grounds</i> for discrimination from which some <i>vulnerable groups</i> can be identified for organisations to examine their operations in order to determine if discrimination exists. Provides measures to ensure equality by permitting acts that are done/omitted in good faith for the purpose of assisting or advancing persons or groups of persons against whom discrimination is unlawful; or where those</p>	<p>Human Rights Act 1993</p> <p>Established the Human Rights Commission, Race Relations Commissioner and Equal Opportunities Commissioner to promote and protect human rights. Variety of functions/ powers to resolve complaints/breaches of both Human Rights Act and Bill of Rights Act, including tribunal, access to courts and conciliation.</p> <p>Employment Relations Act 2000</p> <p>Provides personal grievance procedure, mediation and dispute resolution services, establishes Employment</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
		<p>discrimination or the legacy of past discrimination wherever practicable.</p>	<p>person or groups need assistance or advancement in order to achieve an equal place with other community members. Also permits work or training schemes or employment assistance for particular groups (based on age, employment status or family status).</p> <p>State Sector Act 1988 Provides for equal employment opportunities programmes in the state services aimed at the identification and elimination of all aspects of policies, procedures and other institutional barriers that cause or perpetuate inequality in respect to the employment of any persons or group of persons.</p> <p>Employment Relations Act 2000 Employees can pursue either through HRC or Employment Relations Authority, a personal grievance for a variety of reasons (including unjustifiable dismissal, breach of employment conditions, all types of discrimination as contained in Human Rights Act 1993, sexual harassment, racial harassment, duress as a result of union membership).</p> <p>LTMA 2003 In preparing regional and national land transport programmes, all relevant bodies (eg NZTA, local authorities, public organisations) must consider the needs of</p>	<p>Relations Authority as the body to address grievances (along with HRC); Employment Court. The Act stipulates possible remedies, penalties and permits the issue of compliance orders by the Employment Court (which the District Court can enforce).</p> <p>LTMA 2003 Requires the appropriate entities to take account of regional public transport plans, where they are available, in approving regional and national land transport strategies and programmes. Allocation of funds to the national and regional land transport (funding) programmes would depend on the underlying requirements being met.</p> <p>PTMA 2008 Requires use of special consultative procedure (in LGA 2002), including consultation with 'groups that the regional council has reasonable grounds to believe represent the transport disadvantaged' and district health boards in the development of regional public transport plan.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>persons who are transport disadvantaged. Transport disadvantaged is not defined.</p> <p>Public Transport Management Act (PTMA) 2008</p> <p>Where a regional council intends to contract or provide financial assistance for the supply of any public transport service, the Act stipulates that it must prepare a regional public transport plan that, <i>inter alia</i>, specifies how public transport and other services will assist the transport disadvantaged. Transport disadvantaged means people whom the regional council has reasonable grounds to believe are the least able to get to basic community activities and services (for example, work, education, health care, welfare and food shopping).</p>	
6.3.8	<p>Civil and political rights</p> <p>Civil and political rights include absolute rights such as the right to:</p> <ul style="list-style-type: none"> • life • a life with dignity • freedom from torture • security of person • property ownership • individual liberty and integrity • due process of law and a fair hearing when facing criminal charges. <p>They further include:</p>	<p>An organisation should respect all individual civil and political rights, including (but not limited to):</p> <ul style="list-style-type: none"> • life of individuals • freedom of opinion and expression without suppressing criticism of the organisation internally or externally • freedom of peaceful assembly and of association • freedom to seek, receive and impart information and ideas through any means, regardless of national borders 	<p>LTMA 2003</p> <p>PTMA 2008</p> <p>With respect to land transport, <i>the right to access to public services</i> is of significant relevance – refer to points above (para 6.3.7) with respect to ‘transport disadvantaged’.</p> <p>New Zealand Bill of Rights Act 1990</p> <p>Addresses discrimination by those in the public sector, except in relation to employment, sexual and racial harassment, racial disharmony, and victimisation. Rights and freedoms</p>	<p>Human Rights Act 1993</p> <p>Established the Human Rights Commission, Race Relations Commissioner and Equal Opportunities Commissioner to promote and protect human rights. Variety of functions/powers to resolve complaints/breaches of both Human Rights Act and Bill of Rights Act, including tribunal, access to courts, and conciliation.</p> <p>New Zealand Bill of Rights Act 1990</p> <p>The Attorney-General may bring to Parliament's attention any provision in a</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
	<ul style="list-style-type: none"> • freedom of opinion and expression • freedom of peaceful assembly and association • freedom to adopt and practise a religion • freedom to hold beliefs • freedom from arbitrary interference with privacy, family, home or correspondence • freedom from attacks on honour or reputation • the right to access to public services • the right to take part in elections. 	<ul style="list-style-type: none"> • access to due process and the right to a fair hearing before any internal disciplinary measure is taken in a proportionate manner without physical punishment or inhuman or degrading treatment. 	<p>include:</p> <ul style="list-style-type: none"> • life and security of the person (not to be deprived of life, subjected to torture or cruel treatment, medical or scientific experimentation and right to refuse medical treatment) • democratic and civil rights – freedom of thought, conscience, religion, expression, peaceful assembly, association, movement and freedom to vote and manifest religion and belief • non-discrimination and minority rights • rights in the face of search, arrest and detention • right to justice. 	<p>Bill that appears to be inconsistent with any of the rights and freedom in the Bill of Rights Act.</p>
6.3.9	<p>Economic, social and cultural rights</p> <p>Every person has economic, social and cultural rights necessary for his or her dignity and personal development, including the right to:</p> <ul style="list-style-type: none"> • education • work in just and favourable conditions • freedom of association • adequate standard of health • a standard of living adequate for the physical and mental health and well-being of themselves and their families • food, clothing, housing 	<p>An organisation has a responsibility to respect economic, social and cultural rights by exercising due diligence to ensure that it does not engage in actions that infringe, obstruct or impede the enjoyment of such rights.</p> <p>An organisation should assess the possible impacts of its activities, products and services, as well as new projects, on these rights, including the rights of the local population. It should neither directly nor indirectly limit nor deny access to an essential product or resource.</p> <p>A socially responsible organisation could also contribute to the fulfilment of such</p>	<p><i>Much is irrelevant to land transport sector</i></p> <p>Education Act 1989 Establishes right to education and provides for the appropriate institutions</p> <p>Social Security Act 1964 Provides financial and other support as appropriate to help people support themselves and their dependants while not in paid employment; helps them to seek employment and/or provides training and support to gain employment; provides financial support for those unable to work due to sickness, injury, caring responsibilities, or disability; provides support for financial hardship</p>	<p>Human Rights Act 1993 Established the Human Rights Commission, Race Relations Commissioner and Equal Opportunities Commissioner to promote and protect human rights. Variety of functions/ powers to resolve complaints/breaches of both Human Rights Act and Bill of Rights Act, including tribunal, access to courts and conciliation.</p> <p>Social Security Act 1964 Has provisions for individuals to appeal decisions.</p> <p>Employment Relations Act 2000 Ability for employees to take personal</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
	<ul style="list-style-type: none"> • medical care and necessary social protection, such as security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his or her control • practise a religion and culture • genuine opportunities to participate without discrimination in decision making. 	<p>rights when appropriate, while keeping in mind the different roles and capacities of governments and other organisations related to the provision of these rights (eg exploring ways related to their core activities to contribute to the fulfilment of these rights).</p>	<p>(eg funeral costs; accommodation supplement; childcare assistance).</p> <p>Housing Corporation Act 1974 Establishes the Housing New Zealand Corporation to provide rental and other accommodation (eg for residential support services groups) and other support (eg loans to local authorities, advice to low income earners or first time buyers) for those 'who need it most'.</p> <p>New Zealand Bill of Rights Act 1990 Provides for freedom of thought, conscience, religion, association, expression and manifestation of religion and belief.</p> <p>Human Rights Act 1993: Prohibits discrimination on the grounds of religious belief; ethical beliefs, employment status and ethnic or national origins.</p> <p>RMA 1991 Enables managing the use, development and protection of natural and physical resources in a way, or at a rate, which allows people and communities to provide for their social, economic and cultural well-being and for their health and safety. To this end the Act provides for restrictions on noise, discharges to water, land and air; consent processes for subdivision and other development; conservation and heritage orders, etc.</p> <p>Local authorities to develop policy</p>	<p>grievances; provides resources to resolve disputes, and mechanisms for enforcement/remediation. Employment Relations Authority, and Employment Court to support or intervene in employment relationships where necessary.</p> <p>RMA 1991 Policy statements and plans to be regularly reviewed; policy statements and plans are to be publicly notified, so that individuals can make comments and submissions on it. Appeals on decisions to Environment Court (which has power to require changes to policy statements and plans as well as to resource consents, permits, etc).</p> <p>LGA 2002 Local authorities have an obligation to report against community outcomes; to review and/or audit plans regularly; to make an annual report. Legal proceedings can be taken against a local authority and the Minister has power to review if local authority deemed to be not performing.</p> <p>New Zealand Public Health and Disability Act 2000 Minister may appoint a Commission or inquiry board to investigate management, funding or provision of</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>statements and/or plans, including rules permitting, controlling or restricting activities.</p> <p>LGA 2002</p> <p>Local authorities are to promote the social, economic, environmental, and cultural well-being of their communities, take a sustainable development approach. Provisions for consultation during planning and other decision-making processes permit authorities to take in to account the diversity of the community, and the community's interests, within its district or region; the interests of future as well as current communities; and the likely impact of any decision on: opportunities for Māori to contribute to decision-making processes.</p> <p>New Zealand Public Health and Disability Act 2000</p> <p>Provides for the public funding and provision of personal health services, public health services, and disability support services for all New Zealanders, with a special focus on promoting the inclusion and participation in society and independence of people with disabilities and on Māori and other population groups (where there are health disparities). Establishes District Health Boards (DHBs) which are, <i>inter alia</i>, to improve, promote and protect the health</p>	<p>publicly owned health and disability organisations or services; or a complaint arising under the Act.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>of people and communities and to reduce health outcome disparities between various population groups</p> <p>Employment Relations Act 2000</p> <p>Aims to build productive employment relationships through the promotion of good faith based on trust, confidence; address the inherent inequality of power in employment relationships; promote collective bargaining; protect the integrity of individual choice.</p>	
6.3.10	<p>Fundamental principles and rights at work</p> <p>Freedom of association and effective recognition of the right to collective bargaining.</p>	<p>Workers' organisations should be recognised for purposes of collective bargaining. Workers' representatives should be given appropriate facilities that will enable them to do their work effectively and allow them to perform their role without interference. Collective agreements should include provisions for the settlement of disputes. Workers' representatives should be provided with information required for meaningful negotiations.</p>	<p>Employment Relations Act 2000</p> <p>Provides for, <i>inter alia</i>, freedom of association; recognition and operation of unions; collective bargaining; provides for good faith and support in agreeing individual employee's terms and conditions of employment</p>	<p>Employment Relations Act 2000</p> <p>Ability for employees to take personal grievances; provides resources to resolve disputes, and mechanisms for enforcement/remediation. Employment Relations Authority and Employment Court to support or intervene in employment relationships where necessary.</p>
	<p>Fundamental rights at work – the elimination of all forms of forced or compulsory labour</p>	<p>An organisation should not engage in or benefit from any use of forced or compulsory labour. No work or service should be exacted from any person under the threat of any penalty or when the work is not conducted voluntarily. An organisation should not engage or benefit from prison labour, unless it is on a voluntary basis.</p>	<p>Crimes Act 1961</p> <p>Makes the sale, purchase, hire and employment of a person as a slave; the placing of people in debt-bondage or serfdom; or trafficking and smuggling of people, crimes.</p>	<p>Crimes Act 1961</p> <p>Persons caught breaching the Act are liable to imprisonment and/or fines.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
	Fundamental rights at work – the effective abolition of child labour.	Organisations should not engage in or benefit from any use of child labour. If an organisation has child labour in its operations or sphere of influence, it should ensure not only that the children are removed from work, but also that they are provided with appropriate alternatives, in particular education.	<p>Health and Safety in Employment Act 1992 Regulations made under this act prohibit employment of children under 15 working on particular equipment, lifting any weight, or performing any task that is likely to cause harm to their health or safety.</p> <p>Crimes Act 1961 Makes engagement of a child under age 18 in forced labour a crime punishable by imprisonment.</p> <p>Education Act 1989 Prohibits employment of children under age 16 during school hours or when it would interfere with their attendance at school.</p>	<p>Children’s Commissioner Act 2003 Commissioner protects and promotes human rights that directly apply to children and young people. Investigates in situations where these rights (including the right to be protected from economic exploitation in the UN Convention on the Rights of the Child) may have been violated.</p> <p>Crimes Act 1961 Persons caught breaching the Act are liable to imprisonment.</p> <p>Education Act 1989 Provides for appointment of attendance officers. Parents are accountable for children’s attendance. Persons liable for fine if breaching Act.</p>
	Fundamental rights at work – equal opportunities non-discrimination in respect of employment and occupation.	An organisation should confirm that its employment policies are free from bias based on race, colour, gender, age, nationality or national origin, ethnic or social origin, caste, marital status, sexual orientation, disability, health status such as HIV/AIDS, status or political affiliation or other bias.	<p>Human Rights Act 1993 Prohibits discrimination (including harassment) in employment on the basis of gender; marital or family status; religious or ethical belief; colour, race, ethnic or national origin; physical or mental disability; age; political opinion; employment status; and sexual orientation.</p> <p><i>Protection and advancement of vulnerable groups, refer para 6.3.7.</i></p>	<p>Human Rights Act 1993 Established the Human Rights Commission, Race Relations Commissioner; and Equal Opportunities Commissioner to promote and protect human rights. Variety of functions/powers to resolve complaints/breaches of both Human Rights Act and Bill of Rights Act, including tribunal, access to courts, and conciliation.</p>

Labour practices

Principle: Labour is not a commodity: every person has the right to gain a living by freely chosen work, and the right to just and favourable conditions of work.

These are provided for in existing New Zealand legislation: Human Rights Act 1993 and New Zealand Bill of Rights Act 1990, Employment Relations Act 2000 (object of this Act is to promote observance in New Zealand of the principles underlying International Labour Organisation).

	Issues	Related actions	New Zealand regulations, statutes, frameworks	Accountability structure
6.4.3	<p>Employment and employment relationships.</p> <p>Countries provide a legal framework that regulates the relationship between employers and employees.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> • be confident that all work performed by women and men who are legally recognised as employees or who are legally recognised as being self-employed • not seek to avoid the obligation that law places on the employer by disguising relationships that would otherwise be recognised as an employment relationship under law • recognise the importance of secure employment to both the individual worker and to society by minimising work performed on a casual or temporary basis, except where the nature of the work is genuinely short term or seasonal • provide reasonable notice, timely information and, with worker representatives where they exist, jointly consider how to mitigate adverse impacts to the greatest possible extent when considering changes in its operations, such as closures that affect 	<p>State Sector Act 1988</p> <p>Specifies that public sector chief executives must comply with the principle of being a good employer – treating employees in a fair and proper manner in all aspects of their employment.</p> <p>Employment Relations Act 2000</p> <p>Provides for good faith employment relations; freedom of association (eg union membership) and collective bargaining. Makes it unlawful for an employer to discriminate against or offer different terms/conditions to an employee in employment; or to terminate or retire an employee unfairly or on prohibited grounds. Prohibited grounds for discrimination are those in the Human Rights Act 1993, including employment status (eg being unemployed or a recipient of a benefit).</p>	<p>Employment Relations Act 2000</p> <p>Provisions for employees to make personal grievances or disputes, their possible remedies and outcomes; and enforcement; makes provisions for mediation services, Employment Relations Authority and Employment Court to support or intervene in employment relationships where necessary.</p> <p>Human Rights Act 1993</p> <p>Established role of Equal Employment Opportunities Commissioner to support the development of guidelines and voluntary codes of practice to facilitate and promote best practice in equal employment opportunities and to monitors and analyses progress in improving equal employment opportunities in New Zealand.</p>

	Issues	Related actions	New Zealand regulations, statutes, frameworks	Accountability structure
		<p>employment</p> <ul style="list-style-type: none"> • ensure equal opportunities for all workers and not discriminate either directly or indirectly in any labour practices • eliminate arbitrary or discriminatory dismissal practices • protect personal data and privacy of workers • not benefit from unfair, exploitative or abusive labour practices of its partners, subcontractors or suppliers • where operating internationally, endeavour to increase the employment, occupational development, promotion and advancement of nationals of the host country. 		
6.4.4	<p>Conditions of work and social protection</p> <p>Many of the conditions of work are set by national laws and regulations or by legally binding agreements between those for whom work is performed and those who perform work.</p>	<p>An organisation should ensure that the conditions of work and wages comply with national laws and regulations and are consistent with, or at a higher level than, relevant international labour standards and with those offered by similar employers in the locality concerned (eg equal pay for work of equal value; pay wages; respect the right of workers to adhere to normal or agreed working hours; provide workers with weekly rest and paid annual leave; compensate workers for overtime; allow observance of national or religious</p>	<p>Employment Relations Act 2000</p> <p>Provides the following conditions of work and social protection:</p> <ul style="list-style-type: none"> • flexible working where an employee has the care of any person • continuity of employment in the event of restructuring • breastfeeding facilities and breaks for breastfeeding employees • stipulates required rest breaks and meal breaks. <p>Employment relations education leave for certain employees to increase their</p>	<p>Employment Relations Act 2000</p> <p>Ability for employees to take personal grievances; provides resources to resolve disputes, and mechanisms for enforcement/remediation. Employment Relations Authority and Employment Court to support or intervene in employment relationships where necessary.</p> <p>Equal Pay Act 1972</p> <p>Gives employees the right to make a complaint for a breach of equal pay under this Act or the Human Rights Act 1993 - but not both.</p>

	Issues	Related actions	New Zealand regulations, statutes, frameworks	Accountability structure
		<p>traditions and customs with respect to weekly rest, health and safety, maternity protection and ability to combine work with family responsibilities).</p> <p>Conditions of work should permit work-life balance.</p>	<p>knowledge about, and improve, employment relations.</p> <p>Health and Safety in Employment Act 1992 Promotes the prevention of harm to employees and others at a place of work by defining hazards, imposing duties on employers, setting requirements (including employee participation) for systematic health and safety management.</p> <p>Wages Protection Act 1983 Specifies conditions for payment of wages to workers, with deductions to occur only with worker's consent.</p> <p>Holidays Act 2003 Promotes balance between work and other aspects of employees' lives and provides employees with minimum entitlements to:</p> <ul style="list-style-type: none"> • annual holidays • public holidays • sick leave • bereavement leave. <p>Parental Leave and Employment Protection (Paid Parental Leave) Act 2002 Provides:</p> <ul style="list-style-type: none"> • minimum entitlements with respect to parental leave for male and female employees, including provisions for 	<p>Human Rights Act 1993 Established the Human Rights Commission, Race Relations Commissioner; and Equal Opportunities Commissioner to promote and protect human rights. Variety of functions/powers to resolve complaints/breaches of both Human Rights Act and Bill of Rights Act, including tribunal, access to courts, and conciliation.</p> <p>Health and Safety in Employment Act 1992 Sets out role of inspectors and departmental medical practitioners who can investigate compliance and other possible offences; and issue penalties/fines and notices.</p>

	Issues	Related actions	New Zealand regulations, statutes, frameworks	Accountability structure
			<p>the self-employed</p> <ul style="list-style-type: none"> protects the rights of employees during such leave provides both job protection and continued income for workers during parental leave. <p>Equal Pay Act 1972 Entitles women to equal pay with men if both are working in the same job.</p> <p>Human Rights Act 1993 Prohibits discrimination (including harassment) in employment on the basis of gender; marital or family status; religious or ethical belief; colour, race, ethnic or national origin; physical or mental disability; age; political opinion; employment status; and sexual orientation.</p>	
6.4.5	<p>Social dialogue</p> <p>Social dialogue includes all types of negotiation, consultation or exchange of information between or among representatives of governments, employers and workers, on subjects of common interest relating to economic and social issues.</p> <p>Social dialogue is based on the recognition that employers and workers have both competing and mutual interests, and plays a significant role in industrial relations, policy formulation and governance. It may occur at different</p>	<p>Organisations should:</p> <ul style="list-style-type: none"> recognise the importance for organisations of social dialogue institutions and applicable collective bargaining structures, including at the international level respect the right of workers to form or join their own organisations to advance their interests or to bargain collectively not obstruct workers who seek to form or join their own organisations and to bargain collectively 	<p><i>There is no legislation in New Zealand that stipulates social dialogue through negotiation, consultation or exchange of information between or among representatives of governments, employers and/or workers, on subjects of common interest relating to economic and social issues. However, other statutory requirements facilitate its occurrence (see below), and New Zealand has a long history of partnership and dialogue between Government and organisations such as the New Zealand Council of Trade Unions, Business New</i></p>	<p>Human Rights Act 1993</p> <p>Established the Human Rights Commission, Race Relations Commissioner and Equal Opportunities Commissioner to promote and protect human rights. Variety of functions/powers to resolve complaints/ breaches of both Human Rights Act and Bill of Rights Act, including tribunal, access to courts, and conciliation.</p> <p>OIA 1982</p> <p>Can be used to facilitate the availability of information to assist and inform</p>

	Issues	Related actions	New Zealand regulations, statutes, frameworks	Accountability structure
	levels and between different groups	<ul style="list-style-type: none"> • give notice for changes in operations to the appropriate government authorities and workers representatives to mitigate adverse impacts • provide worker representatives with access to authorised decision makers, workplaces, workers they represent, facilities to perform their role and to information that will give a true and fair picture of the organisation's finances and activities • refrain from encouraging governments to restrict the exercise of workers' rights. 	<p><i>Zealand, Road Transport Forum, and the Business Round Table, which represent various employer and employee groups. Recently, New Zealand has signed up to the International Labour Organisation's (ILO) primary goal of Decent Work for all workers. The ILO has developed four Decent Work goals, the fourth one being strengthening tripartism (government, workers and employers) and social dialogue. New Zealand has an active programme to achieve the Decent Work goals in a New Zealand context. For further information see www.dol.govt.nz/services/decentwork/activities/activity-21.asp</i></p> <p>Employment Relations Act 2000</p> <p>Aims to build productive employment relationships through the promotion of good faith based on trust, confidence, address the inherent inequality of power in employment relationships, promote collective bargaining, protect the integrity of individual choice. Provides for, <i>inter alia</i>, freedom of association, recognition and operation of unions, collective bargaining, provides for good faith and support in agreeing individual employee's terms and conditions of employment. Stipulates mediation as a first step in the resolution of employment grievances.</p>	processes for social dialogue.

	Issues	Related actions	New Zealand regulations, statutes, frameworks	Accountability structure
			<p>New Zealand Bill of Rights Act 1990 Declares rights to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form; association; and assembly.</p>	
6.4.6	<p>Health and safety at work Concerns the promotion and maintenance of the highest degree of physical, mental and social well-being of workers and prevention of harm to health caused by working conditions. It also relates to the protection of workers from risks to health and the adaptation of the occupational environment to the physiological and psychological needs of workers.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> • develop, implement and maintain an occupational health and safety policy • understand and apply principles of health and safety management • analyse and control the health and safety risks involved in its activities • communicate the requirement that workers should follow all proper procedures • provide the safety equipment needed for the prevention of occupational injuries, diseases and accidents, and emergencies • record and investigate all health and safety incidents • address the specific and sometimes different ways in which women and men are affected by occupational safety and health (OSH) risks as well as the ways people with disabilities and younger workers may be affected • provide equal health and safety protection for part-time and temporary workers, as well as 	<p>Health and Safety in Employment Act 1992 Employers to ensure health and safety of employees (including volunteer workers and those doing on-the-job training) by ‘taking all practicable steps’ to ensure a safe and healthy workplace and by eliminating or minimising significant hazards and minimising harm to employees’ health. Hazards may be physical or intangible (like unmanageable workloads). Employees must participate in processes and plans relating to health and safety in the employees' places of work. Employers must comply with any codes of practice issued by the Government, and ensure that all employees are adequately trained in health and safety procedures. Requires keeping a register of accidents and serious harm and requires monitoring and reporting of safety and health. Allows employees to refuse to do work where it is likely to cause serious harm to themselves.</p>	<p>Health and Safety in Employment Act 1992 Sets out role of inspectors and departmental medical practitioners who can investigate compliance and other possible offences; and issue penalties/fines and notices.</p>

	Issues	Related actions	New Zealand regulations, statutes, frameworks	Accountability structure
		<p>subcontracted workers operating on the premises</p> <ul style="list-style-type: none"> • strive to eliminate psychosocial hazards in the workplace • provide adequate training to all personnel on all relevant matters • respect the principle that workplace health and safety measures should not involve monetary expenditures by workers • base its health, safety and environment systems on the participation of the workers concerned • recognise and respect the rights of workers to obtain full and accurate information concerning the health and safety risks and the best practices used to address these risks; to freely inquire into and be consulted on all aspects of their health and safety related to their work; to refuse work that is reasonably considered to pose an imminent or serious danger or risk to themselves or others; to report health and safety matters to the appropriate authorities and to be part of the investigation of incidents/accidents. 	<p>Accident Compensation Act 2001 Role of Accident Compensation Corporation to work with employers and provide resources- to reduce the incidence and severity of personal injury.</p>	
6.4.7	<p>Human development and training in workplace Enlarge people's choices by expanding human capabilities and functioning.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> • provide workers at all stages of their work experience with access to skills development, training and 	<p>Human Rights Act 1993 Prohibits discrimination (including harassment) in employment on various grounds (refer para 6.3.10).</p>	<p>Human Rights Act 1993 Established the Human Rights Commission, Race Relations Commissioner and Equal Opportunities</p>

Appendix B: Detailed analysis of legislative framework supporting principles of social responsibility

	Issues	Related actions	New Zealand regulations, statutes, frameworks	Accountability structure
	<p>Human development also includes access to political, economic and social opportunities for being creative and productive and contributing to society.</p>	<p>apprenticeships, and opportunities for career advancement, on an equal and non-discriminatory basis</p> <ul style="list-style-type: none"> ensure that, when necessary, workers being made redundant are helped to access assistance for new employment, training and counselling 	<p>Industry Training Act 1992 Provides for the ‘recognition’ and funding of organisations setting skill standards for, and administering the delivery of, industry-based training. ‘Recognition’ means that the industry training organisation can effectively and efficiently deliver training and skills to a suitable standard.</p> <p>Employment Relations Act 2000 Specifically prohibits preferences being conferred on individuals for training based on whether or not they are union members; and forbids employers from discriminating against any employee, in terms of offering training, promotion or transfer, based on any prohibited grounds; or because the employee refuses to undertake hazardous tasks or is involved in union activities.</p>	<p>Commissioner to promote and protect human rights. Variety of functions/ powers to resolve complaints/breaches of both Human Rights Act and Bill of Rights Act, including tribunal, access to courts, and conciliation.</p> <p>Employment Relations Act 2000 Provisions for employees to make personal grievances or disputes, their possible remedies and outcomes; and enforcement; makes provisions for mediation services; Employment Relations Authority, and Employment Court to support or intervene in employment relationships where necessary.</p>
		<ul style="list-style-type: none"> establish joint labour-management programmes that promote health and well-being. 	<p>Employment Relations Act 2000 Refer to para 6.4.6. In addition to employee and employer-created processes and plans to manage health and safety in the workplace, the Act provides for well-being by setting out requirements for rest breaks and meal breaks; breast feeding facilities and breaks, and provisions for flexible working where employee has care of another person.</p>	

The environment

Principles: an organisation should respect and promote the following environmental principles:

- **environmental responsibility:** accept responsibility for the environmental burdens caused by its activities, products and services in rural or urban areas and the broader natural environment
- **precautionary approach:** support a precautionary approach to environmental challenges
- **environmental risk management:** implement programmes using a risk-based and sustainability perspective to assess and reduce environmental risks from activities, products and services
- **polluter pays:** bear the cost of pollution caused by its activities, products and services according to the extent of either the environmental burden to society and the remedial action required, or the degree to which the pollution exceeds an acceptable level.

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
6.5.3	<p>Prevention of pollution Including:</p> <ul style="list-style-type: none"> • emissions to air • discharges to water • waste management • use and disposal of toxic and hazardous chemicals • other identifiable forms of pollution (noise, odour, visual, vibration, radiation, infectious agents (eg viral or bacterial), non-point source emissions and biological hazards (eg invasive species). 	<p>To prevent pollution, an organisation should:</p> <ul style="list-style-type: none"> • identify the sources and impacts of pollution and waste related to its activities, products and services • measure, record and report on its significant sources of pollution and energy and water consumption • implement measures aimed at preventing (or managing where unavoidable) pollution and waste, using the waste reduction hierarchy • engage with local communities regarding actual and potential polluting emissions and waste, related health risks, and actual and proposed mitigation measures • implement a programme to 	<p>RMA 1991 Overall intention to sustainably manage resource use. Imposes duty to avoid, remedy or mitigate adverse effects of use (including discharges) and/or activity on the environment, on land, coastal marine, rivers, lakes and air. Local authorities to develop policy statements and/or plans, including rules permitting, controlling or restricting activities (eg through discharge permits, resource consents, water permits). Government may set national environmental standards and/or policy statements.</p> <p>Waste Minimisation Act 2008 Encourages waste minimisation and decreased waste disposal to protect environment and provide benefits – can</p>	<p>RMA 1991 Establishes Environment Court with broad-ranging powers to change policy statements and plans, hear applications, resolve disputes, issue enforcement orders, etc. Enforcement through enforcement officers, enforcement orders abatement notices, infringement notices and directions. Penalties for breaching consents, permits, notices, etc.</p> <p>Waste Minimisation Act 2008 Enforcement officers can inspect; search and seize; local authority waste management plans to be reviewed at least every six years; government or secretary can request audit of any activities/plans/schemes.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
		<p>systematically identify and prevent, within its sphere of influence, the use of banned or high-risk chemicals</p> <ul style="list-style-type: none"> involve all relevant stakeholders, implement an environmental accident prevention and preparedness programme and an emergency plan covering accidents and incidents both on- and off-site. 	<p>declare 'priority products'; establishes product stewardship schemes; establishes 'waste levy' for disposal of waste (to encourage reduced use and recycling) and to raise revenue for waste minimisation for local authorities; requires local authorities to make waste management and minimisation plans. With respect to transport waste, used oil has a product stewardship scheme and one is proposed for tyres.</p> <p>Health and Safety in Employment Act 2003</p> <p>Requires all work places to define hazards and harm in a comprehensive way so all hazards and harm are covered and to have systems/ processes/ requirements/ management practices in place to ensure the health and safety of all employees and people within vicinity of the work place. Health and safety codes of practices issued by the Secretary of Labour may incorporate, adopt or apply, with or without modification, all or any part of any other document prepared or issued by any body or authority, including the Environmental Protection Authority (EPA). Health and safety regulations relating to hazardous substances and new organisms require consultation with all relevant persons and organisations,</p>	<p>Hazardous Substance and New Organism Act 1996</p> <p>Enforcement of provisions by relevant agencies (eg NZTA, Commissioner of Police or local authority). Enforcement officers may be appointed who may issue compliance orders and infringement notices.</p> <p>Health and Safety in Employment Act 1992</p> <p>Sets out role of inspectors and departmental medical practitioners who can investigate compliance and other possible offences, and issue penalties/fines and notices.</p> <p>Environment Act 1986</p> <p>Parliamentary Commissioner for the Environment is charged with maintaining and improving the quality of the environment and has the power to review the system of agencies and processes established by the government to manage the allocation, use and preservation of natural and physical resources, and to investigate the effectiveness of environmental planning and environmental management carried out by public authorities, particularly where the environment has been adversely affected. The Commissioner may advise on an appropriate remedy.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>including EPA before they are implemented.</p> <p>Hazardous Substances and New Organisms Act 1996 Protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. EPA sets controls on the importation, manufacture, use, storage, transportation and disposal of hazardous substances and new organisms.</p> <p>LTMA 2003 NZTA must avoid ‘to the extent reasonable in the circumstances’, adverse effects on the environment in meeting its objectives and undertaking its functions. As a follow on, national strategies, RLTSs and RLTPs must ensure environmental sustainability. RLTSs must avoid adverse environmental effects where reasonable.</p> <p>Ozone Layer Protection Act 1996 Prohibits import, manufacture, sale or export of ozone-depleting substances.</p>	<p>LTMA 2003 NZTA to ensure that RLTSs and RLTPs comply with requirements of Act in creating the NLTP. NZTA may withhold payment in the event of disputes/ noncompliance. Secretary of Transport to monitor and review NZTA activities and procedures.</p> <p>Ozone Layer Protection Act 1996 Sets out offences and penalties; provides right to inspect, search and seize.</p>
6.5.4	<p>Sustainable resource use Using resources at a rate that is less than, or equal to, their rate of natural replenishment. Progress can be made by using resources responsibly and by combining or replacing non-renewable</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> • identify the sources of energy, water and other resources usage • measure, record and report on its significant uses of energy, water and other resources 	<p>Waste Minimisation Act 2008 Encourages waste minimisation and decreased waste disposal to protect environment and provide benefits – can declare ‘priority products’; establishes product stewardship schemes;</p>	<p>RMA 1991 Minister for the Environment to hold local authorities to account; at ‘individual’ level. Environment Court has broad-ranging powers to change policy statements and plans, hear applications,</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
	<p>with renewable resources. Key areas for efficiency improvement are:</p> <ul style="list-style-type: none"> • energy efficiency programmes • practise water conservation • efficiency in the use of materials • minimised resource requirements of a product 	<ul style="list-style-type: none"> • implement resource efficiency measures to reduce its resource use, considering best practice indicators and other benchmarks • complement or replace non-renewable resources with alternative renewable ones • use recycled materials and reuse water as much as possible • manage water resources to ensure fair access for all users within a watershed • promote sustainable procurement • consider adopting extended producer responsibility • promote sustainable consumption. 	<p>establishes ‘waste levy’ for disposal of waste and to raise revenue for waste minimisation for local authorities; requires local authorities to make waste management and minimisation plans.</p> <p>Energy Efficiency and Conservation Act 2000</p> <p>Purpose is to promote energy efficiency, energy conservation and the use of renewable sources of energy in New Zealand. Makes provision for national energy efficiency and conservation strategy. Energy Conservation and Efficiency Authority to encourage, support and promote energy efficiency, conservation and renewable energy use. Government may make regulations for minimum energy performance standards, energy labelling (eg for vehicles) in terms of their energy efficiency.</p> <p>RMA 1991</p> <p>Provisions for the management of coastal water and freshwater bodies (including rivers, aquifers, geothermal water, streams, ponds, wetlands and lakes) includes setting national policy statements and environmental standards (local authorities to set regional and district policies and plans), issuing conservation orders, consenting or permitting for some uses of water, managing discharges.</p>	<p>resolve disputes, issue enforcement orders, etc. Enforcement through enforcement officers, enforcement orders abatement notices, infringement notices and directions. Penalties for breaching consents, permits, notices, etc.</p> <p>Energy Efficiency and Conservation Act 2000</p> <p>Minister may prescribe offences and the amount of fine for breaches of regulations to do with energy performance standards or labelling.</p> <p>Waste Minimisation Act 2008</p> <p>Enforcement officers appointed – can inspect, search and seize; waste management plans to be reviewed at least every six years. Government or secretary can request audit of any activities/plans/schemes.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
6.5.5	Climate change mitigation and adaption	<p>An organisation should:</p> <ul style="list-style-type: none"> • identify the sources of direct and indirect GHG emissions for which it has responsibility • measure, record and report on its significant GHG emissions • implement measures to progressively reduce and minimise the direct and indirect GHG emissions within its control and sphere of influence • reduce dependence on fossil fuels by making use of low-emission technologies and renewable energy and purchasing energy efficient products • prevent the release of GHG emissions (particularly those also causing ozone depletion) from processes or equipment • aim for carbon neutrality by implementing measures to offset remaining GHG emissions. 	<p>Climate Change Response Act 2002 Enables New Zealand to meet its international obligations to retire tonnes of greenhouse gas (GHG) emissions generated through human activity. The Act provides for the establishment of a GHG emissions trading scheme as well as makes provisions for recording and reporting on the country's GHG emissions. The New Zealand emissions trading scheme addresses transport GHG emissions through the trading/removal of units relating to liquid fossil fuels at the refinery level. Provisions in the Act are made to remove units from the market in all sectors.</p> <p>RMA 1991 The RMA 1991 only permits the setting of rules and discharge/emission restrictions by regional councils on GHGs, if they are in the context of renewable energy development and use, ie not for its effect on climate change. It is possible for Minister for the Environment to develop a national environmental standard for GHG emissions/discharges - this has been done for GHG emissions from landfills.</p> <p>LTMA 2003 <i>Silent on greenhouse gases and/or climate change.</i> Non-specific</p>	<p>Climate Change Response Act 2002 Creates a registry, inventory agency, inspectors and enforcement officers, reporting requirements for participants and sets out the offences and penalties for non-compliance.</p> <p>Land Transport Act 1998 Contravention of ordinary rules is an offence and subject to fines.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>requirement that NZTA, local authorities, and the Ministry of Transport contribute to ‘ensuring environmental sustainability’ and that the NZTA contributes to its objective of environmental responsibility when approving activities for the NLTP.</p> <p>Land Transport Act 1998 Minister of Transport has the ability to make rules for many purposes, including ‘ensuring environmental sustainability’, road user behaviour, vehicles, roads, etc. Land Transport Rule: Vehicle Exhaust Emissions 2007 establishes progressively tougher emissions standards designed to encourage more fuel efficient vehicles into New Zealand’s fleet, which will in turn reduce GHG emissions.</p> <p>Forest Act 1989 Provides for establishment of (permanent) forest sink covenants to convert and store carbon dioxide (in wood). In some cases, the units may be traded or sold to offset emissions in other areas.</p> <p>Ozone Layer Protection Act 1996 Prohibits import, manufacture, sale or export of ozone-depleting substances.</p>	
6.5.6	Protection of the environment, biodiversity and restoration of natural habitats	<p>An organisation should:</p> <ul style="list-style-type: none"> • identify potential adverse impacts on ecosystem services and biodiversity 	<p>RMA 1991 Imposes duty to avoid, remedy (including to restore) or mitigate adverse effects of use</p>	<p>Conservation Act 1987 Provides offences and penalties for breaching conditions set for protected</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
	<p>Key aspects of this issue include:</p> <ul style="list-style-type: none"> • valuing, protecting and restoring ecosystem services and biodiversity • using land and natural resource sustainably • advancing environmentally sound urban and rural development 	<ul style="list-style-type: none"> • and take measures to eliminate or minimise these impacts • where feasible and appropriate, participate in market mechanisms to internalise the cost of environmental burdens caused and create economic value in protecting ecosystem services • give highest priority to avoiding the loss of natural ecosystems, secondly to restoring ecosystems, and finally, to compensating for losses • implement an integrated strategy for the administration of land, water and ecosystems that promotes conservation and sustainable use in a socially equitable way • take measures to preserve any endemic or endangered species or habitats that may be adversely affected • adopt planning, design and operating practices to minimise the possible environmental impacts resulting from its decisions • adopt sustainable agricultural, fishing, animal welfare and forestry practices • progressively use a greater proportion of products from suppliers using more sustainable 	<p>(including discharges) and/or activity on the environment, on land, coastal marine, rivers, lakes and water. Also imposes duty to present and future generations. Local authorities to develop policy statements and/or plans, including rules permitting, controlling or restricting activities.</p> <p>Conservation Act 1987 Establishes Department of Conservation to manage land and natural and historic resources, preserve indigenous and recreational freshwater fisheries and habitats for present and future generations.</p> <p>Reserves Act 1977 Provides for the establishment and management of reserves for public use and enjoyment on a range of bases, including recreational use, historic, scientific, nature (wildlife, indigenous flora or fauna), coastal area, etc.</p> <p>Forests Act 1949 Provides for establishment of forest sink covenants, sustainable forest management, particularly of indigenous forests.</p> <p>Hazardous Substances and New Organisms Act 1996 Aim is to protect the environment, ecosystems, water and air, by preventing or managing the introduction of hazardous substances and new organisms.</p>	<p>areas/waterways.</p> <p>RMA 1991 Minister for the Environment to hold local authorities to account; at 'individual' level. Environment Court has broad-ranging powers to change policy statements and plans, hear applications, resolve disputes, issue enforcement orders, etc. Enforcement through enforcement officers, enforcement orders abatement notices, infringement notices, and directions. Penalties for breaching consents, permits, notices, etc.</p> <p>Environment Act 1986 Parliamentary Commissioner for the Environment is charged with the maintaining and improving the quality of the environment and has the power to review the system of agencies and processes established by the government to manage the allocation, use and preservation of natural and physical resources and to investigate the effectiveness of environmental planning and environmental management carried out by public authorities, particularly where the environment has been adversely affected. The Commissioner may advise on an appropriate remedy.</p> <p>Forests Act 1949 Establishes offences and penalties for</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
		<p>technologies and processes</p> <ul style="list-style-type: none"> • avoid approaches that threaten the survival or lead to the global, regional or local extinction of (flora or fauna) species or that allow the distribution or proliferation of invasive species. 	<p>Biosecurity Act 1993 In order to prevent significant environmental or economic loss/effects or adverse effects on human health, the Act provides for the exclusion eradication and management of pests and unwanted organisms.</p> <p>Native Plant Protection Act 1934 Provides protection of native plants on public, and in some cases, private land.</p> <p>Wildlife Act 1953 Protects and controls wild animals and birds, declaring those to be protected or not protected. Provides for establishment of wildlife sanctuaries, refuges, management reserves.</p> <p>Fisheries Act 1996 Provides for sustainable fisheries management/yields.</p>	<p>illegal harvesting, particularly of indigenous forest.</p>

Fair operating practices

Principle: Behaving ethically is fundamental to establishing and sustaining legitimate and productive relationships between organisations and individuals.

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
6.6.3	<p>Anti-corruption</p> <p>Corruption is the abuse of entrusted power for private gain and can take many forms, including bribery or undeclared conflict of interest.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> • identify the risks of corruption and implement, apply and improve policies and practices that counter corruption • provide leadership, commitment and oversight in anti-corruption policies • support and train employees, agents and other organisations in their efforts to eradicate bribery and corruption • raise the awareness of employees and agents about corruption and how to avoid it • ensure that the remuneration of its employees and agents is for legitimate services • encourage employees and agents to report violations of the organisation's policies with mechanisms that enable reporting without fear of reprisal or dismissal from employment • bring violations of the criminal law to the attention of the relevant law enforcement authorities • encourage partnerships to adopt similar anti-corruption practices. 	<p>Protected Disclosures Act 2000</p> <p>Protects employees who make disclosures of information about serious wrongdoing in or by an organisation.</p> <p>Crown Entities Act 1986</p> <p>Sets out requirements for disclosing conflicts of interest, where another entity or person may benefit financially or otherwise from the involvement in the entity's performance of its function or powers or in an arrangement, agreement or contract made with or proposed by the entity.</p>	<p>Crimes Act 1986</p> <p>Officials, ministers, and members of Parliament can be convicted and imprisoned for accepting bribes or for corruptly agreeing to influence anyone by dint of his/her official capacity or to use or disclose official information for personal or pecuniary gain</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
6.6.4	<p>Responsible political involvement</p> <p>Organisations should avoid behaviour, such as manipulation, intimidation and coercion that can undermine the public political process.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> • train and raise the awareness of employees and agents about responsible political involvement and contributions and how to deal with conflicts of interest • be transparent regarding its activities related to lobbying, political contributions and political involvement • establish policies and guidelines to manage the activities of people retained to advocate on organisation's behalf • avoid political contributions that amount to an attempt to control policymakers in favour of cause • avoid lobbying activities that involve misinformation, misrepresentation, threat or compulsion. 	<p><i>New Zealand does not (yet) have detailed ethical requirements and legislation around lobbying behaviour.</i></p> <p>State Sector Act 1988</p> <p>Requires chief executive officers of Crown entities (eg NZTA) and public services (MoT) to ensure that 'all employees maintain proper standards of integrity, conduct, and concern for the public interest'. The State Services Commissioner may, and has, set minimum standards (eg the non-discrimination standard; standards of integrity and conduct) and agencies must adhere to them. Political neutrality and impartiality are two standards to be maintained. Implementation guidance and a range of resources are provided.</p>	<p>State Sector Act 1988</p> <p>Commissioner 'enforces' the standards it sets by investigating and identifying possible breaches and providing advice on compliance.</p>
6.6.5	<p>Fair competition</p> <p>Anti-competitive behaviour risks harming the reputation of an organisation with its stakeholders and may create legal problems.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> • conduct activities in a manner consistent with competition legislation and cooperate with competition authorities • establish procedures and other safeguards to prevent engaging in or being complicit in anti-competitive behaviour • promote employee awareness of the importance of compliance with 	<p>Commerce Act 1986</p> <p>Prohibits contracts or covenants that lessen, hinder, or prevent competition or contain exclusionary provisions</p> <p>LTMA 2003</p> <p>Provides for the establishment of procurement procedures that allow fair competition for the right to supply outputs required for approved activities and that encourage competitive and efficient markets for the supply of</p>	<p>Commerce Act 1986</p> <p>Establishes Commissioners to enforce provisions related to restrictive trade practices (ie reducing competition; price fixing) and sets out penalties for offences.</p> <p>LTMA 2003</p> <p>Secretary of Transport to monitor and review NZTA's application of its procurement procedures. NZTA can withhold, reduce or refuse payment if an</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
		<p>competition legislation and fair competition</p> <ul style="list-style-type: none"> • support public policies that encourage competition, including anti-trust and anti-dumping practices and local regulations • be mindful of the social context in which it operates and not take advantage of social conditions to achieve unfair competitive advantage. 	<p>outputs. NZTA must approve the procurement procedures (designed to obtain best value for money spent) by itself and other approved organisations.</p> <p>PTMA 2008</p> <p>In making regional public transport plans, a region must take into account the need to obtain the best value for money, having regard to the desirability of encouraging fair competition and a competitive and efficient market for public transport services (procurement procedures are established through LTMA 2003).</p>	<p>organisation is in breach of a procurement procedure.</p> <p>NZTA has the responsibility to issue guidelines for and monitor the development of regional public transport plans.</p>
6.6.6	<p>Promoting social responsibility in the value chain</p> <p>An organisation can influence other organisations through the exercise of its procurement and purchasing decisions and more broadly along the value chain, as well as through leadership and mentorship to promote broader-scale adoption and support of principles and practice of social responsibility.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> • incorporate ethical, social, environmental and gender equality criteria, including health and safety, in purchasing, distribution and contracting policies • encourage other organisations to adopt similar policies (without indulging in anti-competitive behaviour) • carry out appropriate investigations and monitoring of the organisations with which it has relationships, in order to prevent compromise of its commitments to social responsibility • consider providing support to small and medium-sized organisations and to organisations with which it has 	<p>LTMA 2003</p> <p>Requires the NZTA to set procurement procedures to obtain best value for money, to have regard to the desirability of competition and have regard to the purpose of the Act.</p>	<p>LTMA 2003</p> <p>Secretary of Transport to monitor and review NZTA's application of its procurement procedures. NZTA can withhold, reduce or refuse payment if an organisation is in breach of a procurement procedure.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
		<p>relationships, including assisting them with raising awareness on social responsibility issues, best practice and additional assistance where appropriate</p> <ul style="list-style-type: none"> actively participate in raising the awareness of organisations with which it has relationships about principles and issues of social responsibility promote fair and practical treatment of the costs and benefits of implementing socially responsible practices throughout the value chain. 		
6.6.7	<p>Respect for property rights Covers both physical and intellectual property rights including interest in land, and other physical assets, copyrights, patents, funds, moral rights, traditional knowledge (eg of indigenous populations) and other rights.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> implement policies and practices that promote respect for property rights and traditional knowledge conduct proper investigations to be confident it has lawful title permitting use or disposal of property not engage in activities that violate property rights pay fair compensation for property that it acquires or uses consider the interests of society, human rights and basic needs of the individual when exercising and protecting their intellectual and physical property rights. 	<p>Commerce Act 1986 Prohibits taking advantage of market power, practices lessening competition and price fixing <i>The following acts focus on obtaining and protecting a wide range of property rights in New Zealand. Offences and remedies/penalties are prescribed to address situations where persons or organisations fail to respect them.</i></p> <p>Companies Act 1993 Addresses company-held property of any kind.</p> <p>Land Transfer Act 1952 Establishes provisions and rights to do with transfer, holding or disposal of Crown or Māori land.</p>	<p>Commerce Act 1986 Establishes Commerce Commission, where some matters may be referred for resolution. Others may be taken to courts. Pecuniary penalties and offences prescribed.</p> <p>Crimes Act 1986 Asserts right of peaceful entry to own property. Identifies crimes against rights of property as offences with penalties.</p> <p>Property Law Act 2007 Provides for protection of property rights, rules of access/rights of way, mortgagee sales, and gives access to District Courts to resolve disputes.</p> <p>Copyright Act 1994 Defines primary and secondary</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>Patents Act 1953 Provides for the grant of exclusive rights to an inventor or their assignee for a limited period of time in exchange for a public disclosure of an invention (may be an item of manufacture, or method or a process to improve manufacturing).</p> <p>Copyright Act 1994 Covers a range of works (including printed matter, artistic work, films, sound recordings, etc). Does not protect ideas, only their expression or reproduction.</p> <p>Property Law Act 2007 Provides for the rights of people/ bodies holding or disposing of property, including land.</p> <p>Protection of Personal and Property Rights Act 1988 Protect and promote the personal and property rights of persons who are not fully able to manage their own affairs.</p>	<p>infringement and 'moral rights' of copyrights and copyright owners and provides remedies for offences/ infringements.</p>

Consumer issues

Principles: These are drawn from the eight consumer rights that underpin the *UN Guidelines for Consumer Protection*¹⁵, as well as four other principles drawn from other internationally agreed sources. Although the state has the primary responsibility for adhering to these principles, an organisation can contribute to their fulfilment. These principles recognise the rights to:

- 1 Satisfaction of basic needs – right to have access to basic essential products and services, adequate food, clothing, shelter, health care, education, water and sanitation.
- 2 Safety
- 3 Being informed
- 4 Making choices
- 5 Being heard
- 6 Redress
- 7 Consumer education
- 8 A healthy environment
- 9 Respect for the right to privacy
- 10 The precautionary approach
- 11 Promotion of gender equality and empowerment of women.
- 12 Promotion of universal design

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
6.7.3	<p>Fair marketing, factual and unbiased information and fair contractual practices</p> <p>Provide information about products and services in a manner that can be understood by consumers.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> • not engage in any practices that are deceptive misleading, fraudulent or unfair, including omission of critical information • consent to sharing relevant information in a transparent manner • clearly identify advertising and 	<p>Fair Trading Act 1986</p> <p>Prohibits misleading and deceptive conduct, false representation and unfair practices in relation to goods, services (including the transport of goods; construction and maintenance of any fixtures on land) and employment, to provide for the disclosure of consumer information relating to the supply of</p>	<p>Fair Trading Act 1986</p> <p>Through the Courts and dispute tribunals, depending on the offence. Various remedies provided.</p> <p>Consumer Guarantees Act 1993</p> <p>Provides rights of redress against suppliers and manufacturers with respect of any failures of goods or services to</p>

¹⁵ United Nations (UN) (1999) United Nations Guidelines for Consumer Protection, UN Doc. No.A/C.2/54/L.24.

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
		<p>marketing</p> <ul style="list-style-type: none"> openly disclose total prices and taxes, terms and conditions of the products and services substantiate claims or assertions by providing underlying facts and information not use text, audio, or images that perpetuate stereotyping, such as those relating to gender, religion, race and sexual orientation not unfairly target vulnerable groups provide complete information (in clear, simple language) on products or services, and where they can be purchased use contracts that provide fair contract terms and conditions and are written in simple, clear language. 	<p>goods and services and to promote product safety.</p> <p>Consumer Guarantees Act 1993 Provides guarantees to be given to consumers upon the supply of goods or services. Guarantees for goods include that goods are acceptable quality; fit for purpose; comply with description, comply with sample. Guarantees for supply of service include reasonable care and skill, fitness for particular purpose, time of completion, price.</p> <p>Land Transport Act 1998 Minister of Transport can set standards for the fixing and advertising of public transport fares</p>	<p>comply with any guarantees.</p> <p>Advertising Standards Authority (est 1988) An independent authority to self regulate advertising in New Zealand. Advertising codes of practice provide the rules by which all advertisements by all media should comply. Individuals can complain at no cost about any advertisement they think breaches the codes. If a complaint is upheld, the advertiser, agency and media are requested to withdraw the advertisement. NZTA has a member on the Complaints Board.</p>
6.7.4	<p>Protecting consumers' health and safety Provide products and services that are safe and that do not carry unacceptable risk of harm when used or consumed by consumers as directed or indicated, or when they are misused in a reasonably foreseeable way.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> provide products and services that are safe for users, their property, other persons and the environment where possible, provide products and services that are better than the minimum requirements withdraw and recall products that present an unforeseen hazard, or have a serious defect or contains misleading or false information 	<p>LTMA 2003 Specifically stipulates that NZTA, regional councils and Auckland Council have to contribute to 'protecting and promoting public health' and 'assisting safety and personal security', while their overall purpose is to 'contribute to the aim of achieving an affordable, integrated, <i>safe</i>, responsive, and sustainable land transport system' (italics added). Decision-making for the NLTP, RLTPs, RLTSs, road policing programme, and</p>	<p>LTMA 2003 Secretary of Transport to evaluate the performance of the land transport funding and planning system (being the responsibility of the NZTA) as well as the delivery of activities/ combinations of activities by the Police</p> <p>LTA 1998 Details a range of safety (and other) responsibilities of <i>participants</i> in the land transport system, including motor vehicle registration and licensing, driver</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
		<ul style="list-style-type: none"> • minimise risks in the design of products • avoid the use of harmful chemicals; where used, products should be clearly labelled • perform a human health risk assessment of products and services before the introduction of new materials, production methods or technologies • convey vital safety information to consumers • instruct consumers in the proper use of products and inform them of the risks • adopt measures that prevent products from becoming unsafe through improper handling or storage. 	<p>funding of approved activities must take into account the contribution to achieving the three aims/goals.</p> <p>This sets an obligation to provide products (roads and other infrastructure) and services (public transport) that are safe when used, and/or to inform consumers about the inherent risks in their use. With respect to the latter, In addition to engineering and enforcement of safety, NZTA approves and funds activities to encourage and educate transport network users.</p> <p>Land Transport Act 1998</p> <p>The Minister of Transport has the function to promote safety in land transport, and to contribute to an integrated, safe, responsive, and sustainable transport system. The Ministry of Transport, with the Minister, developed a road safety strategy, <i>Safer journeys</i>, to guide improvements in road safety over the period 2010–2020, with the goal of a ‘safe road system increasingly free of death and serious injury’.</p> <p><i>The following statutes ensure that health and safety requirements are met for other consumer goods and services:</i></p> <p>Consumer Guarantees Act 1993</p> <p>Requires products to be fit for purpose</p>	<p>and transport service licensing requirements, behaviour (drivers not to be reckless, inconsiderate, drunk, drugged, dangerous, etc; vehicles not to be overloaded or driven at excessive speeds, to have valid fitness warrants/certificates, etc). The Act defines a range of offences and penalties.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>and services to be provided with reasonable care and skill</p> <p>Fair Trading Act 1986 Provides for the setting of safety standards for products and services (including the transportation of goods).</p> <p>Hazardous Substance and New Organisms Act 1996 Provides structure for minimising the risk/maximising safety associated with transport, storage, use of hazardous substances.</p>	
6.7.5	<p>Sustainable consumption Consumption of products and resources at rates consistent with sustainable development.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> offer products and services that operate as efficiently as possible, considering the full life cycle eliminate or minimise any negative health and environmental impacts of products and services, such as noise and waste design products and packaging so they can be easily reused, repaired or recycled if possible, offer or suggest recycling and disposal services provide consumers and customers with traceable information about all aspects, including the environmental and social factors, of products and services. 	<p>LTMA 2003 Specifically stipulates that NZTA, regional councils and Auckland Council have to contribute to 'ensuring environmental sustainability' and 'protecting and promoting public health' and take into account 'national energy efficiency and conservation strategy', while their overall purpose is to 'contribute to the aim of achieving an affordable, integrated, safe, responsive, and <i>sustainable</i> land transport system' (italics added). Decision making for the NLTP, RLTPs, RLTSs, road policing programme, and funding of approved activities must take into account the contribution to these aims and strategies.</p> <p>Land Transport Act 1998 The Minister of Transport has the function to contribute to an integrated, safe,</p>	<p>LTMA 2003 NZTA responsible to ensure processes are adhered to for RLTS and RLTP. Secretary of Transport to monitor and review specified activities and procedures to evaluate the performance and functioning of the land transport funding and planning system (ie NZTA's performance)</p> <p>Waste Minimisation Act 2008 Government can declare priority products for which product stewardship schemes are required and has tools to enforce adherence to such schemes.</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
			<p>responsive and sustainable transport system. Sets out rule setting provisions for vehicles (eg Land Transport Rule: Vehicle Exhaust Emissions 2007 establishes progressively tougher emissions standards designed to encourage more fuel efficient vehicles into New Zealand's fleet and to ensure existing vehicles are maintained to suitable standard).</p> <p>Waste Minimisation Act 2008 Encourage waste minimisation and decrease waste disposal to protect environment and provide benefits – Minister for the Environment can declare 'priority products'; establish product stewardship schemes; establishes 'waste levy' for disposal of waste (to encourage reduced use and recycling) and to raise revenue for waste minimisation for local authorities; requires local authorities to make waste management and minimisation plans.</p>	
		<ul style="list-style-type: none"> • make use of eco-label schemes and/or other benchmarks to communicate the environmental and social qualities of products and services. 	<p>Energy Efficiency and Conservation Act 2000 Energy Conservation and Efficiency Authority (EECA) to encourage, support and promote energy efficiency, conservation and renewable energy use. Government may make regulations for minimum energy performance standards; energy labelling (as it has done for vehicles) in terms of their energy efficiency.</p>	<p>Energy Efficiency and Conservation Act 2000 Provides for the Minister to set offences and fines for non-compliance with labelling (and other) requirements</p>

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
6.7.6	<p>Consumer service, support, complaint and dispute resolution</p> <p>The mechanisms an organisation uses to address the needs of consumers after products and services are bought or provided.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> • take measures to prevent complaints by offering consumers option to return products within a specific time period, and/or to obtain other appropriate remedies • review complaints and improve practices in response to these complaints • if appropriate, offer warranties that exceed periods guaranteed by law and suitable to expected product life • clearly communicate to consumers how they can access after-supply services • offer adequate and efficient support and advice • offer maintenance and repair at a reasonable price, make information readily accessible • make use of alternative dispute resolution – conflict resolution and redress procedures that are based on national or international standards free of charge, or minimal cost to consumers and do not require consumers to waive their rights to seek legal recourse. 	<p><i>Consumer service and support in this context (retail products) is not relevant to the transport sector.</i></p>	

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
6.7.7.	<p>Consumer data protection and privacy</p> <p>Safeguard consumers' rights of privacy by limiting types of information that are gathered and the ways in which such information is obtained, used and protected.</p>	<p>Organisations should:</p> <ul style="list-style-type: none"> • limit the collection of personal data to information that is essential or provided with informed and voluntary consent by the consumer • only obtain data by lawful and fair means • specify the purpose for which personal data are collected • not disclose, make available or otherwise use personal data for purposes other than those specified, except with the informed and voluntary consent of the consumer or when required by the law • provide consumers with the right to verify whether the organization has data relating to them and to challenge these data • protect personal data by adequate security safeguards • disclose identity and location of person accountable for data protection. 	<p>Land Transport Act 1998</p> <p>NZTA to maintain national registers of all driver licences and transport service licences, both with specified information. Establishes the motor vehicle register and places restrictions or conditions on the release of names and addresses. Access to photographs (on driver licences) is very controlled. Access to other information is limited to that which will not identify the individual who holds a given licence.</p> <p>Transport (Vehicle And Driver Registration and Licensing) Act 1986</p> <p>Specifies the information to be collected to register or license a vehicle</p> <p>Privacy Act 1993</p> <p>Promotes and protects individual privacy. Specifies principles for collection, use and disclosure of individual's information and access by individuals to such information.</p>	<p>Privacy Act 1993</p> <p>Establishes Privacy Commissioner and process to investigate (and redress) complaints about interference with personal privacy.</p>
6.7.8	<p>Access to essential services</p> <p>In most instances, the state is responsible for ensuring that the right to satisfaction of basic needs is respected, Essential services include electricity, gas, water, waste water services, drainage, sewage and communication.</p>	<p>An organisation can contribute to this right (as appropriate).</p>	<p><i>Not relevant to transport sector (well addressed in New Zealand legislation)</i></p>	

Para #	Issues	Related actions	New Zealand regulations/statutes/frameworks	Accountability structure
6.7.9	<p>Education and awareness</p> <p>Such initiatives enable consumers to be well informed, conscious of their rights and responsibilities, more likely to make knowledgeable purchasing decisions and consume responsibly.</p>	<p>Educating consumers should address:</p> <ul style="list-style-type: none"> • health and safety, including product hazards • information on appropriate laws and regulations, ways of obtaining redress, agencies and organisations for consumer protection • product and service labelling and information provided in manuals and instructions • information on weights and measures, prices, quality, credit conditions and availability of essential services • financial and investment products and services • environmental protection • efficient use of materials energy and water • sustainable consumption • proper disposal of wrapping, waste and products. 	<p><i>In the context of transport, consumer 'purchasing decisions' include such as choosing between travel methods (eg walking, driving, public transport, not travelling at all) dependent on the circumstances or situation; or choosing between different vehicles in purchasing</i></p> <p>LTMA 2003 - Refer to para 6.7.4 – protecting consumer health and safety for requirements.</p> <p>Energy Efficiency and Conservation Act 2000 Energy Conservation and Efficiency Authority (EECA) to encourage, support and promote energy efficiency, conservation and renewable energy use. Government may make regulations for minimum energy performance standards; energy labelling (as it has done for vehicles) in terms of their energy efficiency.</p>	<p>Consumer Guarantees Act 1993</p> <p>Provides for redress where purchased products do not comply with their description or sample, are not fit for purpose, and where services are not performed with reasonable care and skill, on time, or are not fit for purpose.</p>

Community involvement and development

Principle: An organisation’s community involvement should arise out of recognition that the organisation is a stakeholder and integral member in the community having significant common interests with all members of the community, hence recognising the value of working in partnership, supporting the exchange of experiences, resources and efforts. Where possible, an organisation should consider contributing to community development through an organisation’s core activities, for example, engaging the community at the planning stage before building as an access to identify how the plan could be modified to also meet the needs of the community.

Para #	Issues	Related actions	New Zealand regulation/statutes/framework	Accountability structures
6.8.3	<p>Community involvement</p> <p>Community involvement is an organisation's proactive outreach to the community. It helps organisations to familiarise themselves with community needs and priorities, to foster partnerships, and be a good organisational citizen of the community</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> consult representative community groups (including marginalised, unrepresented and underrepresented groups) in determining priorities for social investment¹⁶ and community development activities participate in local associations, as appropriate encourage and support people to be volunteers for community service. 	<p>While not specifically addressing an organisation’s ‘proactive’ outreach to the community or its social investment.</p> <p>LTMA 2003</p> <p>Identifies who should be consulted with in community development activities (ie transport networks and programmes).</p> <p>LGA 2002</p> <p>Outlines the role of local authority in community development and establishes the requirement to seek community views or preferences with respect to any of its decisions. It also prescribes the consultation principles and procedures which fulfil on the obligation to consult under this Act and the LTMA 2003.</p>	<p>LTMA 2003</p> <p>NZTA is to be represented on regional transport committees.</p> <p>LGA 2002</p> <p>Legal proceedings can be taken against a local authority and the Minister has power to review if local authority deemed to be not performing.</p>
		<ul style="list-style-type: none"> maintain transparent relationships with local government officials and political representatives. 	<p><i>Transparency is discussed in para 4.3.</i></p>	

¹⁶ Social investment refers to the investment in infrastructure and other programmes aimed at improving social aspects of community life. In the case of land transport this will include, *inter alia*, roading, cycle lanes/paths; public transport infrastructure and services; travel demand management programmes; road safety education; and so on.

Para #	Issues	Related actions	New Zealand regulation/statutes/framework	Accountability structures
		<ul style="list-style-type: none"> contribute to policy formulation and the establishment, implementation, monitoring and evaluation of development programmes. 	<p>LGA 2002 Stipulates the preparation of a long-term council community plan and annual plans (of which transport is one component) in consultation with its community/stakeholders. The plan is to contribute to the four community well-beings (economic, social, cultural and environmental). Community and Māori participation and consultation requirements are set out.</p> <p>LTMA 2003 RLTSs and RLTPs, etc are developed with specific consultation processes, including taking into account the needs of the transport disadvantaged. The Act requires regional councils to monitor the implementation of RLTSs and RLTPs.</p>	<p>LGA 2002 Specifies that an annual report must be prepared to compare actual activities and performance with intended activities and performance</p> <p>LTMA 2003 NZTA responsible to ensure processes are adhered to for RLTS and RLTP. Secretary of Transport to monitor and review specified activities and procedures to evaluate the performance and functioning of the land transport funding and planning system (ie NZTA's performance).</p>
6.8.4	<p>Education and culture Education and culture are the basis for social and economic development and an aspect of community identity.</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> promote opportunities for education at all levels, particularly for vulnerable groups, such as children consider facilitating human rights education and awareness raising 	<p><i>Promotion of education is outside the purview of the land transport sector</i> <i>The role of NZTA, local authorities, Police and approved organisations in education about 'product' or 'service' use (eg road safety education, driver education, travel choices, fuel efficiency) is discussed in para 6.7.9.</i></p>	
	<p>Preservation of culture has a positive impact on social cohesion and development.</p>	<ul style="list-style-type: none"> help conserve and protect cultural heritage promote the use of the knowledge systems of indigenous and traditional communities. 	<p><i>Preservation of culture is largely outside the purview of the land transport sector, apart from protection of special heritage or cultural sites during network/facility construction.</i></p>	<p>RMA 1991 Enforcement through enforcement officers and Environmental Court</p>

Para #	Issues	Related actions	New Zealand regulation/statutes/framework	Accountability structures
			<p>RMA 1991 Managing use and development of natural and physical resources to recognise and provide for Māori and historic heritage and protect recognised customary activities.</p>	
6.8.5	<p>Employment creation and skills development By creating employment, all organisations, both large and small, can make an important contribution to reducing poverty and promoting economic development.</p>	<p>Organisations should consider:</p> <ul style="list-style-type: none"> • the impact of their investment decisions on employment creation • the impact of technology choice on employment • participating in local and national skills development programmes • helping to develop such programmes in partnership with others in the community, if there are no existing skills development programmes in the community • giving special attention to vulnerable groups with regard to employment and capacity building • helping to promote the framework conditions necessary to create employment 	<p>Modern Apprenticeship Training Act 2000 Provides for young people to work in the industry while undertaking the training in the skills of the industry. Modern apprenticeships are offered in building construction and roading (road construction and maintenance and road industry administration).</p> <p>Industry Training Act 1992 Provides for the 'recognition' and funding of organisations setting skill standards for, and administering the delivery of, industry-based training. The government may impose a training levy on the members of an industry, payable to an industry training organisation, if there is sufficient support for the imposition of that levy following a ballot of those members.</p>	
		<ul style="list-style-type: none"> • the impact of outsourcing on employment creation (ie give preference to local suppliers of products and services). 	<p><i>Refer para 6.8.7.</i></p>	

Para #	Issues	Related actions	New Zealand regulation/statutes/framework	Accountability structures
6.8.6	<p>Technology development and access Organisations can contribute to the development of the communities in which they operate by applying specialised knowledge, skills and technology in such a way as to promote human resource development and technology diffusion.</p>	<p>An organisation should consider:</p> <ul style="list-style-type: none"> • contributing to the development of innovative technologies that can help solve social and environmental issues in local communities • contributing to development of low-cost technologies that are easily replicable and have a high positive impact on poverty and hunger eradication • where economically feasible, developing potential local and traditional knowledge and technologies • engaging in partnerships with local organisations to enhance scientific and technological development with partners from the local community • adopting practices that allow technology transfer and diffusion, where economically feasible. 	<p>LTMA 2003 Specifies one function of the NZTA as ‘to deliver or manage the delivery of its other activities and combinations of activities, including (but not limited to) those relating to research, education, training, and coastal shipping’.</p>	
6.8.7	<p>Wealth and income creation Organisations can help to create an environment in which entrepreneurship (eg competitive and diverse enterprises) can thrive, bringing lasting benefits to communities and reducing poverty.</p>	<p>An organisation should consider:</p> <ul style="list-style-type: none"> • the economic and social impact of entering or leaving a community • supporting appropriate initiatives to stimulate diversification of existing economic activity in the community • contributing to partnerships and programmes that assist vulnerable community members to establish 	<p>LTMA 2003 Requires the Minister of Transport to issue a land transport funding government policy statement every three years to guide the NZTA and land transport sector on the outcomes and objectives, and the short- to medium-term impacts, that the government wants to achieve through the NLTP and from the allocation of the NLTP. The current</p>	

Para #	Issues	Related actions	New Zealand regulation/statutes/framework	Accountability structures
		<p>businesses and co-operatives</p> <ul style="list-style-type: none"> • encouraging the efficient use of available resources • appropriate ways to help in the development of community-based associations of entrepreneurs • supporting organisations and persons that bring needed products and services to the community • fulfilling its tax responsibilities and providing authorities with the necessary information to correctly determine taxes due • contributing to superannuation and pensions for employees. 	<p>GPS (released in May 2009) sets a relevant impact to be achieved by the activities of the NZTA (and, <i>ipso facto</i>, local authorities): 'Better access to markets, employment and areas that contribute to economic growth'.</p> <p>In addition, specifically stipulates that NZTA, regional councils and ARTA have to contribute to 'assisting economic development'. Decision making for the NLTP, RLTPs, RLTSs, road policing programme, and funding of approved activities must take into account the contribution to achieving this aim.</p> <p>LGA 2002</p> <p>Local government promotes the social, economic, environmental and cultural well-being of communities in the present and for the future. Local authorities are to consider the impact of every decision on these four well-beings. In making decisions relating to a matter, local authorities must give consideration to the views and preferences of persons affected by the decision at the design and planning stages of the project.</p> <p>RMA 1991</p> <p>Manage the use, development and protection of natural and physical resources to enable people and communities to provide for their social, economic, and cultural well-being and for</p>	

Para #	Issues	Related actions	New Zealand regulation/statutes/framework	Accountability structures
			their health and safety while, <i>inter alia</i> , safeguarding the life-supporting capacity of air, water, soil and ecosystems.	
	Associated procurement practices	<ul style="list-style-type: none"> giving preference to, and strengthening the ability of, local suppliers of products and services and contributing to local supplier development where possible and practicable appropriate ways to make procurement opportunities more easily accessible to community organisations assisting organisations to operate within the appropriate legal framework. 	LTMA 2003 Requires NZTA to set procurement procedures to obtain best value for money; to have regard to the desirability of competition; and have regard to the purpose of the Act.	LTMA 2003 Secretary of Transport to monitor and review NZTA's application of its procurement procedures. NZTA can withhold, reduce or refuse payment if an organisation is in breach of a procurement procedure.
6.8.8.	Health Organisations should respect the right to health and contribute, within their means, to the promotion of health, to preventing health threats and disease, and mitigating any damage to the community. They should also contribute where possible to improve access to health services.	An organisation should consider: <ul style="list-style-type: none"> promoting good health (eg encouraging healthy lifestyles) raising awareness of health threats and major diseases and their prevention (eg heart disease, obesity) 	LTMA 2003 Requires the Minister of Transport to issue a land transport funding government policy statement every three years to guide the NZTA and land transport sector on the outcomes and objectives, and the short- to medium-term impacts, that the government wants to achieve through the NLTP and from the allocation of the national land transport fund. The current GPS (2011) sets a relevant impact to be achieved by the activities of the NZTA (and, <i>ipso facto</i> , local authorities): 'Contributions to positive health outcomes'. In addition, specifically stipulates that	LTMA 2003 NZTA responsible for ensuring processes are adhered to for RLTS and RLTP. Secretary of Transport to monitor and review specified activities and procedures to evaluate the performance and functioning of the land transport funding and planning system (ie NZTA's performance).

Para #	Issues	Related actions	New Zealand regulation/statutes/framework	Accountability structures
			<p>NZTA, regional councils and Auckland Council have to contribute to 'protecting and promoting public health'). Decision making for the NLTP, RLTPs, RLTSs, road policing programme, and funding of approved activities must take into account the contribution to achieving this aim.</p>	
		<ul style="list-style-type: none"> supporting access to essential health care services and to clean water and appropriate sanitation as a means of preventing illness. 	<p>LTMA 2003 In implementing the requirement that strategies, programmes and activities contribute to protecting and promoting public health, the NZTA has established the 'community transport fund' that will provide funding assistance to 'improve access and mobility for the communities economic well being, where the direct and indirect costs of transport are restricting access and mobility for these communities'.</p> <p>NZ Public Health and Disability Act Establishes personal health services, public health services, disability support services, publicly owned health and disability organisations (particularly district health boards) to, <i>inter alia</i>, facilitate access to appropriate, effective, and timely health services, public health services and programmes. However, access appears to be defined terms of availability of services, as opposed to spatial accessibility of services.</p>	

Para #	Issues	Related actions	New Zealand regulation/statutes/framework	Accountability structures
			<p>Health Act 1956 Refers to access in the context of accessing information.</p>	
		<ul style="list-style-type: none"> seeking to minimise or eliminate the negative health impacts of any production processes, products or services provided by the organisation. 	<p>RMA 1991 Manage the use, development and protection of natural and physical resources to enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety while, <i>inter alia</i>, safeguarding the life-supporting capacity of air, water, soil, and ecosystems.</p> <p>Health and Safety in Employment Act 1992 Employers to take all practicable steps to ensure a safe and healthy workplace for employees and by eliminating or minimising significant hazards and minimising harm to employees' health (refer to para 6.4.6 for more detail).</p>	<p>RMA 1991 Resource consents/permits required for specific activities. Potential for enforcement orders/abatement notices, Environment Court hearings, etc.</p> <p>Health and Safety in Employment Act 1992 Sets out role of inspectors and departmental medical practitioners who can investigate compliance and other possible offences, and issue penalties/fines and notices.</p>
6.8.9	<p>Social investment Social investment takes place when organisations invest their resources initiatives and programmes aimed at improving social aspects of community life. Types of social investments may include projects related to education, training, culture, health care, income generation, infrastructure development, improving access to information or any other activity likely to promote economic</p>	<p>An organisation should:</p> <ul style="list-style-type: none"> encourage community involvement in the design and implementation of projects take into account the promotion of community development in planning social investment projects avoid actions that perpetuate a community's dependence on the organisation's philanthropic activities 	<p>LGA 2002 Local government promotes the social, economic, environmental and cultural well-being of communities in the present and for the future (in other words, part of their responsibility is to invest in improving social aspects of community life). Local authorities are to consider the impact of every decision on these four well-beings. In making decisions, local authorities must give consideration to the</p>	<p>LGA 2002 Requirement for annual report of actual activities and performance compared with proposed activities and performance, including financial statement. Annual report to be audited</p> <p>LTMA 2003 NZTA responsible to ensure processes are adhered to for RLTS and RLTP. Secretary of Transport to monitor and review specified activities and</p>

Para #	Issues	Related actions	New Zealand regulation/statutes/framework	Accountability structures
	or social development.	<ul style="list-style-type: none"> • assess existing community-related initiatives, and identify where improvements might be made • consider partnering with other organisations to maximise synergies and make use of complementary resources, knowledge and skills • consider contributing to programmes that provide access to food and other essential products for vulnerable or discriminated groups and those on low incomes. 	<p>views and preferences of persons affected by the decision at the design and planning stages of the project.</p> <p>LTMA 2003 Purpose of the Act is to contribute to the aim of achieving an affordable, integrated, safe, responsive and sustainable land transport system, including by improving social and environmental responsibility in land transport funding, planning and management. In addition, the NZTA, the Secretary of Transport, local authorities and approved public organisations must consider the needs of people who are transport disadvantaged when preparing the NLTP, RLTPs, and the road policing programme under the Act.</p> <p>RMA 1991 Manages the use, development, and protection of natural and physical resources in a way, or at a rate, which allows people and communities to provide for their social, economic, and cultural well-being and for their health and safety. Local authorities to develop policy statements and/or plans, including rules permitting, controlling or restricting activities.</p>	<p>procedures to evaluate the performance and functioning of the land transport funding and planning system (ie NZTA's performance)</p> <p>RMA 1991 Policy statements and plans to be regularly reviewed; policy statements and plans are to be publicly notified, so that individuals can make comments and submissions on it. Appeals on decisions to Environment Court (which has power to require changes to policy statements and plans as well as to resource consents, permits, etc).</p>

