



NZ Government Ministers make announcement regarding RBP Programme by N Z Trade & Enterprise \$5000 subsidy for approved clients

Economic Development Minister, Steven Joyce and the Minister for Small Business, Craig Foss announced that the Government has committed to a further five and a half years of support for small businesses through the Regional Business Partner programme.

Since 2011 almost 10,000 small to medium-sized businesses all over New Zealand have benefited from the programme

A key change in the programme is a partnership with Business Mentors New Zealand to make its full suite of services available through the Regional Business Partner programme.

Farm safety plans are required by law

Farm manager awarded \$50,000 after quad bike incident 14 December 2015. A farm manager has been awarded reparations of \$50,000 after a 2012 quad bike crash at work. His employers were fined \$20,000 for failing to keep him safe at work.

The farm manager broke his neck and sustained permanent brain damage when his quad bike hit a large tree while he was rounding up his dogs. He was not wearing a helmet, although one had been purchased for the farm. He was in an induced coma for two weeks.

The farm owners, Karen Anne McLanachan and Kenneth Rae McLanachan, were sentenced today in the Gisborne District Court under the Health and Safety in Employment Act for failing to take all practicable steps to ensure the safety of their employee.

The sentencing judge, Judge Collin, said the McLanachan's key failure was not having hazard identification or controls in place. He stated that it was "as obvious as night follows day" that **had the defendants had a health and safety plan in place**, then it would have followed that there would have been a clear direction that no one was to get on the quad bike without a helmet. A 2014 investigation by WorkSafe health and safety inspectors could not determine why the bike collided with the tree.

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**News & views from Summit
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Hazard identification & analysis is NOT Risk Management

On many occasions we have scorned the approach of making a list of things that exist at a worksite or factory and then go to the next stage to examine their importance as to whether they need to be considered for elimination, isolation or minimisation. This is followed by working out the control or controls that may be required as decided by the analyst.

The above approach is considered to be correct by many officials and so called safety experts. The problem is that it does not take into account the wider issues or the range of operations, or worse still, the global impact of what is happening.

For example you may say that it is essential to list hazards in relationship to tools such as spanners, percussion drivers, grinders, hammers etc as they could cause a serious harm if not used in the correct manner at a tyre changing workshop. There must be analysis of their importance and whether to eliminate, isolate or minimise. Then to decide on the control or controls.

The problem with the above approach is that it does not evaluate the potential for imminent dangers, accidents, explosion or catastrophe that could happen. This is not just about the use of tools and what could happen with misuse. We need to think about the wider issues in relationship to tyres and tyre changing, then the safety of the vehicle on the road.

It is obviously important to see that the correct quality of tyre is selected for the job. Yet there is more to it than that. The tyre must be the correct type and must be properly balanced. Yet there is more than that. The wheel must be correctly aligned. But even that is not enough. The tyre must be considered in relationship to the other tyres. There must be road testing by a qualified driver to see that the bearings and brakes of the vehicle are not failing and that the vehicle travels at speed in a safe, reliable and predictable manner.

Yet there is still more to it than that. The driver must be suitably experienced as to be able to detect inadequacies where the road conditions change or where there is rain or where there is a need to corner fast or stop suddenly. So when you think about tools to change tyres, it involves a) the tool, b) the tyre type and quality etc, c) the alignment and balance, d) the relationship of other tyres, d) road testing and e) the knowledge of the driver.

The next time that you change tyres you may need to pause and think of the implications:

- (i) Is the work carried out by a novice with an NZQA certificate or a seasoned professional?
- (ii) How many of the elements of the whole of the process are faithfully completed?
- (iii) Is there checking of the work by another person – for example wheel nuts?
- (iv) Is there advice on brakes, bearings, or steering gear wear and tear?
- (v) Is there report on the other tyres and how long they will be okay?
- (vi) Is there road testing to check and confirm safety of the tyres?
- (vii) Finally, how skilled and how experienced is the driver?

2.

Fine after fall during high ropes course

16 December 2015 The operator of the Tui Ridge Park near Rotorua (Seventh-day Adventist Church Property Trustee (NZ) Ltd) has been fined \$46,000 and ordered to pay reparation of \$40,000 to a woman who fell while taking part in a high ropes course. The woman was at the park as part of a team building event Nov 2014. One activity involved crossing a 'high beam' while attached to a harness, rope and belay system. Once she had crossed the ten-metre high beam the belay system was used to lower her to the ground.

The belay was operated by two of her colleagues, who had received instruction from park staff in its use. She had safely descended approximately 7 metres when the first belayer lost control and appears to have pulled the wrong lever – causing the victim to fall the final 3 metres rapidly to the ground. The secondary belayer was concentrating on trying to keep the first belayer on the ground (as she was having difficulty keeping grounded) and may have dropped the rope.

The victim suffered serious injuries including spinal fractures and spinal cord injury. A WorkSafe New Zealand investigation found that the ropes and structure were in good working order but the level of instructor qualification and supervision was not in line with industry good practice or the company's own Code of Practice.

Seventh-day Adventist Church Property Trustee (NZ) was found guilty on one charge of failing to take all practicable steps to keep a paying customer safe at a place of work, under sections 16(2)(b)(i) and 50(1)(a) of the Health and Safety in Employment Act.



Remember to contact us regarding all serious accidents

We again remind clients that they should not have discussions with MBIE DoL Officials unless they wish to expose their PCBU or Business to severe prosecutions. It is common for a manager to tell us "The DoL guy was really nice to talk to, he really understood our problems, we had a very friendly conversation for 30 minutes". What the client did not know was that the conversation was recorded, was also handed to an inspector for a site visit.

6 things that MBIE DoL are likely to ask for if prosecuting

1. evidence of the training of the injured worker and training records
 2. evidence of supervision of the worker and the qualifications of the supervisor
 3. evidence of a management system for HSE and for HR
 4. evidence of site audits and recent records of site audits
 5. evidence of job task analysis or safe operating procedures
 6. evidence of induction of the employee and relevant experience
- If you don't believe that the above items are important, be ignorant at your own peril.

3.

Farewell / thanks to Basic Bruce

Bruce Cowan is leaving our ranks to retire for the second and final time. Bruce has been with us for over 20 years and has belonged to the band of 5 with over 20 years of service. The famous five are- Warren Brixton of Christchurch
John McLeay of Auckland
Kevin Bracewell of Whangarei
Bruce Cowan of Wanganui / Wellington
George Carson Head Office
We also wish to acknowledge others that have put in 5-10 years of valued service.



The Quad Story continues – comments from Jim Nieman

Amongst all features in this case one not raised but should be one of the learning's is this. Kick the quad! Having done an approved quad bike safety training course in 2011, I became reconfirmed in my belief that quad bikes, by their very design and operating manner are quirky and potentially dangerous vehicles. They have become the farm hack of choice and are used in a wide range of ag work situations, many very demanding on both the machine and the operator. After being involved in many DoL/OSH investigations of Quad accidents I have become firmly of the belief that even with the benefit of the accepted Quad Bike training courses, riding well maintained machines, wearing of proper clothing and approved safety helmets, etc, quads are going to catch out even experienced operators at some point in their farm careers. The results speak for themselves.

So here is one solution now being taken up by farmers for a variety of reasons. Ditch the Quad's in favour of a side by side vehicles with ROPS, seatbelts and a wider track. These also have a more sophisticated drive mechanism that does not require the quads 'active riding' position when negotiating tight turns. In some cases machines such as the Kawasaki Mule and other similar machines cost only a little bit more than the more expensive quads, but they are much safer, more operator friendly and can perform a greater variety of tasks. There are even rebuilt Suzuki Jimmy 4wd's/utes that cost only a few hundred \$ more than a quad and they have heaters as well. The purchase and use of such vehicles instead of a quad, therefore, becomes a practicable step under the current HSE legislation. Clearly, it will minimise the hazards associated with quad bikes and their use and should be a factor for serious consideration when farmers, ag contractors and employees are reviewing the vehicle related (significant) hazards identified in their farm safety plans.

For people who have kicked the quad habit it does not mean they need not bother with the use of PPE or signing up for approved training courses. All farm vehicles can be and are hazardous to some degree, so appropriate training (in this case more in line-with 4wd training will need to be considered, along with agreement on suitable PPE related to operating conditions. There is also the need to keep up supervision and maintenance, etc. That even applies to the use of horses.

A man has died after falling from a farm bike near Gisborne 23 October 2015.

A man is dead and a teenager injured after their farm bike rolled down a bank on a property at Rere, near Gisborne. The ECT Rescue Helicopter and police attended the scene on a farm off Pehiri Road about 3.30pm on Friday. Police said the driver and passenger, both male farm workers, were sitting next to each other on the 4x4 ATV when it went off a farm track and rolled 15 to 20 metres down a bank. The 25-year-old driver died at the scene. The 17-year-old passenger suffered leg and shoulder injuries and was airlifted to Gisborne Hospital. A coronial investigation is launched.