



Submission to
Transport and Industrial Relations Committee
on the
Maritime Transport Amendment Bill

Date: 01 Feb 2017

TOURISM INDUSTRY AOTEAROA

Level 4, 79 Boulcott Street, PO Box 1697, Wellington 6140, New Zealand
P +64 4 499 0104 www.tia.org.nz E info@tia.org.nz

Tourism Industry Aotearoa (TIA) welcomes the opportunity to comment on **the drug and alcohol testing amendments** in the Maritime Transport Amendment Bill.

EXECUTIVE SUMMARY

1. Visitor safety is a critical factor in ensuring a positive visitor experience. The reputation of New Zealand as a safe tourism destination has the potential to be severely impacted when fatal accidents occur.
2. TIA is taking an active role in helping to strengthen safety across the tourism sector.
3. Our research indicates that many tourism operators in the maritime sector already have safety management plans in place that include Drug and Alcohol Management Plans.
4. A 'blanket' regulatory approach to managing risk across the maritime sector is not appropriate. There is not a one-size-fits-all solution to managing drug and alcohol matters in the workplace. Tourism businesses have different risk profiles depending on the nature of their activities and workforce. Operators must be able to develop a Drug and Alcohol Management Plan that fits their risk profile.
5. We do support the requirement that maritime operators have a Drug and Alcohol Management Plan. However, we do not agree that all operators need to carry out mandatory random drug and alcohol testing of workers who do safety sensitive work.
6. It is important that government regulation, especially on health and safety issues, is consistent in both its design and application. There are aspects of the proposed drug and alcohol testing amendments in the Maritime Transport Amendment Bill which are not consistent with the provisions of the Adventure Activity regulations.

RECOMMENDATIONS


7. We recommend that Maritime New Zealand requires operators to adopt the risk based approach taken under the Adventure Activity Regulations and outlined in the [MBIE guidance document on managing drug and alcohol related risks in adventure activities](#).
8. We recommend that Maritime New Zealand specify the testable drugs that need to be tested for under the Drug and Alcohol Management Plan and set the permissible levels of alcohol or testable drugs. It is unreasonable to expect the operators to set these standards.

INTRODUCTION

9. Tourism Industry Aotearoa (TIA) is the peak body for the tourism industry in New Zealand. With over 1,500 members, TIA represents a range of tourism-related

TOURISM INDUSTRY AOTEAROA

Level 4, 79 Boulcott Street, PO Box 1697, Wellington 6140, New Zealand
P +64 4 499 0104 www.tia.org.nz E info@tia.org.nz



activities including hospitality, accommodation, adventure and activities, attractions and retail, airports and airlines, as well as related tourism services.

10. The primary role of TIA is to be the voice of the tourism industry. This includes working for members on advocacy, policy, communication, events, membership and business capability. The team is based in Wellington and is led by Chief Executive, Chris Roberts.
11. Any enquiries relating to this paper should in the first instance be referred to Nienke van Dijken, TIA Policy Analyst at nienke.vandijken@tia.org.nz or by phone on 04 494 1842.

COMMENT

Tourism 2025


12. Tourism 2025 (www.tourism2025.org.nz), an industry-led, government supported economic growth framework was launched in New Zealand in 2014 and has set an aspirational goal of reaching \$41 billion in annual tourism revenues by 2025. The industry's focus is on growing value faster than volume.
13. The Tourism 2025 framework is based around five key themes which are Insight, Connectivity, Productivity, Visitor Experience and Target for Value.
14. This framework has recently been reviewed ([Tourism 2025-two years on](#)). While the five themes of the framework remain unchanged, the emphasis in some focus areas has shifted. The safety of visitors remains a key part of the Visitor Experience theme.

Our understanding of the issue

15. TIA understands that the Maritime Transport Amendment Bill aims to make miscellaneous amendments to the Maritime Transport Act 1994. TIA's submission will focus on the **drug and alcohol testing amendments** in the Maritime Transport Amendment Bill.
16. We understand that the proposed amendments aim to establish measures to more effectively manage the risks associated with alcohol and drug use in the commercial maritime sector.
17. These measures:
 - Require commercial maritime operators to have Drug and Alcohol Management Plans to manage the risks associated with drug and alcohol use;
 - Require the management plans to provide for random drug and alcohol testing of staff carrying out safety sensitive activities;

TOURISM INDUSTRY AOTEAROA

Level 4, 79 Boulcott Street, PO Box 1697, Wellington 6140, New Zealand
P +64 4 499 0104 www.tia.org.nz E info@tia.org.nz



- Empower the Maritime New Zealand Director to undertake drug or alcohol testing in accordance with the testing requirements in operator management plans. This testing is not limited to random testing and can occur at any reasonable time and in any reasonable circumstances the Director considers appropriate;
- Provide that, in the event of a test being returned with a result other than a negative result, an operator must implement their response plan and may not permit the individual in question to perform any safety-sensitive activity until the operator determines that it is safe for the individual to do so;
- Require that an individual must consent to testing but the operator must respond to an individual's refusal in the same way as it would respond to a test result that is anything other than a negative result.

Safety across the tourism sector

18. Visitor safety is a critical factor in ensuring a positive visitor experience. Implicit in the New Zealand tourism marketing brand positioning '100% Pure' is a safe, positive experience for our visitors when they come to New Zealand. The reputation of New Zealand as a safe tourism destination has the potential to be severely impacted when fatal accidents occur.
19. The reputational damage that can be inflicted on tourism businesses when serious accidents involving fatalities occur is potentially very significant. TIA members are well aware of the risk of business failure if they do not effectively manage drug and alcohol impairment within their business.
20. TIA is taking an active role in helping to strengthen safety across the tourism sector. We played a lead role in the development of the WorkSafe document '[Guidance for Managing Drug and Alcohol – Related Risks in Adventure Activities](#)'. This best-practice document encourages adventure activity operators to adopt an approach that demonstrates they are '*taking the appropriate level of action for the level of activity risk and the level of workforce risk in your operation*'. We also led the development of the [SupportAdventure website](#) – a one-stop-shop for help on safety matters for the commercial outdoor and adventure sector.
21. TIA regularly liaises with WorkSafe and MaritimeNZ on matters of safety relating to the tourism sector.
22. In 2015, TIA submitted to the Ministry of Transport on the Discussion Paper Clear Heads.

General

23. Our research indicates that many tourism operators in the maritime sector already have safety management plans in place that include Drug and Alcohol Management

TOURISM INDUSTRY AOTEAROA

Level 4, 79 Boulcott Street, PO Box 1697, Wellington 6140, New Zealand
 P +64 4 499 0104 www.tia.org.nz E info@tia.org.nz

Plans (DAMPs). The Adventure Activity Regulations 2011 were amended in 2012 to include a requirement for adventure activity operators to manage drug and alcohol risk in their workplace, starting with a clear drug and alcohol policy in their safety management plan. Outside of those covered by the Adventure Activity Regulations, many of our TIA members have a DAMP, often as a requirement of their certifications from Maritime New Zealand.

24. In practice, the adventure activity regulations require affected tourism operators to:
- Determine the level of risk in the activity. What hazards are associated with the activity? What hazards can be eliminated, isolated or minimised, and what hazards cannot?
 - Determine the level of workforce risk. What is the nature of the workforce? For example, are there regularly new, seasonal staff employed who are unknown to the operator? Which staff are in roles where their performance directly impacts participant safety?
 - Develop an approach to managing the risk – for high risk operations this includes a comprehensive range of drug testing supported by random testing, and for low risk operators it entails monitoring and post incident testing.

25. The proposed drug and alcohol testing amendments in the Maritime Transport Amendment Bill do not follow this approach.

Random drug and alcohol testing

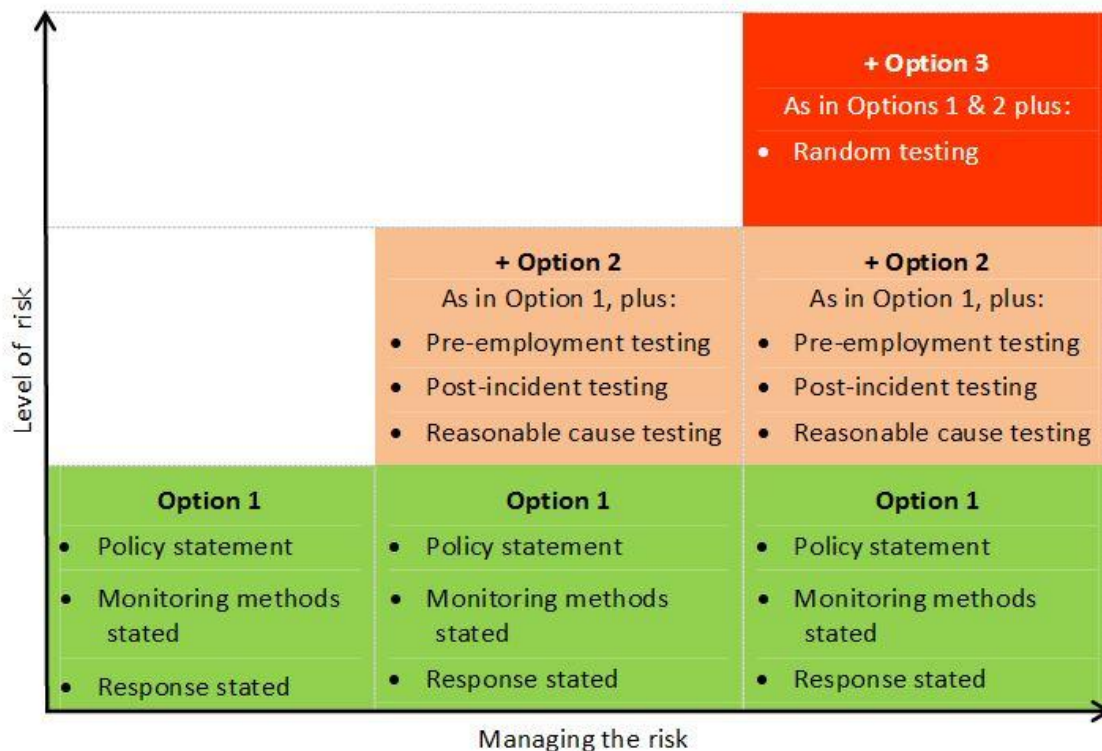
26. TIA is of the opinion that a 'blanket' regulatory approach to managing risk across the maritime sector is not appropriate. There is not a one-size-fits-all solution to managing drug and alcohol matters in the workplace. Tourism businesses have different risk profiles depending on the nature of their activities and workforce. Operators must be able to develop a DAMP that fits their risk profile.

27. While we advocate that a provision to undertake drug testing for staff in safety sensitive roles is a minimum requirement in the DAMP, we do not support prescribing which testing methods are applied. Many of our tourism operators apply a mix of drug and alcohol testing in their DAMP. These include pre-employment, random, causal and post-occurrence testing. It is the responsibility of the operator to decide the appropriate mix of testing circumstances that best suit the risk profile of their business and where they consider the testing would have the greatest impact.

28. The following graph from the [MBIE guidance document on managing drug and alcohol related risks in adventure activities](#) provides useful guidance on the range of options across the adventure activity sector to managing the drug and alcohol risk, from a simple policy with no testing to a detailed policy with random testing.

TOURISM INDUSTRY AOTEAROA

Level 4, 79 Boulcott Street, PO Box 1697, Wellington 6140, New Zealand
P +64 4 499 0104 www.tia.org.nz E info@tia.org.nz



Source: [MBIE guidance document on managing drug and alcohol related risks in adventure activities](#)

29. TIA suggests that the commercial maritime sector follows a similar approach to managing risks associated with alcohol and drug use.

DAMP specifications

30. *New section 40ZA states that a DAMP needs to specify the testable drugs to be tested for under the DAMP, and needs to set out procedures and other matters (including any permissible levels of alcohol or a testable drug) in relation to the testing.*

31. TIA is not supportive of this. We are of the opinion that this information should be developed and held by Maritime New Zealand, with operators referring to it in their DAMPS. This is a highly technical field with variable standards across New Zealand; individual operators cannot be expected to come up with these standards.

FOLLOW-UP PROCESS

32. TIA wishes to participate further in any follow-up process, including any formal meetings, to ensure that the potential impacts on tourism are adequately represented.

TOURISM INDUSTRY AOTEAROA

Level 4, 79 Boulcott Street, PO Box 1697, Wellington 6140, New Zealand
 P +64 4 499 0104 www.tia.org.nz E info@tia.org.nz

CONCLUSION

33. Visitor safety is a critical factor in ensuring a positive visitor experience. The reputation of New Zealand as a safe tourism destination has the potential to be severely impacted when fatal accidents occur.
34. TIA is taking an active role in helping to strengthen safety across the tourism sector.
35. We support all operators being required to have a Drug and Alcohol Management Plan with provisions for drug testing. Our research indicates that many tourism operators in the maritime sector already have safety management plans in place that include Drug and Alcohol Management Plans.
36. We do not agree that all operators need to carry out random drug and alcohol testing of workers who do safety sensitive work. There is not a one-size-fits-all solution to managing drug and alcohol matters in the workplace. Tourism businesses have different risk profiles depending on the nature of their activities and workforce. Operators must be able to develop a Drug and Alcohol Management Plan that fits their risk profile.

BACKGROUND

37. Tourism for New Zealand is big business as the country's largest export sector. It is a major contributor to the New Zealand economy that will always be here and won't easily go offshore. Tourism takes the lead in promoting New Zealand to the world. The brand positioning built by a vibrant tourism industry has become an important source of national confidence and identity and a front window for "Brand New Zealand". Indeed, the clean and pure offer that is synonymous with New Zealand tourism has been widely adopted and used to promote New Zealand exports in a range of other industries as well.
38. The tourism industry delivers the following value to New Zealand's economy:
- Tourism in New Zealand is a \$95 million per day and \$34.7 billion a year industry. Tourism delivers around \$40 million in foreign exchange to the New Zealand economy each day of the year. Domestic tourism contributes another \$55 million in economic activity every day
 - The tourism industry directly and indirectly supports 13.2% of the total number of people employed in New Zealand. That means 332,322 people are working in the visitor economy.
 - Tourism is one of New Zealand's biggest export industries, earning \$14.5 billion or 20.7% of New Zealand's foreign exchange earnings (year ended March 2016).

End.

TOURISM INDUSTRY AOTEAROA

Level 4, 79 Boulcott Street, PO Box 1697, Wellington 6140, New Zealand
P +64 4 499 0104 www.tia.org.nz E info@tia.org.nz

