

Version  
as at 30 March 2025



# Health and Safety at Work (Adventure Activities) Regulations 2016

(LI 2016/19)

Jerry Mateparae, Governor-General

## Order in Council

At Wellington this 15th day of February 2016

Present:

His Excellency the Governor-General in Council

These regulations are made under sections 211 and 218 of the Health and Safety at Work Act 2015—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Workplace Relations and Safety made after complying with section 217 of that Act.

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### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by the Ministry of Business, Innovation, and Employment.**

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## Regulations

### 1 Title

These regulations are the Health and Safety at Work (Adventure Activities) Regulations 2016.

### 2 Commencement

These regulations come into force on 4 April 2016.

## Part 1 Preliminary provisions

### *Interpretation*

### 3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

**Act** means the Health and Safety at Work Act 2015

**adventure activity** has the meaning given in regulation 4

**adventure activity operator** or **operator** means a PCBU who provides an adventure activity to a participant

**amusement device**—

- (a) means an appliance to which the motion of a prime mover is transmitted and that is used, or designed or intended to be used, for the amusement, recreation, or entertainment of persons being carried, raised, lowered, or moved by the appliance or any part of the appliance while it is in motion; and
- (b) includes the prime mover, transmission machinery, supporting structure, and any equipment used or intended to be used in connection with the appliance

**prime mover** means an engine, motor, or other appliance that provides mechanical energy derived from steam, water, wind, electricity, gas, gaseous products, compressed air, the combustion of fuel, or any other source

**provide**, in relation to an adventure activity, means where an adventure activity operator—

- (a) directly provides the activity in person; or
- (b) indirectly provides the activity through a worker or any other person

**recognised Registrar** means a person or an organisation recognised by WorkSafe in accordance with regulation 13

**register** means the register of adventure activity operators kept under regulation 17

**Registrar of adventure activities** or **Registrar** means—

- (a) the recognised Registrar (if any); or
- (b) WorkSafe, if there is no recognised Registrar

**safety audit standard** means a safety audit standard (including any changes to a safety audit standard) published under regulation 19

**safety auditor** means a person or an organisation recognised by WorkSafe in accordance with regulation 9

**transmission machinery** means any shaft, wheel, drum, pulley, system of fast and loose pulleys, gearing, coupling, clutch, driving belt, chain, rope, band, or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance.

- (2) Terms or expressions used and not defined in these regulations but defined in the Act have, in these regulations, the same meaning as in the Act.

Compare: 1950 No 52 s 21A(1); SR 2011/367 r 3

#### 4 Meaning of adventure activity

- (1) Subject to subclauses (2) to (5), in these regulations, **adventure activity**—

- (a) means an activity—
  - (i) that is provided to a participant in return for payment; and
  - (ii) that is land-based or water-based; and
  - (iii) that involves the participant being guided, taught how, or assisted to participate in the activity; and
  - (iv) the main purpose of which is the recreational or educational experience of the participant; and
  - (v) that is designed to deliberately expose the participant to a serious risk to his or her health and safety that must be managed by the provider of the activity; and
  - (vi) in which—

- (A) failure of the provider's management systems (such as failure of operational procedures or failure to provide reliable equipment) is likely to result in a serious risk to the participant's health and safety; or
  - (B) the participant is deliberately exposed to dangerous terrain or dangerous waters; and
- (b) includes, for example, an activity listed in Schedule 2, but only to the extent that paragraph (a) applies to it.
- (2) An **adventure activity** does not include any of the following:
- (a) an activity for which a maritime document is required;
  - (b) an activity for which instruction is given only in relation to the supply of equipment for use in the activity;
  - (c) use of a passenger ropeway;
  - (d) use of an amusement device;
  - (e) abseiling or climbing, if done indoors;
  - (f) ice-skating on a human-made surface;
  - (g) a snow activity that is done indoors or within a patrolled ski area.
- (3) An **adventure activity** does not include an activity provided by a sports club or recreation club to—
- (a) a member of the club; or
  - (b) a member of another sports club or recreation club under an agreement between the clubs; or
  - (c) a person who is not a member of the club, if the activity—
    - (i) is provided only to encourage membership of the club or interest in the club's activities, or only for the purposes of a competition; and
    - (ii) is provided to any 1 person on no more than 12 days in any 12-month period.
- (4) An **adventure activity** does not include an activity provided by an association representing a sports club or recreation club to—
- (a) a member of the association or of any of the clubs; or
  - (b) a member of another association, or of any sports clubs or recreation clubs represented by the other association, under an agreement between the associations; or
  - (c) a person who is not a member of the association, or of any of the clubs it represents, if the activity—

- (i) is provided only to encourage membership of the association or interest in the association's activities, or for the purposes of a competition; and
  - (ii) is provided to any 1 person on no more than 12 days in any 12-month period.
- (5) An **adventure activity** does not include an activity provided by a registered school or a tertiary education provider to—
  - (a) a student of the school or provider; or
  - (b) a student of another school or provider under an agreement between the schools or providers; or
  - (c) a person who is not a student of the school or provider, if the activity—
    - (i) is provided only to encourage enrolment with the school or provider or interest in the activities of the school or provider; and
    - (ii) is provided to any 1 person on no more than 12 days in any 12-month period.
- (6) In this regulation,—
  - maritime document** has the same meaning as in section 2(1) of the Maritime Transport Act 1994
  - passenger ropeway** has the same meaning as in Schedule 1 of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999
  - registered school** has the same meaning as in section 10(1) of the Education and Training Act 2020
  - tertiary education provider** has the same meaning as in section 10(1) of the Education and Training Act 2020.

Compare: SR 2011/367 r 4

Regulation 4(6) **registered school**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 4(6) **tertiary education provider**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

#### *Transitional, savings, and related provisions*

### **5 Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

## Part 2

### Adventure activities

#### Subpart 1—Registration of adventure activity operators

Subpart 1 heading: inserted, on 1 April 2024, by regulation 4 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### *Registration process*

Heading: replaced, on 1 April 2024, by regulation 5 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### **6 Requirement for adventure activity operator to pass safety audit**

- (1) Before providing or offering to provide any adventure activities to a participant, a person must—
  - (a) obtain a safety audit in respect of the person’s proposed provision of the adventure activities from a safety auditor; and
  - (b) pass the safety audit; and
  - (c) *[Revoked]*
- (2) A safety auditor who conducts a safety audit under subclause (1) must—
  - (a) audit the person for compliance with the 1 or more safety audit standards that apply to the activities; and
  - (b) give written notice to the person of whether the person passed the audit and, if the person failed the audit, the reasons for the failure.
- (3) If the person passes the safety audit, the safety auditor must—
  - (a) issue a safety audit certificate to the person that specifies—
    - (i) the adventure activities that were audited; and
    - (ii) the period for which the audit is valid, which must not exceed 3 years; and
    - (iii) the conditions (if any) to which the certificate is subject; and
  - (b) provide the person with a copy of—
    - (i) any audit report relating to the safety audit; and
    - (ii) any other audit-related information needed for the person to apply to the Registrar for registration.
  - (c) *[Revoked]*
- (4) A safety auditor may issue a safety audit certificate subject to any conditions—
  - (a) that the auditor considers are required to maintain the safety of the adventure activities; and
  - (b) that are consistent with the 1 or more safety audit standards that apply to the activities.

(5) *[Revoked]*

Compare: SR 2011/367 r 5

Regulation 6(1): amended, on 1 April 2024, by regulation 6(2) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 6(1)(a): amended, on 1 April 2024, by regulation 6(3) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 6(1)(c): revoked, on 1 April 2024, by regulation 6(4) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 6(2)(a): amended, on 1 April 2024, by regulation 6(1) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 6(2)(b): amended, on 1 April 2024, by regulation 6(1) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 6(3): amended, on 1 April 2024, by regulation 6(5) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 6(3)(a): amended, on 1 April 2024, by regulation 6(1) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 6(3)(b): replaced, on 1 April 2024, by regulation 6(6) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 6(3)(c): revoked, on 1 April 2024, by regulation 6(7) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 6(5): revoked, on 1 April 2024, by regulation 6(8) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**6A Application for registration**

- (1) A person to whom a safety audit certificate is issued under regulation 6(3)(a) may apply for registration as an adventure activity operator authorised to provide 1 or more of the adventure activities specified in the certificate.
- (2) An application under subclause (1) must—
  - (a) be made to the Registrar in the manner and form required by the Registrar; and
  - (b) be accompanied by the fee specified in regulation 17(4).
- (3) The application must contain the following information:
  - (a) the applicant's full name;
  - (b) a postal or email address for communications;
  - (c) if the applicant will provide the adventure activities through a business or another operation, any legal name and trading name of the business or operation;
  - (d) a description of the adventure activities the applicant proposes to provide;
  - (e) the location of each workplace at which the applicant will provide the adventure activities;
  - (f) an estimate of the number of people that the applicant anticipates will participate in the adventure activities each year;

- (g) a copy of the applicant's safety audit certificate:
- (h) a copy of any audit report relating to the safety audit the applicant passed to obtain the certificate.

Regulation 6A: inserted, on 1 April 2024, by regulation 7 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### **6B Registrar may request additional information**

- (1) On receiving an application for registration, the Registrar may ask an applicant to provide any additional information that the Registrar reasonably considers necessary to determine the application.
- (2) A request must—
  - (a) be in writing; and
  - (b) specify—
    - (i) the additional information required; and
    - (ii) the date by which the applicant must provide the information (which must be at least 28 days after the date of the request).
- (3) If the applicant does not provide the information requested by the specified date, the Registrar may refuse to grant the application for registration.
- (4) The Registrar may make more than 1 request.

Regulation 6B: inserted, on 1 April 2024, by regulation 7 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### **7 Registration decision**

- (1) The Registrar must register an applicant as an adventure activity operator authorised to provide the adventure activities to which their application relates if satisfied that—
  - (a) the applicant has applied in accordance with these regulations; and
  - (b) the applicant is able to comply with any conditions of registration that the Registrar proposes to impose on the registration.
- (2) Subclause (1) is subject to subclauses (3) and (4).
- (3) The Registrar must refuse to register an applicant if the Registrar is satisfied on reasonable grounds that—
  - (a) the activities the applicant is seeking registration to provide are not adventure activities; or
  - (b) the applicant is unfit to be registered because of the improper way in which the applicant previously provided adventure activities.
- (4) The Registrar may refuse to register an applicant if the Registrar is satisfied on reasonable grounds that—

- (a) the applicant has given information that is false or misleading in a material particular, or failed to give any material information that they should have given, when—
    - (i) obtaining their safety audit certificate; or
    - (ii) applying for registration; or
  - (b) the applicant has not complied with a condition of their current safety audit certificate or any previous certificate; or
  - (c) the applicant has not complied with a condition imposed on any previous registration; or
  - (d) the applicant's previous failure to safely provide adventure activities, so far as is reasonably practicable, has endangered, or may have endangered, a person's life; or
  - (e) the applicant has previously provided adventure activities that they needed to be registered to provide without being registered to provide the activities; or
  - (f) the applicant may not safely provide 1 or more of the adventure activities covered by the registration, so far as is reasonably practicable.
- (5) The Registrar's reasons for deciding on a matter under subclause (1)(b), (3), or (4) may, without limitation, be informed by—
- (a) the views of the safety auditor who issued the applicant's current safety audit certificate; or
  - (b) the views of an inspector resulting from the exercise of their functions under the Act.

Regulation 7: replaced, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### **7A Decision to grant registration: process**

- (1) If the Registrar grants an application for registration under regulation 7(1), the Registrar must—
- (a) give the applicant written notice that they have been registered as an adventure activity operator; and
  - (b) update the register to record—
    - (i) that the applicant is registered as an adventure activity operator; and
    - (ii) the information specified in regulation 17(2) in respect of this adventure activity operator.
- (2) A notice under subclause (1)(a) must state—
- (a) the term for which the operator is registered; and
  - (b) the adventure activities that the operator is registered to provide; and

- (c) the conditions (if any) imposed under regulation 7C on the operator's registration.

Regulation 7A: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### **7B Decision to refuse registration: process**

- (1) If the Registrar proposes to refuse to register an applicant, the Registrar must give the applicant a written notice—
  - (a) informing the applicant of the reasons for the proposed decision; and
  - (b) inviting the applicant to make a submission to the Registrar in relation to the proposed decision by a specified date (which must be at least 28 days after the Registrar gives the notice).
- (2) After the date specified in the notice, the Registrar must—
  - (a) consider any submission the applicant has made; and
  - (b) decide whether to register the applicant; and
  - (c) within 14 days after making the decision, give the applicant written notice of the decision, including the reasons for the decision.

Regulation 7B: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### *Conditions of registration*

Heading: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### **7C Conditions of registration**

- (1) The Registrar may, at any time,—
  - (a) impose conditions of registration on a registered operator's registration; or
  - (b) vary a registered operator's existing conditions of registration.
- (2) The Registrar's power under subclause (1) may be exercised to impose any conditions, and make any variations to existing conditions, that the Registrar considers are required in the interests of safety.
- (3) The Registrar must follow the process in regulation 7E in respect of any conditions of registration imposed or any variations to existing conditions.
- (4) The Registrar's reasons for deciding on a matter under subclause (1) or (2) may, without limitation, be informed by—
  - (a) the views of the safety auditor who issued the operator's current safety audit certificate; or
  - (b) the views of an inspector resulting from the exercise of their functions under the Act.

Regulation 7C: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7D Subject matter of conditions of registration**

Conditions of registration under these regulations may, without limitation,—

- (a) relate to 1 or more of the following:
  - (i) the types of adventure activity the operator may provide;
  - (ii) how the operator must provide an adventure activity;
  - (iii) the circumstances in which the operator may or may not provide an adventure activity;
  - (iv) the provision of information to the Registrar; and
- (b) replicate, or relate to matters covered by, conditions of the operator's safety audit certificate.

Regulation 7D: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7E Process for conditions imposed or varied in interests of safety**

- (1) If the Registrar proposes to impose or vary conditions of registration under regulation 7C(1), the Registrar must give the registered operator—
  - (a) a written notice informing the operator of—
    - (i) the changes the Registrar proposes to make to the operator's conditions of registration; and
    - (ii) the Registrar's reasons for making those changes; and
  - (b) a reasonable opportunity to make a submission on the proposed changes.
- (2) The Registrar must, after providing the operator with a reasonable opportunity to make a submission,—
  - (a) consider any submission the operator has made; and
  - (b) decide whether to make changes to the operator's conditions of registration (which may be different to the changes originally proposed by the Registrar).
- (3) Within 14 days after making a decision under subclause (2)(b), the Registrar must give the operator written notice of the decision that—
  - (a) sets out the changes to the operator's conditions of registration; and
  - (b) states the reasons for the decision; and
  - (c) specifies the date on which those changes take effect (which must not be earlier than the date on which the operator is given written notice).

Regulation 7E: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7F Withdrawal and error correction**

- (1) The Registrar may, at any time,—
  - (a) withdraw a condition of registration;
  - (b) vary a condition of registration to correct an error or omission.
- (2) If the Registrar decides to withdraw or vary a condition under subclause (1), the Registrar must give the registered operator written notice—
  - (a) informing the operator of the Registrar’s decision; and
  - (b) specifying the date on which the withdrawal or variation takes effect (which must not be before the date on which the operator is given written notice under this subclause); and
  - (c) setting out the conditions the registration will be subject to after the changes take effect.
- (3) The Registrar’s reasons for deciding on a matter under subclause (1) may, without limitation, be informed by—
  - (a) the views of the safety auditor who issued the operator’s current safety audit certificate; or
  - (b) the views of an inspector resulting from the exercise of their functions under the Act.

Regulation 7F: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

*Term of registration*

Heading: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7G Term of registration**

- (1) Registration as an adventure activity operator takes effect on the day it is granted and, subject to regulations 7L, 7M, and 7O, expires at the end of the period for which the related safety audit is valid as specified in the registration holder’s safety audit certificate (*see* regulation 6(3)(a)(ii)).
- (2) The expiry date of a registration as an adventure activity operator does not change if the related safety audit certificate is withdrawn or the safety audit otherwise ceases to be valid before the end of the period specified in the safety audit certificate.

Regulation 7G: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

*Changes to existing registration*

Heading: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7H Application for authorisation to provide additional adventure activity**

- (1) A registered operator may apply for authorisation to provide an additional type of adventure activity (an **additional adventure activity**) under the operator's current registration until the expiry date of that registration.
- (2) Subject to subclause (3), regulations 6A, 6B, and 7 apply to the application as if it were an application for registration to provide the additional adventure activity.
- (3) Regulation 6A, 6B, and 7 apply to the application—
  - (a) as if—
    - (i) references to an application for registration were references to an application to add an additional adventure activity to the applicant's registration; and
    - (ii) the applicant was not required to pay the fee specified in regulation 17(4); and
    - (iii) the applicant was required to provide the information specified in regulation 6A(3) in respect of the additional adventure activity (including a copy of the safety audit certificate that covers the additional adventure activity and any related safety audit report); and
    - (iv) the Registrar was additionally required to refuse the application under regulation 7(3) if satisfied, on reasonable grounds, that the applicant's current safety audit certificate—
      - (A) does not cover provision of the additional adventure activity; or
      - (B) will not cover the additional adventure activity for the entire period from the date the activity is added to the applicant's registration to the date the applicant's registration expires; and
    - (v) non-compliance with conditions imposed on the applicant's current registration was a ground for refusing to add an additional adventure activity under regulation 7(4)(c) (in addition to non-compliance with conditions imposed on previous registrations); and
  - (b) with any other necessary modifications.

Regulation 7H: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7I Application to amend registration**

- (1) The Registrar may, on application by a registered operator, amend the applicant's registration (for example, by changing the location where the applicant provides an adventure activity) if—
  - (a) the amendment relates to a type of adventure activity that the applicant is authorised to provide under their registration; and
  - (b) the applicant's current safety audit certificate covers provision of the adventure activity in accordance with the amendment.
- (2) An application under subclause (1)—
  - (a) must be made to the Registrar in the manner and form required by the Registrar; and
  - (b) may be rejected by the Registrar if it is not made in accordance with those requirements.
- (3) The Registrar may refuse to amend the applicant's registration if the Registrar is satisfied on reasonable grounds that 1 or more of the grounds in regulation 7(4) apply in respect of the applicant.
- (4) Regulation 7(4) applies to an application to amend a registration—
  - (a) as if—
    - (i) regulation 7(4)(a)(ii) related to the applicant's amendment application; and
    - (ii) non-compliance with conditions imposed on the applicant's current registration was a ground for refusing to amend the registration under regulation 7(4)(c) (in addition to non-compliance with conditions imposed on previous registrations); and
  - (b) with any other necessary modifications.
- (5) The Registrar's power to amend a registration under this regulation includes a power to remove an adventure activity from an applicant's registration.
- (6) The Registrar's reasons for deciding on a matter under subclause (1) or (3) may, without limitation, be informed by—
  - (a) the views of the safety auditor who issued the applicant's current safety audit certificate; or
  - (b) the views of an inspector resulting from the exercise of their functions under the Act.

Regulation 7I: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7J Decision to grant application to add activity or amend registration**

If the Registrar grants an application under regulation 7H or 7I, the Registrar must—

- (a) give the applicant a written notice that—

- (i) informs the applicant of the changes to the applicant's registration; and
  - (ii) specifies when those changes take effect (which must not be before the date on which the applicant is given written notice under this subclause); and
- (b) update the register to reflect the changes to the applicant's registration.

Regulation 7J: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7K Decision to refuse application to add activity or amend registration**

- (1) If the Registrar proposes to refuse an application under regulation 7H or 7I, the Registrar must give the applicant a written notice—
- (a) informing the applicant of the reasons for the proposed decision; and
  - (b) inviting the applicant to make a submission to the Registrar in relation to the proposed decision by a specified date (which must be at least 28 days after the Registrar gives the notice).
- (2) After the date specified in the notice, the Registrar must—
- (a) consider any submission the applicant has made; and
  - (b) decide whether to make the changes to the applicant's registration that the applicant has applied for; and
  - (c) within 14 days after making the decision, give the applicant written notice of the decision, including the reasons for the decision.

Regulation 7K: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

*Renewal of registration*

Heading: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7L Renewal of registration**

- (1) Registration may be renewed on application and, subject to subclause (2), regulations 6 to 7B apply to the renewal in the same way as they apply to an initial application for registration.
- (2) Regulations 6 to 7B apply to applications for renewal—
- (a) as if—
    - (i) references to an application for registration were references to an application for renewal of registration; and
    - (ii) non-compliance with conditions imposed on the applicant's current registration was a ground for refusing to renew a registration under regulation 7(4)(c) (in addition to non-compliance with conditions imposed on previous registrations); and

- (iii) the Registrar was additionally required to inform the applicant of variations to conditions of registration under regulation 7A(2)(c); and
  - (b) with any other necessary modifications.
- (3) A registered operator's application to renew their registration must be made before the registration expires.
- (4) If a registered operator applies to renew their registration, the registration is taken to continue in effect from the day it would, apart from this subclause, have expired until the day the operator is given notice of the Registrar's decision on the application.

Regulation 7L: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### **7M Continuation of registration during review and appeal**

- (1) This regulation applies if the Registrar refuses a registered operator's renewal application and the operator applies to WorkSafe to review the Registrar's decision.
- (2) WorkSafe may decide that the operator's registration remains in effect during the review of the refusal decision and any subsequent appeal under regulations 18 to 18D (collectively, the **review process**), even if the registration has already expired or would otherwise have expired during the review process.
- (3) WorkSafe may—
  - (a) decide, under subclause (2), that the operator's registration remains in effect for some or all of the review process; and
  - (b) make more than 1 decision in respect of the same review process; and
  - (c) at any time, withdraw its decision that the operator's registration remains in effect, if satisfied, on reasonable grounds, that it is necessary or desirable to do so in the interests of safety.
- (4) A decision by WorkSafe under subclause (2)—
  - (a) may be made—
    - (i) on the application of the operator who initiated the review process; or
    - (ii) on WorkSafe's own initiative; and
  - (b) must specify when the period during which the operator's registration remains in effect ends (for example, by reference to a date, or to the occurrence of 1 or more events, or both).
- (5) WorkSafe must make a decision on an application under subclause (4)(a)(i) no later than 14 days after receiving the application.

Regulation 7M: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7N Matters that WorkSafe may take into account**

- (1) WorkSafe may, when making a decision under regulation 7M, take into account—
  - (a) the Registrar’s reasons for refusing the renewal application; and
  - (b) any other relevant matter, including—
    - (i) the views of the safety auditor who issued the applicant’s current safety audit certificate; or
    - (ii) the views of an inspector resulting from the exercise of their functions under the Act.
- (2) WorkSafe may require the Registrar to provide it with any information it needs to make its decision.

Regulation 7N: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7O Period that registration remains in effect**

- (1) If WorkSafe decides that an operator’s registration remains in effect under regulation 7M, the operator’s registration is taken to be in effect during the period specified in subclauses (2) and (3).
- (2) The period starts on the later of—
  - (a) the day the registration would have, apart from this regulation, expired; and
  - (b) the time when WorkSafe makes its decision under regulation 7M.
- (3) The period ends—
  - (a) when WorkSafe withdraws its decision under regulation 7M(3)(c) and notifies the operator of its withdrawal decision; or
  - (b) in the circumstances specified by WorkSafe under regulation 7M(4)(b); or
  - (c) when the review process ends (for example, when WorkSafe upholds the Registrar’s decision on review and the operator does not lodge an appeal by the end of the time for lodging an appeal, or when the District Court makes a final decision on appeal).

Regulation 7O: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7P Renewal process does not prevent suspension or cancellation**

Continuation of a registration after its expiry date under regulation 7L or regulations 7M and 7O does not prevent the Registrar from suspending or cancelling that registration under regulation 7Q or 7S (including on the same grounds that led the Registrar to refuse to renew the operator’s registration).

Regulation 7P: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

*Suspension or cancellation of registration*

Heading: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**7Q Suspension or cancellation of registration: grounds**

- (1) The Registrar must cancel a registered operator's registration if the Registrar is satisfied on reasonable grounds that—
  - (a) the operator was registered by mistake; or
  - (b) the operator is not an adventure activity operator.
- (2) The Registrar may cancel a registered operator's registration as an adventure activity operator, or suspend the registration for any period that the Registrar thinks fit, if the Registrar is satisfied on reasonable grounds that—
  - (a) the operator gave information that was false or misleading in a material particular, or failed to give any material information that they should have given, when obtaining their—
    - (i) safety audit certificate; or
    - (ii) registration; or
  - (b) the operator is unfit to be registered because of the improper way in which the operator has provided adventure activities; or
  - (c) the operator has not complied with a condition of the operator's current—
    - (i) safety audit certificate; or
    - (ii) registration; or
  - (d) the operator's failure to safely provide adventure activities, so far as is reasonably practicable, has endangered, or may have endangered, a person's life; or
  - (e) the operator has previously provided adventure activities that they needed to be registered to provide without being registered to provide the activities; or
  - (f) the operator may not safely provide 1 or more of the adventure activities covered by the registration, so far as is reasonably practicable.
- (3) A suspension under subclause (2) may—
  - (a) suspend the operator's registration to provide 1, some, or all of the adventure activities covered by the registration; and
  - (b) be imposed for a period that ends in 1 or both of the following ways:
    - (i) at a specified point in time;
    - (ii) in specified circumstances.
- (4) The Registrar's reasons for deciding on a matter under subclause (1)(b) or (2) may, without limitation, be informed by—

- (a) the views of the safety auditor who issued the operator's current safety audit certificate; or
- (b) the views of an inspector resulting from the exercise of their functions under the Act.

Regulation 7Q: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### **7R Suspension or cancellation: process**

- (1) If the Registrar proposes to suspend or cancel a registered operator's registration, the Registrar must give the operator a written notice—
  - (a) informing the operator of—
    - (i) the reasons for the proposed decision; and
    - (ii) for a proposal to suspend, when the suspension would begin and end; and
  - (b) inviting the operator to make a submission to the Registrar in relation to the proposed decision by a specified date (which must be at least 28 days after the Registrar gives the notice).
- (2) After the date specified in the notice, the Registrar must—
  - (a) consider any submission the operator has made; and
  - (b) decide whether to suspend or cancel the operator's registration (as applicable).
- (3) Within 14 days after making the decision under subclause (2)(b), the Registrar must give the operator written notice that—
  - (a) states whether the operator's registration as an adventure activity operator has been suspended or cancelled (as applicable); and
  - (b) states the reasons for the decision; and
  - (c) for a suspension, specifies when the suspension begins and ends; and
  - (d) for a cancellation, specifies when the cancellation takes effect.

Regulation 7R: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### **7S Immediate suspension of registration by Registrar**

- (1) The Registrar may immediately suspend a registered operator's registration, without following the procedure in regulation 7R, if satisfied on reasonable grounds that the operator's provision of 1 or more of the adventure activities covered by the registration—
  - (a) may pose an imminent serious risk to the health or safety of any person; and
  - (b) should stop being provided because of this risk.
- (2) An immediate suspension under subclause (1) may—

- (a) suspend the operator's registration as a whole; or
  - (b) suspend the operator's registration to provide 1 or more of the adventure activities covered by the registration.
- (3) When the Registrar decides to immediately suspend an operator's registration,—
- (a) the Registrar must, as soon as possible after the decision, give the operator written notice of the suspension and the reasons for it; and
  - (b) the suspension takes effect when the Registrar gives the notice.
- (4) An immediate suspension ends 14 days after the Registrar gives notice under subclause (3) unless, within the 14 day suspension period,—
- (a) the Registrar gives the operator written notice, under regulation 7R(1), that the Registrar proposes to suspend or cancel the operator's registration; or
  - (b) the Registrar withdraws the immediate suspension.
- (5) If subclause (4)(a) applies, the immediate suspension continues until the Registrar makes a decision about the relevant proposal and gives the operator written notice of that decision under regulation 7R(3).
- (6) The Registrar's reasons for deciding to suspend an operator's registration under subclause (1) may, without limitation, be informed by—
- (a) the views of the safety auditor who issued the operators's current safety audit certificate; or
  - (b) the views of an inspector resulting from the exercise of their functions under the Act.

Regulation 7S: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### **7T Cancellation during period of suspension**

Suspension of a registration under regulation 7Q(2) or 7S(1) does not prevent the Registrar from cancelling that registration under regulation 7Q(1) or (2) during the period of the suspension.

Regulation 7T: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### *Adventure activity operators must be registered*

Heading: inserted, on 1 April 2024, by regulation 8 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### **8 Offence to provide or offer to provide adventure activity unless registered or exempt**

- (1) An adventure activity operator must not provide an adventure activity to a participant unless, when the activity is offered,—
- (a) the operator is registered to provide it; or

- (b) the operator holds an exemption from the requirement to be registered granted by WorkSafe under section 220 of the Act.
- (2) An adventure activity operator must not offer to provide an adventure activity to the public unless, when the activity is offered,—
  - (a) the operator is registered to provide it; or
  - (b) the operator has—
    - (i) engaged a safety auditor to conduct a safety audit under regulation 6 within a specified time that expires before the date on which the activity is offered; and
    - (ii) *[Revoked]*
    - (iii) included in any publicity or documentation relating to the offer a statement that the activity offered will be provided only if the operator is registered to provide it, or is exempt from the requirement to be registered, on the date on which the activity is due to be provided; or
  - (c) the operator holds an exemption from the requirement to be registered granted by WorkSafe under section 220 of the Act.
- (3) A person who contravenes subclause (1) or (2) commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$10,000;
  - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2011/367 r 7

Regulation 8(2)(b)(ii): revoked, on 1 April 2024, by regulation 9 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### *Duty to communicate risks*

Heading: inserted, on 1 April 2024, by regulation 10 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **8A Duty to communicate risks associated with adventure activities**

- (1) An adventure activity operator must take all reasonable steps to inform a person seeking to participate in an adventure activity that the operator provides of any serious risks to the person's health or safety that the person may be exposed to if the person participates in the adventure activity.
- (2) A person who contravenes this regulation commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$6,000;
  - (b) for any other person, to a fine not exceeding \$30,000.

Regulation 8A: inserted, on 1 April 2024, by regulation 10 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## Subpart 2—Safety auditors, Registrar, and register of adventure activity operators

Subpart 2 heading: inserted, on 1 April 2024, by regulation 11 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### *Safety auditors*

#### **9 WorkSafe may recognise safety auditors**

- (1) WorkSafe may, on written application, recognise a person or an organisation as a safety auditor if it is satisfied that—
  - (a) the person or organisation has the appropriate experience and qualifications to carry out the proposed audits; and
  - (b) the person or organisation is likely to carry out the audits in a way that is objective and that promotes safety and the public interest; and
  - (c) the person or organisation is unlikely to have a conflict of interest that cannot be appropriately managed in carrying out the audits and in doing anything else that the person or organisation does or is likely to do; and
  - (d) it is otherwise appropriate to recognise the person or organisation as a safety auditor.
- (2) If WorkSafe grants recognition under subclause (1), it must give written notice to the person or organisation that he, she, or it is recognised as a safety auditor and specify—
  - (a) the period for which the person or organisation is recognised; and
  - (b) the conditions (if any) imposed under regulation 10 on that recognition.
- (3) If WorkSafe refuses to grant recognition under subclause (1), it must give written notice of the decision to the person or organisation.
- (4) Recognition may be renewed under this regulation as if it were a new recognition.

Compare: SR 2011/367 r 11

Regulation 9(3): amended, on 1 April 2024, by regulation 12 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### **10 Conditions of recognition**

- (1) WorkSafe may, when granting a person or an organisation recognition as a safety auditor,—
  - (a) impose any conditions of recognition that it considers are required in the interests of safety;
  - (b) impose a condition of recognition that limits the safety auditor to only specified locations or types of adventure activity or equipment.
- (2) WorkSafe may withdraw a condition of recognition by giving written notice to the safety auditor that the condition has been withdrawn.

- (3) A safety auditor must comply with the conditions of the auditor's recognition.  
Compare: SR 2011/367 r 12

## 11 Withdrawal of recognition

- (1) WorkSafe may withdraw recognition of a safety auditor if it is satisfied on reasonable grounds that—
- (a) the safety auditor has breached a condition of the auditor's recognition;  
or
  - (b) it is in the interests of safety to withdraw the recognition.
- (2) Before withdrawing recognition of a safety auditor, WorkSafe must give the safety auditor a reasonable opportunity to make written submissions or to be heard on the proposal to withdraw the safety auditor's recognition.
- (3) If WorkSafe withdraws recognition under subclause (1), it must give written notice to the safety auditor that his, her, or its recognition has been withdrawn.  
Compare: SR 2011/367 r 13

## 12 Functions of safety auditors

The functions of a safety auditor are—

- (a) to provide safety audits of a person's compliance with the 1 or more safety audit standards that apply to the adventure activities that the person provides or seeks to provide; and
- (b) to issue safety audit certificates to persons who pass safety audits, subject to appropriate conditions (if any); and
- (c) to give a person who is issued a safety audit certificate any safety audit-related information the person needs to apply to the Registrar for registration; and
- (d) *[Revoked]*
- (e) to monitor adventure activity operators for compliance with conditions of safety audit certificates that the auditor issues; and
- (f) to provide the Registrar with the safety auditor's views on any matter in regulation 7(1)(b), (3) or (4), 7C(1) or (2), 7F(1), 7I(1) or (3), 7M, 7Q(1)(b) or (2), or 7S(1) where those views are relevant to the Registrar's decision in respect of the matter; and
- (g) to provide WorkSafe with the safety auditor's views on any matter relevant to a review of a decision of the Registrar by WorkSafe under regulations 18A to 18C when requested to do so under regulation 18B(2)(b).

Compare: SR 2011/367 r 10

Regulation 12(a): amended, on 1 April 2024, by regulation 13(1)(a) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 12(a): amended, on 1 April 2024, by regulation 13(1)(b) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 12(b): amended, on 1 April 2024, by regulation 13(2) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 12(c): replaced, on 1 April 2024, by regulation 13(3) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 12(d): revoked, on 1 April 2024, by regulation 13(4) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 12(f): replaced, on 1 April 2024, by regulation 13(5) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 12(g): inserted, on 1 April 2024, by regulation 13(5) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### *Recognised Registrar*

## **13 WorkSafe may recognise Registrar**

- (1) WorkSafe may, on written application, recognise a person or an organisation as the recognised Registrar if it is satisfied that—
  - (a) the person or organisation is likely to carry out registration in a way that is objective and that promotes safety and the public interest; and
  - (b) the person or organisation is unlikely to have a conflict of interest that cannot be appropriately managed in carrying out registration and in doing anything else that the person or organisation does or is likely to do; and
  - (c) it is otherwise appropriate to recognise the person or organisation as the Registrar.
- (2) If WorkSafe grants recognition under subclause (1), it must give written notice to the person or organisation that he, she, or it is recognised as the Registrar of adventure activities and state—
  - (a) the period for which the person or organisation is recognised; and
  - (b) the conditions (if any) imposed under regulation 14 on that recognition.
- (3) If WorkSafe refuses to grant recognition under subclause (1), it must give written notice to the person or organisation of that decision.
- (4) Recognition may be renewed under this regulation as if it were a new recognition.

Compare: SR 2011/367 r 17

Regulation 13(3): amended, on 1 April 2024, by regulation 14 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **14 Conditions of recognition**

- (1) WorkSafe may, when granting a person or an organisation recognition as the Registrar of adventure activities, impose any conditions of recognition that it considers are required in the interests of safety.
- (2) WorkSafe may withdraw a condition of recognition by giving written notice to the recognised Registrar that the condition has been withdrawn.

- (3) The recognised Registrar must comply with any conditions of recognition.

Compare: SR 2011/367 r 18

## **15 Withdrawal of recognition**

- (1) WorkSafe may withdraw the recognised Registrar's recognition if it is satisfied on reasonable grounds that—

- (a) the recognised Registrar has breached a condition of the recognition; or
- (b) it is in the interests of safety to withdraw the recognition.

- (2) Before withdrawing the recognised Registrar's recognition, WorkSafe must give the recognised Registrar a reasonable opportunity to make written submissions or to be heard on the proposal to withdraw recognition.

- (3) If WorkSafe withdraws recognition under subclause (1), it must give written notice to the recognised Registrar that his, her, or its recognition has been withdrawn.

Compare: SR 2011/367 r 19

### *Registration of adventure activity operators*

*[Revoked]*

Heading: revoked, on 1 April 2024, by regulation 15 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **16 Functions and powers of Registrar**

The functions and powers of the Registrar of adventure activities are—

- (a) to keep and maintain the public register of adventure activity operators under regulation 17; and
- (aa) to determine applications for registration and renewal of registration as an adventure activity operator under regulation 7; and
- (b) to cancel or suspend the registration of adventure activity operators under regulations 7Q and 7S in appropriate situations; and
- (c) to make changes to adventure activity operators' registrations under regulation 7H and 7I in appropriate situations; and
- (d) to impose, vary, or withdraw conditions of registration under regulations 7C and 7F in appropriate situations; and
- (e) to monitor adventure activity operators' compliance with conditions of registration.

Compare: SR 2011/367 r 14

Regulation 16(aa): inserted, on 1 April 2024, by regulation 16(1) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 16(b): amended, on 1 April 2024, by regulation 16(2) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 16(c): inserted, on 1 April 2024, by regulation 16(3) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 16(d): inserted, on 1 April 2024, by regulation 16(3) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 16(e): inserted, on 1 April 2024, by regulation 16(3) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### *Register of adventure activity operators*

Heading: inserted, on 1 April 2024, by regulation 17 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **17 Register of adventure activity operators**

- (1) The Registrar of adventure activities must keep and maintain a public register of adventure activity operators who are authorised to provide adventure activities.
- (2) The register must record the following for each adventure activity operator:
  - (a) the operator's full name:
  - (b) a description of the adventure activities that the operator is authorised to provide:
  - (c) the location of each workplace at which the operator provides the adventure activities:
  - (d) if the operator provides the adventure activities through a business or another operation, any legal name or trading name of the business or operation:
  - (e) the period for which the operator is registered:
  - (f) any period for which registration is suspended under regulation 7Q(2) or 7S(1):
  - (g) if registration is cancelled under regulation 7Q(1) or (2), the date of cancellation:
  - (h) any conditions currently imposed on the operator's registration.
- (3) The information recorded on the register must be available for inspection, free of charge, on an Internet site maintained by or on behalf of WorkSafe.
- (4) The fee payable to the Registrar for registration as an adventure activity operator is \$100 (excluding goods and services tax) for each full or partial year of registration.
- (5) *[Revoked]*

Compare: SR 2011/367 r 15

Regulation 17(2)(c): amended, on 1 April 2024, by regulation 18(1) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 17(2)(e): amended, on 1 April 2024, by regulation 18(2) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 17(2)(f): amended, on 1 April 2024, by regulation 18(3) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 17(2)(g): amended, on 1 April 2024, by regulation 18(4) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 17(2)(h): inserted, on 1 April 2024, by regulation 18(5) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 17(5): revoked, on 1 April 2024, by regulation 18(6) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### **Subpart 3—Review and appeal of registration decisions**

Subpart 3 heading: inserted, on 1 April 2024, by regulation 19 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### *Review of registration decisions*

Heading: inserted, on 1 April 2024, by regulation 19 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **18 Reviewable registration decisions**

A person may apply to WorkSafe for a review of the following decisions in respect of their registration as an adventure activity operator or their application for registration or renewal of registration as an adventure activity operator:

- (a) a refusal to grant their application for registration or renewal of registration (under regulation 7(3) or (4), including as modified by regulation 7L(2));
- (b) a refusal to allow their registration to remain in effect while a decision to refuse to renew the registration is challenged (under regulation 7M(1));
- (c) a withdrawal of a decision that their registration remains in effect during a review process (under regulation 7M(3)(c));
- (d) a refusal to add an additional adventure activity to their registration (under regulation 7H(1));
- (e) a refusal to amend their registration (under regulation 7I(1));
- (f) a suspension or cancellation of their registration (under regulation 7Q(1) or (2));
- (g) an immediate suspension of their registration (under regulation 7S(1));
- (h) an imposition of a condition of registration on their registration or variation of an existing condition of registration (under regulation 7C(1));
- (i) a withdrawal of a condition imposed on their registration (under regulation 7F(1)(a));
- (j) a variation of a condition imposed on their registration to correct an error or omission (under regulation 7F(1)(b)).

Regulation 18: replaced, on 1 April 2024, by regulation 19 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **18A Application for review**

An application to WorkSafe for a review of a decision must—

- (a) be made in the manner and form required by WorkSafe; and
- (b) identify the decision or decisions to be reviewed; and
- (c) state the grounds for review; and
- (d) include—
  - (i) any submission that the applicant wants WorkSafe to consider; and
  - (ii) if applicable, a description of any action that the applicant has taken in response to the decision; and
- (e) be made within—
  - (i) 28 days after the date on which the Registrar gave written notice of the decision that is to be reviewed; or
  - (ii) any longer period allowed by WorkSafe.

Regulation 18A: inserted, on 1 April 2024, by regulation 19 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### **18B Worksafe's actions on receiving application for review**

- (1) On receiving an application for review, WorkSafe must send the applicant a written acknowledgement stating when the application was received.
- (2) WorkSafe may request—
  - (a) additional information from the applicant within a specified period (which must be at least 7 days from the date of the request);
  - (b) the safety auditor who issued the relevant safety audit certificate to give their views in relation to any matter relevant to the review.
- (3) The applicant must give WorkSafe the additional information referred to in subclause (2)(a) within the specified period.
- (4) If the applicant does not give WorkSafe the additional information within the specified period, WorkSafe may review the decision on the basis of the information it holds.
- (5) If the safety auditor gives Worksafe their views under subclause (2)(b), WorkSafe must give the applicant—
  - (a) a copy of the safety auditor's views; and
  - (b) an opportunity to comment on the safety auditor's views within a specified period (which must be at least 7 days from the date on which the applicant was given a copy of the views).

Regulation 18B: inserted, on 1 April 2024, by regulation 19 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### **18C Review**

- (1) WorkSafe must review a decision as soon as practicable after WorkSafe—
  - (a) receives an application for review; and

- (b) is satisfied it has obtained all associated information, views, and comments that may be provided under regulation 18B (if any).
- (2) If it is not practicable for WorkSafe to complete its review within 28 days, WorkSafe must give the applicant a written notice that—
  - (a) informs the applicant the review will not be completed within 28 days; and
  - (b) explains why the review is not able to be completed within this period; and
  - (c) provides an estimate of when it will be practicable to complete the review.
- (3) In reviewing the decision, WorkSafe must have regard to—
  - (a) any submission by the applicant included in the application for review; and
  - (b) any information relevant to the decision—
    - (i) given to WorkSafe by the applicant in response to a request for additional information under regulation 18B(2)(a); and
    - (ii) given to WorkSafe by a safety auditor in response to a request under regulation 18B(2)(b) (and the applicant’s comments on this information, if any); and
    - (iii) given to WorkSafe by the Registrar (or, if WorkSafe is the Registrar, held by WorkSafe in its capacity as the Registrar); and
  - (c) if applicable, any action that the applicant has taken in response to the decision under review.
- (4) After conducting the review, WorkSafe must make a decision—
  - (a) confirming the decision under review; or
  - (b) varying the decision under review; or
  - (c) withdrawing the decision under review.
- (5) Within 14 days after making a decision under subclause (4), WorkSafe must give the applicant written notice of the decision, including the reasons for the decision.

Regulation 18C: inserted, on 1 April 2024, by regulation 19 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### *Appeals against review decisions*

Heading: inserted, on 1 April 2024, by regulation 19 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **18D Appeal to District Court**

- (1) A person who is given notice of a decision under regulation 18C(5) may appeal to the District Court against that decision.

- (2) The appeal must be lodged within 28 days after the date on which the appellant was given notice of the decision, or within any longer period that the court allows.
- (3) The court must inquire into the decision under appeal and may—
  - (a) confirm or vary the decision; or
  - (b) set aside the decision; or
  - (c) set aside the decision and replace it with a decision that the court considers appropriate; or
  - (d) refer the matter back to WorkSafe, directing WorkSafe to reconsider the whole or any specified part of the matter.
- (4) Subject to any order of the court, the decision under appeal continues to have effect pending the determination of the appeal.
- (5) Subclause (4) does prevent a registration from continuing to have effect after its expiry date under regulation 7L or regulations 7M and 7O.

Regulation 18D: inserted, on 1 April 2024, by regulation 19 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### Subpart 4—Safety audit standards and declaration of notifiable events

Subpart 4 heading: inserted, on 1 April 2024, by regulation 20 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

##### *Safety audit standards*

#### **19 Publication of safety audit standards**

- (1) WorkSafe must develop, and continue to review, 1 or more safety audit standards.
- (2) WorkSafe may publish a safety audit standard, or a change to a safety audit standard, by notice in the *Gazette*.
- (3) Safety audit standards must specify standards or requirements with which adventure activity operators must comply to reduce risks to health and safety when an operator provides adventure activities.
- (4) Safety audit standards must include standards or requirements to manage the risks of drug and alcohol use by operators, employees, or other persons through whom adventure activities are provided.
- (5) Different safety audit standards may apply to different types of adventure activities that operators provide.

Compare: SR 2011/367 r 20

### *Declaration of notifiable events*

Heading: inserted, on 1 April 2024, by regulation 21 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### **19A Declaration of notifiable incidents**

- (1) The following incidents, when they occur in connection with an adventure activity, are declared to be notifiable incidents under section 24(3) of the Act:
- (a) a natural hazard that, taking into account the hazard's type, severity, and other distinguishing features, is not a hazard routinely encountered during the ordinary course of the adventure activity:
  - (b) entrapment, entanglement, or immobilisation, including while in a vehicle or vessel:
  - (c) a fall from a height:
  - (d) a collision with an object, the ground, or another person:
  - (e) a collision between a vehicle and a person or object (including another vehicle), a vehicle overturning (regardless of which part of the vehicle is against the ground when it comes to rest), or an inrush of water into a vehicle:
  - (f) a collision between a vessel and a person or object (other than another vessel) or a vessel rolling (*see also* section 24(1)(l) of the Act):
  - (g) a situation where safety-critical equipment used to provide an adventure activity—
    - (i) fails or malfunctions while in use; or
    - (ii) is defective and at significant risk of failure or malfunction while in use.
- (2) In this regulation,—

**natural hazard** means any atmospheric-, land-, or water-related occurrence (including volcanic activity, landslip, avalanche, rockfall, ice fall, storm, or flooding) the action of which adversely affects a location where an adventure activity is provided

**safety-critical equipment** means equipment used to provide an adventure activity that is critical to maintaining the safety of any person.

Regulation 19A: inserted, on 1 April 2024, by regulation 21 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

Regulation 19A(1): amended, on 30 March 2025, by section 55 of the Regulatory Systems (Immigration and Workforce) Amendment Act 2025 (2025 No 10).

#### **19B Declaration of notifiable injury or illness**

An injury sustained or illness acquired by a person in connection with an adventure activity that requires, or would usually require, the person to have medical treatment within 48 hours of the injury being sustained or the illness

being acquired is declared to be a notifiable injury or illness under section 23(1)(e) of the Act.

Regulation 19B: inserted, on 1 April 2024, by regulation 21 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

### Subpart 5—Revocation

Subpart 5 heading: inserted, on 1 April 2024, by regulation 22 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

#### *Revocation*

#### *[Revoked]*

Heading: revoked, on 1 April 2024, by regulation 23 of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **20 Revocation**

The Health and Safety in Employment (Adventure Activities) Regulations 2011 (SR 2011/367) are revoked.

## Schedule 1 Transitional, savings, and related provisions

r 5

### Part 1 Provisions relating to these regulations as made

#### 1 Interpretation

In this schedule, **2011 regulations** means the Health and Safety in Employment (Adventure Activities) Regulations 2011.

#### *Registered adventure activity operators*

#### 2 Savings provision relating to registered adventure activity operators

- (1) This clause applies to a person who, immediately before the commencement of these regulations, was registered as an adventure activity operator under regulation 6 of the 2011 regulations.
- (2) On and after the commencement of these regulations, the person continues to hold that registration and must be treated as if the person were registered under regulation 7.

#### *Existing safety audit certificates*

#### 3 Savings provision relating to existing safety audit certificates

- (1) This clause applies to a safety audit certificate issued to an adventure activity operator under regulation 5(4) of the 2011 regulations and that is valid immediately before the commencement of these regulations.
- (2) On and after the commencement of these regulations, the safety audit certificate must be treated as if it were issued under regulation 6(3) and continues in force for the remaining period for which it is valid.

#### *Recognised safety auditors*

#### 4 Savings provision relating to recognised safety auditors

- (1) This clause applies to a person or an organisation who, immediately before the commencement of these regulations, was recognised by WorkSafe as a safety auditor in accordance with regulation 11 of the 2011 regulations.
- (2) On and after the commencement of these regulations,—
  - (a) the person or organisation continues in that role and must be treated as if he, she, or it were recognised as a safety auditor under regulation 9; and
  - (b) any conditions imposed on that recognition under regulation 12 of the 2011 regulations continue to apply to the person or organisation.

*Register of adventure activities***5 Savings provision relating to register of adventure activity operators**

- (1) This clause applies to the register of adventure activity operators kept under regulation 15 of the 2011 regulations.
- (2) On and after the commencement of these regulations, the register must be treated as if it were kept under regulation 17.

*Recognised Registrar***6 Savings provision relating to recognised Registrar**

- (1) This clause applies to a person or an organisation who, immediately before the commencement of these regulations, was recognised by WorkSafe as the Registrar in accordance with regulation 17 of the 2011 regulations.
- (2) On and after the commencement of these regulations,—
  - (a) the person or organisation continues in that role and must be treated as if he, she, or it were recognised by WorkSafe under regulation 13; and
  - (b) any conditions imposed on that recognition under regulation 18 of the 2011 regulations continue to apply to the person or organisation.

*Existing safety audit standards***7 Savings provision relating to safety audit standards**

- (1) This clause applies to a safety audit standard that was developed and published by WorkSafe under regulation 20 of the 2011 regulations and that applies immediately before the commencement of these regulations.
- (2) On and after the commencement of these regulations, the standard continues to apply and must be treated as if it were developed and published by WorkSafe under regulation 19.

**Part 2****Provisions relating to Health and Safety at Work (Adventure Activities) Amendment Regulations 2023**

Schedule 1 Part 2: inserted, on 1 April 2024, by regulation 24(a) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

**8 Interpretation**

In this Part,—

**existing registration application** means an application for registration or renewal of registration under the original regulations where, immediately before the commencement of this clause,—

- (a) the applicant had engaged a safety auditor to conduct a safety audit under regulation 6 of the original regulations in respect of the application; and
- (b) the Registrar had not yet made an associated decision about whether to grant the application under regulation 7 of the original regulations

**original regulations** means these regulations as in force immediately before the commencement of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023.

Schedule 1 clause 8: inserted, on 1 April 2024, by regulation 24(a) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **9 Savings provision relating to registered adventure activity operators**

- (1) This clause applies to a person who, immediately before the commencement of this clause, was registered as an adventure activity operator under regulation 7 of the original regulations.
- (2) On and after the commencement of this clause, the person continues to hold that registration and, subject to clauses 10 to 14, must be treated as a person registered under regulation 7.

Schedule 1 clause 9: inserted, on 1 April 2024, by regulation 24(a) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **10 Existing registration applications where auditor has applied to Registrar**

- (1) This clause applies to an existing registration application if, immediately before the commencement of this clause, the safety auditor has given the Registrar—
  - (a) a copy of the applicant’s safety audit certificate; and
  - (b) the information required under regulation 6(3)(b) of the original regulations.
- (2) Where this clause applies to an existing registration application, regulations 6 and 7 of the original regulations continue to apply to the Registrar’s determination of the application (instead of regulations 6 to 7B and 7L to 7P of these regulations).

Schedule 1 clause 10: inserted, on 1 April 2024, by regulation 24(a) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **11 Other existing registration applications**

Unless clause 10 applies to an existing registration application, these regulations (as amended) apply to the application and the safety auditor must promptly return any money the applicant has given the safety auditor to pay the fee specified in regulation 17(4).

Schedule 1 clause 11: inserted, on 1 April 2024, by regulation 24(a) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **12 Savings provision relating to unpaid fees**

Regulation 17(5) of the original regulations continues to apply in respect of a registration granted or renewed—

- (a) before the commencement of this clause; or
- (b) if clause 10 applied to the associated application for registration or renewal of registration, on or after the commencement of this clause.

Schedule 1 clause 12: inserted, on 1 April 2024, by regulation 24(a) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **13 Savings provision relating to proposals to suspend or cancel registration**

Regulation 18 of the original regulations continues to apply to a decision by the Registrar to suspend or cancel a person's registration that is made on or after the commencement of this clause if, before the commencement of this clause, the Registrar has notified the person of the Registrar's proposal to suspend or cancel the person's registration.

Schedule 1 clause 13: inserted, on 1 April 2024, by regulation 24(a) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## **14 Savings provision relating to reviews and appeals**

Regulations 18 to 18D do not apply to the following decisions of the Registrar:

- (a) a decision made before the commencement of this clause:
- (b) a decision made on or after the commencement of this clause under a provision of the original regulations saved by clause 10(2) or 13.

Schedule 1 clause 14: inserted, on 1 April 2024, by regulation 24(a) of the Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189).

## Schedule 2

### Activities referred to in definition of adventure activity

r 4(1)(b)

**Note:** Each activity listed in this schedule is an example of an adventure activity, but only to the extent that regulation 4(1)(a) applies to the activity.

Abseiling (if done outdoors)

Bridge swinging

Bungy jumping

Canoeing

Canyon swinging

Canyoning

Caving

Glacier walking

High ropes course crossing, high wire crossing, or use of a zip wire

Kayaking

Mountaineering

Off-road vehicle driving

Quad biking or trail biking

River boarding

Rock climbing (if done outdoors)

Scuba diving

Snow activities (if done outdoors and outside a patrolled ski area) such as the following:

(a) skiing:

(b) snowboarding

Michael Webster,  
Clerk of the Executive Council.

## Notes

### **1** *General*

This is a consolidation of the Health and Safety at Work (Adventure Activities) Regulations 2016 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Regulatory Systems (Immigration and Workforce) Amendment Act 2025 (2025 No 10): section 55  
Health and Safety at Work (Adventure Activities) Amendment Regulations 2023 (SL 2023/189)  
Education and Training Act 2020 (2020 No 38): section 668