

# Application for an enforceable undertaking

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June 2019

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by

Name of entity or, partnership or individual applying for this undertaking

New Zealand Police

# Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by

Name of the person or persons who will be signing this undertaking in section 4:

Deputy Commissioner Jevon McSkimming

On behalf of:

New Zealand Police

Name of the entity giving this undertaking (if an individual or sole trader, leave blank – complete in all other cases)

New Zealand Police

This enforceable undertaking is given on the day and date that it is accepted and signed by WorkSafe. The undertaking and its enforceable terms will operate as a legally binding commitment on the part of the person from the date it is given.

Do not refer to the victim by name in this document. Please refer to the victim/worker/employee/volunteer/or other term as appropriate.

WorkSafe respects your privacy and is committed to protecting personal information. The information provided in this document is for the purpose of an undertaking given to WorkSafe under Part 4 of the *Health and Safety at Work Act 2015*. This information will be managed within the requirements of both the *Privacy Act 1993* and the *Official Information Act 1982*.

There is an expectation that WorkSafe will generally publish the undertaking in full on its website.

TERM	DEFINITION
Contravention	An action which offends against the <i>Health and Safety at Work Act 2015</i> and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.
HSMS	A Health and Safety Management System.
Person	An individual who or a legal entity which has a duty under the <i>Health and Safety at Work Act 2015</i> and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, trustees of trusts, and crown organisations.
Health and Safety legislation	<i>Health and Safety at Work Act 2015</i> and associated regulations.
Enforceable undertaking	An enforcement pathway that allows a duty holder to voluntarily enter into a binding agreement with WorkSafe. The agreement outlines actions the duty holder will undertake to address the contravention. It is expected to deliver activities which benefit workers, the wider industry or sector and/or the community as well as acceptable amends to any victim(s).

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## 1. General information

### 1.1 Details of the person/persons/entity giving the undertaking

Name of person(s) making this undertaking: (in all cases complete with the name(s) of those who are signing this undertaking under Section 4)

Deputy Commissioner Jevon McSkimming

Name of entity: (if applicable, leave blank if an individual)

New Zealand Police

Type of legal entity: (complete in all cases, for example individual, sole trader, partnership, trust, company, etc)

Crown organisation

Nominated contact person: (the same person listed above/one of those listed above)

Superintendent Steve Greally

Physical address:

Police National Headquarters  
180 Molesworth St,  
Wellington,  
PO Box 3017

Postal address: (if different from physical address)

Work phone:

Mobile phone: [REDACTED]

Email: STEPHEN.GREALLY@POLICE.GOVT.NZ

Industry: Government

Workers (enter numbers):

Full-time: 14847 Part time: 1106 Casual:

Description of the products and services provided by the business or undertaking:

New Zealand Police is a Crown organisation.

New Zealand Police delivers services that ensure people can be safe and feel safe in their homes, on our roads, and in their communities.

This includes operating mobile speed cameras to reduce speeds on roads and ensure the safety of New Zealanders.

Comments:

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## 1.2 Detail of the contravention

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New Zealand Police has been charged with one charge under the Health and Safety at Work Act (HSWA) in relation to an incident on 30 August 2021.

On 30 August 2021, a New Zealand Police traffic camera operator (TCO) was operating a mobile speed camera (MSC) adjacent to the Upper Harbour motorway, 5m off to the side of the live lane. At this time another vehicle was deliberately driven into the MSC at a speed estimated to be between 145-160kmph. This resulted in the Police TCO being ejected from the MSC and suffering serious injuries.

WorkSafe alleges that NZ Police breached its duty to ensure, so far as was reasonably practicable, the health and safety of workers while the workers were at work under sections 36(1)(a), 48(1) and (2)(c) of HSWA, by failing to:

- 1) Undertake an effective risk assessment in respect of the deployment of TCOs to identify the controls to be implemented including assessing appropriate sites for the deployment, where the TCO is to be parked, and the safety features of the vehicle used.
- 2) Provide and maintain an effective safe system of work for TCOs while deployed that implemented the controls from the above-mentioned risk assessment, including requirements to park a safe distance behind appropriate barriers on motorways and/or the use of effective in-vehicle safety systems such as seatbelts.
- 3) Carry out effective monitoring of its TCO workers while deployed to ensure the above safe system of work was being followed.

WorkSafe alleges that these steps would have been reasonably practicable and the failure exposed the worker to the risk of serious injury.

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### 1.3 Detail the events surrounding the contravention

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NZ Police is the lead agency responsible for crime reduction and enhancing community safety. Functions of the Police include keeping the peace, maintaining public safety, law enforcement, crime prevention, community support and reassurance, national security, participation in policing activities outside New Zealand and emergency management. Police operate 24 hours a day in a complex environment actively targeting and preventing crime and harm. With around 15,950 staff, we operate on land, sea, and in the air, and respond to more than 1.3 million events per year, answering more than 925,000 111 calls and over 743,000 non-emergency calls.

Police work includes the national deployment of MSCs as part of the Police Road Policing Strategy. Police operate MSCs with funding from New Zealand Transport Agency.

MSCs are a critical component of road policing and are very effective in reducing speeds and therefore, saving lives.

In 28 years of the use of mobile speed cameras, spanning hundreds of thousands of TCO person-hours, this is the first incident of this nature to have occurred. It was also a "motivated offender" incident, in that it resulted from the deliberate action of an offender, rather than being accidental".

MSC operation at the time of this incident included:

- MSC vans large enough to house the relevant equipment, housed in the back of the van.
- There is a seat for the Traffic Camera Operator (TCO) to sit in while working. The seat does not include a seat belt.
- Formal approval to deploy is required by the District Road Policing Manager and Police Infringement Bureau
- MSCs will only work within approved sites
- TCOs only deployed to an approved deployment location
- TCOs set up the camera and commenced traffic monitoring
- TCOs have not reported any previous issue with the approved site

On the morning of 30 August 2021, a Police TCO was operating an MSC adjacent to the Upper Harbour Highway near Greenhithe. Based on evidence gathered, Police believe the driver of a Subaru vehicle deliberately drove into the parked MSC. The injuries suffered by the Police TCO are detailed at 1.7 below.

At the time of the incident, the MSC was parked 4-5 metres away from the live lane.

CONTINUED - Attached and marked APPENDIX A to this submission

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**1.4 Detail any enforcement notices issued that relate to the contravention as detailed in term 1.2**

DATE	NOTICE TYPE	NOTICE NUMBER	CONTRAVENTION OR PROHIBITED ACTIVITY	ACTION TAKEN IN RESPONSE TO NOTICE
DD / MM / YEAR				
DD / MM / YEAR				
DD / MM / YEAR				

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**1.5 Detail the rectifications to the workplace or work practices made as a result of the contravention (1.2), events (1.3) and the enforcement notices issued (1.4)**

The following rectifications have occurred or are planned to enhance the safety of TCOs:

- 1.5.1 Roadside Operations confirmed as one of NZ Police Critical Risks
- 1.5.2 Issued an interim directive prohibiting MSC operations in 70kmph zones unless behind barrier
- 1.5.3 TapRooT health and safety learning review
- 1.5.4 Critical risk control verification commenced in Districts
- 1.5.5 A dedicated Critical Risk Programme team was established
- 1.5.6 Developed a MSC site approval and risk assessment process
- 1.5.7 Critical risk assurance and verification framework under development
- 1.5.8 Amendments to NZ Police Speed Enforcement Policy
- 1.5.9 Developed an overarching risk assessment
- 1.5.10 ELT directive for MSCs to be operated in approved sites only
- 1.5.11 TCO induction and training package enhanced
- 1.5.12 Sustainable assurance processes being developed
- 1.5.13 Executive sponsors dedicated for each Critical Risk

CONTINUED - Attached and marked APPENDIX A to this submission

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**1.6 Total amount of money spent on rectifications**

NZ Police has invested considerable internal resource and capability to undertake the rectification work. NZ Police intends to spend \$8,000 sharing lessons learned at conferences (\$6,000 at the Australasian Road Safety Conference in Australia, and \$2,000 at the TRAFINZ conference in NZ). All other work can be run and managed internally, such that they cannot be easily quantified in terms of "spend".



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**1.9 Detail any consultation with the victim(s) as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution**

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On 15 January 2024 NZ Police met with the victim. He is supportive of an enforceable undertaking being an acceptable alternative to prosecution.

[REDACTED]

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**1.10 Detail any consultation with unions/sector/industry as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution**

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NZ Police has consulted with the following organisations in the development of this undertaking:

- NZ Police Association
- Police Leaders Guild

Both parties endorse the NZ Police Application for enforceable undertaking.  
Confirmation email text included in APPENDIX A of this submission

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**1.11 Detail the support provided or proposed by the person to the victim(s), other(s)**

DATE	DESCRIPTION OF SUPPORT	COMMENTS
DD / MM / YEAR	A payment for emotional harm compensation	
30 / 08 / 22 <sup>AR</sup>	Full weekly compensation and salary top up	
22 / 11 / 23 <sup>AR</sup>	[REDACTED]	
15 / 05 / 23 <sup>AR</sup>	[REDACTED]	
DD / MM / YEAR	[REDACTED]	
DD / MM / YEAR	[REDACTED]	
DD / MM / YEAR	[REDACTED]	
DD / MM / YEAR	[REDACTED]	
DD / MM / YEAR	[REDACTED]	
DD / MM / YEAR	[REDACTED]	
DD / MM / YEAR	[REDACTED]	
DD / MM / YEAR	[REDACTED]	
DD / MM / YEAR	[REDACTED]	
DD / MM / YEAR	[REDACTED]	

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## 1.12 Detail any current HSMS implemented and maintained by the person

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Describe how health and safety risks are managed, including types of procedures or policies or standards:

The vision of NZ Police is for New Zealand to be the safest country. To achieve this, we need to work together to prevent crime and harm, and ensure everybody is safe and feels safe wherever they live, work, or visit.

The NZ Police Safer People (Tiaki Tangata): Wellness and Safety Strategy reflects the complex challenges keeping our people safe as our people are regularly asked to put themselves in harm's way to keep others safe.

Our focus is on ensuring all of our people feel empowered, supported, and recognised for making safety and wellness an intrinsic part of what they do for themselves and others. NZ Police is focused on breaking down stigma around mental health, having people know it's okay to not be okay, and have the supports in place when required to deal with those injuries that are not always so visible, yet have a significant impact on an individual's wellbeing. NZ Police is committed to ensuring our people remain fit for work and life.

Our Guiding Principles - To develop a strong culture of Wellness and Safety in Police that is fully integrated at all levels. Our strategy is guided by four principles:

- Holistic and integrated service delivery – delivered through the Te Whare Tapa Wha holistic model for wellbeing
- Prevention focused through a three-pronged practice framework: Prevent, Advise, and Respond
- Evidence-based, people-centric decision making
- Enablement, through a high-performance culture

Our Objectives

- Our people are fully engaged, lead, and take personal responsibility for the health, safety, and wellbeing of themselves and others.
- Our culture fosters and supports mental health and wellbeing in an environment without stigma.
- We have a culture that promotes the proactive reporting of incidents, near misses, workplace risks and wellbeing concerns.
- We work continuously to build, maintain, and restore the resilience of our people to improve their wellbeing and strengthen the productivity of workplaces.
- We lead effectively with clear expectations, ownership and strong governance.
- We maximise and leverage opportunities through cross-government and private sector relationships in order to deliver exceptional services to our people

At NZ Police our health and safety risks are managed by following a four-step process (WorkSafe 2017)

PLAN

- Identify hazards
- Assess work risks
- Eliminate or minimise risks so far as is reasonably practicable
- Engage with workers and representatives

DO

- Implement control measures that effectively eliminate or minimise risk
- Preference to control measures that protect multiple at-risk workers
- PPE should not be the first or only control measure used

CHECK

- We have appropriate means for our workers to report health and safety events
- Monitor workplace conditions
- Engage with our workers and representatives through multiple forums e.g. H&S participation and engagement network

ACT

- Regularly review the effectiveness of controls e.g. NZ Police Critical Risk Verification Programme, Specialist Workgroup Assessments
- Review near misses and incident e.g. TapRooT and ICAM learning reviews
- Continuously improving using review recommendations to improve controls

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### 1.13 Detail the level of auditing undertaken on the HSMS, including compliance audits and audit frequency

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As part of the NZ Police Health and Safety Management System NZ Police has a National Critical Risk Verification Programme. The Programme includes critical risk identification followed by critical control identification, defining performance measures, verifying performance of controls and remediation where gaps are identified, all managed through a robust governance and management framework. The Critical Risk Verification Programme is currently focusing on 7 identified critical risks that include, Psychological Harm, Driving, Custody, Hazardous Exposure, Contractors and Third-parties, Motivated Offender, and Roadside Operations.

The causation, consequences, and controls for each critical risk have been established through a series of collaborative District and Service Centre workshops and developed using Bowtie methodology.

Verification of the critical controls is currently underway nationally and managed by a dedicated Critical Risk Team (CRT). The Critical Risk Verification Framework uses both quantitative and qualitative verification methods (including discussions, surveys observations of work being performed). The results are then analysed and the findings communicated directly to District Commanders, Health and Safety Advisory Group (HSAG), Health and Safety Governance Group (HSGG) and the Executive Leadership Team, informing our senior leaders across the organisation. In essence focussing on administrative, tactical, operational, and strategic matters.

Expanding on this, after each visit the CRT consolidate a written report including findings and recommendations that are provided to the District Commander. Local action plans are developed and recorded in the Police Lessons Learned and Recommendations database (Sentient) with monthly status reporting. All recommendations are monitored through robust governance channels including the District and National H&S Committee network, Health and Safety Advisory Group, Health and Safety Governance Group, and Executive Leadership Team.

NZ Police is also a member of the Accredited Employers Programme (AEP) and undergoes an independent ACC Audit annually. NZ Police is currently performing at Secondary level. Any recommendations from the annual audit are included in Sentient where they are actioned and monitored for completion.

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### 1.14 Detail the consultation undertaken or proposed to be undertaken, in relation to this undertaking

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Police has consulted with the Injured Person in relation to this undertaking. Police intends to communicate the progress of this Enforceable Undertaking with the Injured Person, within NZ Police, with WorkSafe, and industry groups, including NZTA.

Refer:

3.3 Activities to be undertaken to benefit workers and/or work and/or the workplace

3.4 Activities to be undertaken to benefit the wider industry or sector

3.5 Activities to be undertaken to benefit for community

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## 2. General terms

The person acknowledges and commits to the general terms set forth in the sub-terms below.

### 2.1 Acknowledgement that WorkSafe alleges a contravention occurred as detailed in term 1.2

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New Zealand Police acknowledges that WorkSafe has alleged a contravention of s 36(1) and s 48 HSWA.

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### 2.2 Statement of regret that the contravention occurred

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Police takes the health, safety, and wellbeing of its people seriously and is committed to its obligations under the Health and Safety at Work Act 2015 (HSWA).

Police also acknowledge that compliance alone with the HSWA is not sufficient to justify WorkSafe accepting this undertaking in lieu of proceeding with the prosecution of the charges that have been laid against NZ Police.

Police deeply regrets the harm caused to our injured worker.

Police is committed to improving the safety of all its roadside operations. Police acknowledges its duty to ensure the safety of its workers, and that its worker was harmed in this case. The contravention alleged includes an allegation relating to risk assessments. Police acknowledges the need for better risk assessments for the selection of MSC deployment locations, and, since the incident, Police have accordingly improved risk assessment processes for MSC deployment locations, and the new risk assessment policy is now in place.

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### **2.3 Statement of the reasons why, on balance, the person considers this undertaking is the most appropriate response to the contravention**

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Every function and role within NZ Police is aimed at keeping people safe. That includes our communities in which we Police, alongside our own workers and those that we are responsible to care for. Roadside policing, including measures to influence safe driving speeds, are critical to preventing deaths and injuries for all users of New Zealand roads.

Unlike other organisations and businesses in New Zealand, NZ Police cannot stop its business - it cannot stop policing. This includes roadside policing measures to address unsafe speeds, and thereby, prevent road deaths and injuries.

Safety of NZ Police workers will always be an area of ongoing improvement, necessarily occurring at the same time as policing.

Police recognises the importance of an Enforceable Undertaking, its benefit to workers, the broad workplace, road users, the community, and wider sector. An enforceable undertaking is appropriate to recognise this and to further ensure structure around continuous improvements.

In summary Police:

1. Has no previous convictions for offences under the Health and Safety at Work Act 2015 nor the Health and Safety in Employment Act 1992.
2. Cooperated fully with WorkSafe in its investigation of this incident.
3. Paid ██████ by way of amends to the victim, with further amends supporting the victim in their return to work.
4. Offered ongoing support to the victim via the NZ Police Return to Work Team, and Wellness Team
5. Will benefit and support the Police workers, specifically the TCOs, with enhanced health and safety practices including risk assessment, location risk assessment, enhanced risk management training including dynamic risk.
6. Will benefit industry groups with learnings from this incident being shared with the NZ Transport Agency to inform MSC Health and Safety considerations for when it commences undertaking this business function in 2025, and with the wider transport sector to inform Health and Safety factors of on-road and roadside work activities.
7. Will benefit the wider community, specifically by enabling effective and safe MSC deployment to influence safe driving speeds and thereby reduce road safety outcome risks for all road users.

Police believes this proposal will have a positive impact on our workers, the industry, and the community.

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#### **2.4 Statement of commitment that the behaviour, activities and other factors which caused or led to the contravention has ceased and will not reoccur**

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NZ Police is committed to the ongoing improvement to the deployment of MSCs and TCOs and safe roadside policing.

Police has already made changes to the manner in which it operates MSCs, including new and enhanced risk assessments, and new/updated procedures.

NZ Police is committed to ensuring continuous improvements in this area and doing what is reasonably practicable to prevent a similar event occurring.

Sadly policing comes with a risk of harm being caused by a motivated offender in a roadside work environment. NZ Police is committed to reducing risk as far as reasonably practicable, while noting the importance of continued policing to better ensure public safety.

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## 2.5 Acknowledgment of the policy published by WorkSafe for the acceptance of an undertaking

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(write the name of the person(s) or entity giving the undertaking)

New Zealand Police

has read and understood the Enforcement Undertaking Operational Policy.

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## 2.6 Acknowledgement that this undertaking will be published and publicised in full

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(write the name of the person(s) or entity giving the undertaking)

New Zealand Police

acknowledges that the undertaking will, if accepted, be published on WorkSafe's website in full and referenced in WorkSafe material.

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## 2.7 Statement of the person's ability to comply with the terms of this undertaking and meet the projected costs of the activities

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(write the name of the person(s) or entity giving the undertaking)

New Zealand Police

has the financial ability to comply with the terms of this undertaking and have provided evidence by way of

(type of evidence provided)

New Zealand Police

with this undertaking to support this declaration.

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In the event of impending receivership, liquidation or sale of the entity, (write the name of the person(s) or entity giving the undertaking)

New Zealand Police

will advise WorkSafe of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

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## 2.8 Statement outlining any relationship between the person and any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking

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Police is in no way affiliated with any other agency or company which will benefit financially from this Enforceable Undertaking.

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## 2.9 Statement regarding Intellectual Property

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(write the name of the person(s) or entity giving the undertaking)

New Zealand Police

grants WorkSafe a perpetual, non-exclusive, worldwide and royalty-free licence to use, for any purpose, all Intellectual Property Rights in relation to any material developed as a result of this undertaking. This licence includes the right to use, copy, modify and distribute the materials.

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## 2.10 Acknowledgement that the person may be required to provide a statutory declaration

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(write the name of the person(s) or entity giving the undertaking)

New Zealand Police

acknowledges that it may be necessary for WorkSafe to obtain a statutory declaration outlining details of any prior convictions (safety related) outside of New Zealand and that it will provide such declaration if required by WorkSafe

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## 2.11 Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking

1. It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with the person.
2. Evidence to demonstrate compliance with the terms will be provided to WorkSafe by the due date for each term.
3. The evidence provided to demonstrate compliance with this undertaking will be retained by the person until advised by WorkSafe, that this undertaking has been completely discharged.
4. It is acknowledged that any failure to meet the due date for an enforceable term will result in the matter being escalated and may lead to enforcement action.
5. It is acknowledged that WorkSafe may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to WorkSafe.
6. It is acknowledged that WorkSafe may initiate additional compliance monitoring activities, such as inspections, as considered necessary at WorkSafe's expense.
7. It is acknowledged that details of all seminars, workshops and training conducted by a non-registered training provider must be notified to WorkSafe, by email, at least one week prior. Notification should include time, date, location and the trainer/facilitator.

(write the name of the person(s) or entity giving the undertaking)

New Zealand Police

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### 3. Enforceable terms

The person acknowledges all activities set forth in the enforceable terms below must be auditable and include a date for completion and an estimated cost for each activity.

The person commits to performing the activities below diligently, competently and by the respective completion date.

#### **3.1 A commitment by the person to perform activities that will ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking**

Detail the management strategies to be employed that will satisfy and demonstrate to officer/s of the person that this commitment is being met:

Police is committed to carrying out the actions detailed in this application. Police is committed to completing the activities detailed in sections 3.3, 3.4, and 3.5 which will ensure the risks are management to the lowest possible levels so far as is reasonably practicable

Police will ensure that the activities listed in section 3.3, 3.4, and 3.5 of this Enforceable Undertaking will be performed by:

1. A project team comprising of NZ Police members from Road Policing, Safer People, and Assurance Group
2. Designate an Executive Sponsor
3. An Executive Leadership Team paper demonstrating intent to deliver on the Enforceable Undertaking
4. Monthly Enforceable Undertaking project progress meeting
5. Bi-monthly governance update to the Health and Safety Advisory Group
6. Bi-monthly governance update with the Health and Safety Governance Group
7. Quarterly report to the Executive Leadership Team
8. Three and six-monthly reporting to the WorkSafe Enforceable Undertakings team

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### **3.2 A commitment by the person to disseminate information about this undertaking to workers, and other relevant parties**

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(this may include to work health and safety representatives and in the organisation's annual report, if applicable)

Dissemination will be achieved by doing the following:

1. Engaging and consult with the Injured Person no later than 14 days from the execution of the Enforceable Undertaking
2. Engage and communicate with the NZ Police TCO workgroup no later than 21 days from the execution of the Enforceable Undertaking.
3. Engage and communicate with NZ Police workers no later than 30 days from the execution of the Enforceable Undertaking.
4. Engage and communicate with NZTA and other industry groups no later than 90 days from the execution of the Enforceable Undertaking.

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Dissemination will occur by: DD / MM / YEAR

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**3.4 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for the wider industry or sector**

ACTIVITIES	COST (\$)	TIMEFRAME
Outline the activity and the expected outcomes		
3.4.1 MSC operation is unique to NZ Police. Operations will transfer to NZTA		January - June 2025
3.4.2 Police to present lessons learned at annual TRAFINZ Conference	\$2,000	September 2025
3.4.3 Police to present lessons learned at Australasian Road Safety Conference (ARSC)	\$6,000	October 2024
See Section 3.4 of APPENDIX A attached to this submission.		
<b>Total estimated cost of benefits for industry</b>		



### 3.6 Where WorkSafe considers appropriate in the circumstances, undertaking a SafePlus Onsite Assessment

Further information about SafePlus can be found here: [worksafe.govt.nz/about-us/who-we-are/our-priorities/safeplus/about-safeplus](https://worksafe.govt.nz/about-us/who-we-are/our-priorities/safeplus/about-safeplus)

- 3.6.1 The suitability of a SafePlus assessment will be determined by the Enforceable Undertakings Panel when your application is considered.
- 3.6.2 In addition to the total cost below (3.7) all costs of a SafePlus Onsite Assessment will be met by the person making this undertaking. The fee charged for an Onsite Assessment is a commercial matter between your business and the SafePlus Accredited Assessors that you commission.

### 3.7 Minimum spend

(write the name of the person(s) or entity giving the undertaking)

- 3.7.1 New Zealand Police commits to a minimum spend of [REDACTED] (\*not including internal resourcing, or critical risk cost estimates).  
commits to a minimum spend of \$ [REDACTED] for this undertaking.

(write the name of the person(s) or entity giving the undertaking)

- 3.7.2 New Zealand Police  
agrees to spend any residual amount arising from an original term not being completed or being less costly than estimated in this undertaking. Agreement on how to spend this residual amount will be sought from WorkSafe

(write the name of the person(s) or entity giving the undertaking)

- 3.7.3 New Zealand Police

Acknowledges the minimum spend comprises of the:

TOTAL COST	MINIMUM SPEND
Financial amends paid to victims (if applicable)	[REDACTED]
Benefits to workers/others	N/A
Benefits to industry	\$8000
Benefits to community	N/A
<b>Estimated cost of the undertaking</b> Plus GST (if any)	[REDACTED]

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## 4. Execution

### Authorised representative of an organisation

Undertaking given by (name of authorised representative)

Jevon McSkimming

In my own right and in my capacity as (eg President, Chairperson, etc)

Deputy Commissioner

of (eg organisation name) NZ Police

On the (day) 8th day of (month) February, 2024 (year).

Signature of the person giving the undertaking:



Undertaking given before me:

Witness name: Superintendent Steve Grealley

Witness address:

180 Molesworth Street,  
Thorndon,  
Wellington 6011

Witness signature:



## 5. Acceptance

This undertaking is accepted by WorkSafe.

On the 8th day of February, 2024

Signature of person accepting the undertaking:



Name of WorkSafe representative: (General Manager, WorkSafe (or delegate))

Kane Patena

Undertaking given before me:

Witness name: Mark Horgan

Witness address: 19 Bower St  
Napier, 4110

Witness signature:



## APPENDIX A

### 1. General information

#### 1.3 Detail the events surrounding the contravention

On 30 August 2021 at 10.08am a traffic camera operator (TCO) was critically injured while performing duties on the Upper Harbour Highway, Greenhithe, Auckland. The mobile speed camera (MSC) van was parked on the road shoulder under the Greenhithe Road overbridge when it was struck by a Subaru Forester travelling north on the Upper Harbour Highway.

The force of the impact pushed the MSC van approximately 40 metres and ejected the TCO out of the van. The Subaru vehicle rolled onto its roof and came to rest approximately 20 metres behind the final resting position of the camera van, and 10 metres short of where the TCO landed on the roadside after being ejected from the van.

The MSC van was operating in an approved deployment site and had been operating in this location for a little over 3 hours at the time of the incident. The MSC van was being operated in accordance with standard operating procedures in place at the time of the incident. The outer side of the MSC van was located approximately 5 metres from the edge of the live lane. Regular welfare checks were taking place by the Northern Communication Centre (North Comms) with the last welfare check logged at 9.45am.

The Subaru vehicle had made multiple passes of this location in the period immediately prior to the crash before, on this occasion, veering to the left and crashing into the MSC van. Based on evidence gathered, Police believe the driver of the vehicle deliberately drove into the parked MSC. There is no evidence that the driver attempted to brake or avoid the collision immediately prior to impact.

Motorists following immediately behind the Subaru vehicle stopped and called 111 and provided assistance to the injured TCO. Ambulance and fire services arrived and tended to the injured TCO before he was taken to Auckland hospital for treatment. The driver of the Subaru was deceased at the scene of the crash.

Police Serious Crash Unit took control of the crash scene and conducted a scene examination. Notifications were made to the families of the injured TCO and the deceased driver of the Subaru, and WorkSafe was notified.

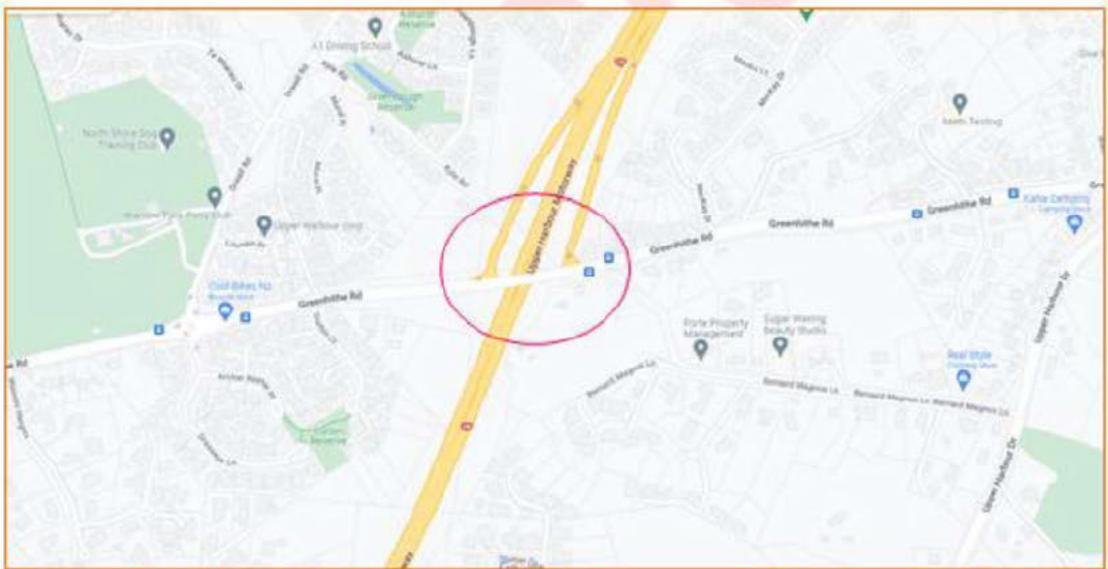
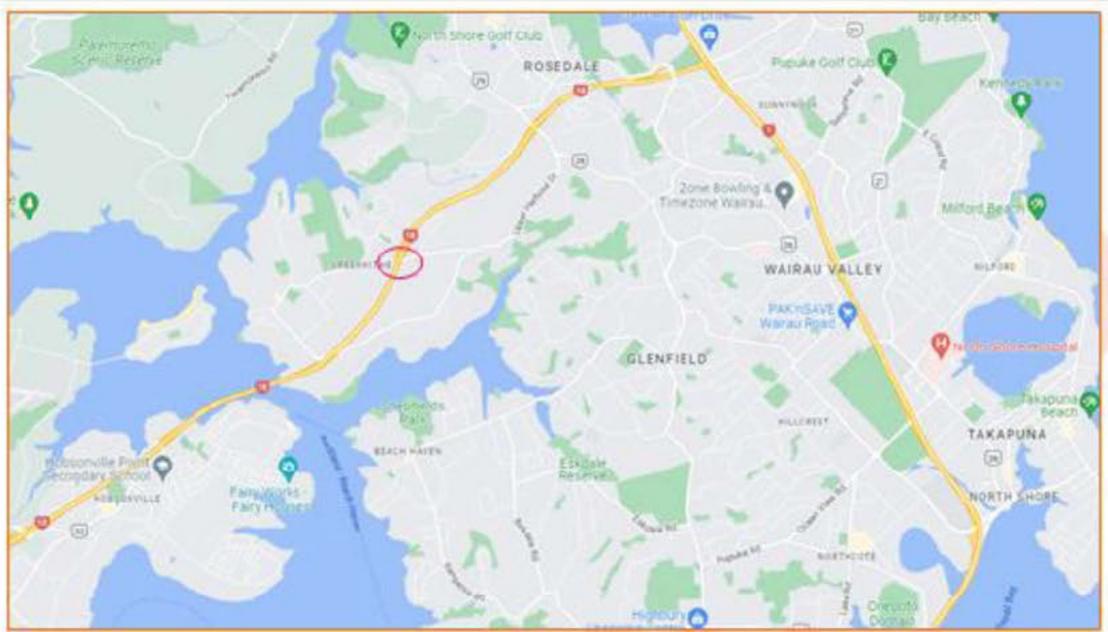


Figure 1 & 2: Map indicating incident location

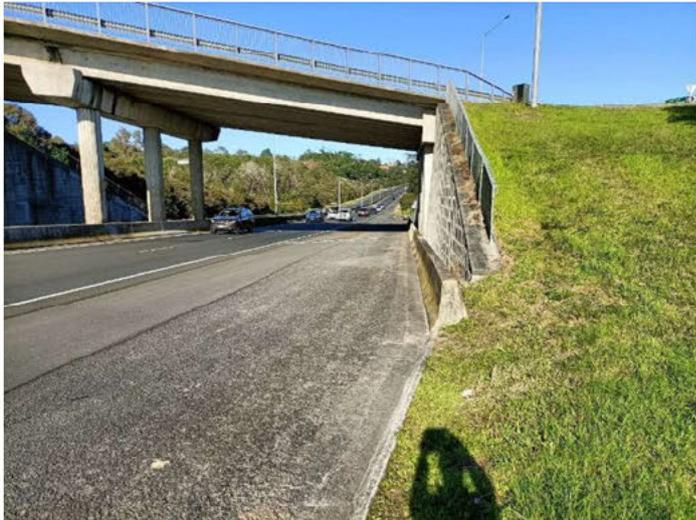


Figure 3 – Crash Scene looking South from final resting position of camera van



Figure 4: Image taken from passer-by's dashcam when passing camera van prior to crash

**1.5 Detail the rectifications to the workplace or work practices made as a result of the contravention (1.2), events (1.3) and the enforcement notices issued (1.4)**

At the time of the event policy and guidelines were in place to inform the safe and effective operation of MSCs based on the risks as they were understood at the time.

This incident was the first of its type after over 1 million hours of mobile traffic camera operation. The risk informed extensive review into how NZ Police operates MSCs.

Sept 21	1.5.1	<p>Roadside Operations was confirmed as one of NZ Police 7 Critical Risk with workshops, including Bowtie risk assessments, identifying all likely threats, consequences, and controls including critical controls.</p> <p>Roadside Operations is defined as: Any process, method, or series of acts undertaken (planned or unplanned) as part of their duties by NZ Police on the road or side of the road.</p>
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### Critical Risk Bowtie - Roadside Operations:

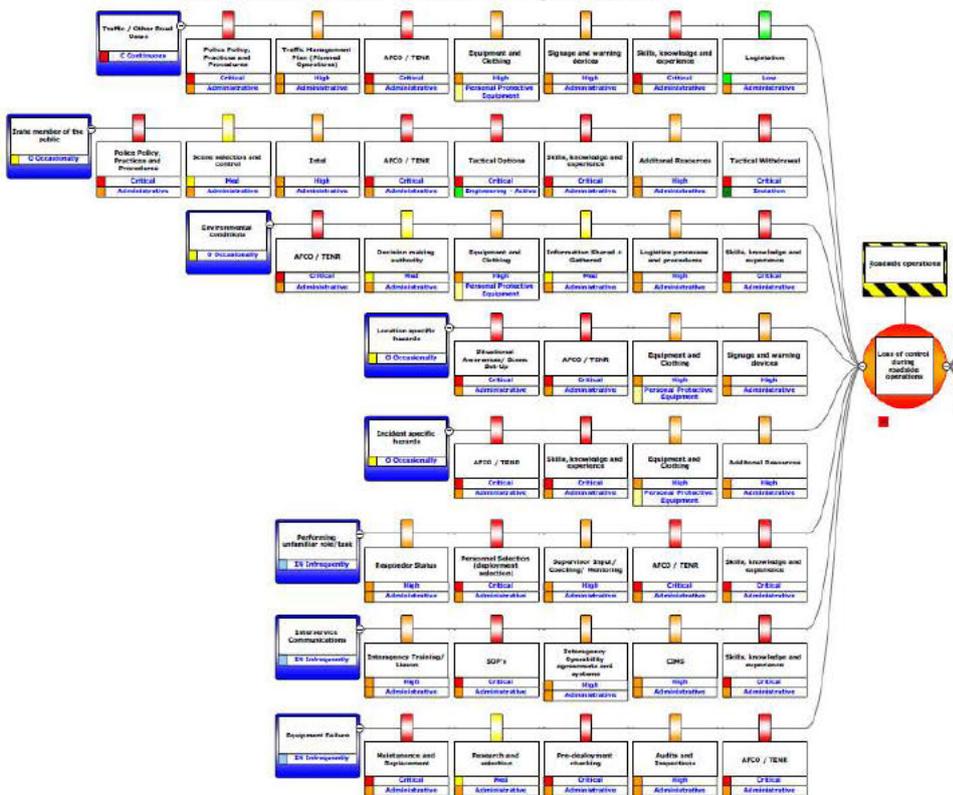


Figure 7 - Roadside Operations Bow Tie (threats and prevention controls)

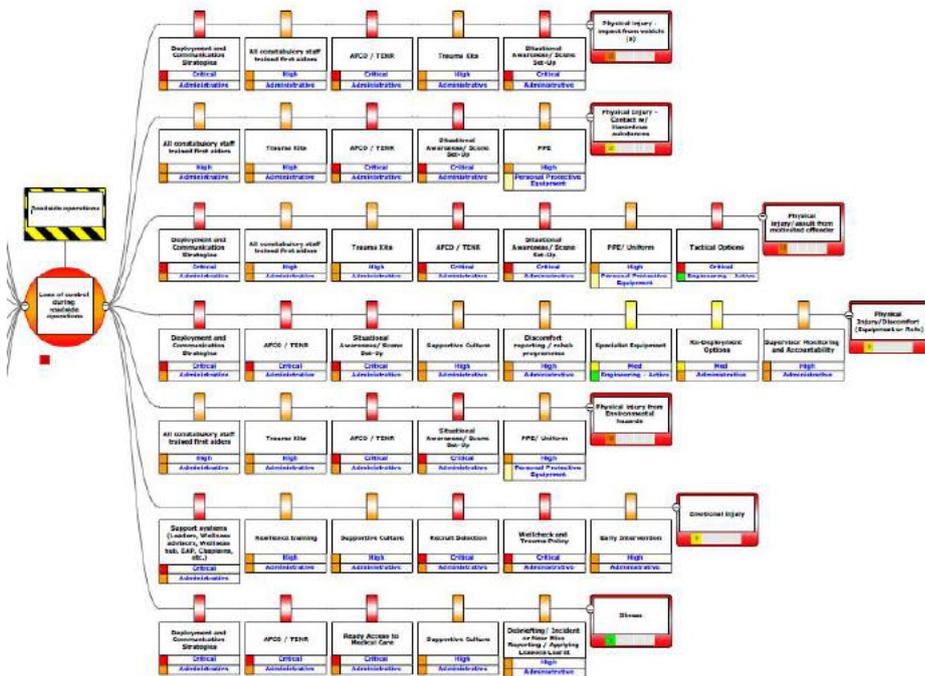


Figure 8 - Roadside Operations Bow Tie (consequences and recovery controls)

Threat	Total No. of Controls	Critical Controls
Traffic / other road users	11	National Policies Practices and procedures Dynamic risk assessment (TENR) Equipment, PPE and clothing Signage and warning devices Skills, knowledge and Experience
Irate member of the public	11	National Policies Procedures and Practices Scene awareness, selection and control Dynamic risk assessment (TENR) Tactical Communication/Negotiation Skills Tactical Options Skills, knowledge and experience
Environmental Conditions	6	Dynamic risk assessment (TENR) Equipment, PPE and clothing Skills, knowledge and experience
Locations specific hazards	5	Scene awareness, selection and control Dynamic risk assessment (TENR) Equipment, PPE and clothing Signage and warning devices
Incident specific hazards	7	Dynamic risk assessment (TENR) Skills, knowledge and experience Equipment, PPE and clothing
Performing unfamiliar role / task	6	Deployment and communication strategies Dynamic risk assessment (TENR) Skills, knowledge and experience
Interservice communications	7	Coordinated incident Management System (CIMS) Communications systems Skills, knowledge and experience
Equipment Failure	5	Repair and maintenance program Pre-deployment checking Dynamic risk assessment (TENR)
Staff Complacency	7	Leadership organisational culture and values National policies Procedures and Practices Skills, knowledge and experience People Leadership Health & Safety engagements Debriefing / lessons learnt
Pressure from expectation (real or perceived)	7	Leadership organisational culture and values National Policies Procedures and Practices Skills, knowledge and experience People Leadership Health & Safety engagements

Consequence	Total No. of Controls	Critical Controls
Physical injury – impact from vehicle(s)	6	Dynamic risk assessment (TENR) Scene awareness, selection and control Deployment and communication strategies Communication systems Trained first aiders First Aid kits
Physical injury – impact from hazardous substance(s)	6	Dynamic risk assessment (TENR) Scene awareness, selection and control Communication systems Trained first aiders First Aid kits Equipment, PPE and clothing
Physical injury / assault from a motivated offender	8	Dynamic risk assessment (TENR) Scene awareness, selection and control Deployment and communication strategies Communication systems Trained first aiders First Aid kits Equipment, PPE and clothing Tactical Options
Physical injury / discomfort (equipment or role)	8	Dynamic risk assessment (TENR) Scene awareness, selection and control Deployment strategies Supportive culture
Physical injury – from environmental hazards	6	Dynamic risk assessment (TENR) Scene awareness, selection and control Communication systems Trained first aiders First Aid kits Equipment, PPE and clothing
Emotional injury	6	Wellness Support systems Wellness, welcheck support and Trauma support policy Early intervention
Illness	5	Dynamic risk assessment (TENR) Deployment and communication strategies Ready access to medical care Debriefing / lessons learnt

**Figure 9 - Roadside Operations Bow Tie (threats, consequence, critical controls)**

Jun 22

1.5.2

An interim national directive was issued which prohibited the operation of MSCs on any road with a speed limit greater than 70kmph unless the vehicle was behind a road safety barrier. This was the highest-level control (engineering) within the hierarchy of controls that could be deployed at the time to reduce the risk of high-speed crash harm risks for TCOs until review outcomes were

		able to inform longer term policy and operating settings. This resulted in decreased MSC hours on the open road, and thereby less open road roadside speed enforcement to protect people using those roads.
Jun 22	1.5.3	<p>NZ Police conducted a TapRoot health and safety learning review in accordance with the <i>Recording and reviewing health and safety events</i> policy.</p> <p>The Director Safer People, in partnership with the Waitemata District Commander, and Director Road Policing, established a review team to look past the primary cause to examine if there are opportunities to make police work of this nature safer for our people involved. The team reviewed various documents, interviews, and photographs to determine the sequence of events and contributing factors. They also considered NZ Police actions, policy, training, and equipment available to police when dealing with traffic camera operations.</p> <p>The review highlighted recommendations and responsibilities for completing the recommendations.</p> <p>It should be noted that TapRoot reviews are based on process and are opportunities for NZ Police to learn. They are not intended to apportion blame.</p>
Jul 22	1.5.4	Critical Risk (control verification) commenced within Districts.
Jan - Dec 23	1.5.5	A dedicated Critical Risk Programme team was established. District verifications of critical controls continued with reporting and governance of remedial actions where performance gaps identified at local and national level.
Sept 23	1.5.6	A new MSC site approval and formal site risk assessment process was introduced. Documented site risk assessments, informed by a nationally consistent template, must be completed for any new mobile speed camera site. From January 2024 mobile speed cameras can only be used at sites for which there is a current risk assessment in place. District Road Policing Managers are responsible for ensuring compliance with control methods, including supervisors/managers visiting MCSs in situ. Site risk assessments are subject to review on an annual basis or earlier if there are known changes in risk factors.

## Mobile Safe Speed Camera Site Risk Assessment Form For POL580

This form is to be completed in conjunction with a POL580 and should be uploaded as an attachment to the Mobile Safe Speed Camera Site Approval Request (POL580) in [ServiceNow](#)

Responsibility for completing the Risk Assessment is with the District RPM/TCO Manager. If the District RPM/TCO Manager needs support completing the risk assessment, they can reach out to their [District Health and Safety Advisor](#) for support.

The form has been adapted from the Risk Assessment form 2021. The Rating Matrix can be found here: <https://tenone.police.govt.nz/pl/hazard-and-risk-management>

Responsibilities	
Responsibility	Owner
For conducting assessments	TCO line manager (applicable Road Policing Manager or Area Commander)
For monitoring controls	TCO line manager and TCO supervisor
For identifying, communicating and facilitating management of risks/risk factor changes	All personnel

#	RISK FACTOR (WHAT IS THE HAZARD?)	POTENTIAL INJURY/ILLNESS (WHAT HARM COULD OCCUR TO WHOM?)	CONSEQUENCE <sup>1</sup>	LIKELIHOOD <sup>1</sup>	LINE ITEM RISK <sup>2</sup>	CONTROL METHOD	CONSEQUENCE <sup>2</sup>	LIKELIHOOD <sup>2</sup>	RESPONAL RISK <sup>2</sup>	COMMENTS (e.g. responsibility & frequency of monitoring controls)
Example A	Driving / Traffic	Fatality / Serious injury due to unsafe driving whilst in stationary deployment	Major	Possible	High	May include but not exclusive to: Consideration of speed limit and anticipated public driving speeds; site crash history; protected by crash barrier or other protective separation mechanism; parking and operating aligned to Police Instructions and any additional directions; restrict operation to designated places within the site; limit weather or lighting/visibility conditions for site use	Moderate	Unlikely	Medium	
Example B	Assault / Threats / Damage	Fatality / Serious injury / other Harm / Vehicle or equipment damage due to targeted aggression	Major	Possible	High	May include but not exclusive to: Limit times of site use according to changing risks, for example darkness or time of day, more intoxicated people in vicinity; restrict operation to designated places within the site, for example where there is supportive public visibility; limit duration and frequency of site use to avoid perceptions of excess enforcement	Minor	Unlikely	Low	

Figure 10 – Template of MSC Site Risk Assessment Form

Sept 23	1.5.7	Critical Risk Assurance and Verification Framework is under development. This describes our methods and arrangements for managing identified critical risks and their corresponding critical controls. It contains clear verification and assurance activities using a multi layered approach to effectively manage critical risk and prevent harm to our people
Nov 23	1.5.8	Amendments to Police's Speed Enforcement Policy went live on 20 November 2023. Changes include once a camera has been set up TCOs are required to sit in the front of camera vehicles with their seatbelt on for the entire deployment unless the operation is completely behind a road safety barrier. This provides the protection of vehicle safety systems, such as the seatbelts, airbags, and side-intrusion technology, if the vehicle is crashed into for any reason. Those safety features are not available in the rear of the camera vans. This measure will be under review.
Nov 23	1.5.9	A new overarching MSC risk assessment was conducted in consultation with Road Policing and Safer People to see if we could further reduce risks. The risk assessment provides controls aligned to the updated speed enforcement policy and the interim directive for roads with speed limits greater than 70kmph and proposed controls aligned to future changes in the directive. Following the June 2022 interim directive, MSC hours on open roads were significantly down, equating to a significant overall reduction in Police speed enforcement to reduce risks on the roads where most fatal crashes continued to occur. For public safety reasons more open road speed enforcement was required than was possible under the interim directive.



**Task:** TCO deployment (under proposed Policy changes)  
**Date:** Dec 2023 **Review due:** Dec 2024  
**Risk Assessment Performed by:** Peter McKennie, Road Policing  
**Groups and Subject Matter Experts Consulted:** Safer People

**Purpose:** Police is considering an operational decision to recommence deploying Traffic Camera Operators more broadly across New Zealand roads. The risk assessment provides controls under the existing interim policy and proposes controls under the newly proposed policy to reduce risks as far as reasonably practicable.

**Considerations:** There are several things to consider/note in this risk assessment:

- A review was carried out to determine if the risk can be eliminated (i.e. removing the need for a person to be physically present during deployment). This cannot be reasonably achieved due to the current availability of technology within Police. Noting, that there are plans in the near future to transfer ownership of these operations to Waka Kotahi, meaning, long-term significant investment by Police wouldn't be reasonably practicable.
- The residual risk is based on the controls being deployed successfully. Assurance mechanisms will need to be in place to ensure that the proposed controls, especially the risk assessment and induction processes are carried out effectively and remain fit for purpose. If the controls aren't implemented effectively, the risk won't be reduced to the anticipated levels.

#	RISK FACTOR (WHAT IS THE HAZARD?)	POTENTIAL INJURY/ILLNESS (WHAT HARM COULD OCCUR TO WHOM?)	CONTROLS UNDER INTERIM POLICY	Consequence <sup>1</sup>	Likelihood <sup>2</sup>	Existing Risk	ADDITIONAL CONTROLS UNDER NEW POLICY (ALL APPLICABLE EXISTING CONTROLS WILL BE CONTINUED)	Consequence	Likelihood	Residual Risk
1	Driving to/ between/ from sites	Fatality / Serious injury, including psychological harm, to Police employee and/or member of the public	TCOs have current drivers' licence. Current vehicle WOF, 5-star ANCAP safety-rated vehicle. Vehicle condition check. Pre-op planning and deployment check. Consideration of speed limit and anticipated public driving speeds; site crash history, protected by road safety barrier or other protective separation mechanism; parking and operating aligned to Police Instructions and any additional directions; restrict operation to designated places within the site; limit weather or lighting/visibility conditions for site use; airbag protected compartment and wearing seatbelt.	Major	Possible	High	<p>All TCOs to undergo the TCO training and induction package with strengthened risk awareness and risk management methods, including:</p> <ul style="list-style-type: none"> <li>● Concept of a safety system with redundancy</li> <li>● TENR – dynamic risk assessment</li> <li>● Safety is paramount – seek advice if unsure</li> <li>● Planning with an awareness of risks, e.g. fatigue, public events, traffic and road conditions</li> <li>● Vehicle setup, checks, reporting faults</li> <li>● Safe driving standards               <ul style="list-style-type: none"> <li>» Maintain a safe following distance</li> <li>» Reduce speed for the conditions</li> <li>» Use your headlights</li> <li>» Know your right to refuse unsafe work</li> </ul> </li> </ul> <p>Prior to deploying, review site risk assessment to ensure familiarity with control methods. Site risk assessment includes risks of vehicle collision, access to barriers, distance from traffic lane, ground conditions, communications capability (black spots).</p>	Major	Unlikely	High

**Figure 11 – Mobile Camera Operation Risk Assessment**

Dec 23	1.5.10	<p>NZ Police Executive Leadership Team (ELT) noted the reviews have led to operational initiatives and policy amendments to enhance the safety of TCOs and endorsed that the National Road Policing centre engages with Safer People and Assurance Group to develop sustainable assurance processes for MSC operations.</p> <p>ELT also provided a directive that MSCs may be operated in any approved site subject to compliance with control methods documented in the risk assessment for that site. ELT further directed that risk assessments must be completed by Districts and lodged with the Police Infringement Bureau prior to MSC operation for all sites regardless of road safety barrier protection and speed limit from 1 January 2024. This better enables MSCs to be operated on New Zealand roads with the greatest risks, thereby providing benefits to the community by influencing safe driving speeds and reducing road deaths and injuries.</p>
Jan 24	1.5.11	<p>An enhanced TCO induction and training package is being developed. Confirmation of recent Policy amendments are being incorporated into the draft induction and training package. It is expected to be completed and available for application as an online resource in January 2024. The training will be mandatory for all existing and new TCOs. Supervisors of TCOs will also be expected to undergo this training, to ensure familiarity of requirements and operational expectations.</p> <p>The training includes:</p> <ul style="list-style-type: none"> <li>● Concept of a safety system</li> <li>● TENR – dynamic risk assessment</li> <li>● Safety is paramount – seek advice if unsure</li> <li>● Planning with an awareness of risks, e.g. fatigue, public events, traffic, and road conditions</li> <li>● Vehicle setup, checks, reporting faults</li> <li>● Safe driving standards       <ul style="list-style-type: none"> <li>» Maintain a safe following distance</li> <li>» Reduce speed for the conditions</li> <li>» Use your headlights</li> <li>» Know your right to refuse unsafe work</li> </ul> </li> </ul>

Jan 24	1.5.12	Road Policing, Safer People, and Assurance Group are meeting to collaboratively develop a sustainable assurance process aligned to the expectation of the NZ Police ELT.
Completed and ongoing	1.5.13	As part of the Critical Risk Verification Programme, each Executive member sponsors a critical risk and is responsible for ensuring that risk is managed so far as is reasonably practicable. This is publicised within the organisation. Each Executive member will receive a report relevant to the critical risk they sponsor. Once all critical risk Executive sponsor reports are finalised, Police's ELT has dedicated time to discussing critical risk management and how the organisation can address any opportunities for critical control enhancement.

**1.10 Detail any consultation with unions/sector/industry as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution.**

1.10.1 Email consultation with the Police Leaders' Guild 17 January 2024

*Good afternoon. On behalf of the Police Leaders Guild, I support this pathway to resolving this tragic situation and believe it will be the most effective way in creating a safer environment for our people moving forward.*

1.10.2 Email consultation with the Police Association 18 January 2024

*The Association has considered your emails, and based on the information you have provided, we are comfortable with the enforceable undertaking being an alternative resolution to court proceedings. In coming to this view, we note that the victim supports the alternative enforceable undertaking process rather than prosecution of Police. We also recognise that Police have supplied information on the remediating actions that are in the application which shows that some steps have already been taken, further steps will be implemented, and the actions include ongoing monitoring.*

*We are aware that the enforceable undertaking is binding on Police and will be overseen by WorkSafe.*

*We look forward to hearing about the outcome of the application.*

**3. Enforceable terms**

**Background**

NZ Police is committed to ensuring the physical and psychological health and safety of all who work for Police and those who use our services by working to effectively manage and reduce hazards and risk.

Our commitment is to support all Police workers to take individual responsibility for workplace health and safety and comply with all regulatory requirements, policies, and procedures to prevent harm to themselves and others to Be Safe and Feel Safe.

NZ Police has a complex challenge where our people are asked to regularly put themselves in harm's way to keep others safe. NZ Police is committed to eliminating risks to the health and safety of all our people so far as is reasonably practicable; and if it is not reasonably practicable to eliminate risk to health and safety, then NZ Police will minimise those risks so far as is reasonably practicable.

NZ Police follows a four-step process when managing health and safety risks.



Figure 5 – Four-step risk management process (WorkSafe 2017)

A key component of the four-step process is identifying suitable and sufficient control measures. To ensure NZ Police has the most effective controls mechanisms in place for the continued use of MSCs and for consideration during this Enforceable Undertaking Application NZ Police refers to the hierarchy of controls. (See Figure 6 Below).

The hierarchy of controls shows the most effective to least effective control mechanisms.

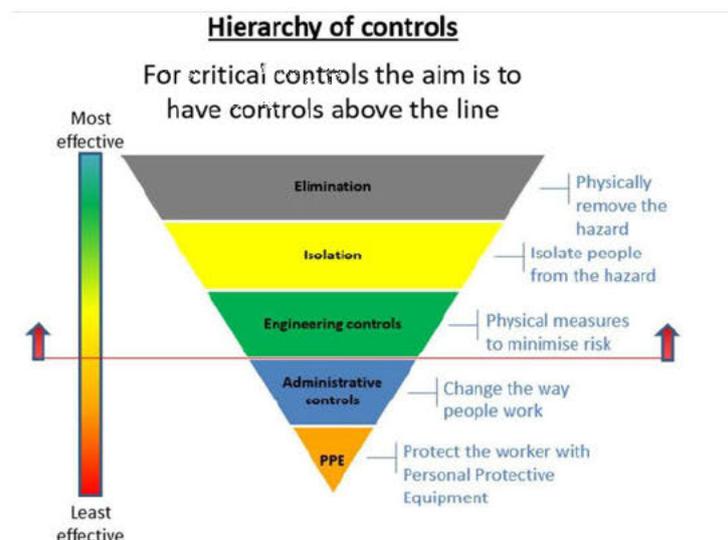


Figure 6 – NZ Police hierarchy of controls

The first step NZ Police considers is whether the risk can be eliminated. If this is not reasonably practicable to do, the risk is minimised so far as reasonably practicable.

When using the hierarchy of controls to minimise risk, NZ Police considered the following actions that are the most appropriate and effective, taking into account the nature of the risk:

- substituting with a lower risk activity
- isolating the hazard/preventing people from coming into contact with it
- applying engineering control measures
- If, after applying these higher order control measures a risk remains, NZ Police considered administrative control measures.

### **3.3 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for workers and/or work and/or the workplace**

The activities to be undertaken will require significant internal resourcing and investment which includes staff time, transportation, staff expenses, and training material development and delivery. NZ Police has committed such resource and is dedicated to delivering the proposed initiatives. Further to this resourcing, Police critical risk team estimates it will spend an additional \$35,000 on travel for the delivery of the activities.

- 3.3.1 A dedicated Critical Risk Programme team was established in early 2023 to embed the programme of work. This includes undertaking district and service centre verification activities. The team comprises of 3.5 full time employees – 1 x Programme Manager, 2 x Senior Advisors and 0.5 Admin Support.

NZ Police's seven Critical Risks include- Psychological Harm, Custody, Contractor Third Party, Driving, Roadside Operations, Hazardous Exposure, Motivated Offenders, and includes our Specialist Workgroups.

The Police Critical Risk Management (CRM) Framework and its statement commitments outlines Police's methods and arrangements for managing our critical risks and their corresponding critical controls. The CRM Framework provides a systematic approach to ensure our critical controls are in place and are effective. It contains workflows, defines responsibilities, and is supported by Bowtie methodology closely aligned to the hierarchy of controls. This helps NZ Police to effectively implement controls to help eliminate or minimise health and safety risk so far as is reasonably practicable.

Since March 2023, the Critical Risk Team has undertaken verification audit activities across 11 Police sites including districts and service centres. Verification takes place via qualitative & quantitative data, on-site observations, interviews, and surveys.

The verification assessments for these sites are either completed, or nearing completion.

There are six sites yet to be verified. Respective documented reporting and monitoring for these is expected to be completed by December 2024.

- 3.3.2 In September 2023 a new MSC site approval and formal site risk assessment process was introduced. From January 2024 mobile speed cameras can only be used at sites for which there is a current risk assessment in place. These measures will be reviewed and documented by July 2024 and any enhancements will be made as a result of the review.
- 3.3.3 As of late 2023 the Critical Risk Assurance and Verification Framework has been under development. It contains clear verification and assurance activities using a multi layered

approach to effectively manage critical risk and prevent harm to our people. To provide assurance that critical risks are being managed, Police is achieving this by understanding the critical risks associated with our activities and operations and is doing so by gathering and considering other risk information including:

- data analysis of historical incident data and injury claims
- analysis of operational work activities
- targeted bowtie risk analysis and identification of associated critical controls.
- targeted critical control verification across our Districts and work groups.

The NZ Police Critical Risk Assurance and Verification Framework uses an enterprise risk approach including execution of a layered approach using the Three Lines of Defence model. Each of these three “lines” plays a distinct role within New Zealand Police’s wider governance framework. These components, together with the New Zealand Police Critical Risk Management Framework, deliver our health and safety assurance regime.

This assurance model comprises of three components:

- management control in the Districts is the first line of defence in risk management.
- risk control and compliance oversight functions established by management in the Health and Safety Team acts as the second line of defence.
- independent assurance is the third line of defence.

This framework will be in place by March 2024.

- 3.3.4 Amendments to Police's Speed Enforcement Policy went live on 20 November 2023. Changes include once a camera has been set up TCOs are required to sit in the front of camera vehicles with their seatbelt on for the entire deployment unless the operation is completely behind a road safety barrier. This provides the protection of vehicle safety systems, such as the seatbelts, airbags, and side-intrusion technology, if the vehicle is crashed into for any reason. Those safety features are not available in the rear of the camera vans. These measures will be reviewed and documented by June 2024 and any enhancements will be made as a result of the review.
- 3.3.5 In November 2023 an overarching MSC Risk Assessment was conducted in consultation with Road Policing and Safer People to reduce risks so far as is reasonably practicable. The risk assessment provides controls aligned to the updated speed enforcement policy and the interim directive for roads with speed limits greater than 70kmph and proposed controls aligned to future changes in the directive. These measures will be reviewed and documented by November 2024 and any enhancements will be made as a result of the review.
- 3.3.6 In January 2024 a new TCO induction and training package is being developed. Confirmation of recent policy amendments are being incorporated into the draft induction and training package. It is expected to be completed and available for application as an online resource by the end of February 2024. The training will be mandatory for all existing and new TCOs. Supervisors of TCOs will also be expected to undergo this training, to ensure familiarity of requirements and operational expectations.

The training includes:

- TENR (Threat, Exposure, Necessity, Risk) a dynamic risk assessment tool used by operational Police personnel to assess situations for risks and inform appropriate responses
- safety is paramount – seek advice if unsure
- planning with an awareness of risks, e.g. fatigue, public events, traffic, and road conditions
- vehicle setup, checks, reporting faults
- safe driving standards
  - maintain a safe following distance
  - reduce speed for the conditions
  - use your headlights
  - know your right to refuse unsafe work

This training package will be delivered to 100% of TCOs by March 2024.

3.3.7 Road Policing, Safer People, and Assurance Group met in January 2024 to collaboratively develop a sustainable assurance process aligned to the expectation of the NZ Police ELT. An agreed documented mechanism will be in place by March 2024.

3.3.8 The collection of Critical Risk (control verification) data for districts and service centres is due to conclude December 2024. In addition to the ongoing assurance activities, the Police Executive will play an active part in governing how these risks are managed through Police’s Health, Safety and Wellness Framework (see Figure 12 below). All findings and outputs from the Critical Risk Programme will be channelled through Police’s Health and Safety Advisory Group for review and then escalated through to Police’s Health and Safety Governance Group (HSGG) to apply a health and safety governance lens. Noting, an Executive member chairs the HSGG to ensure an Officer of the PCBU is present during the session. All HSGG items are then escalated to Police’s ELT.

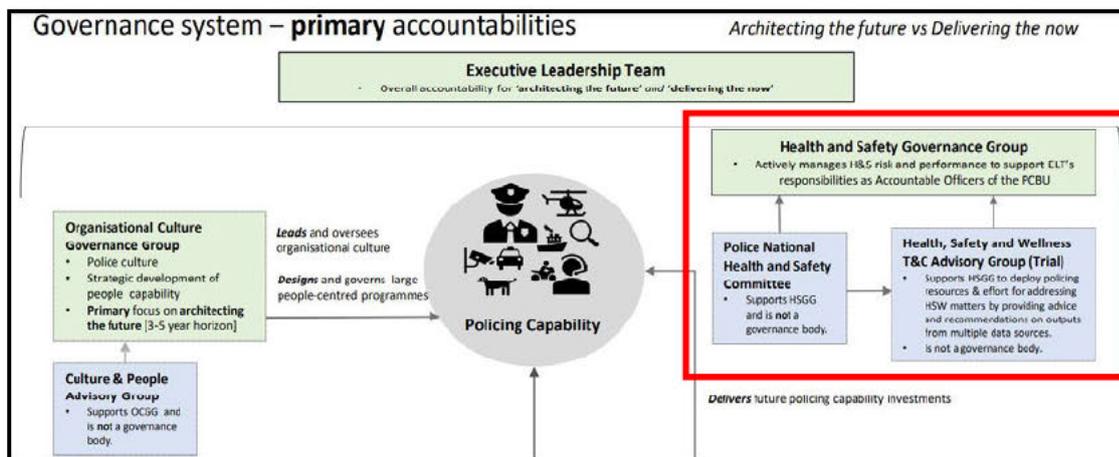


Figure 12 – Health and Safety Governance diagram (outlined in red)

### **3.4 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for the wider industry or sector**

- 3.4.1 NZ Police is the only body currently undertaking this activity of operating MSCs in New Zealand; however, this is changing. Aligned to a 2019 Cabinet decision, NZTA has advised NZ Police it intends to transition the operation of MSCs from NZ Police during the period from January to June 2025, with NZTA intending to contract a third-party provider to deliver this service. This will eliminate the MSC risk for NZ Police, but NZ Police recognises the need to support NZTA for its safe and effective operation of MSCs, including information on rectifications and improvements following this incident. NZP Police has already provided and will continue to provide information to NZTA, including lessons learned from this incident, to inform its future safe operation of MSCs. This is facilitated between NZ Police and NZTA through the provision of due diligence information, joint agency workshops, a cross-agency Camera Transition Joint Focus Group, a cross-agency Mobile Camera Senior Advisory Group and cross-agency steering committee representation.
- 3.4.2 NZ Police will present lessons learned from this incident at the annual conference of the NZ Traffic Institute (TRAFINZ) so that those lessons can benefit the wider transport industry and sector. The 2024 conference is no longer going ahead in 2024, meaning the earliest opportunity for that forum will be in September 2025.
- 3.4.3 The Australasian Road Safety Conference (ARSC) is the most influential road safety conference in Australasia, with wider international participation and knowledge sharing. A NZ Police presentation on the lessons learned and rectifications arising from this incident at the 2024 ARSC would have considerable industry and road safety academic reach. The conference is scheduled for 30 September to 3 October 2024 in Hobart. NZ Police will present at that conference.

### **3.5 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for community**

The benefits will sit primarily with the safety of NZ Police workers with benefits to the local community by continued roadside policing through reducing mean speeds to reduce crash incidence and severity rates.