

SAFETY REGULATION: PERCEPTION, INTENTION, AND PRACTICE.

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- Safety Regulation seeks to influence safety management and practice
- Several regulatory instruments exist for Led Outdoor Activity safety
- They've arisen from different sources
- Many LOA providers are subject to more than one regulatory instrument
- Awareness among providers of how regs apply varies
- Potential exists to harmonise, integrate, simplify

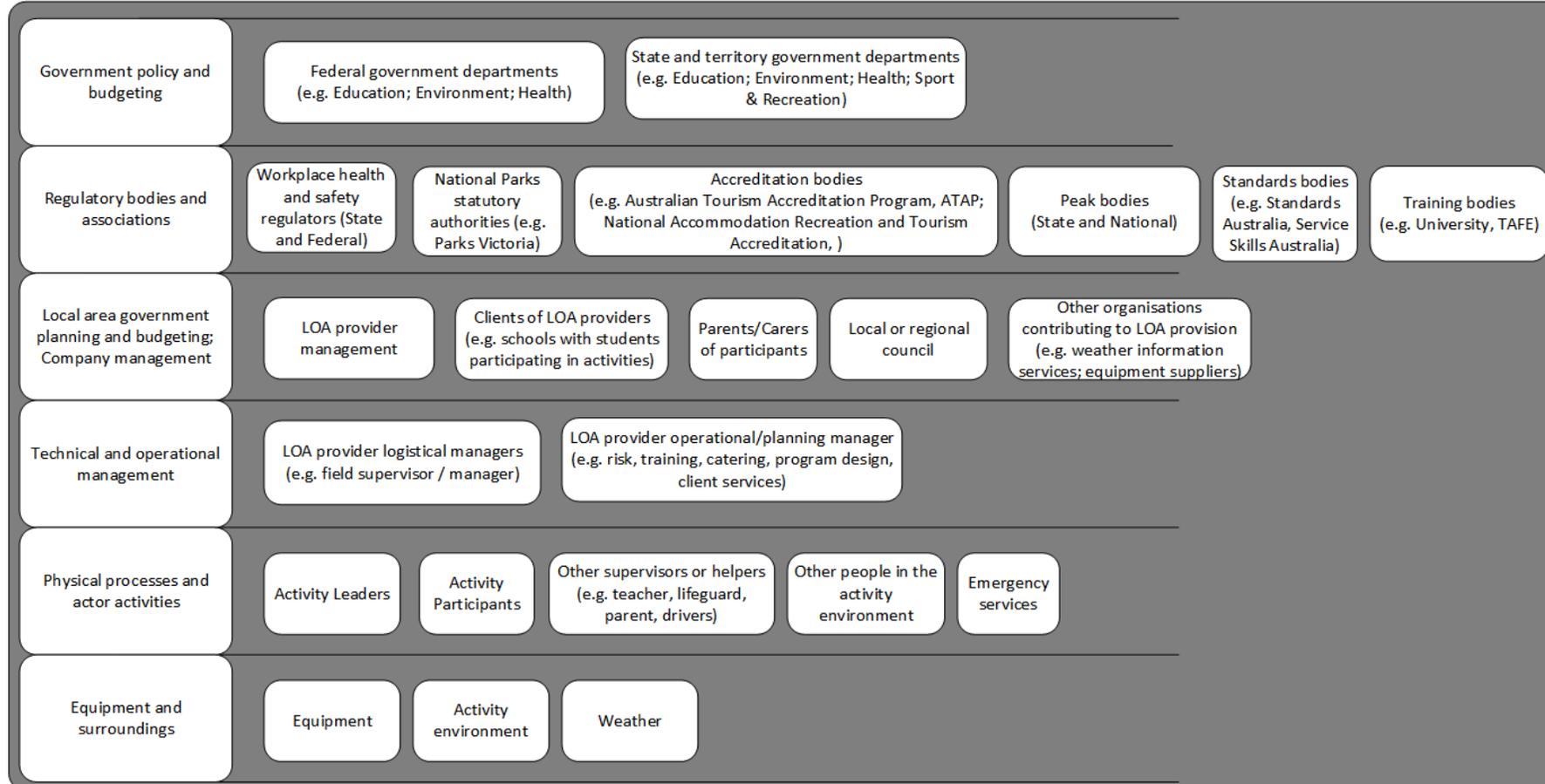
Regulation in social systems refers to efforts to modify private behaviour to protect or preserve the public interest. This includes financial, health & safety and environmental regulation.

Regulatory mechanisms range from the 'black letter' forms of government imposed and enforced regulation to the content of organisational 'values statements'. Company or industry standards, guidelines and self-regulation mechanisms fall within this spectrum.

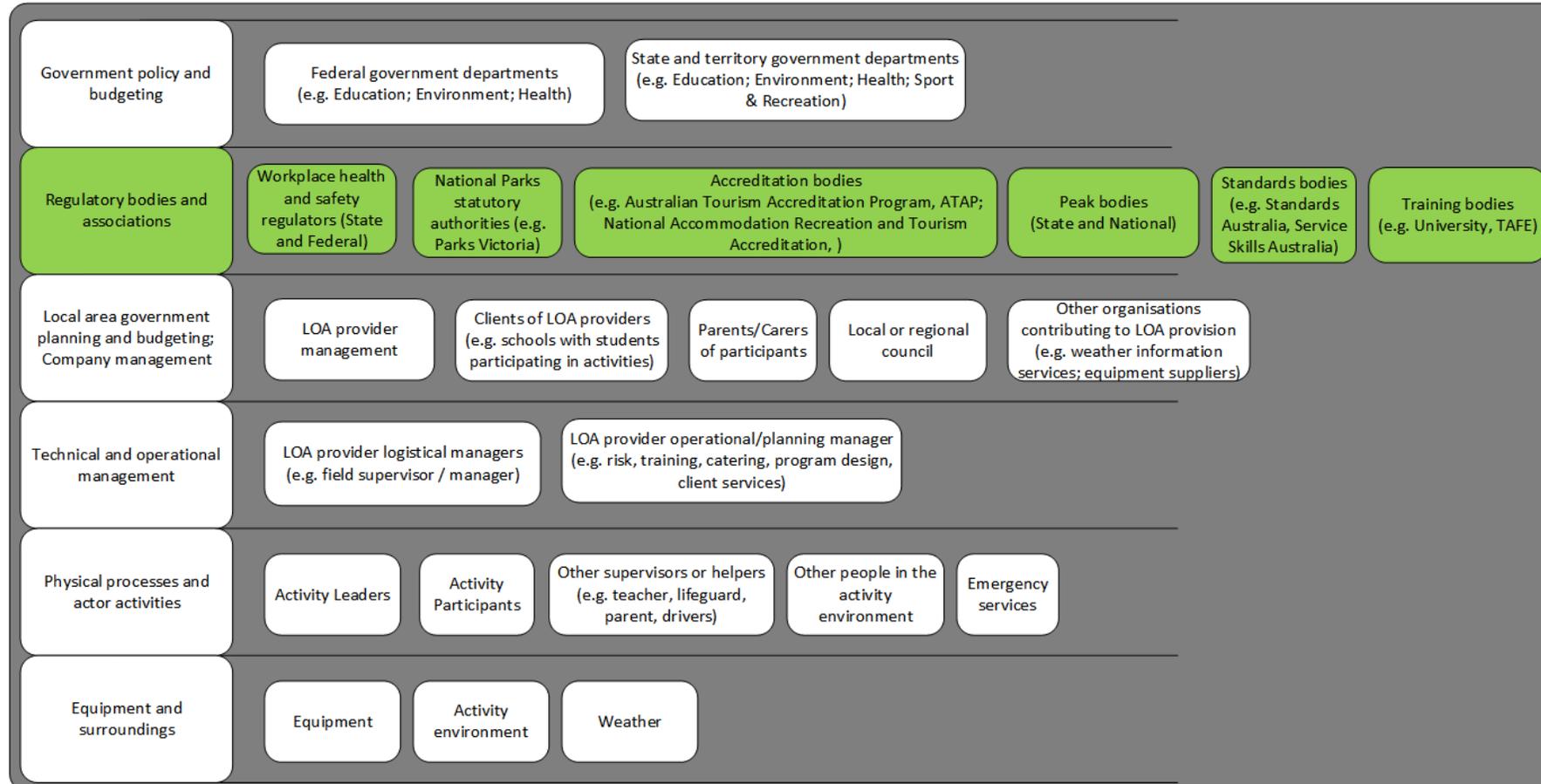
"...a process involving the sustained and focused attempt to alter the behaviour of others according to identified purposes with the intention of producing a broadly identified outcome or outcomes which may involve mechanisms of **standard-setting**, **information-gathering** and **behaviour-modification**. Regulation is thus not seen as an activity performed only by state actors, or as necessarily involving legal mechanisms..."

(‘Regulatory Conversations’, Black, 2002 in Journal of Law and Society Vol 29, No 1)

WHERE DOES REGULATION FIT IN THE LOA WORK SYSTEM?



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HOW DOES (OR SHOULD) REGULATION SUPPORT SAFETY?

Controls

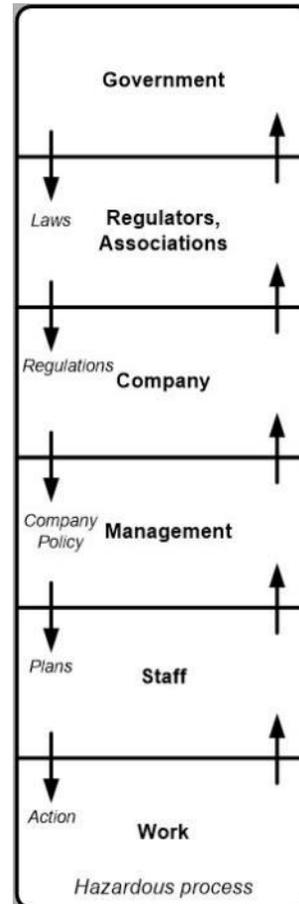
“eliminate risks to health and safety so far as is reasonably practicable”

Contextual compliance information, education and assurance

Standard operating procedures and policies

Operational plans, briefings, etc

In-field action, decisions, and communications



Feedback

What works, what doesn't

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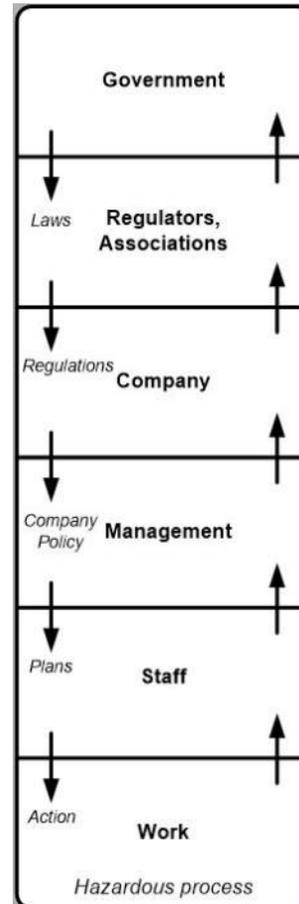
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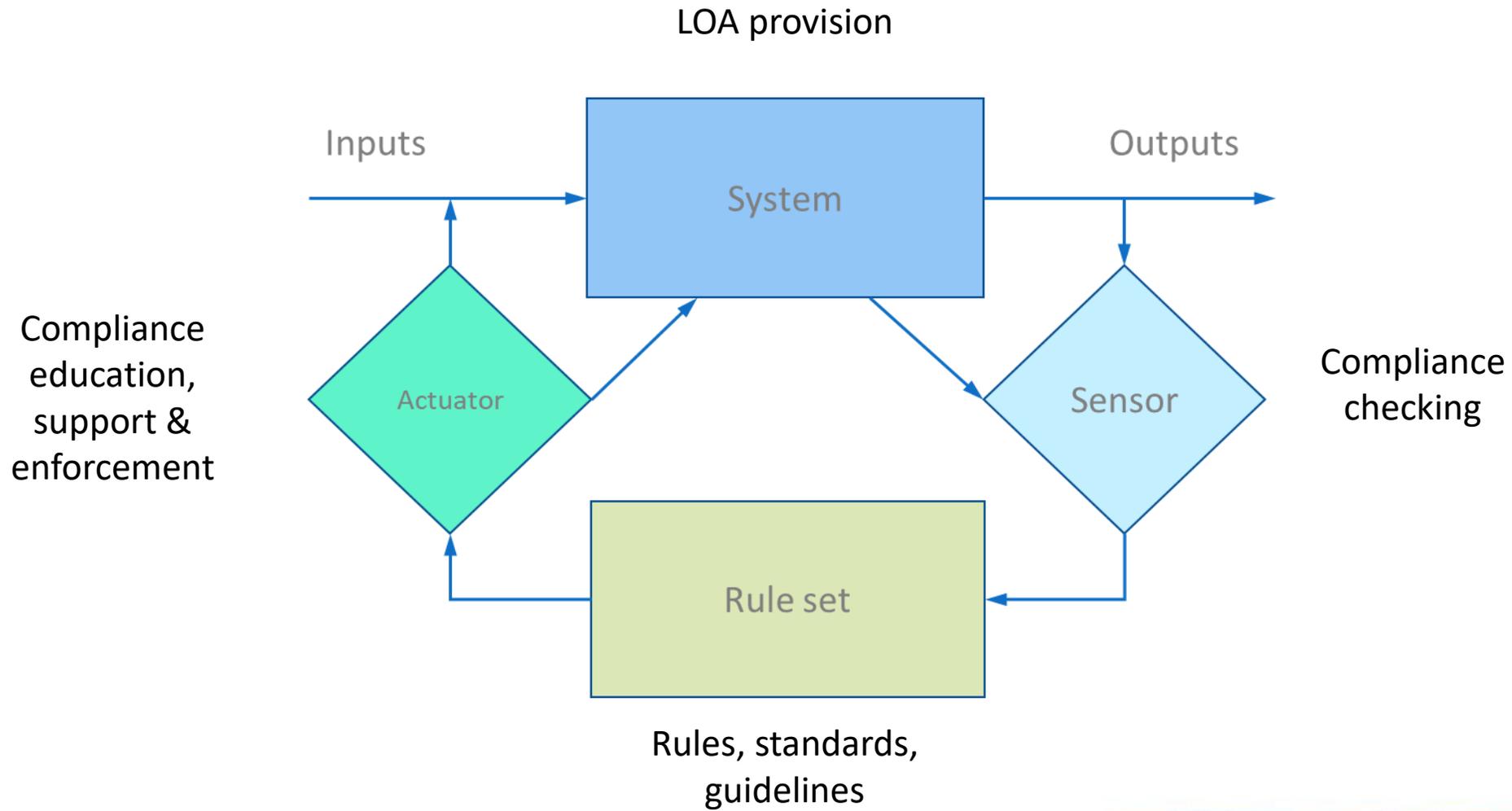
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HOW IS LOA SAFETY REGULATED IN VICTORIA?



- Adventure Activity Standards
- DET Safety Guidelines
- Parks Vic Tour Operators License
- ATAP or NARTA Accreditation
- OHS law enforcement
- Assorted minor regs, e.g. Local Govt., Alpine Resorts, NOLRS

Adventure Activity Standards (AAS)

Administered by: Outdoors Victoria

Applies to: Organisations and leaders who conduct adventure activities

Purposes:

- Safety
- Help providers get insurance
- Legal liability protection
- Govt. & consumer confidence
- Improve consistency of quality
- Environmental sustainability

Safety Guidelines for Education Outdoors

<i>Administered by:</i>	Department of Education & Training
<i>Applies to:</i>	State Schools running camps and adventure activities
<i>Purposes:</i>	Safety Education Environmental sustainability

Tour Operators License

Administered by: Parks Victoria

Applies to: Person or business that conducts an organised tour or recreational activity for profit on public land

Purposes :

- Safety
- Support cost of land management
- Environmental sustainability
- Limit liability

Camp and Adventure Activity accreditation

Administered by: ATAP or NARTA

Applies to: Any business that works within the camp and/or adventure activity industries

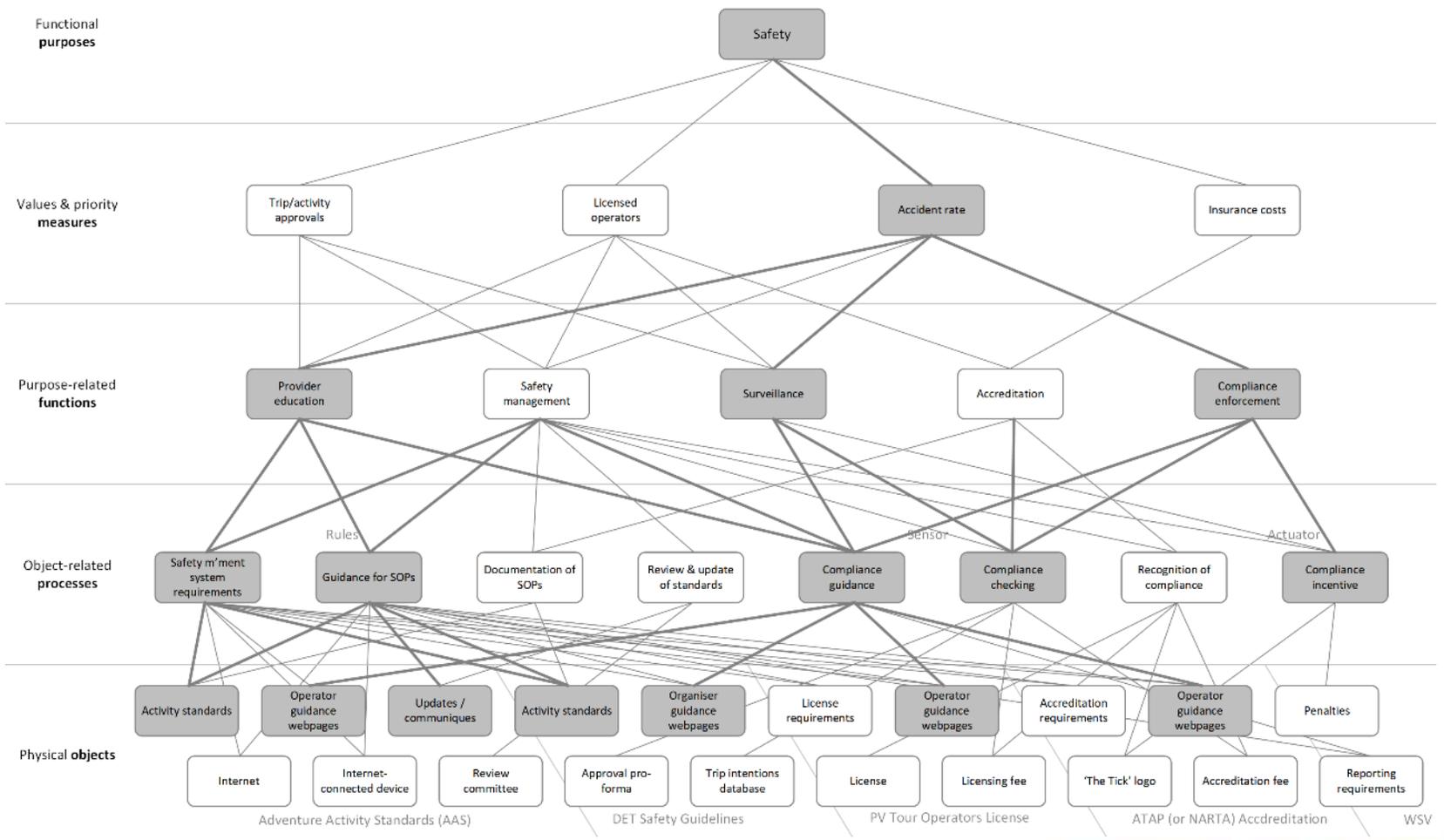
Purposes: Ensure the camping or outdoor experience is conducted in an appropriate manner

Recognition of compliance with legal requirements

OHS law enforcement

<i>Administered by:</i>	WorkSafe Victoria
<i>Applies to:</i>	Employers
<i>Purposes:</i>	Safety Enforce the law Promote compliance

WHAT DO THEY LOOK LIKE ALL TOGETHER?



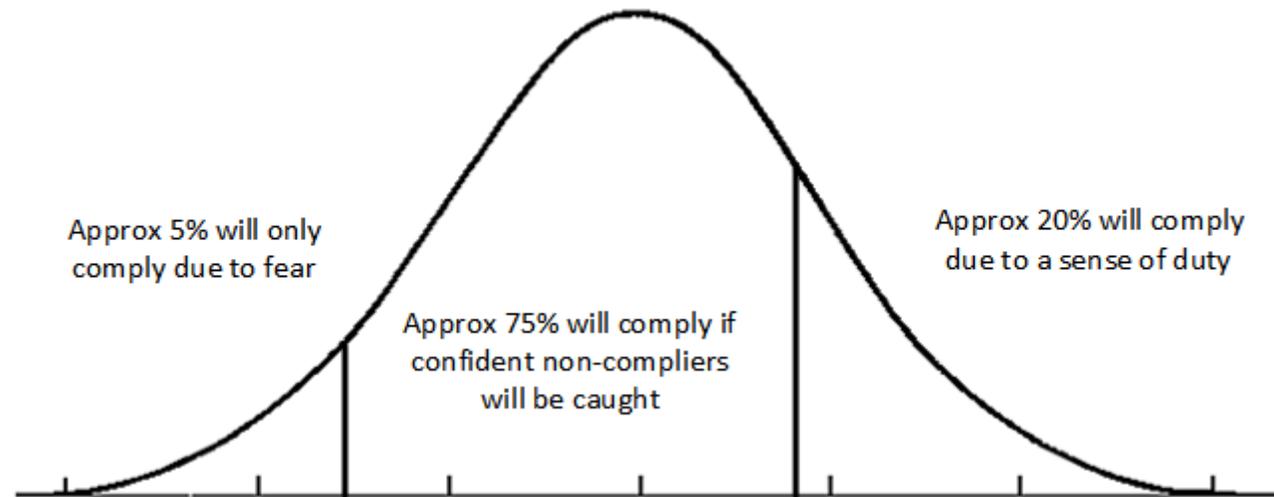
- Multiple info websites
- Varying advice on risk assessment
- Differences in guidelines for the same activity
- Lack of clarity of purpose
- Lack of clarity about compliance obligations

WHAT'S MISSING?

- Adequate means to check for compliance
- Adequate means to measure system performance

- Self-regulation of safety is rarely effective
- Compliance results from an interaction between fear and duty.
- 20% of the population will comply with any regulation out of a sense of duty, 5% will attempt to evade it and the remaining 75% will comply as long as the 5% are caught and punished. The 75% will comply as long as they feel there's a level playing field. Reliable enforcement may well be the key to keeping a culture of compliance and keeping that sense of duty alive.
(‘Fear, Duty & Regulatory Compliance’, Gunningham, 2016, *RegNet podcast*)

FEAR, DUTY, AND REGULATORY COMPLIANCE



WE INTERVIEWED SOME LOA PROVIDERS



Organization type	System level *	Job role
Residential activity provider	Management	Facility manager
	Supervisory/operational	Program designer/Staff supervisor
	Operational	Activity instructor
Residential program provider	Management	Facility manager
	Management	Owner
	Supervisory	Program manager
	Operational	Activity instructor
Large non-profit activity provider	Management	CEO
	Management/supervisory	Head of Department
	Management/supervisory/operational	Head of Department
Small commercial activity provider	Management/supervisory/operational	Business owner
Community recreation club	Management	State training coordinator
	Supervisory/operational	Outdoor leader training instructor
Tertiary education course provider	Supervisory/operational	Outdoor leader training coordinator
Secondary school	Supervisory/operational	Outdoor program coordinator

Interview questions

What regulations, standards or guidelines apply to the provision of led outdoor activities in Victoria?

What is the purpose or purposes of these regulations, standards or guidelines?

In what way do these regulations, standards or guidelines influence your decision making and actions when managing, supervising or leading led outdoor activities?

Do you believe that these regulations, standards or guidelines are effective in achieving their purposes?

Do you believe that these regulations, standards or guidelines are efficient in achieving their purposes?

How could these regulations, standards or guidelines be made more effective?

How could these regulations, standards or guidelines be made more efficient?

WHAT DO PROVIDERS THINK?



Insight category	Insight	References	Example quote
Pain points (Problems or issues identified during the analysis.)	Financial cost	9	And I ... said, "That's why our camp is a little bit more expensive, because you are, we are adhering to all those standards" and then they finally understood that.
	Need for better updates	1	One of the things they do need to change is how they effectively communicate changes and upgrades and updates.
	Lack of compliance checking	21	There's no... there's no inspection regime, there's no accreditation that sits alongside it. So, anybody can ignore it or they can adopt it.
	Compliance obligations unclear	12	Readability and useability. Things like do we use the word "should" or "shall" or "must"? Just tell them what you want them to do and make it clear and concise.
	System lacks credibility	6	What regulatory bodies are there really? They're not really regulatory bodies. I mean you can't really count on them.
	System too complicated	34	I feel like there's several bench marks: it's hard to say which one do you go with at times. It can be quite confusing.
	Unsure if safety is improved	6	I know regulations and a lot of the paperwork we do here is for if something goes wrong, we're covered. And that sometimes might come in conflict with actually keeping people safe.

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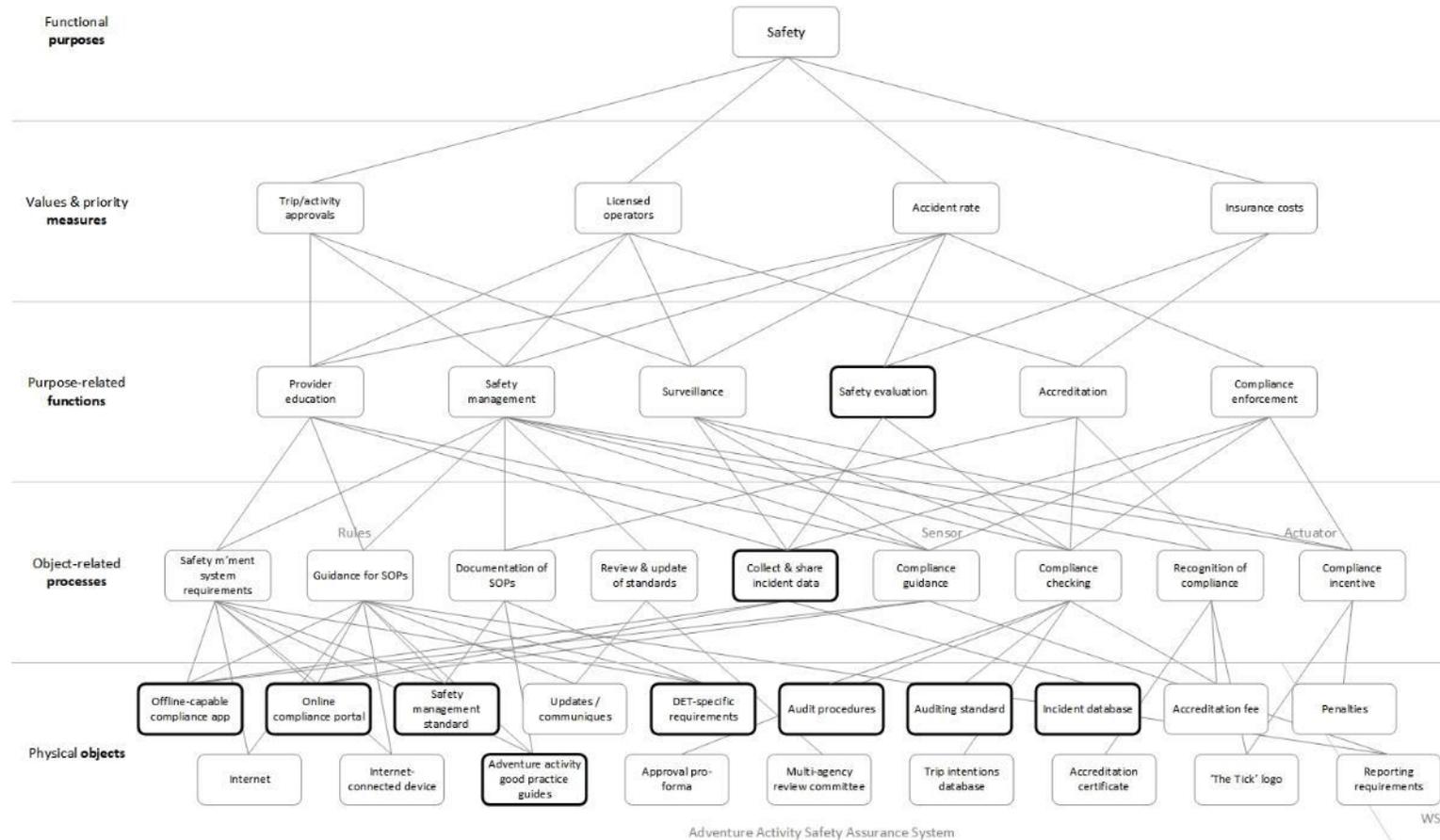
Insight category	Insight	References	Example quote
Leverage points (Aspects within a system that, if changed in a small way, could produce larger changes across the system.)	Community of practice	2	I think there would be an advantage to have some outdoor people working for ...[the]...regulator coming out doing a bit of stuff.
	Better use of information technology	7	They're not using modern technologies like ... not that that is always the perfect way to manage things, but quite often the systems are fairly old.
Scenario features (Rich contextual information about the domain)	Need for level playing field	6	Just whatever needs to happen to actually make these things happen and everyone stick to the same standards because you know as well as helping out with the safety aspect ... it also helps out with the commercial side of things where everyone has similar costings because no one can do it cheaper.
	Need flexibility in standards	14	I think it is dangerous to be too prescriptive in a dynamic environment.
	Guidance for recruitment, training	1	Ensuring a minimum standard level of safety is the number one priority, and then also your delivery and qualifications ... around that so you have some sort of standardisation that you can base your employment and training around.
	Regulations provide reassurance	12	So being able to prove through a documented process that you had ... thought these things through. You've spent time looking at it. It ... gives you some kind of justifiable defence should something go wrong.

SUMMARY OF WHAT PROVIDERS THINK (TOP 5)



- System too complicated
- Lack of compliance checking
- Need flexibility in standards
- Compliance obligations unclear
- Regulations provide reassurance

WHAT COULD A MORE INTEGRATED SYSTEM LOOK LIKE?



Eliminate unnecessary duplication

Single source of compliance info

Introduce compliance checking

Introduce incident reporting

THANKS FOR LISTENING!



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