



NZARBTM
New Zealand **Arboricultural** Association Inc.

New Zealand Arboricultural Association Inc.
P.O. Box 1193 Nelson, 7040
New Zealand

August 29, 2019

Open Letter to WorkSafe from the New Zealand Arboricultural Association

Nicole Rosie
Chief Executive
WorkSafe New Zealand
PO Box 165
Wellington 6140
New Zealand

Dear Ms Rosie,

I am writing an open letter to you on behalf of the Members of the New Zealand Arboricultural Association.

The New Zealand Arboricultural Association (NZ Arb) was established in 1989 as a national body to represent professional and non-professional people involved in New Zealand's tree care industry. NZ Arb connects with over 1,500 arborist across the country.

In recent weeks there have been at least two incidents where Person(s) Conducting a Business or Undertaking (PCBU's) identifying themselves as arborists have been involved in serious accidents or harm incidents. On July 1, a Dunedin based contractor identifying himself as an arborist became trapped in a tree after felling branches onto himself. Emergency services were called (fire and ambulance), the man managed to self-rescue and was taken to the hospital by ambulance. On August 13, a schoolboy in West Auckland was walking home through a public park when he was ensnared by a rope used by a reported arborist company. The site was not controlled, there were no safety cones or signs and according to local newspapers, the young man is still off school because of his injuries, more than two weeks later.

In both incidences, the PCBU's were working under the arborist banner, but not working in accordance with the Approved Code of Practice for Safety and Health in Arboriculture (the ACoP). According to section 2.2 of the ACoP; *All tree work requiring an arborist to ascend above three metres shall have a second person on-site trained in aerial rescue and have appropriate rescue equipment and procedures in place.* 'Shall' is used in the ACoP where there is a requirement to meet legal obligations; in the Dunedin incident, the arborist was not meeting his legal obligations to health and safety. According to 2.2.13 of the ACoP; *If any risk of injury to the public exists, then the site shall be managed in such a way as to ensure public safety,* in the West Auckland incident the arborist company was not meeting their legal obligations to health and safety.

Even though the PCBU's involved were not meeting their legal obligations to health and safety, it is the understanding of NZ Arb that in both cases WorkSafe was unable to find grounds for an investigation.

The Health and Safety at Work Act 2015 and related regulations exist to provide protection from workplace health and safety risks, so far as is reasonably practicable. The true arborists of New Zealand take workplace health and safety seriously and take reasonably practicable steps to manage risk. Members of NZ Arb pride themselves on their commitment to health and safety and invest considerable amounts of money on training, personal protective equipment and site safety management systems. The arboricultural industry has an Approved Code of Practice, NZ Arb publishes and produces a Best Practice Guide and we are currently in talks with our Australian counterparts to adopt their Minimum Industry Standards as ways and means of establishing a trans-Tasman quality control in regards safe workplace practice.

The New Zealand Arboricultural Association fears that the good work and commitment of our members is being undermined by cut-price contractors that do not have the same regard to health and safety as they do. There are concerns that by WorkSafe not investigating accidents or harm incidents such as the two mentioned above our industry is being brought into disrepute, and by allowing such incidents to pass, WorkSafe is encouraging the proliferation of sub-standard unsafe contractors.

The New Zealand Arboricultural Association respectfully requests that WorkSafe New Zealand investigates all incidents involving alleged arborists to distinguish at the very least between qualified arboricultural contractors and unskilled workers working under the arborist banner.

Yours sincerely



William Melville
President
The New Zealand Arboricultural Association



Mark Roberts
Secretary
The New Zealand Arboricultural Association