Transport Corridors and Utility Access -

A NZUAG Seminar on the Review of the Code

Today's Housekeeping

- Introductions
- Webinar is being recorded
- Format
- Questions
- Respect for others attending.
- Has the Code Review been launched?
- Access to this presentation
- Where Review documents can be found
  www.nzuag.org.nz/code-review/

Objectives for the Day

- We will provide you with some understanding of the Code issues we think should be addressed,
- You can share your perspective on these issues with us all,
- Together we can identify any other issues needing addressing,
- You can tell us what is working, what is not working, and how things can be improved,
- We can document all this and make it available for everyone to use in their submissions, and
- We'll inform you about having your say in the Code Review soon to be underway.

The issues for the Code to address

The issues expressed to us:

- Utility strikes

- Code reporting

- Conflict of Interest statements

- Accuracy of as-built data

- Code effectiveness

- Improving the value of NZUAG

- Changes to CoPTTM

- Conditions covered by the Code

Source: Australia

How will the Industry solve the question of service strikes?

- A reason to establish a National Code of Practice was to deal with the prevalence of third-party strikes on utility infrastructure
- There has been little improvement in the last decade
- Of considerable concern is the health and safety issues inherent in the risk of third-party strikes
- Service strikes has impacts in quite a few areas – procurement, location information, sharing data, design, construction
- Industry asked for a mandatory Code and now it must deliver

How are we addressing the issue?

- NZUAG has partnered up with CCNZ to focus on service strikes
- An industry group of 20 stakeholders including Worksafe, NULCA and BeforeUdig participated in a series of facilitated workshops
- The outputs of these workshops will be available on the NZUAG website from the 25th August
- Delivery from this exercise will be included as a submission on the Code Review in the first round
- It will be available for comment in the second round
- Likely to require more specific duties and standards
- May be clearer about liabilities

What are the likely outcomes

- Greater responsibilities for location of assets

- If owner won't or can't locate assets, takes much greater liability for damage

- Process for dealing with unknown assets being beefed up

- Must make new assets locatable and accurately map location – ensure better performance by agents and better surveillance

- Locate assets before designs done, not after

Why are we doing Code reporting?

- Industry wanted a mandatory Code
- Government agreed based on delivering industry benefits and value for money
- There is a need to demonstrate that the effort is delivering that expected value
- Given that the requirement is mandatory, the response has been fairly poor
- What is the information that provides value to industry that would get members to respond?

So, what should the Code require?

- Government is interested in how much business

  activity there is – are you?

- If Worksafe get more active around service strikes,

  do you want to know?

- Are there things we should ask our agents?

- Do you want more about lessons learned?

- Aspects of industry safety?

- What do YOU want to know?

Source: NZ Herald

Accuracy of As-built Data

- Flip side of third-party utility strikes
- Legacy problem for the industry sector due to the poor state of records for utility locations
- Expected focus on location data in the Code was intended to improve the quality of data and reduce strikes
- Anecdotally the situation has little changed and the behaviours that led to poor location data are still happening ten years on

Data in the Code (cont.)

- The asset owner is responsible for ensuring that new assets locations are properly recorded
- It is now suggested that the whole aspect of recording new asset locations should be mandatory
- The asset owner should be liable for the accuracy of that location data
- The suppliers have no drivers to make the effort to supply the data and no financial incentives either

Data in the Code (cont.)

- Look for aspirational policy to change the industry behaviour

- There are better digital tools that make the requirements quicker and less onerous

- Asset owners should be demanding better location data as it is their commercial interests that are affected

- How do we get people to value the data enough to change that behaviour?

Source: Australia

Questions?

Source: Cartoon Studio

Conflict of Interest statements

- Government wanted this
- This is a legislative requirement
- Change is continuous
- Should be actively managed to suit
- Updates are required for changes
- Not clearly spelled out in the Code
- Necessary to be clear

Source: Reuters (Ohio, USA)

The Code update

- Investment or divestment of interests occurs from time to time
- Whenever this occurs there needs to be a consideration of whether there is a change in conflict of interest
- If there is, then a new statement should be submitted to update the records held
- This includes divestment resulting in no conflict of interest
- In this case any existing statement can be removed
- The Code needs to be updated to clearly cover this process

Code effectiveness

- Industry working group set up to consider what would make the Code more effective

- Final report is on the NZUAG website

- Three priority aspects – education, co-ordination and conditions

- In order now to progress this the industry needs to consider its role, resources and budget if there is to be delivery

- Bad timing as Covid has had a big effect on delivering this

Code effectiveness (cont.)

- Priority has been given to education and training – do you agree with this approach?

- Looking to deliver some form of on-line training

- Much wider recommendations to be developed

- Looking at what can be included in the Review in the time available

- Industry needs to give input on how to address this under current resources

What value is NZUAG?

- Responsible for administration, review, and effective implementation of the Code
- Able to respond to issues that arise, fairly quickly and with a balanced viewpoint
- Industry submissions to select committees
- Education and communication initiatives
- Limited by the voluntary nature of Board inputs

Increasing the value of NZUAG?

- Does the industry want changes in the level and type of communications?
- Working with other parties on development of standards and guidelines?
- Continuing to work on improving the effectiveness of the Code?
- Are there aspects that people consider to be missing?
- Continued support of the RIMS conference?

Source: England

Questions?

2022 Changes to Traffic Management

- NZTA is currently consulting on changes to the basis of CoPTTM

- The Code relies on references to CoPTTM as a means of achieving a reasonable level of health and safety compliance

- However, practitioners are treating it like a tick-box exercise

- Very little thought is going into ensuring the work is being done at acceptable risk

- Dealing with non-compliance with what CoPTTM actually says

2022 Changes to Traffic Management (cont.)

- References to CoPTTM in the Code will need to be reviewed

- What goes into the Code will have to be appropriate to the promotion of a risk-based approach to worker safety

- Some aspects will end up in other standards

- The industry will have to decide if it intends to adopt them

- There may be training requirements that sit alongside the changes

Reasonable Conditions

The Code allows for the setting of Reasonable Conditions (s4.5) where these are consistent with requirements within the Gas Act, the Electricity Act, Auckland Council Act and the Telecommunications Act. These can be set as either General, Local, or Special Conditions.

- The Code template has been developed through UO & CM compromises to reach a fair and reasonable outcome

- The template is a default if no conditions are attached to a WAP

- Does not apply to Rail Corridors

Local and Special Conditions

- Local and special conditions are being used for general conditions because the template is supposed to be the be-all

- These conditions are necessary and reasonable and meet the legislative requirement but the Code implies otherwise

- If there are gaps in the template or the Code itself that are appearing as conditions these should be considered and standardised if reasonable

- We want to see if we can reduce the size of the lists of Conditions

Local and Special Conditions

- The parties can provide examples of Conditions to discuss and agree

- Need to be sure that they don't duplicate Code requirements

- Need to be Conditions that apply to all and used reasonably often

- Need to be <u>reasonable</u>

Source: The Age, Melbourne

Questions?

2022 Code Review

What we would like to know from you:

- What's working and should be kept?
- What's not working and should be changed?
- Why isn't it working?
- How can the Code be changed to make it work?

Your chance to contribute to the Review

2022 Code Review Process

- Like the 2018 Review, this Review will provide two submission opportunities.

- The process will be open to the public.

- Suggested changes will be presented as Track Changes in Code.

- Opportunity provided for submitters to present in person through the second submission round.

- Treasury briefed throughout the process. In the past they have considered the process to be fair and robust.

- Proposed Code changes require NZUAG and Minister's approval.

Review Next Steps

The Code Review will:

- Commence after these webinars

- Finish 1st Round Code changes submitted by 7 October 2022

- Invite 2nd Round submissions and presentations in February 2023

- Update Code and seek approvals

- Publish updated Code in about mid December 2023

Conclusions

- The Code is critical to the industry

- It balances the needs of UO's and CM's

- Compliance with the Code needs improvement

- The Code Review is important to you

- There is plenty of time for you to have your say

www.nzuag.org.nz

Source: Stuff

Questions?