



# National Utilities Code Review 2022 - Issues Paper

## 1. Utility Strikes

One of the issues originally presented to the Minister of Infrastructure as a reason to establish a National Code of Practice was the prevalence of third-party strikes on utility infrastructure. It is still unclear how much of an impact the Code has had in this area as third-party strikes are still rife. Of considerable concern is the health and safety issues inherent in the nature of third-party strikes.

The industry sector has an opportunity here to make some good progress as we now have good buy-in from significant partners who recognise the health and safety benefits from reducing third-party strikes. Our partners see the Code as a significant mechanism to take the outcomes from these initiatives forward. Therefore, the NZUAG needs its industry members to input on this issue to ensure that what goes forward is fit for purpose. Your own ideas and endeavours in this area are of great value to ensure that the outcomes are acceptable across the board.

We have an exercise underway to look at the problem and possible approaches to address it. The intention is to produce a submission to the Code Review and put it out to be commented on through the process.

## 2. Code Reporting

This was established in the Code as a means to inform the Minister of the success or otherwise of the Code. The requirements were included in the Code, but the content of the report has been for the NZUAG to determine. The content was considered to be a reporting mechanism, but it is not clear if it has value as there has been little feedback. There is nothing to indicate who might be interested to read the report or if it is of any value to members. For a requirement that is mandatory in law, there has not been enough interest even to get the people who need to report to do so.

It therefore comes down to who the people are who might actually want to read such a report. If it really is the members of the industry sector, what do they want to know that will provide value to them? If it is to add value, then the outcomes have to be of interest as the sector will still probably need to provide the base data. How do we generate enough interest across the sector for members to do that given that they do not do it now on a mandatory basis?

## 3. Conflict of Interest Statements

The Utilities Access Act 2010 establishes what the Minister wanted to be sure was included in the Code. The requirements that must be set out in the Code content included the “processes for dealing with Conflicts of interest arising from the same person being both a corridor manager and a

utility operator, or being the operator of different utilities". The NZUAG took external advice as to best practice around conflicts of interest and included practices based around that in the Code.

However, the Code does not require ongoing management of conflicts of interest, so management has been largely passive, and this is not considered to provide value. No situation is likely to remain static and this requires more active involvement. Since this is a legislative requirement, it is not something we can just agree to drop, so we need to decide what more is required by the Code or by the industry to give a greater value outcome, noting that the three waters reforms may remove a significant part of the issue.

#### **4. Accuracy of As-built Data**

This is the other side of the coin from the question of third-party utility strikes. It was understood that there is a legacy problem for the industry sector due to the poor state of records for utility locations. However, it was expected that when the Code was approved the focus on location data would mean that the quality of data would improve and reduce the frequency of third-party strikes. What is coming through now anecdotally is that the situation has little changed and the behaviours that led to poor location data are still happening despite being ten years further down the track.

The Code makes it clear that the asset owner is responsible for ensuring that new assets locations are properly recorded to an appropriate level of accuracy. A level of accuracy is suggested, but is not mandatory. It is now suggested that the whole aspect of recording new asset locations should be mandatory and the asset owner should be liable for the accuracy of that location data. Part of that issue is that the suppliers have no drivers to make the effort to supply the data and no financial incentives either, so they simply move on to the next paid work and the requirement gets overlooked.

What is required is an aspirational policy to change the industry behaviour, especially now when we are seeing 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. So, the question is how do we get people to value the data enough to change that behaviour?

#### **5. Code Effectiveness**

The NZUAG set up a member working group to consider what could be done to make the Code more effective in providing for the access of utilities to transport corridors. The final report of the Group is available on the NZUAG website. The recommended three priority topics to be taken forward were education, co-ordination and conditions. The sector now needs to consider the role, resources and budget of the NZUAG in order to progress this. The intervention of Covid has made this more difficult as a number of members have withdrawn as a result. However, the NZUAG Board has agreed that the education options have the highest priority and have aimed the available resources at development of better education options.

This is only a small part of the recommended changes and it is a matter of what else can be drawn into the Code review within the available time-frame. If the Code is to be more effective, the industry sector needs to give input on how to address that in the current circumstances. In the meantime, the Board working groups are continuing to develop the recommended outcomes.

## **6. Improving the Value of NZUAG**

The NZUAG does already add value through the Code review and being able to respond to issues that arise fairly quickly and with a balanced viewpoint. There have also been education initiatives, although the Code Effectiveness Working Group has made the point that the members would like to see more of it. The NZUAG Board has signed off the business case to consider how it might be delivered. There will be restraints around that based on availability of resources that will have to be overcome.

Another area where the NZUAG could be more effective is by improving its communications with the industry sector and particularly its members. This has always proven difficult as it involves the voluntary input from Board members. The introduction of “The Corridor” was an attempt to address this. Introducing this issues paper is another attempt to try and get more member involvement. The project plan for the Code review is on the website and includes a communications plan and a timeline. It is important that, when there are improvements made, users are told about them so they can be used.

## **7. Changes to CoPTTM**

The Code has references to CoPTTM as a means of achieving a reasonable level of health and safety compliance when working on the road. Too many supposed practitioners though have been treating it as a tick-box exercise where they send in the right diagram out of the book and everything’s peachy. Very little thought is going into ensuring the work is being done at acceptable risk. Hence CoPTTM is being revamped and we will need to ensure that what goes into the Code is appropriate to the promotion of a risk-based approach to worker safety. This is comparative to the other risk-based approaches that are being suggested as changes to the Code.