



FINANCIAL SERVICES FEDERATION

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Health and Safety Reform Bill

Thank you for the opportunity for the Financial Services Federation (“FSF”) to submit on the Health and Safety Reform Bill “the Bill”).

By way of background, the FSF is the industry body for the responsible and ethical finance and leasing providers of New Zealand. We have over forty members and associates providing financing, leasing, investment, banking and insurance services to over 1 million New Zealanders. Our affiliate members include internationally recognised legal and consulting partners. A list of our members is attached as Appendix A.

The Bill will place an obligation to ensure safety in the workplace on “persons conducting a business or undertaking” (“PCBUs”), as is already the case under the Health and Safety in Employment Act 1992. That obligation includes an obligation (in clause 37 of the Bill) on PCBUs who “supply” items for use in a workplace to take steps to ensure that what they supply does not pose risks to the workers using it.

Because financiers sometimes own equipment financed by them (eg: if they lease it, or if they sell it on hire purchase) it could be argued that they are “supplying” equipment for the purposes of clause 37.

The most significant area of concern for FSF members therefore with regard to the provisions of the Bill and how these might affect FSF members would be if there is any possibility that this legislation may make financiers under lease and hire-purchase finance facilities responsible for the safe use and maintenance of financed plant, equipment, materials or substances, or for health and safety incidents arising from use of a financed asset.

In most cases, the asset financed is not in the possession or control of the financier and is instead in the control of its customer, with the result that there is no real opportunity for the financier to influence plant safety, work practices or OHS outcomes in general.

In order to address this concern, clause 16 of the Bill defines “supply” in a manner intended to make clear that financiers do not “supply” something just because they own it or have security over it.

On this basis therefore the FSF notes and supports the clarification of the position of financiers that is contained in clause 16 of the Bill. The FSF also notes and supports the Bill taking an approach to this issue consistent with the approach taken in Australia, and in those respects the FSF sees the relevant provisions of the Bill as an improvement on the Health and Safety in Employment Act 1992.

The FSF trusts that the above is helpful and suggests that if we can be of any further help, contact can be made via (04) 472 1731.

Lyn McMorran
EXECUTIVE DIRECTOR

A National Federation of Financial Institutions

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Membership List as at 1 May 2014

Debt Issuers - (NBDT) Non-Bank Deposit Takers	Vehicle Lenders	Finance Company Diversified Lenders	Credit Reporting	Insurance	Affiliate Members
<p><u>Rated</u></p> <ul style="list-style-type: none"> • Asset Finance (B) • Avanti Finance (BB) • Fisher & Paykel Finance (BB+) • Medical Securities (A-) <p><u>Non-Rated</u></p> <ul style="list-style-type: none"> • Mutual Credit Finance • Prometheus Finance 	<ul style="list-style-type: none"> • BMW Financial Services • Branded Financial Services • Community Financial Services Limited • European Financial Services • Fleet Partners NZ Ltd • Mercedes-Benz Financial Services • Motor Trade Finances • Nissan Financial Services NZ Pty Ltd • ORIX NZ • SG Fleet • Toyota Finance NZ • Yamaha Motor Finance 	<ul style="list-style-type: none"> • Centracorp Finance 2000 • Dorchester Finance • Finance Now • Future Finance • GE Capital • Instant Finance • John Deere Financial • Oxford Finance Ltd • Rent Plus • DTR Thorn Rentals 	<ul style="list-style-type: none"> • VEDA Advantage <p><u>Debt Collection Agencies</u></p> <ul style="list-style-type: none"> • Baycorp (NZ) 	<ul style="list-style-type: none"> • Autosure • Protecta Insurance • Provident Insurance Corporation Ltd <p><u>Associate Members</u></p> <ul style="list-style-type: none"> • Southsure Assurance 	<ul style="list-style-type: none"> • American Express International (NZ) Ltd • Buddle Findlay • Chapman Tripp • Deloitte • Ernst & Young • PriceWaterhouseCoopers • Russell McVeagh • SimpsonWestern • Visa Worldwide(NZ) Ltd