



# Model Engineering Association of New Zealand Incorporated.

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## MEANZ Update December 2009

Copy for Secretary.

### Notice of Meeting.

Copy for MEANZ Rep

Our Biennial General Meeting will be held on Thursday 7 January at 2-00pm in the upstairs meeting room of the clubhouse during the Nelson Convention. This was generally notified in the September Update. This final notification has been held pending meetings with the Department and the vain hope of having some definite information to present. Possible remits were also requested for consideration at the meeting and nothing has been received apart from a procedural proposal put forward by our President Colin Burleigh. This seeks to get approval for the Executive to provisionally finalise an agreement with Department of Labour if offered, and considered appropriate.

On Friday 8 January at 2-00pm the Safety Auditors meeting will be held at the same venue.

### Meetings with Department of Labour.

On 18 November Colin Burleigh and John Romanes attended a meeting with a Department representative and discussed some conditions of the Minister's request for negotiation with miniature railway groups in relation to the ADRs. As a result of this Colin spent many hours marking and rewriting parts of the ADRs so that Miniature Railways could comply. He also prepared reports on the Australian exemption proposals, and gathered supporting documentation for the following meeting.

A further meeting, was held on Wednesday 9 December. The DoL representatives were prepared to listen to the specific problems with the ADRs but it became clear that they are not looking to make substantive changes to the ADRs, and no changes will be made to the Machinery Act for some time to come. They intend to give a little room to move from some of the wording of the ADRs but will be looking to retaining Certification, Registration, and Local body Permitting under the modified understanding. They did not want to use the term 'exemption' so it appears that we do not get any real self management through the MEANZ Procedures. At the same time the safety regime we set up has been instrumental in convincing officials that some credence can be given to the ability of our members to run a safe operation. They are simply looking for a quick fix with the minimum of change to the ADR setup. The Australian exemption example cut no ice. They stated it is just not possible with our legislation.

While our talks continue there is an understanding that no untoward pressure will be brought to bear on our members in relation to registration. In the case of an accident however, normal reporting and investigations would naturally take place on the part of both parties.

Should there be any such difficulty with your local DoL officers please advise one of the MEANZ Executive.

### Thanks

To all the clubs who paid their subs promptly. At this stage there are only two outstanding. Auckland's mail went adrift, and we have not heard from Hawkes Bay.

*Peter Anderson,*

Sec/Treas.

MEANZ

14 December 2009

DoL - Department of Labour  
ADR - Amusement Device Regulations  
WPS - Work Place Services

## **AGENDA -- for BGM at Nelson 2-00pm 7 Jan 2010.**

List those present and appointed proxies.

List Apologies

Previous Minutes (Sent out in April 2008)

Matters Arising

President's Report

Financial Report

Set Fees

Correspondence Report

Overseas Report if any

Elect Officers.

Appoint Auditor

Confirm Future Convention Venues – 2012 Whangarei. 2014 Dunedin had expressed an interest, 2016 Kapiti were considering.

Safety Self Management Situation.

Remit on Extended Powers for MEANZ Executive

General Business

Meeting Closed at .....

## **President's Report -- January 2010**

**to MEANZ BGM in Nelson**

### **Safety audits**

The 2008-2009 years have been a very busy time for MEANZ. It has taken two years to get clubs through their first round of safety audits. We thank all clubs for cooperating with this exercise. We have had a large number of very good results and this has been reassuring to the MEANZ executive who have had to face up to the scrutiny of Department of Labour (DoL) Work Place Services (WPS) section. No clubs had a perfect score but many were already working to complete their compliance in those areas where they were rated as "working towards" or "not achieved". We understand that most clubs have found it a very useful exercise to look at their procedures and a step towards upgrading their operation. My thanks go to all the Safety Auditors and Lead Auditors and the MEANZ executive members involved in processing the safety audit reports.

### **The Saga of "Self Regulation" or "Self Management" for model engineering societies**

Well where do we start? I feel that a few simple bullet points on the many activities will give you an oversight of what we have been involved with.

#### **2008**

- MEANZ prepared a list of recognized problem areas and suggested practical solutions for WPS.
- A meeting was arranged with WPS in April 08 and a 5hr marathon meeting was held with WPS who refused to budge on any of our suggestions and offers of assistance to work in the office with WPS. They insisted on ADR registration despite us not being able to comply with their requirements.
- MEANZ then set about reviewing the amusement device registration clauses for the few clubs that were or had ever been registered under ADRs. A document listing the unworkable problem clauses was created -- "The down side of ADR Registration".
- MEANZ also carried out a search of ADR practices overseas regarding miniature ride on railways. Australia (6 states) USA (50 states) Canada,(?) UK (three major associations). New Zealand was the only country we could find that required ADR registration.

- DoL called a meeting with MEANZ and presented a verbal message from the Secretary of Labour "get registered or else". They made no mention of the then Labour Ministers letter indicating that DoL WPS were investigating "Self regulation" for MEANZ. The three WPS persons then stood up and left.
- After the Kapiti club was wrongfully shut down, MEANZ developed a draft "Heads of Agreement between MEANZ and DoL with a view to developing a structure for making future progress to a time table. Much to and fro between WPS and MEANZ did not reach any agreement despite concessions by MEANZ. As no common ground could be found the proposal was abandoned.
- MEANZ was advised to actively make MEANZ problems a political matter as this is the only way of effecting change when faced with bureaucratic stubbornness.
- MEANZ developed a few contingency plans in case WPS decided to close down more railway clubs. It was not thought very likely as DoL suffered a rough ride in the media after the Kapiti shut down for 2 weeks. A general strategy for continued running, and a media program was developed.
- The Election resulted in a Government change and a very different approach regarding the MEANZ situation. The Minister was made aware of our issues and she requested further information. This was provided.

## 2009

- The Minister made strong representations to DoL on extreme tourism, and the MEANZ situation.
- MEANZ started making monthly phone calls to WPS with specific prepared questions, and requests about progress news.
- WPS went on to the issue of "extreme tourism" risks area policy, and blamed that as causing delays. MEANZ declared that we are not in that area of risk, and we have been trying to get away from ADRs or make them workable, as they have not worked for miniature railways for 31 years. MEANZ was set up to sort this problem out.
- Late August 2009 WPS prepared a reply to the Minister and offered several options for her consideration. MEANZ was not consulted despite several promises from earlier DoL staff (2001 - 2007) that we would be consulted regarding any changes to our situation. Repeated attempts to know what was being proposed were deflected.
- The out come was that two options were put to the Minister and both were looking at Self regulation for MEANZ which is what we have been trying to achieve. However, the Adventure tourism fatality problems reflected badly on the provision of Self Regulation to industry groups and the minister withdrew from giving MEANZ total self regulation and required us to be retained under the Machinery Act and the ADRs. She did however, instruct the Department of Labour to look at an alternative form of certification for MEANZ clubs, and to involve MEANZ in developing this. Issues to be resolved are how a code would fit this, the role of MEANZ, and ensuring a person of suitable skill carries out the safety inspection of all equipment.
- In late November DoL issued an invitation to MEANZ to meet and develop a modified certification system. This may be done by an added clause to the ADRs. Details on the effect on ME clubs, and MEANZ responsibilities, are likely to be more achievable than the present DoL system, and make us legal. This is a break through for MEANZ to get this far with DoL recognizing the need for change.
- To their credit WPS have not attempted to shut down any more Model Engineering Society railways now that operational standards have been developed and the MEANZ Safety Audit System is in place and being used.
- We keep feeling that we are very near to a break through, but even this will require more work to deal with the DoL administrative conditions that will inevitably be attached to any interim solution to our problems.
- We have worked hard to ensure the protection of all MEANZ clubs but if any clubs refuse to participate in a positive way with the Safety Audit System, they will ultimately need to consider withdrawing from MEANZ in order to protect the majority of clubs that are operating well and benefiting from the system.
- Negotiations resumed with the Department of Labour in late November and early December after the Minister of Labour directed the Department to resume negotiations with MEANZ. There has been a distinct change in attitude and the Department of labour is now focused on finding a workable interim solution for our clubs. MEANZ has assisted

the Department of Labour by suggesting an alternative to the requirement for a chartered Engineer for inspections for ADR certification.

My thanks go to the MEANZ executive, who has worked very hard during the recent very testing, and grinding two years. We have made some significant progress but we are not yet where we want to be.

*Colin Burleigh* MEANZ President.

## **Remit from MEANZ Executive**

Subject : Extended powers for MEANZ executive during Negotiations with Department of Labour (DoL).

Background : MEANZ executive is an advisory body representing all Model engineering clubs in New Zealand. During recent meetings with DoL it is becoming clear that in order to progress the negotiations, MEANZ executive may need to give provisional agreements to certain new structures and provisions for gaining a new workable and less onerous form of legal registration. MEANZ Clubs are still going to give the final approval for any new system for member clubs. Postal voting may be necessary as our constitution provides for. The time frame may be rather short for responses and we urge clubs to respond promptly.

MEANZ would also ask for confirmation on a higher percentage of voting decisions from clubs for the resolutions to be accepted and we suggest 70%.

In view of the importance of these negotiations, and probable changes, the MEANZ executive feel that the constitution which only requires a simple majority is deemed to be too low.

At the time of voting it would assist the MEANZ Executive if Clubs that do not reply to the vote by the time prescribed, will be taken to be in support of the proposal put to the Member clubs.

### **Resolution 1**

That MEANZ executive be given extended powers to give provisional agreements where necessary during the negotiations with DoL during the negotiations for the new certification, and self management system .

### **Resolution 2**

That MEANZ executive be required to receive 70% of MES clubs supporting the issues for the final proposal for it to be accepted..

### **Resolution 3**

That Member clubs that do not cast their postal vote on time will be deemed to be in support of the resolution as presented.

Moved Colin Burleigh

Seconded by John Romanes NI Rep.

**Model Engineering Association  
of New Zealand  
Incorporated.**

**Receipts and Payments Statement**

For the period 1 October 2008 to 30 September 2009

**Bank Balance at 1 October 2008** \$2,620.51

**Receipts**

Subscriptions 2007 - 2008

\$40.00

Subscriptions 2008 - 2009

\$1,040.00

**\$1,080.00**

**\$3,700.51**

**Payments**

Postage

\$65.00

Domain name

\$31.44

Stationery

\$310.93

Travel

\$731.00

**\$1,138.37**

Bank Balance change for the year.

-\$58.37

**Bank Balance at 30 September 2009**

**\$2,562.14**

I have audited the above Receipts and Payments statement. In my opinion, this statement fairly reflects the result of operations of the Model Engineering Association of NZ Inc for the period to 30 September 2009

B Wheeler  
Hon Auditor.