



Port Health and Safety Leadership Group Update

Extension of Maritime NZ's Health and Safety at Work Act 2015 (HSWA) designation to cover the whole port

We're excited to let you know that the Government has recently confirmed Maritime NZ's HSWA designation will be extended to the port gate.

Designation scope:

- Maritime NZ's designation will include the area of ports inside their boundary fence where access is restricted by a security gate, and adjacent buildings, installations, structures, or equipment used in connection with the port's operation or administration.
- The extended designation will include the land side of the 13 commercial ports that provide cargo-handling services for containers, logs, and/or bulk cargo.
- Worksafe NZ will remain responsible for regulating Major Hazard facilities on port, and issuing permits, licences and other types of authorisations under the Health and Safety at Work Act, while Maritime NZ will be responsible for ensuring that businesses and workers on ports hold the necessary permits and licences.

Why is the designation being extended?

- As a response to the tragic deaths of two port workers in Auckland and Lyttelton in April 2022, the Minister of Transport, Hon Michael Wood, requested the Port Health and Safety Leadership Group provide him with advice to address harm on New Zealand ports. In response, the Leadership Group developed the Port Sector Insights Picture and Action Plan.
- The Action Plan outlined six initial actions to address some of the issues identified. One of these was the recommendation to extend Maritime NZ's Health and Safety at Work Act (HSWA) designation to cover the whole landside of New Zealand's 13 commercial ports.

What are the benefits?

- Feedback from the sector told us that having one regulator would make it easier to get an end-to-end sense of how port businesses are developing systems, performing safety operations, and engaging with workers.
- Ports are complex, dynamic and high-risk environments where there are a number of drivers of harm - this change will allow Maritime NZ to take a wider view of how port operations are conducted, and alongside port businesses, take the required multifaceted approach to preventing harm.
- Maritime NZ will be able to more effectively work with, and regulate, businesses that carry out high-risk port-based activities to improve health and safety on ports.
- This change will provide good clarity to businesses, organisations and workers who work in port environments.
- The extended designation also comes with resourcing to enable a greater presence on ports over time.

What does this mean for the sector?

- Maritime NZ have done some early work to scope the various actions that will be required to implement this change, and will be working closely with WorkSafe NZ over the next year or so to ensure everything is in place to make this a seamless transition.
- There will also be a Memorandum of Understanding between Maritime NZ and WorkSafe NZ which will ensure an effective transition and operation of the extended designation.
- Maritime NZ will be engaging widely with the sector on individual port profiles, and how it will work in practice and what it will mean for those working on the 13 commercial ports.
- Maritime NZ has been given funding alongside the designation to enable it to carry out the designation on Ports when it comes into effect. This will also enable Maritime NZ to prepare for the change, which includes the bringing in and building of capability
- This will increase regulator presence on ports over time and enable WorkSafe NZ to focus its effort on other high-risk areas where there is not another safety regulator operating.

When is this happening?

The extended designation will start on **1 July 2024** - we will be keeping you updated regularly as things progress.