



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## Latest NZ Maritime Legal Developments

Maritime New Zealand (MNZ) recently assumed responsibility as the health and safety regulator for notable New Zealand ports from WorkSafe New Zealand.

The Prime Ministerial designation made under the Health and Safety at Work Act extends to “major ports” and “ports used in connection with the Cook Strait inter-island ferries”.

Those 13 ports entail:

- Northport
- Port of Auckland
- Port of Tauranga
- Eastland Port
- Port Taranaki
- Napier Port
- CentrePort Wellington
- Port Marlborough
- Port Nelson
- Lyttelton Port Company
- PrimePort Timaru
- Port Otago
- South Port

Other ports, including inland ports, continue to be regulated by WorkSafe. Major hazard facilities are also excluded from the designation, and WorkSafe will retain responsibility for managing authorisations and inspections. WorkSafe will also have a role in relation to any activities at ports taking place under the Gas Act, the Electricity Act or the Hazardous Substances and New Organisms Act.

A “port” is defined in the designation as including:

- a. any area within the securely fenced boundaries of a port, whether or not that area is operated by a port company; and
- b. the buildings, installations, other structures, or equipment on or adjacent to the port and used in connection with the port’s operation or administration.



*Daniel Jackson*

This has led to some tricky line-drawing to decide what comes within MNZ's jurisdiction and what remains with WorkSafe. Maps have been produced for each of the major ports showing which areas and buildings will be covered by MNZ and which will not. These maps can be found [here](#) [Ed- inconsistency noted over link performance].

Sensibly, the agencies will work together. MNZ and WorkSafe have entered into a memorandum of understanding that sets out how they will collaborate on health and safety at ports. If a notification of a health and safety event is made to the wrong regulator, they will transfer the notification to the correct regulator and it will be treated as it had been made to that agency.

Having one primary health and safety regulator for ports was a recommendation of the Port Health and Safety Leadership Group. Previously port-side areas were under a different regulator to ships in port, which could mean that some incidents involved areas covered by both regulators.

MNZ director and chief executive Kirstie Hewlett says the new approach "will enable better engagement with many of the businesses on ports around all elements of their operation and support better management of high-risk activities, ultimately reducing harm to those working on ports".

Ms Hewlett adds that MNZ will "focus on areas where there's clear evidence of harm", with her agency's goal being "not just to respond to harm, but to work with others to prevent it from occurring in the first place".

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