

Application for an Enforceable Undertaking

Part 4 Health and Safety at Work Act 2015



Application for enforceable undertaking

Part 4, Health and Safety at Work Act 2015

The commitments in this undertaking are offered to Maritime New Zealand (Maritime NZ) by

[Name of the person or persons who will be signing this undertaking in section 4]

Edward Marfell

On behalf of -

SSA New Zealand Limited

This enforceable undertaking is given on the day and date that it is accepted and signed by Maritime NZ. The undertaking and its enforceable terms will operate as a legally binding commitment on the part of the person from the date it is given.

Contravention means an action which offends against the Health and Safety at Work Act 2015 and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.

Person means an individual who or a legal entity which has a duty under the Health and Safety at Work Act 2015 and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, trustees of trusts, and crown organisations.

Regulator means WorkSafe New Zealand, Maritime New Zealand or the Civil Aviation Authority.

Health and Safety legislation means Health and Safety at Work Act 2015 and associated regulations.

Enforceable undertaking means an enforcement pathway that allows a duty holder to voluntarily enter into a binding agreement with Maritime NZ. The agreement outlines actions the duty holder will undertake to address the contravention. It is expected to deliver activities which benefit workers, the wider industry or sector and/or the community as well as acceptable amends to any victim(s)

Do not refer to the victim by name in this document. Please refer to the victim / worker / employee / volunteer / or other term as appropriate.

Maritime NZ respects your privacy and is committed to protecting personal information. The information provided in this document is for the purpose of an undertaking given to Maritime NZ under Part 4 of the Health and Safety at Work Act 2015. This information will be managed within the requirements of both the Privacy Act 1993 and the Official Information Act 1982.

There is an expectation that Maritime NZ will generally publish the undertaking in full on its website.

Section 1: General Information

1.1 Details of the person / persons / entity giving the undertaking

Name of person(s) making this undertaking: [in all cases complete with the name(s) of those who are signing this undertaking under Section 4]	Edward Marfell		
Name of entity:	SSA New Zealand Limited (SSA NZ)		
Type of legal entity:	Company		
Nominated contact person:	Charles de Vilder		
Street address: Level 1, 60-64 Upper Queen Street, Auckland			
Mailing address: Level 1, 60-64 Upper Queen Street, Auckland			
Work phone: 09 358 8050	Mobile phone: 027254 5734		
Email: Charles.devilder@ssanzl.com			
Industry: Stevedoring			
Workers	Full time: 214	Part time: 35	Casual: 525
Description of the products and services provided by the business or undertaking: SSA NZ is a registered stevedoring company that provides stevedoring services to all New Zealand ports. SSA NZ's stevedores specialise in handling all types of cargo including bulk cargoes, grab hire, log loading, timber products, break bulk cargoes, project/heavy lift cargoes, container handling and bulk logistics.			

1.2 Details of the alleged contravention

Maritime NZ alleges SSA NZ did not:

- (a) Provide appropriate training and assessment to its workers to ensure they are competent in managing risks associated with working at height;
- (b) Implement appropriate fall protection equipment; and
- (c) Conduct an appropriate risk assessment and document the risks around working on board the vessel *Trinidad Trader*.

1.3 Detail the events surrounding the alleged contravention

During 2021 SSA NZ was sub-contracted to load and discharge containers into the hold of the *Trinidad Trader* at the Port of Tauranga.

On 9 December 2021, employees of SSA NZ were loading 40 ft. containers into the hold of the *Trinidad Trader* using the ship's crane. The workers on shift consisted of a Foreman, Hold Man, Crane Operator and a Hatch Man.

To load the containers into the hold they had to be moved from the dock by a ship's crane. The containers were then lowered into the hold where they needed to be positioned within 'cell guides' which are vertical metal structures that guide containers into place and help ensure the containers are stacked closely. The containers do not require other equipment to be used to secure the containers making loading and unloading faster.

The ship crane was using slow incremental movements to get the container aligned with the cell guides. The Hold Man's role was to guide the containers into the top of the cell guide, by hand, after the crane lowered them into position.

The Hold Man was required to be positioned clear of the crane operation until the base of the container was below the hatch covers and steady. Once the container was steady the Hold Man walked across the hold, clipped his lanyard to the adjacent lashing bars (which were attached to a container above the height of the hatch) and guided the container into the cell.

The Hold Man was standing in position when the container was below the hatch cover, but it had not yet been steadied. As the container swung away it then swung back towards him and skipped over the cover pressing him up against the lashing bar.

Initially, the Hold Man continued working as he did not think he had been injured. After a while he assessed his injuries, reported the incident to the foreman and was then taken to Tauranga hospital where a dislocated rib and a closed rib fracture was identified.

1.4 Detail any enforcement notices issued that relate to the contravention as detailed in term 1.2

No notices were issued.

1.5 Detail the rectifications to the workplace or work practices made as a result of the contravention (1.2), events (1.3) and the enforcement notices issued (1.4)

Following the accident SSA NZ meet with its staff and had a detailed discussion about what happened and how it can change the process for this type of loading in the future.

Ultimately, the configuration of the *Trinidad Trader* meant there was no obvious change that could be made to ensure worker safety. SSA NZ ceased working with the *Trinidad Trader* entirely. SSA NZ also only worked with other vessels that required the use of a ship's crane if a full safety review of the vessel had been carried out.

SSA NZ successfully designed and trialed spreader modifications to eliminate working at height for the discharge of containers on deck with ships cranes.

1.6 Total amount of money spent on rectifications

The rectifications made involved administrative cost as well as loss of profit as work was declined as a result of the actions taken. For example, SSA NZ declined to continue stevedoring work associated with the *Trinidad Trader* and also declined other similarly configured vessels. This work is no longer offered to SSA NZ.

The costs can be seen as the following:

- Direct costs: Safety modifications made to the spreader amount to \$10,678.83
- Direct costs: SSA NZ declined to continue stevedoring work associated with the *Trinidad Trader*
- Opportunity costs: SSA NZ refused to do work on three similar vessels which resulted in lost revenue. After SSA NZ declined these vessels no further work with these vessels was offered to SSA NZ. An estimate of loss of earnings from the three vessels equates to just over \$100,000. This does not take into account any ongoing loss of revenue from future proposals SSA NZ would have received.

1.7 Detail the injury sustained or illness suffered by victim(s) or other(s) as a consequence of the contravention or, (as applicable) the potential for fatal injury or future fatal illness

The Hold Man suffered a closed rib fracture. He has fully recovered and has had no ongoing complications. He returned to work for SSA NZ on 17 January 2022 but was available to return to work earlier.

1.8 Describe the relationship between the victim(s) and you / the entity in question

The Hold Man is a casual worker for SSA NZ. He has worked for SSA NZ for over 20 years. His brother also is employed by SSA NZ as a casual worker, and he was on shift as the Hatch Man at the time of the accident.

1.9 Detail the support already provided by the person to the victim(s), other(s)

Date	Description of support	Comments
09 / 12 / 2021	Accommodation	Cost of \$180 one night of accommodation before returning home
09 / 12 / 2021	Wages	6 hours of wages paid
02 / 11 / 2022	Training	Additional foreman training conducted and provided at a cost of \$1,559.10

1.10 Detail any offer of amends or payments already made to the victim(s) who sustained injury or suffered illness (the total monetary amount here is also to be included in the table at 3.12.3)

SSA NZ paid the remainder of the Hold Man's rostered work at full pay and conducted regular check in's to ensure he was okay.

SSA NZ facilitated the Hold Man's Foreman training, which has now been completed. He now carries out shifts in the more senior role of Crew Foreman.

1.11 Detail any additional support, amends or payments proposed by the person to the victim(s), other(s)

SSA NZ has paid the Hold Man \$ [REDACTED] for emotional harm and any remaining consequential loss.

1.12 Detail any consultation with unions / sector / industry as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution

SSA NZ has engaged with the Maritime Workers Union, the Port Industry Association and Fire and Emergency New Zealand (FENZ). Letters of support have been provided to Maritime NZ.

1.13 Detail how health and safety risks are managed by the person, including types of procedures or policies or standards

Safety at SSA NZ is currently managed through a safety management system which covers all operations. This safety management system implements safety through the following processes:

- SSA NZ Health and Safety Policy: SSA NZ has a health and safety policy which outlines its commitment to providing the resources and expertise to manage safety within the organisation as well as ensuring that all employees are provided with a safe and healthy work environment.
- SSA Marine (SSA NZ parent company) operational safety standards: SSA Marine has developed several safety standards which each operating location around the world is required to meet. These standards include, for example, pedestrian safety, incident management, critical risk management.
- SSA NZ specific operational procedures: In addition to the SSA Marine standards, SSA NZ is committed to implementing an AS/NZS ISO 45001 compliant safety management system. This has led SSA NZ to implement a wide range of policies and procedures to support the management of safety within the workplace.
- Development and implementation of operation specific JSEAs: Each vessel and cargo type worked by SSA NZ has a JSEA (Job Safety and Environmental Analysis) completed for the work. This JSEA details the operational controls required and the steps required for each process.
- Pre-arrival vessel planning: Before the ship arrives the operational team at SSA NZ are provided with the cargo type and ship information. When the vessel arrives in port a survey is conducted of the vessel and any critical issues are identified and communicated to the SSA NZ team.
- Pre-shift pre-starts: Before the start of each shift a pre-start is conducted with each member of the team where safety issues on the vessel are discussed as well as any safety alerts.
- Audits and safety observations: SSA NZ has a safety audit process in place that audit locations as to whether they meet both the controls required for the operation as well as if the safety systems in place meet the requirements of the SSA NZ safety management system. In addition to the audit process, SSA NZ also requires all management (both field and head office) to complete safety observations of work being conducted.

1.14 Detail the level of checks on the effectiveness of health and safety procedures or policies, including compliance assessments and assessment frequency

SSA NZ has several processes to ensure that the systems it has in place are both appropriate and operational. The first is through SSA NZ's internal audit process. Each operating location that SSA NZ has undergoes two major audits each year:

1. The first is a safety systems audit that reviews the effectiveness and implementation of the SSA NZ safety management system.
2. The second audit conducted is the Carrix fatal 5 audit. This audit reviews the operational controls in place at each location and determines whether each location is operating within the requirements of SSA NZ.

In addition to these operating location audits an external peer review safety audit is completed once a year where a safety director from another SSA operations location overseas conducts a safety audit of SSA NZ's operation.

1.15 Detail the consultation undertaken or proposed to be undertaken, in relation to this undertaking

Consultation has been taken internally within the SSA NZ team through discussion of the options during the on-site HSE meeting. The hold man was involved in a review of the application and provided his feedback and comments to SSA NZ. SSA NZ has also engaged with the Port Industry Association, Maritime Workers Union and FENZ.

Section 2: General Terms

The person acknowledges and commits to the general terms set forth in the sub-terms below.

2.1 Acknowledgement that Maritime NZ alleges a contravention occurred as detailed in term 1.2

SSA acknowledges that Maritime NZ alleges a breach of the duty to ensure the health and safety of its workers.

2.2 Statement of regret that the alleged contravention occurred

SSA NZ is extremely disappointed that a work practice that Maritime NZ alleges exposed its workers to a risk of harm was permitted to occur. It has acted promptly and improved its systems around, specifically, the processes for managing the risks associated with vessels that require the use of ships' cranes to ensure that risks arising from this work are properly managed.

With respect to the injury suffered by the Hold Man, SSA NZ has worked closely to support him and ensure he was able to complete training to work in a more senior role. SSA NZ sincerely regrets that a worker was injured carrying out work for it and continues to strive to ensure workers have the best possible protection for their day-to-day health and safety.

2.3 Statement of the reasons why, on balance, the person considers this undertaking is the most appropriate response to the alleged contravention

The circumstances of the alleged contravention mean that this undertaking is a proportionate and meaningful response to the event.

Prior to any formal allegation of a contravention SSA NZ had taken significant steps to manage any risk and had ceased working on certain vessels as a result. This step reflects SSA NZ's genuine commitment to protecting worker safety.

The port industry as a whole is working on a number of initiatives which will be able to progress more quickly through the funding proposed as part of this undertaking. Agreeing to this form of resolution will ensure safety benefits for the industry are realised sooner than would otherwise be the case. The industry participants' views on the potential benefit of the undertaking reinforce the benefits that will arise.

The Hold Man was fortunate to suffer what, in the context of workplace accidents, was a minor injury. While there was some chance it could have been more severe the risk is not as great as in many other cases. He is supportive of this form of resolution.

The publication of this undertaking will properly achieve the aims of denunciation and deterrence. The financial commitment is substantial, and record of this undertaking means there is publicity associated with the alleged contravention.

SSA NZ also considers that pressure to ensure supply chain integrity during the period of Covid-19 and travel restrictions meant expansion within the Tauranga branch occurred without the usual on-ground assistance from other branches. While it accepts that it had a responsibility to ensure worker safety the restriction in place during that time may have contributed to the work environment when the incident occurred. SSA NZ is taking steps to prevent future outbreaks from impacting training needs.

Taking the above factors into account and in light of other similar undertakings SSA NZ considers that this proposal is the most appropriate response to the alleged contravention.

2.4 Statement of commitment that the behaviour, activities and other factors which caused or led to the alleged contravention has ceased and will not reoccur

SSA NZ has already made clear, through its actions, its commitment to ensuring the factors that played a role in the alleged contravention have ceased and will not re-occur. It will continue to work to improve worker safety and manage the risks inherent in its business to the best of its ability.

2.5 Acknowledgment of the policy published by Maritime NZ for the acceptance of an undertaking

I have read and understood: Enforceable Undertakings Operational Policy

Yes

[write the name of the person(s) or entity giving the undertaking]

SSA New Zealand Limited

2.6 Acknowledgement that this undertaking will be published and publicised in full

Edward Marfell on behalf of SSA New Zealand Limited

acknowledges that the undertaking will, if accepted, be published on Maritime NZs website in full and referenced in Maritime NZs material.

2.7 Statement of the person's ability to comply with the terms of this undertaking and meet the projected costs of the activities

SSA New Zealand Limited

2.7.1 has the financial ability to comply with the terms of this undertaking; and

2.7.2 In the event of impending receivership, liquidation or sale of the entity,

SSA New Zealand Limited

will advise Maritime NZ of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

2.8 Statement outlining any relationship between the person and any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking

The Hold Man who carries out work for SSA NZ from time-to-time is a beneficiary from this undertaking

2.9 Statement regarding Intellectual Property

SSA New Zealand Limited

grants Maritime NZ a perpetual, non-exclusive, worldwide and royalty-free licence to use, for any purpose, all Intellectual Property Rights in relation to any material developed as a result of this undertaking. This licence includes the right to use, copy, modify and distribute the materials.

2.10 Acknowledgement that the person may be required to provide a statutory declaration

SSA New Zealand Limited

acknowledges that it may be necessary for Maritime NZ to obtain a statutory declaration outlining details of any prior convictions (safety related) outside of New Zealand and that it will provide such declaration if required by Maritime NZ.

2.11 Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking

1. It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with the person.
2. Evidence to demonstrate compliance with the terms will be provided to Maritime NZ by the due date for each term.
3. The evidence provided to demonstrate compliance with this undertaking will be retained by the person until advised by Maritime NZ, that this undertaking has been completely discharged.
4. It is acknowledged that any failure to meet the due date for an enforceable term may lead to enforcement action.
5. It is acknowledged that Maritime NZ may undertake inspections or other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to Maritime NZ.
6. It is acknowledged that details of all seminars, workshops and training conducted by a non-registered training provider must be notified to Maritime NZ, by email, at least one week prior. Notification should include time, date, location and the trainer/facilitator.

SSA New Zealand Limited

Section 3: Enforceable Terms

The person acknowledges all activities set forth in the enforceable terms below must be assessable and include a date for completion and an estimated cost for each activity.

The person commits to performing the activities below diligently, competently and by the respective completion date.

3.1 A commitment by the person to perform activities that will ensure the on-going effective management of risks to health and safety in the future conduct of its business or undertaking

SSA NZ consider that the highest priority in its operation is the health and safety of its workers. As an industry participant, SSA NZ commits to continuously analysing and monitoring its health and safety systems.

This will occur through regular discussions with staff members, MUNZ, and management as to areas of risk that occur within SSA's operations. Further, ongoing training of SSA staff will continue.

An external audit of the SSA's health and safety systems will be carried out.

The undertakings as set out in this document will also ensure ongoing effective management of risks to health and safety. Namely; ongoing training and developing and funding facilitating emergency rescue training and the study of soft tissue injuries and implementing the outcomes of the study.

3.2 A commitment by the person to disseminate information about this undertaking to workers, and other relevant parties

Dissemination will be achieved by doing the following:

1. Providing a copy of the undertaking to any recipient of funds as part of the undertaking.
2. Sending a copy to the Hold Man and making it available in SSA break rooms for a period of one month from the date it is accepted.
3. Posting a full copy of the undertaking on SSA's website for a period of twelve months from the date it is accepted.
4. Providing a copy to members of the Port Industry Association and a representative of the Maritime Workers Union.

3.3 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for workers and/or work and/or the workplace

Activities (outline the activity and the expected outcomes)	Cost (\$)	Timeframe
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<p><u>Working at heights training program</u></p> <p>Working at heights is a significant risk to SSA NZ operations and its workers. Training workers how to work at height is a significant control that SSA has in place to manage this risk.</p> <p>SSA NZ commits to funding the train a trainer to complete the following Unit Standards:</p> <p>23229-Use safety harness system when working at height 19359-Identify, inspect and maintain height safety equipment 17600-Explain safe work practices for working at heights 25045-Employ height safety equipment in the workplace 15757-Use, install and disestablish temporary proprietary height safety systems when working at height</p> <p>SSA NZ's trainer will also carry out the accredited skills assessors training course to become qualified assessor.</p> <p>SSA NZ will then develop and establish a working from heights training course in accordance with the NZQA Standards. This training program rolled out to all of its workers and will become a required training programme.</p> <p>Further, SSA NZ will establish working from heights training stations at four of its operating ports; allowing the training course to be carried out onsite at SSA NZ premises.</p>	\$60,511.40	18 Months
<p><u>Fire Suppression System</u></p> <p>SSA NZ's day-to-day operations involve the use of a large amount of plant and equipment. The use of the plant and equipment in port operations presents a number of risks which SSA NZ controls.</p> <p>One risk that SSA NZ is focusing on enhancing its controls, is the risk of fire in operating machinery. SSA NZ will procure the JOSEOZSTA Automatic Fire Extinguisher, an effective fire suppression system for all of its mobile plant and equipment that it operates such as forklifts, excavators and loaders.</p> <p>The fire suppression system eliminates the risk of an uncontrolled fire by automatically deploying fire retardant when a fire is detected.</p>	\$14,400.00	12 Months
<p><u>Pedestrian Detection</u></p> <p>SSA NZ operates in a dynamic environment where there is close interaction between mobile plant and pedestrians. This type of work environment has inherent risks of accidents involving pedestrians and machines.</p>	\$111,115.00	18 Months

To ensure that there is an increased level of protection for pedestrians and workers within its operations, SSA NZ has engaged with South Island Forklifts to install a SEEN SAFE pedestrian detection system onto all its loaders and forklifts.		
<p><u>Noise Monitoring</u></p> <p>SSA NZ is committed to developing controls and safety enhancements for its systems in relation to noise monitoring.</p> <p>Noise is a hazard that workers are regularly exposed to while working in the port industry. The noise profile that workers are exposed often changes from operation to operation depending on the cargo being moved and the equipment available.</p> <p>To ensure that SSA NZ is able to easily and effectively monitor noise across all of its operations it is committing to purchasing an occupational noise monitor (Pulsar Pen) from Accurate Instrument New Zealand to allow for internal noise monitoring. This will be used across all ports and an assessment will be carried out using this data to then further develop SSA NZ's controls to minimise the risks of noise to its workers.</p>	\$2,532.30	6 Months
Total estimated cost of benefits for workers/others	\$188,558.70	

3.4 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for the wider industry or sector

Activities (outline the activity and the expected outcomes)	Cost (\$)	Timeframe
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<p><u>Transfer of current port working at height unit standards to micro credentials</u></p> <p>Currently there are three unit standards that are currently in the National Certificate for Port Operations, these being:</p> <ul style="list-style-type: none"> • US31098 - Demonstrate and apply knowledge of safe working practices for working at heights on a vessel • US23229 - Use safety harness system when working at height • US15757 - Use, install and disestablish temporary proprietary height safety systems when working at height <p>The transferring of these unit standards to micro credentials will allow for recognisable specific upskilling for workers without having to do an overarching formal qualification.</p> <p>SSA NZ is actively engaged with PIA training. Current work is being done by the Port Industry Association to manage this and SSA NZ has committed to funding the work and any fees involved in applying for the movement from a unit standard to a micro credential. This funding will accelerate the PIA's work in this space.</p>	\$2,000	18 months
<p><u>Soft tissue study</u></p> <p>Soft tissue injuries represent a high proportion of injuries to Stevedores, typically seen with Lashers, Straddle drivers and fish operations. SSA would sponsor a university study with Massey University into its operations to investigate and identify key sources of the risks which may include:</p> <ul style="list-style-type: none"> • the design and layout of the work area; • the systems of work used; • physical and psychosocial risk factors; • workplace environmental conditions; • the characteristics of the load being handled; or • equipment used in the hazardous manual task. <p>SSA NZ commits to providing \$25,000 to fund the study and a further \$15,000 to invest in the outcomes and initiatives that will result from the findings of the study.</p> <p>The study should be used to improve SSA NZ's work practices. Additionally, SSA NZ will take steps to disseminate the study to the industry, via sending a copy to all members of the PIA, a representative from Maritime Workers union and circulating it with its own health and safety committees.</p>	\$40,000	18 Months
<p>Total estimated cost of benefits for industry</p>	\$42,000.00	

3.5 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for community

Activities	Cost (\$)	Timeframe
<p><u>Fire and Emergency New Zealand (FENZ) port response training course:</u></p> <p>One of the issues the port industry has identified is ensuring that there is an appropriate emergency response available in the event of an emergency. Many ports and PCBUs within the port environment rely on calling 111 and FENZ providing this service.</p> <p>Those responding from FENZ are not always aware of the unique risks that are present in the port environment and are not aware of the potential rescue situation which they may be required to assist with. SSA NZ is proposing to develop a training programme which can be rolled out to FENZ stations which covers off the type of emergencies that they could be expected to respond to. This may include (but is not limited to) the following:</p> <ul style="list-style-type: none"> • Recue from a crane; • Rescue from the hold of a bulk vessel; • Rescue from the hold of a container vessel; 	<p>\$50,000.00</p>	<p>12 months</p>
<ul style="list-style-type: none"> • Port awareness training; and • Communication training. <p>Development of this programme will help FENZ teams to be trained in port rescue scenarios and have the risk of the rescue significantly reduced while also providing an improved service to the port industry. This will allow for a decreased response time and a reduced rescue time which will assist in saving lives and reducing serious injury.</p> <p>SSA NZ will facilitate training days for FENZ at various ports in co-ordination with FENZ. It will make its staff available and cover any costs associated with trainer travel as well.</p> <p>The funding will cover two trainers that will run and co-ordinate several three-day courses and the relevant travel costs associated. The number of courses to be completed will be determined in co-ordination with FENZ</p>		
<p>Total estimated cost of benefits for the community</p>	<p>\$50,000.00</p>	

3.7 Acknowledgement regarding any promotion of the person in relation to this undertaking

SSA New Zealand Limited

agrees that it will not undertake any activities that may promote or benefit the person without explicitly linking that activity / benefit to this undertaking

3.12 Minimum spend

3.12.1

SSA New Zealand Limited commits to a minimum spend of \$285,558.70 for this undertaking.

3.12.2

SSA New Zealand Limited agrees to spend any residual amount arising from an original term not being completed or being less costly than estimated in this undertaking.

SSA proposes that any residual amount less than \$10,000 will be jointly donated to the Tauranga Coast Guard and Spirit of Adventure Trust. Amounts greater than \$10,000 will be re-allocated to initiatives that align with the original proposal from which the surplus arises. Written agreement from Maritime NZ on any re-allocation of funds, new proposal or confirmation the residual amount is less than \$10,000 is required prior to any payment being made by SSA NZ.

3.12.3

SSA New Zealand Limited acknowledges the minimum spend comprises of the:

Financial amends to victims (if applicable)	\$ [REDACTED] already paid)
Benefits to workers / others	\$188,558.70
Benefits to industry	\$42,000.00
Benefits to community	\$50,000.00
Estimated total cost of the undertaking	\$285,558.70

Section 4: Execution

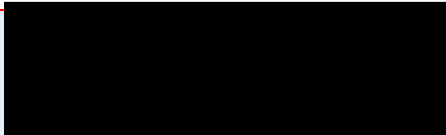
This undertaking is given by the person on the date it is accepted by Maritime NZ as set forth in section 5 below.

Director or Authorised Representative of a Company

Undertaking given by [name of director or authorised representative]	Edward Marfell			
In my own right and in my capacity as [eg Director, Managing Director, Chief Executive, etc]	Managing Director			
of SSA New Zealand Limited				
On the	8th	day of	November	20 23
	[day]		[month]	[year]
Signature of person giving the undertaking:				
Undertaking given before me	Lisa Davis-Goff			
Witness name:	Lisa Davis-Goff			
Witness signature:				
Witness address				

Section 5: Acceptance

This undertaking is accepted by Maritime NZ				
On the	2	day of	November	20 23
	[day]		[month]	[year]

Signature of the person giving the undertaking:	
Name of Maritime NZ representative:	Deb Despard - DCE Regulatory Operations
Role	Deputy Director, Compliance Systems Delivery (or delegate)