

Port profiles schedule

BETWEEN
WORKSAFE NEW ZEALAND
AND
MARITIME NEW ZEALAND



Te Kāwanatanga o Aotearoa
New Zealand Government

WORKSAFE
Mahi Haumarū Aotearoa

Nō te rere moana Aotearoa
MARITIME
NEW ZEALAND

Port Profiles

INTRODUCTION

1. This Schedule is produced under the Memorandum of Understanding between Maritime NZ and WorkSafe dated 20 February 2024.
2. The Parties are both regulators under HSWA. The Health and Safety at Work (Maritime New Zealand) Agency Designation 2023 (the Designation) extends Maritime NZ's responsibilities to include Major Ports.

PURPOSE

3. This Schedule, including the port profiles, clarifies the physical scope and boundaries of Maritime NZ's Designation at New Zealand's 13 Major Ports, and at ports used in connection with the Cook Strait inter-island ferries, excluding work carried out at a Major Hazard Facility within the meaning of the Health and Safety at Work (Major Hazard Facility) Regulations 2017 or Major Hazard Facilities as workplaces.
4. This Schedule also outlines the Parties' joint agreement to the interpretation of the terms used in the Designation to define a Major Port.

THE DESIGNATION

5. The extended Designation includes, in addition to work on board ships and ships as workplaces:
 - a. work at Major Ports and ports used in connection with the Cook Strait inter-island ferries; and
 - b. Major Ports as workplaces, and ports used in connection with the Cook Strait inter-island ferries, as workplaces.
6. **Major Port** means a port operated by a port company within the meaning of the Port Companies Act 1988, and includes the ports listed in the Designation. These are:
 - a. Northport
 - b. Port of Auckland
 - c. Port of Tauranga
 - d. Eastland Port
 - e. Port Taranaki
 - f. Port of Napier
 - g. Centre Port Wellington
 - h. Port Nelson
 - i. Port Marlborough

- j. Lyttelton Port
 - k. PrimePort Timaru
 - l. Port Otago, and
 - m. South Port.
7. **Port** is defined in the Designation as a port within the meaning of the Maritime Transport Act 1994, and includes:
- 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.
8. For the purposes of this Schedule:
- a. **Adjacent** means anything that the Parties agree is close to the port.
 - b. **Used in connection with the port operations and administration** means in connection with at least one of following uses:
 - i. storage of goods where the majority of those goods will be stored after unloading from, or before loading on to, a ship at a Major Port
 - ii. servicing plant and equipment used on the port for loading and unloading ships
 - iii. administration for a Person Conducting a Business or Undertaking (PCBU) primarily operating on ports, or
 - iv. undertaking of marshalling and associated activities including log, bulk cargo and container treatment are undertaken.
9. **Port profiles** means the images of thirteen Major Ports appended to the end of this Schedule.
10. Activities where there may be overlap in regulator responsibilities are covered in the *Operational Cooperation* and *Data and Information Sharing* schedules.

OVERVIEW OF THE PORT PROFILES

11. To confirm the boundaries of the Designation at each port, the definitions covered above have been applied in a physical setting to produce 13 port profiles (provided at the end of the Schedule).
12. The Parties agree that the attached port profiles outline Maritime NZ's area of regulatory responsibility.
13. The Parties agree that the attached port profiles have been created in accordance with the definitions outlined in clauses 6-9 and are consistent with the Designation.

14. The Parties agree that unless otherwise specified, each port profile is the definitive interpretation of the boundaries of the Major Ports listed in the Designation, noting paragraphs 16-26.
15. The port profiles identify:
 - a. the port's securely fenced area (the boundary) as a green line
 - b. buildings, installations, other structures, or equipment on or adjacent to the port and used in connection with the port's operation or administration as a green polygon, and
 - c. major hazard facilities (MHFs) as a blue polygon.

DESIGNATION APPLICATION TO PRIVATE ROADS

16. Roadways entering the port's fenced area where they are privately owned and part of their traffic management plan are in scope of the Designation. These are displayed in the same manner as adjacent buildings used for port operations (green polygon).

DESIGNATION APPLICATION TO MOVING PLANT, VEHICLES AND RAIL

17. Moving plant, transport operators, people and moving rail, are included in the Designation while in the scope of a Major Port.

DESIGNATION APPLICATION TO PIPEWORK

18. Pipework on Major Ports can fall under different regulations. Pipework can cross boundaries and connect sites outside a Major Port to ships by passing through a Major Port.
19. Regulations that apply to pipework on Major Ports include:
 - a. The Health and Safety in Employment (Pipelines) Regulations 1999 (the Pipeline Regulations)
 - b. The Health and Safety at Work (Hazardous Substances) Regulations 2017, and
 - c. The Health and Safety at Work (Major Hazard Facilities) Regulations 2016 (the MHF Regulations).
20. How pipework is regulated, and by which Party, will depend on the particulars of:
 - a. the pipework (for example, whether it meets the definition of a pipeline under the Pipeline Regulations)
 - b. the associated storage containers (for example, whether any pipework meets the definition of a major hazard facility under the MHF Regulations), and
 - c. the site itself (for example, the PCBU and the boundaries of the relevant Major Port).

22. Unless otherwise required by the particulars in clause 20 above, when pipework on a Major Port is not part of an MHF, then Maritime NZ is responsible for regulating that pipework.
23. The Parties will cooperate to ensure the effective regulation of pipework. This includes providing technical support. Cooperation and support will occur in line with the *Operational Cooperation Schedule*.
24. The Pipeline Regulations contain a Schedule of particulars that are required to be notified to WorkSafe, regardless of the boundaries of the Designation. The Parties agree that any notifications or incidents relating to pipework under the applicable Regulations, will be handled in line with the *Operational Cooperation Schedule*.
25. The Parties agree that any data or information shared, relating to pipework under the applicable Regulations, will be shared in line with the *Data and Information Sharing Schedule*.

ACCESS

26. The Parties agree that Maritime NZ is the responsible regulator for areas described in the port profiles from 1 July 2024. Where WorkSafe need access to Major Ports for regulatory related reasons, this will be handled in line with the *Operational Cooperation Schedule*.

PUBLICATION OF THE PORT PROFILES

27. The port profiles have been produced to provide clarity on Maritime NZ's Designation for both internal and external use. The Parties agree this Schedule and attached port profiles can be published externally.

TERM, REVIEW, VARIATION AND TERMINATION OF THIS SCHEDULE

28. The Parties will review this Schedule one year after the date the Designation comes into force, or earlier by mutual agreement. Thereafter, the Parties will review the Schedule every 12 months.
29. The Parties agree that ports can request specific changes to port profiles through an ArcGIS form submission outside the review period (for example, if building or land usage changes). If Maritime NZ receives an ArcGIS submission, it will advise WorkSafe.
30. The Parties must agree to the request for specific changes to the port profiles. Once agreed, Maritime NZ will update and distribute the relevant port profile.
31. If the Parties disagree with each other about the request, they will follow the process for resolving disputes set out in the MOU.

COSTS

32. The cost of meeting any obligations under this Schedule will be met by the Party incurring the cost.

REGULATOR ABILITY TO EXERCISE POWERS

33. Nothing in this Schedule affects the validity of the performance of any function or exercise of any power by WorkSafe or another agency or by the designated agency as per section 192(3) of the Health and Safety at Work Act 2015.

DESIGNATED COORDINATORS

34. The Parties' designated coordinators for the purposes of this Schedule are listed below by title/s. The full names and contact details for the people in these roles are listed in the *Designated Coordinators* Schedule. The roles of the designated coordinators are:

WorkSafe

Port profile variation contact: Manager, Operational Policy

operationalpolicyqueries@worksafe.govt.nz

Maritime New Zealand

Port profile variation contact: Manager, HSWA Regulatory Operations

saferports@maritimenz.govt.nz

Signed	Signed
	
Kirstie Hewlett Chief Executive Maritime New Zealand	Kane Patena Deputy Chief Executive – Operations WorkSafe New Zealand
Date 20/03/2024	Date 20/03/2024

North Port



Ports of Auckland



Port of Tauranga – Mount Maunganui



Port of Tauranga – Sulphur Point



Eastland Port



Port Taranaki



Napier Port



Centre Port - Wellington



Centre Port - Seaview



Centre Port - Burnham



Port Nelson



Port Marlborough



Lyttleton Port



Prime Port Timaru



Port Otago - Port Chalmers



Port Otago – Dunedin



South Port

