



# Cabinet Economic Development Committee

## Minute of Decision

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### Maritime New Zealand's Designation under the Health and Safety at Work Act 2015: Proposed Extension to Include Commercial Ports

**Portfolios**                      **Workplace Relations and Safety / Associate Transport**

On 5 April 2023, the Cabinet Economic Development Committee:

- 1        **noted** that under the Health and Safety at Work Act 2015:
  - 1.1      WorkSafe New Zealand is the primary work health and safety regulator of the work health and safety regulatory framework, and is responsible for land-based activities at ports;
  - 1.2      Maritime New Zealand is the designated work health and safety regulator for work on board ships, and ships as workplaces;
- 2        **noted** that the report of the Port Health and Safety Leadership Group (which includes port stakeholders):
  - 2.1      identified that the current split in regulator roles contributes to a lack of regulator understanding of the entirety of port businesses' operations, and of their health and safety management systems when they span activities on both land and sea;
  - 2.2      recommended extending Maritime New Zealand's designation to include commercial ports;
- 3        **agreed** to recommend to the Prime Minister that he designate Maritime New Zealand, under section 191 of the Health and Safety at Work Act 2015, as the regulator for the maritime sector and ports, specifically for:
  - 3.1      work on board ships and ships as workplaces; excluding naval ships and ships of the Armed Forces (the current designation);
  - 3.2      work at commercial ports handling containers, logs, and/or bulk cargo, excluding major hazard facilities (the expanded designation);
  - 3.3      all functions and powers of the regulator under the Health and Safety at Work Act 2015, with the following exceptions:
    - 3.3.1    WorkSafe retains functions and powers relating to authorisations, including all functions and powers relating to the authorisation of third parties to authorise others;

3.3.2 Maritime New Zealand monitors compliance with and enforces the duties for workplaces, work, workers or things to be authorised, except for the duties relating to the authorisation of third parties to authorise others which remain with WorkSafe New Zealand;

3.3.3 WorkSafe retains functions and powers relating to exemptions;

4 **noted** that the expanded designation will take effect by notice in the New Zealand Gazette, with a commencement date of 1 July 2024;

5 **authorised** the Minister for Workplace Relations and Safety, in consultation with the Associate Minister of Transport, to make decisions, consistent with the decisions in paragraph 3 above, on any issues that arise during the drafting of the designation;

6 **noted** that the expanded scope of Maritime New Zealand’s designation will be funded by the Health and Safety at Work Levy, the dedicated funding source for the Health and Safety at Work Act 2015 regulator activity;

7 **approved** the following changes to appropriations to give effect to the policy decision in paragraph 3 above, fully offset by revenue from the Health and Safety at Work Levy and so fiscally neutral with no impact on the operating balance and net debt.

After this decision was made, the Ministry of Transport identified that the appropriation name is incorrect. We expect this will be corrected later this year. The correct appropriation name is "Health and Safety at Work Activities - Maritime."

	\$m – increase / (decrease)				
<b>Vote Transport Minister of Transport</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27 and outyears</b>
Non-Departmental Output Expenses					
MNZ: HSWA obligations	-	-	2.000	2.100	2.200

8 **noted** that Maritime New Zealand cannot access the Health and Safety at Work Levy until the designation is in effect;

9 **agreed** that up to \$1.2 million for Maritime New Zealand’s operational readiness activities be funded by the Crown through existing Crown funding available to Maritime New Zealand within Vote Transport;

10 **authorised** the Minister of Finance, the Minister of Transport and the Associate Minister of Transport to jointly agree changes to appropriations, including establishing new appropriations as necessary, to give effect to the reprioritisation referred to in paragraph 9 above.

Jenny Vickers  
Committee Secretary

**Attendance: (see over)**

**Present:**

Hon Grant Robertson (Chair)  
Hon Dr Megan Woods  
Hon Michael Wood  
Hon Dr Ayesha Verrall  
Hon Willie Jackson  
Hon Damien O'Connor  
Hon David Parker  
Hon Peeni Henare  
Hon Priyanca Radhakrishnan  
Hon Kieran McAnulty  
Hon Ginny Andersen  
Hon Dr Duncan Webb  
Hon Rino Tirikatene  
Hon Dr Deborah Russell  
Jo Luxton MP

**Officials present from:**

Office of the Prime Minister  
Officials Committee for DEV

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