



**PORT
HEALTH & SAFETY
LEADERSHIP
GROUP**



April Update

Kia ora koutou

Welcome to our second newsletter update of the year. Below you'll find updates on the key topics we covered during our April meeting, including:

- [Extension of the Maritime NZ designation to cover the whole port area](#)
- [Update on the draft Approved Code of Practice for loading and unloading of cargo on ports](#)
- [FAQ on the draft Approved Code of Practice for loading and unloading of cargo on ports](#)
- [Release of the Port Sector Insights Picture and Action Plan](#)
- [Spotlight on our members – Gavin Hudson, C3](#)

As always, we welcome your feedback. If you have any questions, please reach out to your representative in the Leadership Group – you'll find their names below; alternatively connect with us by emailing portsandharbours@maritimenz.govt.nz.

Ngā mihi

The Port Health and Safety Leadership Group

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

We're in the process of confirming the final details around the extension now and will be updating you on this soon.

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[The Approved Code of Practice for loading and unloading of cargo on ports](#)

One of the key topics of discussion at our meeting in April was progress on the draft Approved Code of Practice for loading and unloading of cargo on ports. To help

address some of the questions we've been getting on the ACOP, we've put together a brief FAQ document, which you [can download here](#), or read below. We encourage you to forward this to anybody in your network who might be interested in this information.

Key points to note are:

- The ACOP will cover the loading and unloading of cargo on ports, not just stevedoring
- The ACOP is still being written by Maritime NZ
- We hope the draft will be completed in August/September
- Besides the earlier technical workshops there will also be a consultation process on the draft ACOP later in the year which will provide ample time for you to provide feedback on the draft ACOP
- The timings and the format of the consultation process are still being determined and we hope to be able to update you on this shortly
- We hope to have the ACOP signed off by the Minister by the end of the year at which time it will come into effect. Maritime NZ and the Port Health and Safety Leadership Group will work with the sector on implementation and uptake
- There is also likely to be some guidance in critical risk areas that will need to be developed later to sit under, and support, the ACOP
- Practices or procedures which are as good as, or better, than those outlined in the ACOP will still be allowed
- Port companies/businesses may choose to change practices that they feel are unsafe at any time – they do not have to wait for the ACOP
- We will be working closely with the experts identified by the sector and with the sector more broadly as we move to finalising the ACOP at the end of the year

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[FAQs: The draft Approved Code of Practice \(ACOP\) for the loading and unloading of cargo on ports](#)

What is an Approved Code of Practice?

An ACOP sets out what the regulators' expectations are about how to meet your legal duties. It provides businesses with confidence that if they comply with the practice contained in it that they are meeting the test of what is "reasonably practicable" in a given situation. It is not about imposing new requirements or expectations but rather clarifying for everyone what is reasonably practicable and expected.

What's the scope of the ACOP?

The ACOP covers all activities to do with the loading and unloading of cargo on ports. The title of the draft document now reflects this – Approved Code of Practice for the loading and unloading of cargo on ports. This means that it is not just covering traditional stevedoring activities but will also cover marshalling. Activities that are considered "out of scope" are things like maintenance of plant in warehouses, reefer tech and maintenance/repair of empty containers (as examples).

Does this mean there is only one way of doing something?

No. Following an ACOP is not the only way to demonstrate compliance. Businesses may use other practices as long as they provide a level of work health and safety equivalent to, or higher than, what is set out in the code.

Where are we at in the process?

We have completed four workshops and have gathered an immense amount of information. We have completed the drafting of the first two chapters and have received feedback on the content. We are in the process of starting to draft the rest of the content based on all of the workshop material and we have engaged additional writing capacity to assist with this process. We are making good progress with writing and anticipate the final version will be completed in December. At this stage, we anticipate that **consultation on the draft ACOP will begin around August**. As we work through the information for the next chapters we may identify gaps or inconsistencies. In order to address these, we plan to:

1. Any gaps:

- Identify, based on the gaps, the subject matter expertise from the workshops, or that we might need from outside the workshops if it was missing, that we can work with face-to-face to gather this content/fill the gaps.

Inconsistencies in practice:

- We may use the above process to also iron out inconsistencies, or
- Test the inconsistencies and proposed consistent practice through the formal consultation process.

How can I provide feedback?

At the end of drafting process being led by Maritime NZ, and supported by WorkSafe NZ, the draft will be sent out to the relevant people in the sector, including the PIA, unions, port chief executives, port companies, stevedore companies, marshalling companies, agents, transport operators, and any others identified by the Port Health and Safety Leadership Group. We will ask for feedback on the entire draft and this feedback will be used to develop the final version of the ACOP. Until this process happens the ACOP is draft and nothing in it is final. At this stage we anticipate that **consultation on the ACOP will begin around August.**

We had previously been distributing the draft chapters as each was written but realised this was not as effective as we hoped because as we write the document, content is being shifted around to align it with information we may already have from other workshops. Essentially the document may not be structured in the same order the topics were covered in workshops. We also recognised that following Cyclone Gabrielle, many in the sector were facing additional pressures and might not be in a position to provide timely feedback on a chapter-by-chapter basis. We are eager to receive your input, so we will be giving a longer consultation period at the end of the process to allow ample time for you to provide feedback.

Who develops and approves an ACOP?

Under s222 of the Health and Safety at Work Act, an ACOP must be developed by the regulator which in this case is Maritime NZ, and it must be approved by the Minister. No other party can develop or recommend an ACOP to a Minister. An

ACOP must be freely available to download from the regulator's website.

What happens if consensus can't be reached in the design of an ACOP?

The intent is that there is a collaborative and co-design approach taken to the creation of the ACOP, that draws on the evidence from the Port Sector Insights Picture, information on practice taken from the Good Practice Picture, similar regulator guidance, legislation, and knowledge and experience of the sector. Where there is a lack of consensus with the draft it is hoped this can be ironed out through workshops in the broader consultation process and it is hoped that consensus will be reached on the final form of the ACOP as this is the best way for the sector to buy-in to and support implementation of it. However, if there are issues where consensus cannot be reached, the final decision will be that of the regulators and Ministers.

Will there be support for the industry to implement/understand the ACOP?

Yes, we will work with the sector to understand what support is required and how best we can support uptake and implementation of this important work.

Will there be further guidance provided?

As part of the consultation with the sector on the ACOP, Maritime NZ will be asking what further guidance is needed to support you to get the most from the ACOP, with a view to developing a suite of supporting documents.

[Download The FAQ](#)

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[Release of the Port Sector Insights Picture and Action Plan](#)

We were thrilled to officially release our Port Sector Insights Picture and Action Plan with the Minister at CentrePort on March 15. Although work on several of the key focus areas identified in the Plan is already well underway, it was still important to come together on the day to celebrate this significant achievement as a sector. If you haven't already read through the Plan, we'd encourage you to take the opportunity to [take a look](#) – it will be the blueprint for our ongoing, multi-year programme to improve health and safety on all ports. Thanks again to the many of you who contributed to this work, and to the team at CentrePort for hosting us on the day.

[Read The Action Plan](#)

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Spotlight on our members – Gavin Hudson, C3

Gavin Hudson is the joint Chief Executive Officer of C3 Limited and the Pedersen Group. He is a business to business and leadership expert with vast experience in forestry, ports and logistics across New Zealand and Australia. Gavin delivers growth and genuine step-change improvement through a collaborative leadership approach. He promotes a safe work environment and culture and leads with a focus on risk management. He believes these results are achieved through communication, empowerment, policy and innovation.

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Other workstreams:

These are in various stages of progress or scoping and we will update you on these as they progress. They include:

- **Workforce sustainability and skills**
- **Incidents, Notifications, Insights and Intelligence**
- **A creation of a good practice repository**

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Who we are - the Port Health and Safety Leadership Group

We meet around every six weeks and will be sharing updates with you after each of our meetings. The Chief Executive of Maritime NZ, Kirstie Hewlett, chairs the Leadership Group. Many of you will also get updates from your representatives on the group.

The membership of the group includes:

- the Port Industry Association (Pat Kirk, Chair of the Port Industry Association)
- Ports (Roger Gray, Chief Executive Ports of Auckland and Jon Moore, Chief Executive Northport)
- Stevedoring companies (Paul Cameron, Chief Executive ISO and Gavin Hudson, Chief Executive C3).
- the Maritime Union of New Zealand (Craig Harrison, National Secretary)
- the Rail and Maritime Transport Union of New Zealand (Aubrey Wilkinson, National President); and
- WorkSafe NZ (Phil Parkes, Chief Executive).

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Share the latest port health and safety news

Know someone who might be interested in getting these updates? Forward [them this link](#) and they'll be able to subscribe themselves. You can also get in touch with us at portsandharbours@maritimenz.govt.nz

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Our vision is to create:

A high-performing, resilient port sector where people thrive and worker health and safety is prioritised through high-trust, tripartite collaboration