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1 Introduction

1.1 Our Commitment

Port Nelson Limited (PNL) is committed to providing an environment that has, as a priority, care for the physical and mental health and wellbeing of our people, customers, contractors, and community in accordance with our Health and Safety (H&S) Policies, The Approved Code of Practice for Loading and Unloading of Cargo on Ports and on Ships (ACOP) and our duties under the Health and Safety at Work Act 2015(HSWA).

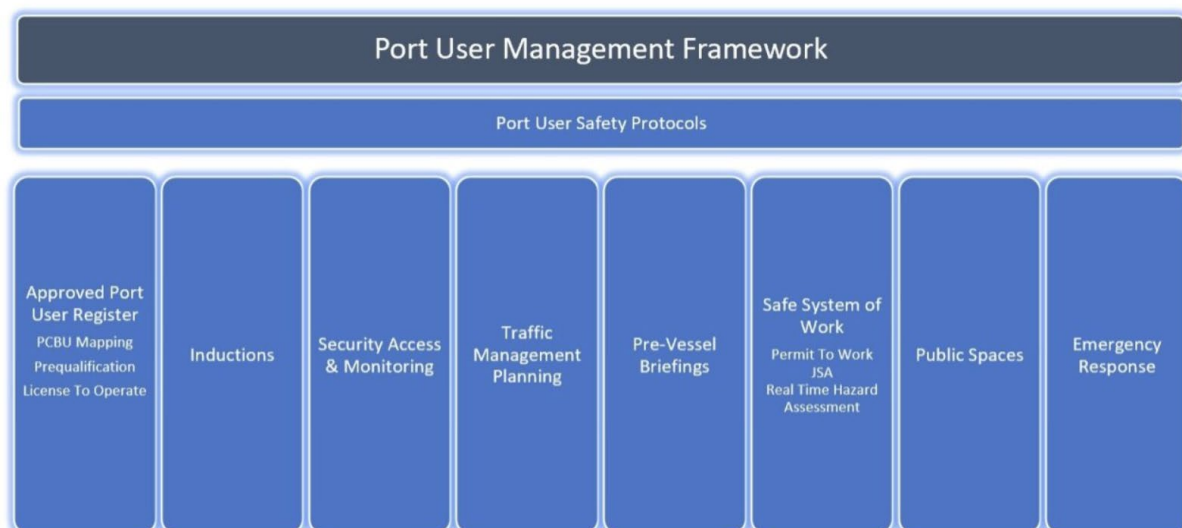
Port Nelson Limited's culture is the belief that we can work keeping everybody safe from harm despite the challenging conditions in which we operate. This can be achieved by everyone's cooperation and commitment.

These Port User Safety Protocols (PUSP) provide port users and their workers with clarity about the health, safety and environmental rules and requirements that apply when working on Port Nelson controlled sites. It applies to all PCBUs (Person Conducting a Business or Undertaking) and Port Users who enter PNL operational areas and common user sites to perform work-related duties. Areas include, but are not limited to, container yard, wharves, berths, slipway, Marlborough Inland Port and Port roadways.

It is vital that everyone who works at PNL sites takes an active part in ensuring that the PUSP are of the highest priority in the workplace.

1.2 Port User Management Framework

Our Port User Management Framework consists of nine components. Each one sets out to achieve a specific objective that enables PNL to best identify and manage the various health, safety and environment risks, threats and opportunities.



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This framework applies to every party operating within the boundaries of a Port Nelson controlled site.

1.3 Port User Definitions and PCBU Mapping

All Port Users are defined and mapped according to their relationship with PNL and the risk of the tasks they perform whilst working at the port. This mapping allows PNL to understand the overlaps between our Port Users and thereby segment each port user and ensure that the controls and procedures around each port user segment are appropriate for the activity and risk of the tasks being performed.

Role	Segment (*1)	Requirement							
		Approved Port User Register	Pre-Qualified	License To Operate	Inducted	Accompanied at all times	PTW Applied	Port User Audited	Incidents Reported to PNL
Port User	Port Nelson	n/a	n/a	n/a	✓	✗	✓	✓	✓
	Tier 1 Port User	✓	✓	✓	✓	✗	✓	✓	✓
	Tier 2 Port User	✓	✓	✓	✓	✗	✗	✓	✓
	Tier 3 Port User	✓	✗	✓	✓	✗	✓	✓	✓
	Tier 4 Port User	✓	✗	✓	✓	✗	✗	✓	✓
	Tier 5 Port User	✗	✗	✗	✗	✓	✗	✓	✓
Non-Port User	Leaseholder – Non-Operational	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

*1: Where more than one segment could apply to a PCBU, the one with the greatest requirements is applied.

Tier 1 Port User

PNL Direct Contractor (Operational)
Stevedore/Cargo Owner

Tier 2 Port User

Slipway Service Provider
Leaseholder - Operational
Vessel Operator (on board non routine non cargo handling work)
Lay-Up Berth Vessel Operator

Tier 3 Port User

PNL Direct Contractor (Administrative/Low Risk)
Subcontractor of Tier1 Port Users
Ship Agent
Transport Company

Tier 4 Port User

Subcontractor of Tier 2 Port User
Port Regulators (MPI, Customs, MNZ)
Lay-Up Berth Subcontractor

Tier 5 Port User

Other Port Users – Ships Crew, Port Visitors, Office Visitors, QuayConnect Visitors

Some port users are classified “High Risk” to reflect the activities that they perform whilst on port. The definition applied to determine if a port user is high risk is as follows:

- Any task that requires issuing of a permit to work.
- Any task assessed as having a risk rating of high or very high using PNL’s Risk Matrix.

PNL reserve the right to segment a Port User as High Risk at our discretion e.g. poor H&S performance or repeat incidents.

1.4 Roles & Responsibilities

The PNL H&S Team is responsible for maintaining and updating this document. This team will monitor all PCBU’s conformance to the Port User Management Framework and where non-compliance is

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evident, corrective actions will be agreed, allocated, monitored, and achieved within the agreed timeframe.

All Port Users must adhere to the requirements set up within this document and associated reference documents. All Port Users are encouraged to provide feedback to safetysupport@portnelson.co.nz to ensure continuous improvement of Port operations.

All PCBUs must consult, cooperate, and coordinate to maintain a safe and efficient work environment for all Port Users.

All Port Users, including PNL staff and contractors, must maintain the highest levels of professionalism and always demonstrate appropriate behaviour. Key principles of expected behaviour are:

- Obeying the law
- Being honest
- Being fair
- Being responsible
- Being concerned and caring about others
- Being proactive about all matters which can impact Port Users

Any physical, verbal aggressive, or harassing behaviour is unacceptable at Port Nelson Limited. Any breach of the above will be reported to the relevant lead PCBU and is likely to have the offenders Port access revoked.

PCBUs are responsible for managing contractors engaged by them to perform work within the Port and for ensuring their subcontractors conform to the requirements of the Port User Management Framework.

1.4.1 Duty of Care

Everyone has a duty of care to make sure their workplaces are safe.

If you are an employer, or PCBU, you have the main responsibility for the health and safety of everyone in your workplace, including visitors. This is your 'primary duty of care'. If you're self-employed, you're responsible for your own safety and the safety of others.

1.4.1.1 Duty of care as a PCBU

A PCBU (Person Conducting a Business or Undertaking) is a broad concept used throughout the Health and Safety at Work Act 2015 (HSWA) to describe all types of modern working arrangements, which is commonly referred to as 'businesses'. While a PCBU may be an individual person (e.g. a sole trader), in most cases a PCBU is an organisation (e.g. a business entity such as a company).

You must ensure that:

- The work environment, systems of work, machinery and equipment are safe and properly maintained
- Chemicals being used are handled and stored safely

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- Adequate workplace facilities are available
- Information, training, instruction and supervision are provided
- Workers' health and workplace conditions are monitored
- Any accommodation you provide to your workers is safe

As a PCBU operating at Port Nelson, you must always try to eliminate, so far as is reasonably and practicable, any health and safety risks in the workplace.

1.4.2 Duties of Workers

While at work, a worker must:

- Take reasonable care for his or her own safety
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons
- Comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with the HSWA 2015. Act

Co-operate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers.

1.4.3 Duties of other persons at workplace

A person at a workplace must:

- Take reasonable care for his or her own health and safety
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons
- Comply, so far as the person is reasonably able, with any reasonable instruction that is given by the PCBU to allow the person conducting the business or undertaking to comply with this Act.

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2 Components of our Port User Management Framework

2.1 Port User Safety Protocols

It is essential that everyone who works at any Port Nelson Limited site plays an active part in ensuring that the Health and Safety protocols are of the highest priority in the workplace.

Compliance with the requirements set out in this protocol and its components is mandatory for all PCBUs and workers (this includes employees, contractors, and visitors) operating in PNL common operational areas.

Our PUSP enable a consistent, effective, and unified approach to managing health and safety at Port Nelson.

2.2 Approved Port User Register

To access a Port Nelson site, every Port User must be approved on the Port Nelson Approved Port User Register (APUR). The APUR ensures that all Port Users meet our health and safety requirements before they can access the port, and that they understand and follow our PUSP while on port.

We will prohibit access to anyone not registered.

2.2.1 Port User Pre-Qualification (Tier 1 & Tier 2 Port Users)

Port Users who are required to undertake pre-qualification as per our PCBU Mapping Matrix requirements must undergo the following steps:

- Achieve pre-qualification with SiteWise to at least 75% level.
- Complete a PNL Port User Register Application Form (webpage).
- Complete and sign a License To Operate detailing approved tasks that may be completed by the port user.
- Complete an Approved Vendor Application (provided by our Accounts Team).

Note: Alternative pre-qualification service providers to SiteWise may be used as approved by PNL i.e. IMPAC or SHE (75% requirement remains). PNL reserves the right to allow other substitutions to be considered case by case.

These requirements apply to Tier 1 and Tier 2 port users (see PCBU matrix).

2.2.2 Port User License To Operate (Tier 3 & Tier 4 Port Users)

- Complete a PNL Port User Register Application Form (webpage).
- Complete and sign a License To Operate detailing approved tasks that may be completed by the port user.
- Complete a PNL Approved Vendor Application (provided by our Accounts Team).

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2.3 Inductions

All personnel intending to enter any secure PNL site must have completed the relevant induction prior to entry. The induction must be refreshed at the required intervals, any non-inducted visitors must be always escorted by an inducted person.

2.4 Security Access & Monitoring

All Port activities must comply with ISPS 2012 and the Maritime NZ Security Act 2004. Port Security procedures are in place to control Port access to authorised personnel and to monitor all Port activity 24/7.

2.5 Traffic Management Planning

Some operational areas or specific activities are required to have specific traffic management plans (TMP) for their safe coordination and operation. These TMPs form an integral part to all port operations, it is the PCBU controlling the operational areas obligation to ensure that these TMPs are always in place.

2.6 Pre-Vessel Briefings

All parties involved in a vessel operation will be given the opportunity to participate in a Pre-Vessel Briefing process, where decisions are coordinated on how the operation will be performed. Agreed outcomes will be documented and distributed. Unauthorised deviation from the agreed outcomes of the Pre-Vessel Briefing could lead to suspension of the operation. Lead PCBUs are required to review and provide feedback to the pre-vessel briefings.

2.7 Public Spaces

PNL control several public access spaces. These public spaces are risk-assessed and have control measures in place to minimise the chance of any public harm.

2.8 Emergency Response

PNL maintains an Emergency Response Plan to aid in the effective response to foreseeable emergencies. In the event of an emergency, all port users must follow the instructions of the person in charge of the area, PNL Management, or other authorised personnel.

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3 Port User Requirements

3.1 Stepping up for safety – Speak up

PNL expects anyone to stop work or refuse to carry out work if you believe that doing the work would expose you, or anyone else, to a risk to health or safety from an immediate or upcoming hazard.

You must:

- take reasonable care of your own health and safety and ensure that your actions don't cause harm to yourself or others,
- comply with any reasonable instructions, policies or procedures on how to work in a safe and healthy way.

Speak up – your voice can make a difference. You play an important part in your workplace health and safety. PNL expects that Health and Safety concerns are communicated to PNL.

3.2 Hazard & Risk Management

PCBUs must so far as is reasonably practicable, consult, co-operate and coordinate activities with all other businesses they share overlapping duties with to meet their health and safety responsibilities to their workforce and other Port Users (PCBUs).

While Port Users have a shared responsibility to manage risks and hazards, PCBUs have a primary duty of care to ensure so far as is reasonably practicable the health and safety of its workers and any other workers who are influenced or directed by the business. PNL requires PCBUs to identify, evaluate and record relevant risks associated with their operations and maintain a register of those risks.

Risk Management includes:

- Identifying the hazard
- Assessing the risk
- Putting controls in place
- Reviewing the effectiveness of the controls

All personnel are responsible to report hazards and unsafe conditions and make every effort to address those hazards if safe to do so.

PCBUs are required to inform PNL and other relevant PCBU's of any planned or unplanned changes, any new risks or hazards identified or introduced, as well as how the risk is managed that may affect the health and safety of PNL or other PCBUs.

PCBUs must ensure their personnel are trained in identifying hazards and managing risks and have adequate documented systems in place to manage high-risk activities and ensure compliance with all regulatory requirements. PCBUs are directly responsible for their contractors and their management of risk at PNL facilities.

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3.3 Changes that can impact the Health & Safety of Port Users

PCBUs must have a system in place to ensure that changes do not cause injury to people, disrupt the activities of other PCBUs and result in damage to physical assets. This includes changes to any of the following:

- Plant and equipment
- Processes, including operating procedures
- Material used
- Responsibilities to manage health and safety
- Training or competency requirement
- Emergency response
- Layout of operations
- New risks in the environment

All changes must be subjected to a risk assessment and communicated to all impacted stakeholders, including PNL. PCBUs must ensure that their personnel have a clear understanding of this process and its requirements.

3.4 Monitoring & Review of Conformance with PUSP

PNL will review PCBU's conformance to with the PUSP. Where non-compliance is evident, corrective actions will be agreed, allocated, monitored and achieved within the agreed timeframe.

3.5 Shared Work Areas & Overlapping Responsibilities

All Port Users operating in a work area which is shared with other PCBUs share overlapping duties and shall so far as is reasonably practicable consult, cooperate and coordinate their activities with all the other businesses they share overlapping duties with.

For any activity impacting another person's operation, it is expected that clear pre-notification to PNL and agreement are reached before work is undertaken.

Wherever possible, PNL will support coordination and consultation. This does not absolve all other Port Users of their responsibilities to manage health and safety risks.

Some examples of common areas include but are not limited to:

- Jetties, Wharfs and Berths
- Access Roads
- Yard Areas

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3.6 Hazardous Substances

Port Users are expected to always follow the Port Nelson Limited Hazardous Substances Policy.

3.7 Personal Protective Equipment (PPE)

Port Users are expected to always follow the Port Nelson Limited PPE Standard Policy.

3.8 Alcohol and other drugs

PNL worksites are drug and alcohol free.

Port Users are always expected to comply with PNL's Port User Drug & Alcohol Policy.

3.9 Incident Management

An incident is an occurrence arising out of or in the course of work that could or does result in the below.

- Occupational Illness or injury
- Damage to property
- Adverse impact on the environment
- Damage to reputation
- Financial loss
- Compromise in security
- Exposure to legal liability

PCBUs must implement an effective incident management process to report, investigate and prevent the reoccurrence of incidents.

Incidents which are deemed notifiable under the HSWA 2015, or Maritime Transport Act 1994 must be reported to a PCBU's designated PNL contact verbally at the earliest available opportunity and must be completed within 2 hours and followed up in writing within 24 hours.

PCBUs are directly responsible for reporting notifiable incidents to the relevant regulator. More information on notifiable incidents can be found on WorkSafe, Maritime New Zealand and other relevant authority's websites.

When requested by PNL due to the potential/actual severity of an incident or its impact/relevance on PNL or other PCBUs, the PCBU must fully complete incident investigations to PNL's satisfaction and provide the investigation to the PNL's H&S Team within a timeframe specified by PNL.

3.10 Training & Competency

PCBUs need to ensure that their personnel and contractors are trained and competent to perform their duties and have received adequate information about risks associated with their activities and the environment in which they work. PCBUs shall ensure all machine operators have the required training and certification (or be under supervision for the purposes of training) for the specific machinery being operated in accordance with each company's requirements.

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All PCBU personnel and contractors, or in general anyone who performs a physical task at PNL facilities, must receive the relevant induction for their area of work.

Each PCBU must develop and implement systems and processes to manage learning practices, training material and competency pathways and relevant records. Training and competency records must be maintained and accessible for auditing purposes upon request.

3.11 Consultation

Forums are held to ensure that relevant health and safety information is exchanged between Port Users.

These forums could include but are not limited to:

- Pre-Vessel Briefings: an opportunity for those sharing common user areas to collaborate and determine how the operation will manage the specific risks involved.
- Port Users Monthly Meetings and PCBU Quarterly Forum Meeting: an opportunity to discuss H&S activities and raise any issues.
- Working groups: to investigate or work through specific issues as required.
- Permit To Work System: an opportunity to assess specific high-risk work to ensure the work is being performed safely and coordinated with other relevant activities on the Port.

Port Users are encouraged to contact PNL for any concerns and opportunities that require PNL's attention.

3.12 Environmental Management

Port Users are expected to always follow the Port Nelson Limited Environmental Policy and other Environmental Guidelines. These can be found on our website at the following location. [Environmental Home Page](#)

3.13 Emergency Management

Refer to PNL Emergency Management Plan for more detailed information.

Port Users have a shared responsibility to manage emergency events when working on PNL facilities. All parties must consult, cooperate and coordinate to manage emergency events.

All PCBUs shall prepare, test, review and maintain specific emergency response procedures for their relevant work areas and shall be responsible for ensuring visitors and other workers are aware of them. These procedures must comply with all relevant legal and regulatory requirements. In all cases of an emergency event, the PNL Gatehouse is to be notified immediately.

3.14 Monitoring and Review

Port Users will have their Prequalification and/or License To Operate reviewed every 2 years.

Compliance with these procedures will be audited and corrective actions developed in conjunction with the Port Nelson Limited Internal Audit Framework

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This Protocol shall be reviewed within two years of the date of issue. Changes in legislation or policy may necessitate earlier review and subsequent amendment or reissue.

Reviews of incidents and concerns related to Health and Safety will take place quarterly during the Port User forum.

3.15 Disclaimer

PNL has made every effort to ensure that the information in this publication is reliable but does not guarantee its completeness. PNL may change the contents of this document at any time without notice. This document should not be used as a substitute for legislation or legal advice. PNL requires any hazard resulting from this information or omission to be communicated to PNL immediately, and work should be stopped until the situation is resolved.

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4 Attachments

4.1 Port Nelson Critical Risks

CRITICAL RISKS

Events that have the potential to cause fatalities.



Traffic

Light Vehicle impact between object or pedestrian



Stored Energy

Uncontrolled release of an object or energy



Heavy Mobile Plant & Equipment

Heavy Plant impact between object or pedestrians



Working On or Near Water

Risk of drowning, crush, hypothermia, or injury



Working at Heights

Falling from height resulting in a hard surface impact



Unsafe Atmosphere or Substance

Oxygen deficient or hazardous atmosphere/environment



Electrical

Exposure to unsafe electrical installations

**STEPPING
UP FOR
SAFETY**

TAKING ACTION ON
SAFETY EVERYDAY.

PORT NELSON

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4.2 Glossary

Term or acronym	Definition or explanation
ACOP/Approved code of practice	Sets out Maritime New Zealand and WorkSafe New Zealand's expectations about how to comply with legal duties imposed by HSWA and regulations. Other practices can be used to achieve compliance as long as the level of health and safety is equivalent to, or higher, to that in an ACOP.
Act	A law passed by Parliament. Before an Act is passed it's called a Bill.
Business or undertaking	The usual meanings are: - business: an activity usually carried out with the intention of making a profit or gain - undertaking: an activity that is non-commercial in nature (e.g. certain activities of a local authority or a not-for-profit group).
Contractor	Contractors may be individuals or businesses engaged to carry out works for Port Nelson. Contractors and their employees are classed as the workers of the lead PCBU.
Control measure	A way of eliminating or minimising risks to health and safety.
Duty	A legal obligation to act responsibly according to the law.
Eliminate	To remove the sources of harm (eg equipment, substances or work processes).
Hazard	Anything that can cause harm. Under HSWA, hazard is defined as "includes a person's behaviour where that behaviour has the potential to cause death, injury, or illness to a person (whether or not that behaviour results from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behaviour)".
Health and Safety at Work Act (HSWA)	The key work health and safety law in New Zealand. All work and workplaces are covered by HSWA unless specifically excluded. You can find the full text of the Act on the New Zealand Legislation website .
Maritime New Zealand	Maritime NZ is the national regulatory, compliance and response agency for the safety, security and environmental protection of coastal and inland waterways. From 1 July 2024, Maritime NZ became the regulator for New Zealand's 13 major ports.

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Minimise	To take steps that protect the health and safety of people by reducing the likelihood of an event occurring, reducing the level of harm to people if it does occur, or both.
Notifiable event	When any of the following occurs as a result of work: • a death • notifiable illness or injury • a notifiable incident. WorkSafe or Maritime NZ must be notified when a notifiable event occurs. Notify Worksafe Notify Maritime NZ
Notifiable injury or illness	An illness or injury that requires the person to have immediate treatment (other than first aid). For example, a serious head injury, a serious burn, an injury or illness that requires, or would usually require, the person to be admitted to a hospital for immediate treatment or to have medical treatment within 48 hours of exposure to a substance. WorkSafe – guidance on notifiable events Maritime NZ – guidance on notifiable events
Notifiable incident	When someone has been immediately exposed to a serious risk to their health and safety because of an unplanned or uncontrolled work incident. For example, exposure to a leaked substance, an electric shock, or the collapse/partial collapse of a structure. WorkSafe – guidance on notifiable events Maritime NZ – guidance on notifiable events
Other persons at the workplace	Includes workplace visitors and casual volunteers (who are not volunteer workers). These people have their own health and safety duties to take reasonable care to keep themselves safe and to not harm others at a workplace.
Overlapping duties	When a PCBU shares duties with other PCBUs. When two or more PCBUs are working together at the same location or through a contracting chain, they must work together to fulfil their duties of care and manage risks. Where those duties overlap, the PCBUs must consult, co-operate and co-ordinate with each other to meet their health and safety responsibilities to workers and others.
Person conducting a business or undertaking/ PCBU	A PCBU (Person Conducting a Business or Undertaking) is a broad concept used throughout the Health and Safety at Work Act 2015 (HSWA) to describe all types of modern working arrangements, which is commonly referred to as 'businesses'. While a PCBU may be an individual person (e.g. a sole trader), in

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	most cases a PCBU is an organisation (e.g. a business entity such as a company).
Personal protective equipment/PPE	Anything used or worn by a person (including clothing) to minimise risks to the person's health and safety. This may include – but is not limited to: • respiratory protective equipment • protective helmets • protective eyewear • protective boots • protective gloves • hearing protection • high-vis clothing • sunhats • sunscreen and lip protection safety harness systems.
Plant	Includes: • any machinery, vehicle, vessel, aircraft, equipment (including personal protective equipment), appliance, container, implement, or tool; and • any component of any of those things, and anything fitted or connected to any of those things.
Port User	A Port User is someone being present in a Port Nelson controlled work area to conduct their operations and/or use of the Port's infrastructure and facilities. This includes businesses, contractors of tenants, transport companies, and port visitors.
Reasonably practicable	What is or was reasonably able to be done to ensure health and safety taking into account and weighing up relevant matters including: • the likelihood of the risk concerned occurring or workers being exposed to the hazard • the degree of harm that might result • what the person concerned knows, or ought reasonably to know, about: ○ the hazard or risk ○ ways of eliminating or minimising the risk • the availability and suitability of ways to eliminate or minimise the risk • after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

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	Control measures can only not be implemented where cost is grossly disproportionate.
Risks	Arise from people being exposed to a hazard (a source of harm).
Structure	Anything that is constructed, whether fixed, moveable, temporary, or permanent; includes: - buildings, masts, towers, frameworks, pipelines, quarries, bridges, and underground works (including shafts or tunnels) - any component of a structure, and part of a structure.
Sub-Contractor	The subcontractor carries out work for the contractor as part of a larger project. They can be an individual or business engaged by a Contractor to perform work on a Port Nelson site and who is not an employee of the contractor.
Visitor	A visitor to a Port Nelson site who is there for visiting purposes only and not to undertake any work.
Volunteer	A person who is acting on a voluntary basis (whether or not the person receives out-of-pocket expenses).
Workplace	A 'workplace' is a place where a worker goes or is likely to be to carry out work for a business or an undertaking, while at work. The place of work includes: a. a vehicle, vessel, aircraft or other mobile structure; and b. any waters and any installation on land, on the bed of any waters or floating on any waters. c. Person in control of a business or undertaking A person in control of a business or undertaking (PCBU) is a person that conducts all forms of working arrangements as a business or an undertaking, and the work can be alone or with others and is not dependent on profit or gain.
Worker	A 'worker' is a person who performs work in any capacity whether paid or unpaid for an employer, business or organisation. Examples of a worker are: - an employee - a trainee, apprentice or work experience student - a volunteer - an outworker - a contractor or subcontractor - an employee of a contractor or subcontractor - an employee of a labour hire company.

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WorkSafe New Zealand/ WorkSafe	The government agency that's the key work health and safety regulator. Other government agencies can be designated to carry out certain health and safety functions, for example, Maritime New Zealand and the Civil Aviation Authority. Previous work health and safety regulators include OSH, Department of Labour, and MBIE.
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4.3 Related Documents

- PNL Approved Risk Matrix
- PNL Hazardous Substances Policy
- PNL PPE Standard Policy
- Port Users Drug & Alcohol Policy
- PNL Traffic Management Plan
- PNL Emergency Management Plan
- License To Operate Sample Contract
- PCBU Mapping Matrix
- PNL Port User Register Application Form (webpage)
- PNL Environmental Policy
- PNL Approved Vendor Application
- Approved code of practice
- Health and Safety at Work Act 2015

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4.4 Document Change Log

Date	Version	Change
May 2025	1	New Document Issued

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