

## Port of Auckland Limited

### Section 153 Health and Safety at Work Act 2015

Port of Auckland Limited was convicted and sentenced in the Auckland District Court on 1 December 2023 for two offences against sections 36(1)(a), 48(1) and 48(2)(c) of the Health and Safety at Work Act 2015. Each charge has a maximum fine of \$1.5 million. The charges arose from an investigation into an incident where a worker was tragically crushed and killed when a container fell from an operating crane.

Port of Auckland Limited operates the port on the Waitematā Harbour in Auckland. On the night of the incident, 30 August 2020, the victim was working as a “lasher” aboard a container ship. A lasher prepares containers on board container ships to be secured or removed.

In the past, lashers had reported to a “lash leading hand” who communicated by radio with the worker in charge of supervising the crane operator. However, Port of Auckland Limited had disestablished the lash leading hand role as part of forming “bubbles” in its response to the COVID-19 pandemic.

In the bay next to where the victim was working, a crane was lifting pairs of containers off the vessel. This type of lifting was permitted by Port of Auckland Limited’s policies and procedures. The crane operator did not know that the victim, and his work partner, were working in the bay over.

As the crane was lifting a pair of containers, a third container was accidentally lifted as well. The third container detached and fell, striking and killing the victim.

Through its guilty plea Port of Auckland Limited accepts it failed to:

- provide and maintain a safe system of work by developing effective exclusion zones around operating cranes;
- effectively train workers on working safely around operating cranes;
- carry out effective supervision, monitoring and audits to ensure that workers were complying with safe systems of work;
- conduct an appropriate risk assessment relating to the removal of the “lash leading hand” role in response to the COVID-19 pandemic; and
- provide effective training to ship leading hands and crane operators when requiring them to assume the responsibility of “lash leading hand”.

Judge Sharp stated that the culpability of Port of Auckland Limited was high and that an appropriate fine was \$561,000. Due to the assistance already provided to the family of the victim, the Judge ordered that no further reparation be paid. Costs of \$90,000 were ordered to be paid to Maritime New Zealand.

In addition, Maritime New Zealand sought an adverse publicity order due to Port of Auckland Limited’s past history of not complying with health and safety legislation which was granted.

Accordingly, this notice is published and paid for by Port of Auckland Limited in accordance with the Order of the District Court of Auckland made on 1 December 2023.