

NZ Safety Alert

10 May 2024

Let's work together to keep ourselves and our workers safe.

Prosecution of former Chief Executive underway

The prosecution by Maritime New Zealand of the former Ports of Auckland Limited (POAL) Chief Executive Officer is underway in the Auckland District Court.

The prosecution is alleging that, in breach of his due diligence duty as an officer of POAL, the former Chief Executive failed to take reasonable steps to ensure POAL had minimised or eliminated critical risks.

This is the first prosecution of an officer of a major company in NZ, with prior prosecutions against officers initiated by the Regulator tending to involve organisations where the officers in question were much closer to the day-to-day operation of the business or undertaking.



You need to ensure that:

1. Officers can demonstrate to the Regulator, that they are meeting the requirements of Clause 36 of the Health and Safety at Work Act 2015 (primary duty of care).
2. Officers remember the duties are personal, and a failure by their PCBU to put policies and processes in place will not provide them with a defence. Indeed, it may well simply verify a failure on their part to ensure that such things happen as required by the due diligence duty.

To read more on this follow this link:

<https://www.minterellison.co.nz/insights/prosecution-of-former-ports-chief-executive-now-underway>

Know of an incident or near miss? Please share the learnings with us.