

SITE VISIT HEALTH AND SAFETY PLAN

Where site visit arranged or facilitated by or in conjunction with a PCBU

(a) Where a site visit by the Environment Court is arranged or facilitated by or in conjunction with a person conducting a business or undertaking (PCBU), the PCBU and the Ministry of Justice shall have:

- i. overlapping duties under the Health and Safety at Work Act 2015 for the purpose of the site visit; and
- ii. shared responsibility for ensuring that, before the site visit, a Health and Safety Plan is put in place that complies with the Health and Safety at Work Act 2015 and any other applicable legislation or legislative instrument and addresses any concerns or requirements of the Environment Court, the Ministry of Justice and the PCBU in relation to the site visit.

(b) Where the PCBU will provide, or facilitate the provision of, transport for the site visit for the purpose of:

- i. traversing or travelling across or along a formed or unformed road, or traversing or travelling off-road; or
- ii. traversing or travelling across, over or under water; or
- iii. traversing or travelling by air; or
- iv. entry on to, in to, over, above or under land or water that accommodates the site that is to be accessed, visited, observed or viewed by the Environment Court,

the PCBU shall, after having received communication from or instigated communication with and liaised with a representative of the Environment Court or Ministry of Justice in relation to the site visit and unless directed otherwise by the Environment Court or Ministry of Justice, file with the Environment Court and copy to the site visit organizer, no less than 15 working days in advance of the date of the proposed site visit, an Indicative Site Visit Health and Safety Plan (**Indicative Site Visit Plan**).

(c) Where the PCBU will, for the purpose of the site visit, provide or facilitate:

- i. entry on to, in to, over, above or under land or water that accommodates the site that is to be accessed, visited, observed or viewed by the Environment Court; or
- ii. entry on to, in to, over, above or under land or water that

accommodates a construction or remediation site or where construction or remediation work or similar is being undertaken; or

- iii. entry on to, in to, over, above or under land or water that accommodates an agricultural, commercial, cultural, customary, farming, fishing, industrial, infrastructure, intelligence, manufacturing, military, research, residential, scientific, security, technological or weapons facility, operation, premises or undertaking, or any combination thereof, or any other type of facility, operation, premises or undertaking or any combination thereof; or
- iv. entry on to, in to, over, above or under land or water where dangerous, harmful, hazardous or noxious items, materials or substances may be present or where potentially dangerous, harmful, hazardous or noxious items, materials or substances may be present; or
- v. entry on to, in to, over, above or under land or water where the presence of hazards would not reasonably be expected to be known by the Environment Court or Ministry of Justice; or
- vi. entry on to, in to, over, above or under land or water where the identification and risk management of hazards would reasonably be expected to be the responsibility of the PCBU,

the PCBU shall, after having received communication from or instigated communication with and liaised with a representative of the Environment Court or Ministry of Justice in relation to the site visit and unless directed otherwise by the Environment Court or Ministry of Justice, file with the Environment Court and copy to the site visit organizer, no less than 15 working days in advance of the date of the proposed site visit, an Indicative Site Visit Plan.

Scope of Indicative Site Visit Plan

- (d) Without derogating from any duty or requirement under the Health and Safety at Work Act 2015 and any other applicable legislation or legislative instrument, the Indicative Site Visit Plan shall include, as appropriate, but not be limited to the following matters:
 - i. the contact details of the site visit organizer, the PCBU and the Environment Court or Ministry of Justice personnel arranging or facilitating the site visit;
 - ii. a list of emergency contact details of the site visit organizer, the

PCBU and Environment Court or Ministry of Justice personnel, with a clear chain of command;

- iii. an itinerary for the site visit, including the nature of the site visit, the location of the site, the proposed start and finish times (including date(s)) of the site visit, and the departure and return points of the site visit;
- iv. details of the proposed transportation route;
- v. an aerial map (and, if possible, topographical map) of the site;
- vi. a map showing the location of any site amenities, including but not limited to toilets, wash areas and eating areas;
- vii. confirmation as to whether or not any amenities, buildings, facilities, operations, premises or undertakings that will be accessed, visited, observed or viewed or which otherwise form part of the site the subject of the site visit have current certification under the Building Code (including as to fire safety) and otherwise comply with all relevant legislation or legislative instruments;
- viii. confirmation as to whether or not the site has cell phone coverage in the event an emergency phone call is required;
- ix. confirmation as to whether or not any personnel with current first aid certificates will be present during the site visit;
- x. confirmation as to whether or not a first aid kit, AED (Semi-automated External Defibrillator) device and fire extinguisher will be easily accessible during the site visit;
- xi. a list of Personal Protective Equipment (**PPE**) required for the site visit or transportation to the site, confirmation as to how that PPE will be made available or can be obtained if not otherwise to be provided by the PCBU, and confirmation as to how instructions for the use of the PPE will be made available or can be obtained if not otherwise provided by the PCBU;
- xii. a manifest of site visit parties using transport provided by, or whose provision has been facilitated by, the PCBU and/or a manifest of parties accessing, visiting, observing or viewing the site (as the case may require);
- xiii. an overview of health and safety management responsibilities;
- xiv. a list of hazards associated with travelling to the site, where the PCBU will provide, or facilitate the provision of, transport for

that purpose;

- xv. a list of hazards associated with accessing, visiting, observing or viewing the site, where such accessing, visiting, observing or viewing will be facilitated by the PCBU;
- xvi. a list of hazards associated with the site and under the control, or which could otherwise reasonably be expected to be under the control, of the PCBU; and
 - a. for each hazard listed under each of paragraphs xiv, xv and xvi above (as the case may require), a description or identification of:
 - 1. the hazard; and
 - 2. the possible causes of the hazard; and
 - 3. the likelihood of the hazard arising or occurring (risk assessment); and
 - 4. the possible consequences (severity) of the hazard; and
 - 5. the proposed controls (eliminate or minimise) required to manage each hazard taking into consideration the likelihood of the hazard happening and the possible consequences; and
 - 6. the proposed emergency procedures or protocols required to manage each hazard; and
- xvii. confirmation as to whether or not those using transportation to be provided by, or whose provision will be facilitated by, the PCBU will be required to undertake any induction commensurate with the identified hazards, possible consequences and likelihood of harm; and/or
- xviii. confirmation as to whether or not those accessing, visiting, observing or viewing the site, where such accessing, visiting, observing or viewing will be facilitated by the PCBU, will be required to undertake any induction commensurate with the identified hazards, possible consequences and likelihood of harm.

- (e) With reference to paragraph xvi, the list of hazards associated with the site and under the control, or which could otherwise reasonably be expected to be under the control, of the PCBU, and the associated descriptions or identifications required under sub-paragraphs a.1 to a.6 inclusive, may,

alternatively, be set out in the PCBU's own Health and Safety Plan (or equivalent) and attached to the Indicative Site Visit Plan accordingly.

Review and modification, approval or rejection of Indicative Site Visit Plan

- (f) As soon as reasonably practicable after receiving from the PCBU a copy of the Indicative Site Visit Plan, the Environment Court shall forward the Indicative Site Visit Plan to the relevant Ministry of Justice Health and Safety Committee for consideration.
- (g) A quorum of no less than 3 members of the relevant Ministry of Justice Health and Safety Committee shall (whether or not in conjunction with any other Ministry of Justice staff) review the Indicative Site Visit Plan and, on behalf of the Ministry of Justice, advise the PCBU, no more than 5 working days after receiving the Indicative Site Visit Plan, whether or not the Indicative Site Visit Plan is acceptable to and approved by the Ministry of Justice.
- (h) If acceptable to and approved by the Ministry of Justice, the Indicative Site Visit Plan shall become the Site Visit Health and Safety Plan for the purpose of the site visit and the Ministry of Justice shall forthwith amend the intituling of the Indicative Site Visit Plan to "Site Visit Health and Safety Plan" or equivalent and provide a copy of the Site Visit Health and Safety Plan to the Environment Court, the PCBU and the site visit organizer. The Ministry of Justice, the Environment Court, the PCBU and the site visit organizer shall be responsible for providing a copy of the Site Visit Health and Safety Plan to relevant personnel.
- (i) If the Ministry of Justice is not satisfied with any aspect of the Indicative Site Visit Plan, the Ministry of Justice shall, no more than 5 working days after receiving the Indicative Site Visit Plan, notify the PCBU accordingly and propose any modifications to the Indicative Site Visit Plan that the Ministry of Justice considers the PCBU can reasonably and practicably implement to eliminate or minimise risks to health and safety in accordance with the duties under the Health and Safety at Work Act 2015 and any other applicable legislation or legislative instrument.
- (j) No more than 5 working days after receiving any request from the Ministry of Justice to modify the Indicative Site Visit Plan, the PCBU shall file with the Environment Court a response to such request, including as to whether the PCBU agrees or disagrees with any modification to the Indicative Site Visit Plan proposed by the Ministry of Justice and, where there is disagreement, set out the reasons for such disagreement and any proposed countermeasures.
- (k) Where the PCBU agrees with any modification to the Indicative Site Visit

Plan proposed by the Ministry of Justice, the PCBU shall, no more than 5 working days after receiving any request from the Ministry of Justice to modify the Indicative Site Visit Plan, notify the Environment Court as to whether or not it considers it can make such modification before the scheduled site visit and, if not, propose a time frame for such modification to be addressed so that the site visit may be rescheduled if necessary.

- (l) When the Ministry of Justice is satisfied that no further modification is required to the Indicative Site Visit Plan, the Indicative Site Visit Plan shall become the Site Visit Health and Safety Plan for the purpose of the site visit and the Ministry of Justice shall forthwith amend the intituling of the Indicative Site Visit Plan to “Site Visit Health and Safety Plan” or equivalent and provide a copy of the Site Visit Health and Safety Plan to the Environment Court, the PCBU and the site visit organizer. The Ministry of Justice, the Environment Court, the PCBU and the site visit organizer shall be responsible for providing a copy of the Site Visit Health and Safety Plan to relevant personnel.
- (m) It is anticipated that, where a single PCBU is not both the transportation provider and the site access provider for the purpose of the site visit, there may be more than one operative Site Visit Health and Safety Plan — one where the PCBU is the transportation provider and one where the PCBU is the site access provider. The respective Site Visit Health and Safety Plan shall be notated accordingly.
- (n) The Environment Court, the Ministry of Justice and the PCBU shall have shared responsibility for following any Site Visit Health and Safety Plan approved by the Ministry of Justice.
- (o) The PCBU shall be responsible for providing, or facilitating the provision of, any health and safety induction identified in the Site Visit Health and Safety Plan.
- (p) Where the Ministry of Justice is not satisfied that an Indicative Site Visit Plan is capable of being approved, the Ministry of Justice shall advise the Environment Court, the PCBU, and the site visit organizer accordingly.
- (q) The Environment Court may, due to the health and/or safety concerns or considerations of the Environment Court, the Ministry of Justice, the PCBU or a third party, refuse to undertake the proposed site visit. The Environment Court or Ministry of Justice shall advise the PCBU and the site visit organizer accordingly.

Where site visit arranged or facilitated by or in conjunction with person who is not a PCBU

- (r) Where a site visit by the Environment Court is arranged or facilitated by or in conjunction with a person not conducting a business or undertaking or otherwise not falling within the ambit of the Health and Safety at Work Act 2015, the Ministry of Justice shall, whether or not in conjunction with the said person, create a Site Visit Health and Safety Plan and, no less than 5 working days in advance of the date of the proposed site visit unless circumstances require otherwise, provide a copy of the Site Visit Health and Safety Plan to the Environment Court and the person arranging or facilitating the site visit.

Examples of Indicative Site Visit Plans

- (s) **Annexed** hereto are examples of Indicative Site Visit Plans where the PCBU's responsibilities arise under either paragraph (b) or paragraph (c) above.