

PCBU Framework

Port of Auckland Limited
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1. Purpose

The Health and Safety at Work Act 2015 (**HSWA**) requires every person conducting a business or undertaking (**PCBU**) to consult, co-operate and co-ordinate activities with all other PCBUs who have health and safety duties in relation to the same matters so far as reasonably practicable. These are known as overlapping duties. When there are overlapping duties, all PCBUs have a responsibility to meet those duties, to the extent they each have an ability to influence or control relevant matters.

The Port of Auckland (**Port**) is a shared workplace with many PCBUs working together, and separately, and having overlapping health and safety duties under the HSWA. This document outlines how Port of Auckland Limited (**POAL**) will work together with other PCBUs and how POAL requires other PCBUs to work together too, to ensure the health and safety of all users of the Port. The purpose is to:

- Set POAL's expectations on how port users will work together, by setting clear roles, responsibilities, and actions, so that everyone knows what to expect and do.
- Establish a common understanding for all port users on how risks will be managed
- Provide information on POAL's processes, including its prequalification Authority to Work (**ATW**) requirement.

This document sets out how POAL and other PCBUs will effectively communicate and coordinate with each other and establish reasonable arrangements for all work activities at the Port. The goal is for all parties to understand what they need to do to fulfill their duties and to avoid unnecessary duplication of effort or gaps in managing health and safety risks at the Port.

The document also provides guidance on how POAL will monitor and review the health and safety performance of other PCBUs working at the Port, to ensure all port users follow through on what this framework document requires, and maintain high standards and compliance with legal requirements.

2. Overlapping Duties

There are four main elements of overlapping duties:

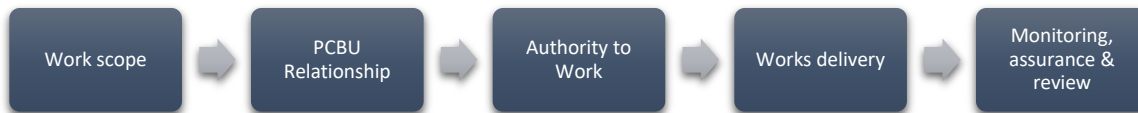
- PCBUs have a duty to consult, cooperate, and coordinate activities where they share overlapping duties, so far as is reasonably practicable.
- The more influence and control a PCBU has over a workplace, work, workers, or a particular health and safety matter, the more responsibility that PCBU is likely to have for managing relevant risks. PCBUs can enter into reasonable agreements with other PCBUs to make sure that everyone's health and safety duties are met.
- PCBUs cannot contract out of their health and safety duties or pass risk onto others in a contracting chain.

The PCBU with the most influence and control (and the greatest share of the responsibilities) will usually be in the best position to manage the risks arising from (or otherwise associated with) particular work. A PCBU can have influence and control over health and safety matters through:

- Control over a work activity: a PCBU in control of a work activity may be in the best position to control relevant health and safety risks.
- Control of the workplace: a PCBU who has control over the workplace, including plant and structures in the workplace, may have some influence and control over health and safety matters relating to work carried out by another PCBU in that workplace.
- Control over workers: a PCBU has more influence and control over its own workers and contractors than those of other PCBUs.
- A PCBU with less influence and control may be able to fulfil its responsibilities by making reasonable arrangements with the PCBU with more influence and control.

3. PCBU Process Description

The POAL PCBU process comprises five elements:



1. Work scope: The scope of work is used to identify the potential risk levels. The scope may need to be broken down if a PCBU is undertaking multiple activities.
2. PCBU relationship: The PCBU relationship category requires identification of any existing or new PCBU relationships where PCBUs are interacting with others with overlapping duties.
3. Authority to Work: Every PCBU working or operating at the Port requires an ATW from POAL. POAL must approve PCBUs to undertake work at the Port, before work is undertaken. This process may include an evaluation of the PCBU's health and safety management systems
4. Works delivery: The work delivery outlines the roles and responsibilities of each PCBU to ensure the safe completion of work.
5. Monitoring, assurance & review: Ongoing communication between PCBUs and monitoring of PCBUs' conformance to the agreed health and safety standards and activities, so far as is reasonably practicable.

4. Work Scope

POAL will review the scope of work and process at the start of each PCBU engaged by POAL to identify the nature of the work and the likely significant task activities involved in the work.

It remains the responsibility of the PCBU who engages a contractor or manages the relationship with a contractor to liaise with it and ensure health and safety is considered within the terms of the scope. The extent of health and safety considerations will depend on the size and nature of the works. Refer to Table 1 below for further information about PCBU roles and responsibilities.

5. PCBU Relationship Framework

POAL will consult with and map each PCBU relationship using the categories in Table 2. Once the relationship has been determined, the RACI model (Table 4) will be used to map the health and safety activities each party is responsible for. A PCBU with more influence and control over work will have greater responsibilities to manage the associated risks than other PCBUs involved in the same work. Where a PCBU engages a supplier, vendor or third-party operator, that sub-contractor will be working under the main PCBU and will be determined to be an indirectly managed supplier (Category C) in Table 1 for POAL. In these circumstances, the PCBU must ensure that their overlapping PCBU framework is suitable and carries out works to the relevant standards required. This may include working directly under the PCBU's health and safety management system.

Table 1 – PCBU relationships

Relationship Category		Control and Influence Factors
A	Directly managed PCBUs	<p>PCBUs that are engaged by POAL and who follow POAL work instructions and procedures. May use POAL plant and equipment.</p> <ul style="list-style-type: none"> • They're an independent operator • Their people do the work • Our workplace • We instruct how work is done • We manage access
B	Transporters accessing the Port	<p>PCBUs who access the port for transport activities in controlled work areas. PCBUs may be engaged by POAL or by another PCBU.</p> <ul style="list-style-type: none"> • They are an independent operator • Their people do the work • Our workplace • There is shared control of how work is done • We permit access
C	Indirectly managed PCBUs	<p>PCBUs that are engaged by POAL or other but follow their own work instructions and procedures.</p> <ul style="list-style-type: none"> • They are an independent operator

		<ul style="list-style-type: none"> • Their people do the work • Our workplace • There is shared control of how work is done • We provide access
D	Access provided for specialist activities	<p>PCBUs undertaking specialist or expert work where the PCBU influences and controls how work is done.</p> <ul style="list-style-type: none"> • They are an independent specialist operator • Their people do the work • Our workplace • They influence and control how work is done • We permit access
E	PCBUs accessing other areas in the Port not controlled by POAL	<p>PCBUs exclusively work in segregated areas where interactions with other PCBUs are minimized.</p> <ul style="list-style-type: none"> • They are an independent operator • Their people do the work • Their workplace (leased/segregated) • They influence and control how work is done • Other PCBUs (such as tenants or leaseholders) provide access to the workplace, or ring-fenced project area
F	Visitors	<p>Individuals/groups who aren't undertaking physical work and who will only require access for short periods of time.</p> <ul style="list-style-type: none"> • They are not a PCBU • They are not undertaking a work activity

If a PCBU sits in multiple categories, they will be placed in the category where they are most frequently found.

6. Authority to Work

POAL operates an ATW process for all PCBUs who carry out work at the Port. All PCBUs must be approved in accordance with the ATW process prior to any work commencing. Once a PCBU has been approved, it will be permitted to access the Port to undertake activities named in the ATW agreement and in accordance with the Terms of Entry.

An ATW is valid for a defined period and must be renewed prior to expiry if that activity is to continue. If a new activity or change of scope, then the ATW must be updated.

PCBUs are required to submit relevant documentation to POAL as part of the ATW process. The documentation required is determined by the relationship category and the scope of work being undertaken. Refer to Table 2 for further information about the documents required.

Table 2 – ATW documentation

Relationship Category	Documents Required
(A) Directly managed PCBUs	<ul style="list-style-type: none"> • Health & Safety Policy • Accreditation certificate (e.g. ISO 45001) for H&S Management system, if achieved • H&S Management System documentation: <ul style="list-style-type: none"> ○ Risk management procedure ○ Safety monitoring/assurance procedure ○ Incident management procedure • H&S Management Plan for the specific work scope at the port, including: <ul style="list-style-type: none"> ○ Description of key safety roles and responsibilities for deployed team ○ H&S training matrix ○ Emergency management plan • Hazardous substances register (if applicable) • Sub-contractor management plan (if applicable)
(B) Transporters accessing the Port	<ul style="list-style-type: none"> • Accreditation certificate (e.g. ISO 45001 SiteWise, IMPAC or Totika (or equivalent), if achieved). • Required to complete a questionnaire
(C) Indirectly managed PCBUs	<ul style="list-style-type: none"> • Accreditation certificate (e.g. ISO 45001 SiteWise, IMPAC or Totika (or equivalent), if achieved). • Required to complete a questionnaire

(D) Access provided for specialist activities	<ul style="list-style-type: none"> • Accreditation certificate (e.g. ISO 45001 SiteWise, IMPAC or Totika (or equivalent), if achieved). • Required to complete a questionnaire
(E) PCBUs accessing other areas in the Port not controlled by POAL	<ul style="list-style-type: none"> • Accreditation certificate (e.g. ISO 45001 SiteWise, IMPAC or Totika (or equivalent), if achieved). • Required to complete a questionnaire

7. Works delivery

This phase of the process relates to how the work will be delivered in accordance with the scope of work that was submitted by the PCBU as part of the ATW. Scope of work will include one-off or project situations, fixed term supply of services or materials, long term activities or services and access or lease arrangements.

The nature of the work and the task activities involved in the work will be used to identify the roles and responsibilities of the respective PCBUs. The RACI matrix at Table 2 shows 'who does what' across key health and safety activities and determines which category each PCBU falls into.

Agreements between PCBUs should be documented to ensure each PCBU is clear on what it is required to do and that this can be monitored to make sure each PCBU continues to do what was agreed. These agreements should be made before any work starts.

Agreements will include:

- Who are the nominated contacts between the PCBUs
- When are the regular joint meetings to be held
- Procedures for reporting accidents, incident and hazards, and the sharing of relevant information
- Effective management, along with clearly designated reporting lines
- Emergency management coordination
- Which PCBU has duties under the RACI (Table 3)

Table 3 – RACI matrix

PBCU Relationship	Risk Management		Safe System of Work (SSOW)		Competency		Emergency and Incident Management		Monitoring and safety assurance	
	POAL	PCBU	POAL	PCBU	POAL	PCBU	POAL	PCBU	POAL	PCBU
(A) Directly managed PCBUs	AR	RCI	CI	ARC	R	ARC I	AR	RCI	AR	RCI
(B) Transporters accessing the Port	AR	RCI	I	ARC	I	ARC	AR	RCI	R	ARCI
(C) Indirectly managed PCBUs	I	ARC	CI	ARC	I	AR	AR	RCI	I	ARCI
(D) Access provided for specialist activities	I	ARC	I	ARC	I	AR	CI	ARI	CI	ARCI
(E) PCBUs accessing other areas in the Port not controlled by POAL	I	ARC	I	ARC	I	AR	CI	ARC I	I	ARCI
R – Responsible	Position responsible for ensuring the activity is completed and effective.									
A – Accountable	Position with the ultimate decision-making authority.									
C – Consult	Position consulted prior to a decision and/or involved in undertaking the activity for which others have responsibility.									
I – Informed	Position that needs to know/inquire whether a decision or action has been taken.									

8. Monitoring, assurance & review

POAL will, so far as reasonably practicable, conduct monitoring and carry out regular review meetings with relevant PCBUs throughout the duration of the delivery of their work. This may include an evaluation of the PCBUs' safety performance.

The level of monitoring by POAL will vary depending on the nature and risk of the work being undertaken, in line with the duties outlined in Table 3. Monitoring may take place through meetings, inspections, audits, and/or general safety observations.

Each PCBU should undertake appropriate monitoring of its own contractors or sub-contractors and their work to ensure that health and safety requirements are effectively implemented, and all the activities undertaken by contractors and sub-contractors are carried out safely. Monitoring of particular work by other PCBUs should include:

- Managing the relevant PCBU/contractor relationship
- Making sure all parties are aware of their roles and responsibilities (in accordance with the RACI matrix at Table 3 PCBUs have a duty to consult, cooperate, and coordinate activities where they share overlapping duties, so far as is reasonably practicable)
- Taking overall responsibility for the control and coordination of what was agreed between the parties
- Reviewing health and safety performance
Carrying out regular inspections or observations, as appropriate

9. Definitions

Term	Meaning
Audit	Systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which the audit criteria are fulfilled.
Hazard	Source or situation that poses a risk of harm to a person, property or environment. 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 2015 (HSWA)	New Zealand’s health and safety legislation that sets out the principles, duties and rights in relation to the health and safety of workers and others in or affected by work and workplaces.
Person conducting a business or undertaking (PCBU)	Legal term used in the HSWA to describe all forms of modern working arrangements. We usually refer to this as companies, businesses or organisations.
Risk assessment	A methodical process to evaluate the level of risk associated with a particular hazard, which takes into consideration the likelihood that the hazard will cause an event/incident and the potential severity of such an event/incident.
Health, safety, and wellbeing risk	Combination of the likelihood of occurrence of a work-related incident or exposure to a risk, and the severity of injury or illness (or death) that can be caused by the incident or exposure.
Visitor	Person/s visiting the Port but not carrying out work activities. Visitors may be customers or clients, passers-by or family members visiting someone at their workplace.
Worker	Any person who carries out work or work-related activities for a PCBU – including direct employees, employees of contractors and sub-contractors, labour hire temps, or consultants.

10. Related documents

HSW-LC-POL-1.1.1-Safety and Wellbeing Policy Statement

HSW-HZ-STA-3.2.5-POAL Critical Risk Booklet

Enterprise Risk Management Framework

HSW 3 Hazard and Risk Management (HARM)

11. References

[Health and Safety at Work Act 2015](#)

12. Document Control

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