

We sometimes report on the prosecution of forestry companies for health and safety offences, but the sector's potential statutory liability exposures do not end there. In this issue, we look at several recent prosecutions by the Waikato Regional Council for environmental failures by forest harvesting companies. We also cover the updated guidance on managing the risks of leptospirosis infection from WorkSafe; and an appeal that was dismissed in the High Court, confirming the earlier conviction of a health and safety consultancy company for failing to provide a traffic management plan that it had undertaken to supply. Finally, we have an article about an eye-watering £3 million fine handed down to British Airways after two workers fell from height while unloading baggage from aircraft at Heathrow Airport.

Waikato Regional Council gets tough on forest harvesting companies breaching the RMA

Several recent Resource Management Act (RMA) prosecutions taken by the Waikato Regional Council have resulted in fines and community work for forestry companies and directors after their harvesting operations and associated earthworks caused significant environmental damage.

In April, a forestry company and company director were [convicted and sentenced](#) in the Huntly District Court on five charges under the RMA. Fines totalling \$112,500 were imposed for repeated offending. The defendants appealed the sentence to the High Court; however, the appeal was abandoned last month and the original sentence retained.

The prosecutions related to forestry harvesting, earthworks and river crossing activities that occurred in an 18-hectare plantation forest on a farm near Waihi. When council compliance officers first inspected the forestry site, they found inadequate erosion and sediment controls, un stabilised earthworks and tracking, and an illegal river crossing. Sediment and slash had been deposited into a tributary of the Waitaheke Stream which flowed through the harvest area.

Despite two abatement notices being served on the company, follow up inspections over the next year found the defendants had repeatedly failed to comply with the requirements of the notices, and continued to permit the discharge of sediment, spoil and forestry slash into waterways as the harvesting operation progressed.

In sentencing, the Judge commented that "the defendants are experienced forestry operators undertaking forestry harvesting in a highly careless if not reckless manner."

Last month, two further [sentencings](#) took place in the Hamilton District Court after successful RMA prosecutions for harvesting activities. The prosecutions followed an inspection of two sites after a complaint from the public.

The first site was a 6-hectare woodlot in Honikiwi. The woodlot, harvested in the winter of 2023, was situated on a steep hillside above the Waitaheke Stream. Poor earthworks and harvesting practices by the defendants resulted in a lack of appropriate erosion and sediment controls on the site, a failure to stabilise exposed soil and little effort made to prevent sediment and slash

discharging into the Waitaheke Stream.

The second site was part of a 16-hectare woodlot on Kāwhia Road, Honikiwi, with a tributary of the Ngutunui Stream flowing through the forest. Harvesting and associated earthworks started in December 2023 and resulted in an illegal river crossing being installed, significant damage to the bed and riparian margins of the stream, and the discharge of sediment and harvesting slash into the stream.

The harvesting company involved in both sites was convicted on four charges and fined \$87,500 for its role as the harvest manager. The logging contractor, whose company had gone into liquidation, was also convicted on four charges and sentenced to 150 hours' community work.



Recent [amendments](#) to the RMA have significantly increased maximum fines for offences committed after 20 August 2025. Maximum fines for individuals increase from \$300,000 to \$1 million. Corporate defendants such as companies will see maximum fines increase from \$600,000 to \$10 million. This will almost certainly mean a proportionate increase in the fines imposed by the Courts.

In addition, a further amendment means it is now unlawful for insurance to pay for any fines imposed under the RMA, which has also been the case with the Health and Safety at Work Act (HSWA) since 2016. With defendants now having to pay significantly higher penalties out of their own pockets, statutory liability insurance cover may be even more important to fund expert legal assistance during investigations and any Court proceedings.

Health and safety consultancy company's HSWA conviction upheld by the High Court

In August 2024, a Taranaki health and safety consultancy company was [sentenced](#) after being contracted to provide active and ongoing management of health and safety risks, but not delivering work they said they would. A fine of \$70,000 was imposed, and reparations of \$28,403 were agreed.

The consultancy had identified a "desperate need" for a traffic management plan (TMP) on a client's site and had undertaken to provide one. However, six months later, a worker was knocked unconscious by the bucket of an agricultural vehicle. He suffered two brain bleeds, permanent loss of taste and smell, and was diagnosed with post-traumatic stress disorder. A WorkSafe investigation found no steps had been taken to manage the risks of uncontrolled traffic at the site, aside from a small sign about speed at the entrance.

The consultancy company then appealed the conviction to the High Court. The High Court recently confirmed that health and safety advisors and consultants may be liable under HSWA for risks arising in their clients' workplaces and dismissed the appeal. The Court found the consultancy had its own separate duty arising from its work to provide a TMP to the client concurrent with the client's own duty to ensure the safety of its workers. In effect, they each had distinct but overlapping duties. A useful summary of the case is available from [Duncan Cotterill](#).

WorkSafe launches new online learning modules on leptospirosis risks

Leptospirosis is the most common work-related infectious disease in New Zealand. People usually catch it from exposure to the urine of infected animals. The disease typically starts with flu-like symptoms. If not treated quickly, the sickness can be severe and result in hospitalisation, long-term illness or even death.

The jobs with the highest risk of exposure include farmers, farm service workers, abattoir and meat processing workers, and people who work near possibly contaminated environments, such as plumbers, sewer workers, miners and drain layers. Heavy rain and flooding have been identified as an increasing risk in the spread of the disease.

WorkSafe has recently updated its [guidance](#) on leptospirosis to make it more accessible and user-friendly. [Online learning modules](#) were created, as well as a printable [one-page info sheet](#) with key points for workers. Prevention measures include using PPE that provides an infection barrier; covering cuts and grazes with waterproof, sterilising bandages; and washing hands regularly with water, soap and disinfectant.

Businesses must [notify](#) WorkSafe as soon as possible after becoming aware of a case of leptospirosis in a worker.

British Airways fined more than £3 million after UK health and safety prosecution

[British Airways](#) has been fined an eye-watering £3,205,000 after two employees fell from height while unloading baggage from aircraft. The company was also ordered to pay £20,935 in costs. The prosecution followed two separate incidents at Heathrow Airport in England.

In the first incident in August 2022, a 54-year-old employee who was unloading baggage containers from an aircraft, slipped off a telelevator and fell 1.5 metres onto the ground below. He sustained serious back and head injuries as a result.

The investigation by the health and safety regulator, the HSE, found there were gaps between the telelevator's guardrails and the aircraft's fuselage. The gaps had increased in size after the front of the telelevator's platforms were altered and extended.

In the second incident in March 2023, a British Airways worker fell 3 metres from an elevator while unloading baggage containers from an aircraft and landed on the ground below. He sustained head injuries, including a fractured jaw and bleeding in the brain. The HSE investigation into this incident identified a risk of falling from the front of the elevator platforms when they were being used during loading and unloading of some aircraft types.

Falls from height remain a significant cause of death and injury in workplaces, including in New Zealand. In [2024](#), four NZ workers were killed as a result of falls, and an average of 173 workers sustained injuries that resulted in more than a week away from work. WorkSafe has extensive [guidance](#) on working safely at height.

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