



COVERSHEET

Minister	Hon Brooke van Velden	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Health and Safety at Work Amendment Bill: approval for introduction	Date to be published	16 March 2026

List of documents that have been proactively released

Date	Title	Author
February 2026	Health and Safety at Work Amendment Bill: approval for introduction	Office of Workplace Relations and Safety Minister
02 February 2026	Health and Safety at Work Amendment Bill: approval for introduction CAB-26-MIN-0016 Minute	Cabinet Office

Information redacted

YES / NO (please select)

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Some information has been withheld for the reasons of International relations, Legal professional privilege and Constitutional conventions.

In Confidence

Office of the Minister for Workplace Relations and Safety

Cabinet Business Committee

Health and Safety at Work Amendment Bill: approval for introduction

Proposal

- 1 This paper seeks approval for the introduction of the Health and Safety at Work Amendment Bill (the Bill).
- 2 It also seeks agreement to four further decisions:
 - 2.1 that the regulations and hazards listed in Schedule 1A as part of the definition of critical risk may be amended by Order in Council where consistent with the Bill's catch-all test for critical risk;
 - 2.2 that it be made clear that the upstream duties in sections 39 to 43 in the *Health and Safety at Work Act 2015* (the HSW Act) are limited to critical risks for small businesses;
 - 2.3 that the Bill include an exception to the duty of a Person Conducting a Business or Undertaking (PCBU) who manages or controls a workplace with regard to seismic risk to workplace buildings; and
 - 2.4 that the powers and functions of designated regulators other than WorkSafe New Zealand (WorkSafe) be prioritised to align with the way the Bill prioritises the powers and functions of WorkSafe.

Policy

- 3 The Bill amends the HSW Act, the WorkSafe New Zealand Act 2013 (WorkSafe Act) and the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.
- 4 It implements the ACT–National Coalition Agreement commitment to reform health and safety law and regulations and supports the Government's "Going for Growth" agenda by helping to make New Zealand business settings more competitive.
- 5 During 2024, I sought feedback from New Zealanders on how the work health and safety system is performing and what needs to change. The major theme of the feedback was that businesses do not know what they need to do to manage risks and meet their legal duties. This has created a culture of "health and safetyism" that stifles innovation and binds businesses in red tape and fear. At the same time, New Zealand's rates of work-related accidents and illnesses remain unacceptably high.

- 6 Cabinet agreed to my resulting reform package in March [CBC-25-MIN-0004], April [EXP-25-MIN-0044] and June [ECO-25-MIN-0086]. With this package I aim to reduce unnecessary compliance costs, increase certainty for businesses and organisations about what they need to do, and support continued reductions in the rates of workplace fatalities, injuries and illnesses.
- 7 This Bill seeks to achieve this by focussing the health and safety system on critical risks that cause the most harm, clarifying areas of confusion, creating greater certainty through strengthening Approved Codes of Practice (ACOPs), and prioritising the regulators' powers and functions.
- 8 During drafting, I clarified seven minor and technical matters in the Bill using the delegated decision-making authority granted to me through the same Cabinet decisions. Additionally, I am seeking Cabinet's agreement on four issues that have arisen during drafting.

Seeking Cabinet's agreement to keep the definition of critical risk current

- 9 Cabinet agreed that "critical risk" should be based on existing risks managed through regulations made under the HSW Act, supported by a principle-based catch-all test for non-regulated risks that may result in death, serious injury or illness, notifiable incidents, or occupational diseases [ECO-25-MIN-0086].
- 10 To implement this, the draft Bill provides a schedule (Schedule 1A) listing the regulations and the hazards they manage that relate to critical risks. This schedule helps PCBU¹ readily identify their critical risks by checking whether any of the listed regulations and hazards apply to their work. Without this schedule, PCBUs would not be able to see their obligations in one place.
- 11 It will be necessary to keep this schedule up to date as regulations are made, amended or revoked in the future. To enable this, I seek Cabinet decisions to enable Schedule 1A to be amended by Order in Council in response to revocation or amendment of the relevant regulations or new relevant regulations.
- 12 Although this is a "Henry VIII" clause, it is consistent with existing mechanisms in the HSW Act, which already enable secondary legislation to override primary legislation on more significant matters (for example, declaring classes of persons not to be PCBUs or specifying exemptions from notifiable illness or injury definitions). These provisions are constrained by the requirement that the Minister consider the Act's purpose and ensure amendments are no broader than necessary.
- 13 This new Henry VIII clause does not change the underlying regulations, it simply keeps Schedule 1A accurate and current. Guidance from the Legislation Design and Advisory Committee notes that Henry VIII clauses may be justified where they provide public benefit by ensuring readily accessible and up-to-date statutory information, which this clause will do.
- 14 The scope of this power is reasonably limited to ensure that the definition of critical risks as provided in Schedule 1A remains consistent over time with Parliament's

¹ A PCBU is usually a company or business, whether for profit or not, and whether a large corporate, a sole trader, or a self-employed person.

intentions and to protect the principle of Parliament's legislative supremacy. Amendments could only be recommended if the responsible Minister is satisfied the hazard aligns with the Bill's catch-all test for critical risk. The same test would apply when removing hazards; only hazards no longer likely to result in serious outcomes could be removed.

- 15 I considered alternatives such as guidance, but these would be less authoritative and risk confusing the public. The breadth of obligations and risks involved makes a statutory schedule necessary.

Seeking Cabinet's confirmation that small PCBUs only need to manage critical risks when complying with the upstream duties

- 16 Cabinet agreed that small PCBUs should be required to manage only critical risks in relation to sections 36 to 38 of the HSW Act. Cabinet also noted these small PCBUs would still be subject to other duties in the Act.
- 17 Sections 39 to 43 of the HSW Act are collectively known as the "upstream duties" and require PCBUs who design, manufacture or otherwise provide plant, structures and substances to other PCBUs to ensure that the plant, structure or substance they are providing is safe.
- 18 For the avoidance of doubt, I propose that small PCBUs should be required to manage only critical risks in relation to these upstream duties. This is consistent with Cabinet's approach to the other duties for small PCBUs, including the intent to simplify and clarify duties for small PCBUs. I seek Cabinet's agreement to this approach.

Seeking Cabinet's agreement to clarify duties relating to seismic risk in workplace buildings

- 19 Cabinet previously agreed to clarify the interaction between the HSW Act and other legislative regimes so that, where duty holders comply with relevant requirements under other legislation to manage health and safety risks, the HSW Act does not require a higher or duplicative exclusion.
- 20 For most regulatory regimes, this is achieved by a catch-all provision, however, a specific exclusion is needed to address earthquake-prone buildings (EPBs).
- 21 Cabinet's intention was that where the PCBU (owner or tenant) of a building is meeting their Building Act obligations, they are not required to take further action under the HSW Act in relation to seismic risk. To give effect to this, particularly given forthcoming changes under the *Building (Earthquake-prone Buildings) Amendment Bill* (currently before the Transport and Infrastructure Select Committee), will require a specific exclusion in the Bill. I therefore seek Cabinet's agreement to this exclusion.

Seeking Cabinet's agreement to align the main functions of a designated regulator with the amended functions of WorkSafe

- 22 While WorkSafe is the primary regulator, other agencies can be designated as work health and safety regulators. Maritime New Zealand is designated for work onboard

IN CONFIDENCE

ships, where ships are places of work, and at major ports. The Civil Aviation Authority (CAA) has a designation covering work done to prepare an aircraft for flight, or work carried out on board during flight.

- 23 Section 190 of the HSW Act sets out the functions and powers of these designated agencies. These mirror those of WorkSafe (noting that WorkSafe has several additional functions as the primary regulator).
- 24 Cabinet agreed to realign the functions of WorkSafe to prioritise key functions. To ensure consistency in application of the HSW Act and its regulations, the functions of the designated regulators should be realigned in the same way.
- 25 I therefore seek Cabinet's approval to amend section 190 of the HSW Act to provide that the main functions and powers of the designated regulators (other than WorkSafe) are providing guidance, advice and information on compliance with relevant health and safety legislation; developing, reviewing, and recommending codes of practice; developing safe work instruments; and monitoring and enforcing compliance with relevant health and safety legislation. The other existing functions remain as additional functions.

Decisions under delegated authority

Purposes in the HSW Act

- 26 The HSW Act sets out broad duties and requires PCBUs to manage all risks so far as reasonably practicable. The broad nature of the duties and the lack of detail on how to meet them has led to confusion and overcompliance.
- 27 Cabinet agreed to sharpen the HSW Act's purpose, so its principal aim is to prevent work-related harm through a balanced framework that prioritises managing critical risks [CBC-25-MIN-0004]. Cabinet also agreed to align WorkSafe's main objective with the sharpened purpose of the HSW Act so that it also prioritises critical risk [EXP-25-MIN-0044].
- 28 These changes signal and reinforce the overall intent of this reform – to direct duty holders' and regulators' attention and resources towards preventing serious workplace harms and away from more minor issues.
- 29 In addition, I decided under my delegated authority to add an additional purpose to the HSW Act so that the purposes now include providing PCBUs with certainty about the scope of their obligations.

A change to the catch-all test for critical risk

- 30 Cabinet agreed that the catch-all test for critical risks not addressed in regulations should apply to risks that may result in death, serious injury or illness, notifiable incidents, or occupational diseases [ECO-25-MIN-0086].
- 31 Under my delegated authority I decided to change the catch-all test standard from "may result in" (as in the Cabinet decision) to "likely to result in". This change makes the test more consistent with the concept of "critical" risk.

IN CONFIDENCE

Clarifying duties relating to critical risks

- 32 Flexible performance-based legislation such as the HSW Act works better for large PCBUs than it does for small ones, because large PCBUs have more resources to interpret requirements. But larger PCBUs can also struggle to know which risks to prioritise.
- 33 Cabinet agreed that the system should be focussed on managing critical risks, and agreed to change the HSW Act's purpose to do so. I have used my delegated authority to clarify how the amended purpose of the HSW Act will flow through to the duties of PCBUs that are not small. The Bill requires these PCBUs to manage all risks but to prioritise critical risks, consistent with the new purpose clause. The Bill does not, however, create an offence for failure to prioritise critical risks.

Defining a small PCBU

- 34 To give effect to the decision to limit the duties of small PCBUs, Cabinet agreed to define a small PCBU as one with fewer than twenty workers, based on the maximum number of workers for nine out of twelve months of each financial year [ECO-25-MIN-0086].
- 35 I used my delegated authority to refine this definition so that it is clear and workable for businesses and organisations with fluctuating numbers, such as seasonal businesses, and for both existing and new PCBUs. Most businesses and organisations will qualify as small because they have fewer than 20 workers. For seasonal PCBUs where worker numbers fluctuate, for instance retail shops navigating Christmas peaks, a PCBU is small if it reasonably expects to have fewer than 20 workers for at least nine months of the current financial year. A newly established seasonal business is a small PCBU if it reasonably expects to have fewer than 20 workers for at least nine months of the following financial year.
- 36 I asked officials to test these definitions with several employer organisations (Business Canterbury, Business NZ, and the Employers and Manufacturers Association). They broadly supported the forward-looking PCBU size test as a sensible and workable way to address the issue of new PCBUs. They stressed the need for clear guidance to support PCBUs to apply the test. I have made clear to officials and WorkSafe that quality guidance is a key part of implementing all the changes in this Bill.

Strengthening Approved Codes of Practice

- 37 Approved Codes of Practice (ACOPs) set out standards for how duty holders can comply with the HSW Act and regulations. They are an important aspect of performance-based legislation, as they can provide the detail on how to meet the standard of "reasonably practicable" in the management of specific risks.
- 38 Cabinet agreed to strengthen the reliance that duty holders can place on the use of an ACOP to show that they have done what is reasonably practicable, and to enable persons and groups, including businesses, workers, and other representative groups, to develop draft codes of practice and submit them to the regulator, who may then propose them to the Minister for a decision on approval [CBC-25-MIN-0004].

- 39 This new “safe harbour” status of ACOPs will provide duty holders with greater certainty on meeting their duties; if they comply with all provisions of an ACOP that relate to their duty and the risk, they will be taken to have complied with the duty in relation to the risk managed by the ACOP. The non-mandatory status of ACOPs remains, so the duty-holder may choose an alternative means to comply.
- 40 Under my delegated authority I decided that most existing ACOPs would not be afforded the new safe harbour status from commencement as they had not been developed for this purpose. Most existing ACOPs will retain their current status until reviewed and reapproved or revoked by the Minister for Workplace Relations and Safety, which will follow commencement of the Bill. The exceptions are the two most recent ACOPs; *2024 Approved Code of Practice for Loading and Unloading Cargo at Ports and on Ships*, and *2025 Approved Code of Practice: Safe Practice for Forestry and Harvesting Operation*. Any ACOPs approved after commencement will automatically have safe harbour status.
- 41 Under my delegated authority I also made a change to clarify the expectations around consultation with unions, employers, and other affected parties on draft codes and amendments. The HSW Act requires consultation “*between*” these bodies, whereas actual practice is consultation “*with*” these bodies. I therefore approved a change to require consultation “*with*” these bodies.

Other features of the Bill

Clarifying overlaps with other legislation

- 42 While the HSW Act currently allows duty holders to consider requirements under other laws when managing health and safety risks, this signal is too weak. Many duty holders assume the HSW Act requires them to do more than other regimes require, leading to confusion, over-compliance, and unnecessary cost. From the consultation and roadshows, I heard that the most common examples of this confusion involved the *Building Act 2004*.
- 43 Cabinet agreed to sharpen the coverage of the HSW Act so that if duty holders comply with relevant requirements under other legislation to manage a health and safety risk, the HSW Act does not require a higher standard for the same risk [CBC-25-MIN-0004]. As noted above at paragraphs 19 to 21, the Bill includes specific provisions to clarify the interaction between the HSW Act and the management of seismic risk under the Building Act.

Clarifying duties regarding recreational use of land

- 44 Landowners have been reluctant to allow recreational access because they are unsure of the extent of their health and safety duties to people engaging in activities such as walking or horse riding on their land. This affects both private land (e.g., farms) and public land managed by agencies, schools, and councils, frustrating recreationists.
- 45 Cabinet agreed to amend the HSW Act so that the duty to manage or control a workplace does not apply to PCBUs that allow recreational access or activities, unless work is occurring on the same part of the land at the same time [CBC-25-MIN-0004]. In that case, the duty applies only to that work and the risks arising from it.

- 46 These changes will reassure private and public landowners and land managers of the extent of their responsibilities, which should mean they are more willing to allow recreational use of their land.

Clarifying and limiting the officer duty

- 47 The officer duty under the HSW Act is intended as a governance duty requiring due diligence to ensure the PCBU meets its health and safety obligations. However, the current wording has created ambiguity about the scope of the officer duty, particularly for chief executives, owner-operators, or partners who also perform operational roles. Some Court findings have further blurred the distinction, contrary to the policy intent that the duty applies only to governance.
- 48 Cabinet agreed to clarify the officer’s duty of due diligence by making the current due diligence steps listed in the HSW Act an exhaustive list rather than an inclusive one; to clarify that the officer’s duty does not apply to work that the officer does in another role in the PCBU; and to limit the knowledge aspect of due diligence to the risks relevant to the officer’s PCBU [EXP-25-MIN-0044].
- 49 These changes will reduce anxiety and uncertainty among those in officer roles while making clearer what officers are expected to do to meet their due diligence duty.

Clarifying notification requirements

- 50 The HSW Act requires duty holders to notify the regulator of certain events, such as deaths, serious injuries, illnesses, and incidents. However, key terms are undefined, making it difficult for duty holders to interpret what is meant by certain events for example, a “serious head injury”, and assess whether the notification threshold has been met. This creates inefficiency and uncertainty.
- 51 Cabinet agreed to define key concepts in the definitions of “notifiable injury or illness” and “notifiable incident”, and to add examples to provide clarity where appropriate [ECO-25-MIN-0086].
- 52 These changes will increase certainty and assist people in their judgments of what requires notification to the regulator.

Prioritising the regulators’ functions

- 53 The WorkSafe Act sets out 16 functions of the regulator, with no indication as to whether any functions should be prioritised. While these functions reflect the necessarily broad scope of regulators’ roles, the lack of prioritisation in the legislation has not supported regulator decisions on how to balance their assistance and enforcement roles.
- 54 Cabinet agreed that WorkSafe’s principal functions should be providing guidance and information, codes of practice, safe work instruments, and monitoring and enforcing compliance, with other functions to be secondary [EXP-25-MIN-0044].

- 55 Prioritising the regulators' functions in this way will signal where they should focus their efforts and resources to proactively support duty holders to comply while continuing to hold duty holders to account where expectations are not met.

Clarifying duties for volunteer organisations

- 56 Groups of volunteers working together for community purposes, defined as "volunteer associations", are not PCBUs under the HSW Act. At the point a volunteer association chooses to hire an employee they become a PCBU and therefore have duties under the HSW Act. During my roadshow I heard from some stakeholders that this transition is poorly understood and is sometimes seen as a barrier to growth and effectiveness for small volunteer groups.
- 57 I sought advice from officials and consulted with the Minister for the Community and Volunteer Sector, Hon Louise Upston, on legislative options to address this issue. Hon Upston and I agreed that the limit on the general duties for small PCBUs would be sufficient to address the concerns if accompanied by specific guidance on work health and safety duties for volunteer groups. WorkSafe is revising its existing guidance in response to my expectations.

Ongoing drafting and authority for minor and technical changes

- 58 PCO is continuing to finalise the Bill to support introduction on 9 February 2026. Given the scope of the reforms and the number of provisions being amended, minor and technical issues may continue to arise during final drafting (for example, cross references, terminology alignment and structural or consequential refinements). These do not alter policy intent but are necessary to ensure the Bill is accurate and operable.
- 59 To enable PCO to complete drafting efficiently and ensure the introduced Bill reflects Cabinet's decisions without delay, I request authority to agree minor and technical amendments, and for PCO to be able to make the usual proofreading and editorial corrections ahead of introduction.

Impact analysis

- 60 Regulatory Impact Statements were prepared in accordance with the necessary requirements and were submitted at times where Cabinet approved the policy relating to this Bill.²

Compliance

- 61 I consider the Bill complies with:
- 61.1 the principles of the Treaty of Waitangi;
 - 61.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993: the Ministry of Justice has been consulted on an earlier draft of the Bill, and a Bill of Rights Act vet on the final Bill is in progress;

² Regulatory Impact Statements were prepared for all Cabinet policy decisions in the Bill [CBC-25-MIN-0004 and ECO-25-MIN-0086 refer]. An exemption was granted for policy decisions in relation to [EXP-25-MIN-0044] on the basis that the issues had been adequately addressed in [CBC-25-MIN-0004].

- 61.3 the disclosure statement requirements;
- 61.4 the principles and guidelines set out in the Privacy Act 2020; and
- 61.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

International obligations

International relations
[Redacted]

[Redacted]

International relations and legal professional privilege
[Redacted]

International relations
[Redacted]

Consultation

66 MBIE consulted the following agencies on this paper and the draft bill: Department of Internal Affairs (Local Government, and Community and Volunteers), Department of Conservation, Ministry of Transport, Ministry for Primary Industries (Rural Communities), Ministry for Regulation, Ministry of Business, Innovation and Employment (Commerce and Consumer Affairs, Building Performance and Resilience, and Small Business and Manufacturing), the Treasury, the Ministry of Foreign Affairs and Trade, the Ministry of Health, WorkSafe New Zealand, the Civil Aviation Authority, Maritime New Zealand, and the New Zealand Transport Agency. The Department of the Prime Minister and Cabinet was informed.

Binding on the Crown

67 This Bill amends Health and Safety at Work Act 2015 and the WorkSafe New Zealand Act 2013 which bind the Crown.

Creating new agencies or amending law relating to existing agencies

68 The Bill does not propose to create new agencies or amend law relating to an existing agency.

Allocation of decision-making powers

69 The Bill does not contain any provisions relating to allocation of decision-making powers.

Associated regulations

70 The Bill does not require regulations in order to come into effect.

71 It does, however, amend Regulations 9, 15(2) and 19(1) of the *Health and Safety at Work (General Risk and Workplace Management) Regulations 2016* to give effect to the policy that small PCBUs need comply with duties imposed by these regulations only as they apply to critical risks.

Other instruments

72 The Bill includes a power for the responsible Minister to recommend an Order in Council to amend Schedule 1A as discussed in paragraphs 9 to 15. I seek agreement to this power in recommendations 6 and 7.

73 The power has been created to allow Schedule 1A to be efficiently updated by Order in Council so it remains an accurate, authoritative, and up-to-date record of critical risks as regulations change, without altering the underlying policy or obligations set by Parliament. It has been created taking account of the principles in the Deemed Regulations Report of the Regulations Review Committee and the explanatory note to the Bill sets out the reasons.

Definition of Minister/department

74 The Bill does not contain a definition of Minister, department, or chief executive of a department.

Commencement of legislation

75 The Bill will come into force on the day after Royal assent.

Parliamentary stages

76 I intend to introduce the Bill on 9 February 2026.

77 I propose the Bill be referred to the Education and Workforce Committee for a four month Select Committee process.

Proactive Release

- 78 This paper will be proactively released (subject to redactions in line with the Official Information Act 1982) within 30 business days of final Cabinet decisions.

Recommendations

I recommend that the Cabinet Legislative Committee:

- 1 **Constitutional conventions**

- 2 **note** that the Bill amends the *Health and Safety at Work Act 2015*, the *WorkSafe New Zealand Act 2013* and the *Health and Safety at Work (General Risk and Workplace Management) Regulations 2016* to focus the health and safety system on critical risks that cause the most harm, clarify areas of confusion, create greater certainty through strengthening Approved Codes of Practice (ACOPs), and to prioritise the regulators' powers and functions;
- 3 **note** that the definition of critical risk relies in part on proposed *Schedule 1A Hazards associated with critical risk* and that this could be kept up-to-date by Order in Council in response to changes to relevant regulations;
- 4 **note** that the proposed Order in Council provision in recommendation 3 is a type of Henry VIII clause, but that an up-to-date list of regulations and hazards is essential to enable people to understand what a critical risk is, and therefore the scope of core aspects of the HSW Act;
- 5 **note** that the proposal in recommendation 3 should be limited as much as possible to ensure that the definition of critical risks remains consistent over time with Parliament's intentions;
- 6 **agree** that the Bill enable *Schedule 1A Hazards associated with critical risk* to be updated by Order in Council in response to changes to relevant regulations;
- 7 **agree** the responsible Minister may recommend an amendment to Schedule 1A via Order in Council only if satisfied the amendment relates to a hazard that is consistent with the definition of a critical risk as provided in the Bill's catch-all test for critical risk, that is, the addition or amendment must concern a hazard that is likely to result in any one of more of death, a notifiable injury or illness, a notifiable incident or an occupational disease listed in Schedule 2 of the *Accident Compensation Act 2001*, and when proposing to remove a hazard from Schedule 1A the Minister must be satisfied the hazard is no longer likely to have such a result;
- 8 **agree** to include the upstream duties in sections 39 to 43 of the HSW Act within the limitation that applies to small PCBUs, so that small PCBUs must comply with these duties only in relation to critical risks;
- 9 **agree** to include a specific provision in section 37 of the HSW Act to clarify that where a workplace building is not an earthquake-prone building, or where a workplace building is an earthquake prone building and the owner is not in breach of their obligations under the *Building Act 2004*, the PCBU is not required to take action

I N C O N F I D E N C E

in relation to seismic risk affecting the building unless an emergency affecting the building occurs;

- 10 **agree** to amend section 190 of the *Health and Safety at Work Act 2015* to align with the Cabinet’s earlier decision to prioritise WorkSafe’s functions so that the main functions and powers of regulators other than WorkSafe are providing guidance, advice, and information on compliance with relevant health and safety legislation; developing, reviewing, and recommending codes of practice; developing safe work instruments; and monitoring and enforcing compliance with relevant health and safety legislation, with the other existing functions remaining as additional functions;
- 11 **note** that I used my delegated decision-making authority to:
- 11.1 add an additional purpose to the HSW Act so that the purposes now include providing PCBUs with certainty about the scope of their obligations [CBC-25-MIN-0004];
 - 11.2 clearly define critical risk, in line with Cabinet’s decisions [ECO-25-MIN-0086 and CBC-25-MIN-0004] by raising the threshold from “may result in” to “likely to result in” serious harm;
 - 11.3 add a requirement for PCBUs to prioritise critical risks, in line with Cabinet’s decision to sharpen the main purpose of the HSW Act so that its principal purpose is to prevent work-related harm by managing the critical risks arising from work [CBC-25-MIN-0004];
 - 11.4 refine the definition of a small PCBU so that it is clear and workable for both existing and new businesses and organisations with fluctuating numbers;
 - 11.5 afford the new safe harbour status only to Approved Codes of Practice (ACOPs) approved after commencement, and to the 2024 *Approved Code of Practice for Loading and Unloading Cargo at Ports and on Ships*, and the 2025 *Approved Code of Practice: Safe Practice for Forestry and Harvesting Operation* from commencement;
 - 11.6 retain the current status of all remaining ACOPs until they have been reviewed, updated, and reapproved or revoked by the Minister for Workplace Relations and Safety;
 - 11.7 amend the consultation requirement for developing an ACOP to require consultation *with* the parties listed in the HSW Act, rather than *between* these parties.
- 12 **approve** the *Health and Safety at Work Amendment Bill* for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 13 **authorise** the Minister to approve minor and technical changes to the Bill, prior to its introduction;
- 14 **authorise** the Parliamentary Council Office to make minor proofreading and editorial changes to the Bill, prior to its introduction;

I N C O N F I D E N C E

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- 15 **agree** that the Bill be introduced on 9 February 2026;
- 16 **agree** that the Government propose that the Bill be:
- 16.1 referred to the Education and Workforce Committee for consideration for four months;
 - 16.2 enacted before the house rises ahead of the election.

Authorised for lodgement

Hon Brooke van Velden

Minister for Workplace Relations and Safety

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