



COVERSHEET

Minister	Hon Brooke van Velden	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Health and Safety Reform: Further Legislative changes	Date to be published	16 March 2026

List of documents that have been proactively released

Date	Title	Author
May 2025	Health and Safety Reform: further Legislative changes	Office of Workplace Relations and Safety Minister
4 June 2025	Minute of Decision Health and Safety Reform: Further Legislative changes ECO-25-MIN-0086 Minute	Cabinet Office

Information redacted

YES / NO (please select)

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Some information has been withheld for the reasons of Constitutional conventions and International relations.

In Confidence

Office of the Minister for Workplace Relations and Safety

Cabinet Economic Policy Committee

Health and safety reform: further legislative changes

Proposal

- 1□ This paper seeks detailed policy decisions, following Cabinet's agreement to limit the health and safety duties for small businesses; clarify the duty of due diligence imposed on officers (e.g. directors); and reduce notification requirements to the regulator to reduce compliance burdens [CBC-25-MIN-0004 refers].
- 2□ This is the third in a package of Cabinet policy papers to reform work health and safety law. I will bring further papers to Cabinet to address sector-specific pain points.

Relation to government priorities

- 3□ The proposals in this paper are the policy detail for the first tranche of changes to address the ACT – National Coalition Agreement to reform health and safety law and regulations.

Executive Summary

- 4□ I seek detailed policy decisions on the following three distinct policy proposals that were agreed to by Cabinet in March as part of my suite of proposals for inclusion in my Health and Safety at Work Reform Bill [CBC-25-MIN-0004 refers].
- 5□ Cabinet agreed to limit the health and safety duties for small businesses in low-risk sectors, by defining how small, low-risk businesses will be specified through legislation. I propose that 'small' business be defined as Persons Conducting a Business or Undertaking (PCBUs) with fewer than 20 workers. I propose not to create a new legislative definition of 'low-risk' sectors, but to achieve the policy intent by limiting the general health and safety duties to apply to critical risks only. Critical risk will be defined in legislation.
- 6□ Cabinet agreed to clarify the application of the Health and Safety at Work Act 2015 (HSW Act) to more clearly distinguish between officers' duties and management responsibilities, to enable officers to focus on governance and not operational matters. I propose to amend the HSW Act to clarify that the officer duty excludes liability for management actions, as well as organise the existing six due diligence steps into three high level categories. These legislative changes will be supported by operational guidance.
- 7□ Finally, Cabinet also agreed to reduce notification requirements to the regulator to only significant workplace events. To achieve this policy, I propose legislating existing operational guidance to provide more clarity in the HSW Act about the types of events that should be notified to the regulator.

Limiting the health and safety duties for small, low-risk businesses to reduce unnecessary costs

- 8□ Small businesses are struggling to interpret and meet the requirements of the HSW Act. I have consistently heard that small, low-risk businesses are uncertain about which risks to focus on and struggle to meet the costs of compliance. This leads to reliance on external consultants, and risk averse behaviour rather than getting on with the job.
- 9□ I want to ensure that work health and safety duties for New Zealand’s small, low-risk businesses are limited to be proportionate to the risk. In March, Cabinet agreed to my proposal to amend the HSW Act so, to meet the primary duty of care on a business to ensure work health and safety, small low-risk businesses will only need to:
- manage the critical risks that could cause death, or serious injury or illness;
 - provide worker supervision, training and instruction, and personal protective equipment,¹ but only for critical risks; and
 - provide first aid, emergency plans, and the basic workplace facilities to maintain worker welfare, such as provision of drinking water, suitable lighting and ventilation.²
- 10□ In March I signalled that further work was required to define how small, low-risk businesses will be specified in legislation. There is currently no standard definition of ‘small’ or ‘low-risk’. I also note that the HSW Act uses the broader term “a person conducting a business or undertaking” (PCBU) instead of a ‘business’, as the Act applies to all types of businesses or enterprises including not-for-profits.
- 11□ I want to ensure that the proposal is simple, and that PCBUs are clear about whether they are covered by this change and what their health and safety duties are, whilst mitigating the risk of making workplaces less safe. I therefore propose the following definitions.

I propose to define ‘small’ to capture PCBUs that have fewer than 20 workers for nine out of the twelve months of each financial year

- 12□ I propose that the definition of small PCBU be set so that it captures PCBUs with work carried out by fewer than 20 workers. This will capture around 97 percent of businesses in New Zealand (including sole traders), employing 27 percent of workers. This concept is not new to New Zealand businesses, for example the HSW Act prior to 2023 applied this threshold for the election of health and safety representatives and committees. It was also used in the Employment Relations Act to limit the availability of 90-day trial periods to employers with fewer than 20 employees, before they were extended to all employers in December 2023.
- 13□ I propose that “fewer than 20 workers” be determined based on the maximum number of workers in the PCBU for nine out of the twelve months of each financial year. In

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¹ Requirements in Part 1 of the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.
² Ibid.

the three further months there will be no limit on the number of workers able to be engaged. This will address situations where businesses are captured by this policy for most of the year, but have seasonal demands (e.g. during Christmas sales or harvesting periods) where they briefly have more than 19 workers.

- 14□ To demonstrate how this would work in practice, consider a retail shop that has fifteen permanent workers. To cover the Christmas sale period, it takes on five more workers in November (a total of twenty workers) and a further ten workers in December (a total of thirty workers). As the PCBU has fewer than twenty workers for more than nine out of the twelve months of the financial year, the small PCBU limitation applies.
- 15□ I acknowledge that no matter how I propose to define small, there will always be boundary issues. I considered other options such as limiting it to Sole Traders only, or a more complex assessment of size including revenue or average number of workers over a year, but the proposal strikes the right balance between coverage and complexity.

I propose not to create a new definition of 'low-risk' sectors, but to achieve the policy intent by limiting the general health and safety duties to apply to critical risks only

- 16□ I considered several different ways of defining 'low-risk' sectors, including using a set of sector or industry classifications, or activities to classify high versus low -risk, and using ACC claims data. However, none of these options provided a consistent or coherent way to identify low-risk sectors and all lead to anomalies. For example, using ACC data would mean coal mining was treated as low risk, and Residential Care Services as high risk.³ I also note that even within sectors, and within businesses, there will be some activities that are very high -risk.
- 17□ The anomalies that can result from using broad sector classifications were evident in the 2015 exercise to define low-risk sectors for health and safety representatives and committees requirements in the HSW Act regulations, where worm farms, cat breeding and curtain installation were classified as high-risk. I therefore propose not to define 'low-risk' but to achieve the policy intent by using existing regulations as a guide to risks to be managed, and limiting the general health and safety duties to apply to critical risks only.
- 18□ To achieve a separation of 'low-risk' from other PCBUs, this proposal has two parts.

Part One – health and safety requirements under the existing health and safety regulations should continue to apply to all PCBUs

- 19□ I propose that the specific health and safety regulations continue to apply to all PCBUs to the extent that they have these risks, as these typically relate to higher risk activities or sectors, such as work with asbestos or hazardous substances. This means that any risk-based duties/requirements specified in secondary legislation under the HSW Act will continue to apply to PCBUs with fewer than 20 workers if they have those risks. For example, a small asbestos removal business will still need to meet their specific obligations under the Health and Safety at Work (Asbestos) Regulations

³ Refer to Figure 4, page 24, in the Regulatory Impact Statement.

2016, including to: identify the asbestos, analyse samples, prepare an asbestos management plan, and provide workers with training, health monitoring and the use of equipment when carrying out licensed asbestos removal work. Likewise, a white-water rafting tour company would need to comply with the requirements in the Health and Safety at Work (Adventure Activities) Regulations 2016.

Part Two – the general health and safety duties should be met for ‘critical risks’ only

- 20□ Currently, PCBUs have general health and safety duties under the HSW Act, as well as some specific duties which may apply due to the nature of the work undertaken. The general duties applying to all PCBUs are to ensure, so far as is reasonably practicable:
- 20.1□ the health and safety of their workers and others are not put at risk from work: **the primary duty of care** (section 36 of the HSW Act)
 - 20.2□ the workplace is without risks to the health and safety of any person: **the duty of a PCBU who manages or controls a workplace** (section 37 of the HSW Act)
 - 20.3□ the fixtures, fittings, or plant at a workplace are without risks to the health and safety of any person: **the duty of a PCBU who manages or controls fixtures, fittings, or plant at workplaces** (section 38 of the HSW Act)
- 21□ For small PCBUs, these general duties will only need to be met for ‘critical risks’ only (reflecting the March Cabinet decision). This approach aligns with the purpose of my reform to refocus the system on critical risks.
- 22□ I propose that ‘critical risks’ be defined as those risks that are referenced in the existing work health and safety regulations, with an additional catch-all to cover critical risks that are not accounted for in the regulations. To give effect to this, PCBUs must consider other risks that may result in serious harm in the workplace. This will leverage off the notification requirements in section 25 of the HSW Act which are intended to capture the types of events that cause the most serious harm:
- 22.1□ death;
 - 22.2□ serious injuries or illness as defined in section 23 of the HSW Act as notifiable to the regulator – such as amputations, serious burns or lacerations, serious head, brain, spinal or eye injuries, or serious illnesses requiring hospital admission; and
 - 22.3□ incidents that could expose a worker or any other person to a serious risk to their health and safety as defined in section 24 of the HSW Act as notifiable to the regulator – such as explosions, escape of gas, steam, or pressurised substances, fall from heights, or the collapse of a structure, plant, or excavation.
- 23□ Additionally, the PCBU must consider the risks of activities that are likely to cause the occupational diseases set out in Schedule 2 of the Accident Compensation Act 2001 – such as cancers that are caused by work.

This will increase certainty and reduce unnecessary costs for small businesses

- 24□ For many small businesses, these changes will remove their concern that they are supposed to cover every possible risk. This will immediately alleviate the need for specialist advice and ‘off the shelf’ health and safety systems. It will drive a more proportional and effective response to risk. At the margins, there will be small businesses who have serious (but not critical) risks and will no longer have a duty to manage these. For example, injuries from slips and trips make up a large component of injuries in retail trade.
- 25□ Limiting duties for small businesses will clarify that they need to focus only on critical risks. For example, a small accounting business is required to manage all critical risks in their business, a quick assessment reveals no critical risks in this office. Therefore, they only need to provide basic facilities for their workers.
- 26□ The following table provides some examples of how the policy will impact certain sectors:

Sector/PCBU	Impact of limitation of duties to critical risks
<i>Family farm, Small orchard etc.</i>	Has a duty to manage (ie critical risks): <ul style="list-style-type: none"> ●□ machinery and vehicle use - rollovers, entanglement, crushing injuries, struck-by hazards ●□ working at heights - falls ●□ chemical use (pesticides, fertilisers) - poisoning, respiratory issues, skin burns, long-term illness ●□ electrical hazards - electrocution ●□ heat stress / sun exposure - heat stroke, dehydration, skin cancer ●□ noise exposure - hearing loss from tractors, chainsaws, sprayers Does not have to manage: <ul style="list-style-type: none"> ●□ risks to admin worker in office* ●□ manual handling and repetitive tasks - sprains, strains, musculoskeletal injuries* ●□ slips, trips - bruises, sprains, minor fractures*
<i>Small forestry gang</i>	Has a duty to manage (ie critical risks): <ul style="list-style-type: none"> ●□ machinery and vehicle use - rollovers, entanglement, crushing injuries, struck-by hazards ●□ working at heights / on slopes - falls ●□ heat stress / sun exposure - heat stroke, dehydration, skin cancer ●□ noise exposure - hearing loss from machinery, chainsaws Does not have to manage: <ul style="list-style-type: none"> ●□ risks to admin worker in office*
<i>Small clothing retailer</i>	Has a duty to manage (ie critical risks): <ul style="list-style-type: none"> ●□ fire and electrical hazards ●□ security and lone working ●□ emergency procedures for safe entry and exit Does not have to manage: <ul style="list-style-type: none"> ●□ armed robbery or aggressive customers - physical harm, psychological trauma* ●□ manual handling - back injuries or strains from lifting boxes of stock* ●□ slips, trips - slippery floors, stock in walkways, uneven surfaces* ●□ fatigue and stress - poor decision making, mental health strain, burnout*

	<ul style="list-style-type: none"> • ergonomic issues - RSI, posture-related pain* • minor cuts and lacerations - box cutters, broken glass*
<p>* A small PCBU may decide to continue managing these risks, but would not have the duty to manage them under the HSW Act. Note that a large PCBU would be required to manage all of the risks above, but must prioritise the management of critical risks [CBC-25-MIN-0004, recommendation 4].</p>	

- 27□ As a part of its work to improve guidance, WorkSafe, working with MBIE, will issue guidance on what this policy means for certain sectors and what obligations duty holders have.
- 28□ I also considered whether to limit duties for all PCBUs, not just small PCBUs. However, I do not consider the same rationale applies for larger PCBUs. The overall theme from the roadshow and major business submissions was that concerns with complying with the current system were disproportionately shared by smaller businesses who have limited resources.

Clarifying officers’ duties to separate operational detail from governance

- 29□ Under the HSW Act, an officer of a PCBU is a director, partner, or anyone that can “exercise significant influence over the management of the business or undertaking”. Officers have a governance duty to exercise due diligence to ensure the PCBU complies with its work health and safety duties.
- 30□ The officer duty is intended to be flexible to deal with different business arrangements. However, in practice, this flexibility creates ambiguity about who is an officer and the extent of the duty in specific situations. This has been aggravated by some court findings which do not align with the policy intent that the officer duty is a governance duty only and does not include management.
- 31□ I have heard from business owners and company directors that the lack of clarity causes confusion about how far their duty extends. This is particularly the case for officers who ‘wear multiple hats’ in the PCBU, for example a CEO, partner or owner-operator. I acknowledge that most of New Zealand’s small businesses won’t have a board of directors, or even if there are directors or partners, these people also work in the PCBU. People in these roles are required to juggle their officer’s duty among other governance responsibilities, their management roles in the PBCU, and also have a worker duty under the HSW Act.
- 32□ This complexity, coupled with some duty-holders receiving overly cautious advice, can lead to risk aversion and energy diverted into unproductive tasks, including some directors thinking they need to get involved in the day-to-day management decisions of the company to meet their governance duty.
- 33□ I propose a package of changes that will strengthen the separation between the duties of officers and management, and provide more clarity to officers about what their duties are. The primary change in Part One below will be supported by Parts Two and Three to achieve these objectives.

- 34□ For officers who also work for a small PCBU without a board (e.g. owner-operators), these changes will better distinguish their officer duty from their management responsibilities, making compliance easier.
- 35□ For example, in a small warehousing business, the owner as an officer needs to ensure there is a health and safety policy in place. After this change, as long as the owner has confidence that they can rely on their foreman to ensure the policy is being adhered to on the shop floor, the owner will not need to micro-manage this themselves.

Part One - The HSW Act will be clear that the officer duty does not expose an officer to any liability for management actions

- 36□ I propose to amend the HSW Act to clarify that the officer duty excludes liability for actions by management, including where an officer also has a management role (e.g. ‘wearing multiple hats’). Specifically, I propose to clarify that:
 - 36.1□ for the purposes of the officer’s duty ‘due diligence’ is limited to the six reasonable steps currently identified in the Act; and
 - 36.2□ where an officer works in a PCBU, the HSW Act is not to be read to include their operational work (ie their day job) in their officer duty.
- 37□ The officers’ role is to understand and direct management to design the health and safety system and verify that systems and resources have been put in place, not to be involved in day-to-day management decisions.
- 38□ This will contribute to the objective of the wider reform to reduce costs for business by helping officers to understand their duty. This will reduce anxiety and may help reduce a culture of excessive reliance on paperwork.

Part Two – The HSW Act should clarify the current due diligence steps for officers

- 39□ Submitters indicated a general lack of certainty regarding duties under the Act, including officer’s duties. I propose to organise the existing six due diligence reasonable steps (outlined in Annex One) into three categories to improve clarity, being steps to:
 - 39.1□ **understand** and keep up to date on the general health and safety risks of their business;
 - 39.2□ **ensure** that their business has the resources, processes and information to manage the risks; and
 - 39.3□ **verify** that their business is using those resources, processes and information.
- 40□ Further, I propose to clarify that the first due diligence duty (a) “*to acquire, and keep up to date, knowledge of work health and safety matters*”⁴ is limited to the acquisition of knowledge focussed on risks relevant to the PCBU, rather than all health and

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⁴ Section 44(4)(a) *Health and Safety at Work Act 2015*.

safety. The current scope of the duty is arguably unreasonably wide and risks overcompliance.

Part Three - Approved codes of practice (ACOPs) and guidance should clarify who is an officer and their due diligence duties

- 41□ I heard from submitters that they want guidance on officer duties, to help officers understand practical ways to meet their duties. As agreed by Cabinet as part of this reform package, ACOPs would provide a safe harbour where conditions are met [CBC-25-MIN-0004 refers]. I would expect industry to support the development of an ACOPs and/or guidance, using examples to increase certainty for businesses.

Reducing notification requirements to the regulator to reduce compliance burdens

- 42□ The HSW Act requires duty-holders to notify the regulator of certain events –deaths and serious illnesses, injuries and incidents which are listed in the Act (sections 23-25). Notification requirements are intended to capture the types of events that cause the most serious harm, requiring the regulator to respond urgently or immediately where appropriate. They support the regulator to put out safety alerts to prevent wider harm, or near misses that could result in catastrophic failure.
- 43□ The HSW Act requires duty-holders to use their judgment to interpret what is meant by certain events; a ‘serious head injury’ for example. WorkSafe’s operational guidance supports duty-holders to identify these events, for example, what is and is not a ‘serious head injury’.
- 44□ I have heard from some business owners and workers that the requirements to notify the regulator causes frustration and high compliance burdens on businesses, noting the lengthy, complex process involved to report incidents, paired with slow and inconsistent responses from the regulator.

I propose to amend the HSW Act to clarify what is and is not a notifiable event to provide increased certainty for duty-holders and reduce compliance burdens

- 45□ I propose to add definitions and examples into the HSW Act to help duty holders identify what types of events they need to notify to the regulator.
- 46□ The HSW Act does not define the concepts of ‘immediate treatment’, ‘medical treatment’ or ‘serious’. WorkSafe’s operational guidance defines these concepts and provides examples of what is (and is not) a notifiable event.
- 47□ For example, WorkSafe’s guidance for a serious eye injury is at Annex Two. I propose this type of clarification be included in the HSW Act. This change will provide certainty, for example, that the regulator should be notified if a worker in a cleaning company had acid splashed in their eye and needed immediate medical attention, but not if a speck of dirt entered their eye, causing only discomfort.
- 48□ Despite making the legislation more prescriptive, this change will increase certainty for duty-holders reducing over-reporting and the compliance burden.

Implementation

- 49□ My officials will monitor ACC data to understand the impacts on injuries of these changes, in particular whether they lead to a decrease in fatalities and serious harm injuries and the impact on less-serious harm in small PCBUs.
- 50□ The small-business duty limitation will be reviewed after three years to ensure the settings are right, drawing on the monitoring of ACC and other harm data. [REDACTED]

Constitutional conventions

Cost-of-living Implications

- 51□ There are no direct cost-of-living implications associated with the proposals in this paper. It is expected that the cumulative impact of all these proposals will be to reduce the cost to business of protecting worker health and safety.

Financial Implications

- 52□ The proposals in this paper have no direct financial implications for the Crown. Refocussing the health and safety system on critical risk will support the continued reduction in the incidence of serious workplace injuries and fatalities, reducing the costs of these incidents for ACC. Policy work and regulatory change will be delivered within existing Ministry of Business, Innovation and Employment baselines. Operational changes will be delivered within WorkSafe baselines.

Legislative Implications

- 53□ Legislative changes will be made through a Health and Safety at Work Reform Bill, [REDACTED] This omnibus Bill will amend the Health and Safety at Work Act 2015 and the WorkSafe New Zealand Act 2013.

Impact Analysis

Regulatory Impact Statement

- 54□ A Regulatory Impact Statement (RIS) has been completed and is attached. [REDACTED] A panel comprising officials from the Ministry of Business, Innovation and Employment, and the Ministry for Regulation has reviewed the RIS and found that it partially meets quality requirements.

Climate Implications of Policy Assessment

- 55□ The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal, as the threshold for significance is not met.

Population Implications

- 56□ It is expected that refocusing the system on actions to manage critical risks rather than on paperwork and unnecessary compliance will improve health and safety outcomes.

Human Rights

- 57□ I do not consider that these proposals engage the New Zealand Bill of Rights Act 1990 (NZBORA). The Health and Safety at Work Reform Bill will be assessed by the Ministry of Justice for consistency with NZBORA before introduction.
- 58□ I consider that the proposals in this paper are unlikely to raise Treaty of Waitangi interests.

International Obligations

International relations

Use of external Resources

- 62□ No external resources were used in the development of these policy proposals.

Consultation

- 63□ The following departments were consulted: The Treasury, Ministry for Regulation, Ministry of Transport, WorkSafe New Zealand, Maritime New Zealand, Civil Aviation Authority, Department of Prime Minister and Cabinet and Ministry of Business, Innovation and Employment's Small Business and Accident Compensation Policy teams.

- 64□ My officials received feedback from key stakeholders including the Institute of Directors, Business New Zealand, Federated Farmers, the Employers and Manufacturers Association and Retail New Zealand on the policies in this paper.

Communications

- 65□ The Government has publicly committed to reform the work health and safety law and regulation system as part of the ACT–National Coalition Agreement. I intend to announce the changes outlined in this paper.

Proactive Release

- 66□ 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

- 67□ The Minister for Workplace Relations and Safety recommends that the Committee:

Limiting the health and safety duties for small businesses in the Health and Safety at Work Act 2015 (the HSW Act)

- 1□ **agree** to amend the HSW Act to create a new definition of small PCBU to capture PCBUs with fewer than 20 workers;
- 2□ **agree** that “fewer than 20 workers” be determined based on the maximum number of workers in the PCBU for nine out of the twelve months of each financial year;
- 3□ **agree** to amend the HSW Act to provide that a small PCBU of fewer than 20 workers must:
 - 3.1□ meet the General Duties in sections 36, 37, and 38 of the HSW Act only as they apply to ‘critical risks’;
 - 3.2□ provide worker supervision, training and instruction, and personal protective equipment (as set out in Part 1 of the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016, but only for critical risks; and
 - 3.3□ continue to provide first aid, emergency plans, and basic workplace facilities (as set out in Part 1 of the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016;
- 4□ **note** that other than as provided in recommendation 2 above, the duties in the HSW Act and in relevant regulations continue to apply to small PCBUs (as relevant to the PCBU);
- 5□ **note** I propose not to define ‘low risk’ in primary legislation, as it is not practical;
- 6□ **agree** that the definition of ‘critical risks’ is based on existing risks managed through HSW Act regulations with an added principle-based catch-all to account for non-regulated risks that may result in death, serious injury, or illness, based on the

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notification requirements in sections 23-25 of the HSW Act, and occupational diseases in Schedule 2 of the Accident Compensation Act 2001;

Clarifying the HSW Act's application to officers

- 7 **agree** to amend the HSW Act to clarify that:
 - 7.1 the officer's duty of 'due diligence' is limited to the six reasonable steps currently identified in the Act; and
 - 7.2 where an officer works in a PCBU, the HSW Act is not to be read to include their operational work in their officer duty.
- 8 **agree** to amend the HSW Act to limit the due diligence duty to "to acquire, and keep up to date, knowledge of work health and safety matters" to knowledge focussed on risks relevant to the PCBU, rather than all health and safety;
- 9 **agree** to amend the HSW Act to organise the six officers' due diligence steps into categories, subject to Parliamentary Counsel Office drafting, such as steps to 'understand', 'ensure' and 'verify';
- 10 **note** that these changes will be supported by ACOPs and/or guidance on officer duties in different business structures;

Reducing notification requirements to the regulator to reduce compliance burdens

- 11 **agree** to define key concepts in the definitions of notifiable injury or illness and notifiable incident and add examples where appropriate to provide clarity for duty-holders about the types of events to notify to the regulator;

Next steps

- 12 **authorise** the Minister for Workplace Relations and Safety to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above recommendations;
- 13 **authorise** the Minister for Workplace Relations and Safety to make decisions consistent with the policy proposals in this paper on any issues that may arise during the drafting, including any transitional provisions.

Authorised for lodgement.

Hon Brooke van Velden
Minister for Workplace Relations and Safety

Annex One: Due diligence reasonable steps in current legislation

s44(4) *In this section, due diligence includes taking reasonable steps—*

- (a) to acquire, and keep up to date, knowledge of work health and safety matters,*
- (b) to gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations.*
- (c) to ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking,*
- (d) to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information,*
- (e) to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act.*
- (f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).*

Proposed new categories (subject to Parliamentary Counsel Office drafting) –

- **understand** and keep up to date on the general health and safety risks of their business: s44(4)(a), (b)
- **ensure** that their business has the resources, processes and information to manage the risks: s44(4)(c), (d) and (e)
- **verify** that their business is using those resources, process and information: s44(4)(f)
- □

Annex Two: Example of WorkSafe guidance – serious eye injury

Using the example of a serious eye injury, WorkSafe’s guidance explains:

A serious eye injury that requires immediate treatment (other than first aid):

- (a) Injury that results in, or is likely to result in, the loss of an eye or vision (total or partial),*
- (b) Injury caused by an object entering the eye for example, metal fragment, wood chip,*
- (c) Contact with any substance that could cause serious eye damage.*

Does not include:

- (d) Exposure to a substance or object that only causes discomfort to the eye.*

‘Medical treatment’ is considered to be treatment by a registered medical practitioner such as a doctor.

‘Immediate treatment’ is urgent treatment, and includes treatment by a registered medical practitioner, registered nurse or paramedic