

# **Health and Safety at Work Amendment Bill**

Government Bill

As reported from the Education and Workforce Committee

## **Commentary**

### **Recommendation**

The Education and Workforce Committee has examined the Health and Safety at Work Amendment Bill and recommends by majority that it be passed. We recommend all amendments by majority.

### **Introduction**

The bill would amend the Health and Safety at Work Act 2015 and, to a lesser extent, the WorkSafe New Zealand Act 2013 and the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.

The bill seeks to improve the work health and safety system by reducing unnecessary compliance costs and clearly stating what businesses and organisations need to do. To achieve these goals, the bill would:

- emphasise critical risks
- clarify wording
- strengthen approved codes of practice
- prioritise the regulators' functions.

### **Terminology**

For the purposes of health and safety, most New Zealand businesses are classed as Persons Conducting a Business or Undertaking (PCBUs).<sup>1</sup> We use this phrase throughout this report.

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<sup>1</sup> The phrase is explained on the WorkSafe website.

## Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We wish to bring the House's attention to some issues relating to clauses 9, 12, and 29, which we discuss in more detail later in this commentary.

## Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

## Commencement

The bill as introduced would come into force on the day after it receives Royal assent. We consider that the regulators will need time to prepare updated guidance for PCBUs, and that the bill should provide lead-in time for this work to be done.

On the other hand, we consider that some provisions should still come into force on the day after Royal assent. The amendments proposed in clauses 29 and 30 about the use of approved codes of practice in court proceedings would not require the same lead-in time to be implemented effectively.

We recommend that clause 2 of the bill be amended to give those affected by the legislation until 1 November 2026 to prepare for the regulatory changes, while retaining the intended commencement of the day after Royal assent for clauses 29 and 30.

We intend to watch WorkSafe's approach to ensure that the bill is implemented effectively. Implementation would involve a change of culture in the sector, so we encourage WorkSafe to provide guidance to those involved before resorting to compliance and enforcement measures.

## Purpose

Clause 4 of the bill would replace the purpose statement in section 3 of the Health and Safety at Work Act. As introduced, the new main purpose would be "to provide a balanced framework for securing the health and safety of workers and workplaces that prioritises the critical risks that arise from work". The wording does not mention that the framework's prioritisation of critical risks includes prioritising the management of critical risks by PCBUs. We recommend amending clause 4 so that new section 3(1) includes this aspect.

A corresponding amendment would need to be made in clause 33, which relates to section 9 of the WorkSafe New Zealand Act, so that WorkSafe New Zealand's objectives would include prioritising the management of critical risks by PCBUs.

## Meaning of "critical risk"

One of the bill's aims is to focus the work health and safety system on "critical risk". Submitters indicated that the definition of critical risk would benefit from clarification.

**Test to determine critical risk**

Clause 9 would insert section 22A to define critical risk. Part of the definition relates to the likelihood of a death, a notifiable injury or illness, a notifiable incident, or an occupational disease listed in Schedule 2 of the Accident Compensation Act 2001. The wording in the bill as introduced could be interpreted as requiring PCBUs to assess how probable it is that a risk would occur to determine whether the risk is critical. Our proposed changes to the wording are to make clear that determining whether a risk is critical under new section 22A(1)(b) involves assessing how likely it is that any of the listed serious harms would result from a risk, were the risk to occur.

**Harm to mental health**

Some submitters sought to include a greater focus on mental health and social wellbeing in the bill. The Act's definition of health includes mental health, and we consider that sufficient to ensure that mental health can be considered when assessing risks. However, we propose making it clear in the bill that harm to mental health could be a risk to be considered in relation to a hazard.

We were advised that, where a hazard in the workplace is associated with harm to mental health, and the occurrence of that harm to mental health is likely to result in any of the physical harms listed in proposed section 22A(1)(b), this would be captured, and therefore managed, as a critical risk. For example, the traumatic nature of a specific work situation may impair judgement, reaction time, or decision-making so that serious physical incidents, such as vehicle crashes or equipment misuse become more likely. It is important that this is clear, so we recommend the addition of subsection (3) to new section 22A.

**Power to amend list of hazards**

One of the ways that critical risk is defined in new section 22A is by referring to a list of hazards in proposed new Schedule 1A. New section 22B would enable the responsible Minister to amend the list by Order in Council.

The Regulations Review Committee advised us that new section 22B would create a Henry VIII power: one which allows secondary legislation to amend primary legislation. We are satisfied that the Henry VIII power is appropriate in the context of the bill. However, we consider that more safeguards are needed regarding its use.

New section 22B(2) of the bill as introduced contains a restriction on the use of the power. It provides that the list of hazards may only be amended if it is necessary or desirable as a result of regulations having been amended, revoked, or made. We recommend inserting new subsections (3A) to (3C). New subsection (3A) would require that, before recommending an amendment by Order in Council under new section 22B, the Minister be satisfied that the order is appropriate. This includes being satisfied that the proposed amendment meets conditions set out in sections 22B(2)(a) and (3) of the bill as introduced. Our proposed new subsections (3B) and (3C) would apply if the Minister recommends an amendment by Order in Council under new section 22B. The Minister's reasons for making the recommendation must be published

with the order; these reasons must include why the order is appropriate. The Ministry would be required to publish a statement explaining:

- the amendment
- the reasons for the amendment
- how the amendment is necessary or desirable because of the amendment or revocation of regulations or the making of new regulations.

### **Shared duties of PCBUs**

The bill would categorise all PCBUs as either small or large. Small PCBUs' duties would be more limited than those of large PCBUs, as they would only be required to comply with specified duties in relation to critical risks. Section 34 of the Health and Safety at Work Act requires PCBUs to consult, co-operate, and co-ordinate activities with other PCBUs that have a duty in relation to the same matter. The bill as introduced would not amend section 34, but we suggest providing for how the requirements for PCBUs to work together would be affected by PCBUs being categorised as small or large, and small PCBUs' duties being confined to critical risks.

We recommend inserting clause 11A to replace section 34 (PCBU must consult other PCBUs with same duty). Our replacement section 34(9) would define "co-operate" as meaning to consult with, co-operate with, and co-ordinate activities with. It would also define the term "have a duty" in relation to two or more PCBUs.

Proposed subsections (2) to (6) of our new section 34 specify how the different combinations of categories of PCBU would need to co-operate when they have a duty in relation to the same matter. Our proposed wording would also distinguish between how a small PCBU must co-operate in relation to any critical risk, and how it may co-operate in relation to other risks that do not meet this threshold.

Proposed subsections (7) and (8) refer to agreements and contracts between PCBUs. Two or more PCBUs, including one or more small PCBUs, could enter into an agreement or contract with other PCBUs about co-operating in the circumstances set out above. We consider that it would be reasonable for PCBUs to agree to a small PCBU co-operating with other PCBUs in relation to non-critical risks, so far as is reasonably practicable. An agreement or contract under proposed section 34(7) must not be one to which section 28 of the Act applies; that is, it must not negate any duty under the Act or be an illegal contract.

Proposed section 34(10) contains the same offence provision as current section 34 of the Act.

### **Compliance with other enactments**

We recommend amending clause 12 of the bill, which would replace section 35, to more clearly address how the Health and Safety at Work Act interacts with other legislation.

We understand that the policy intent of the new section is that, where a regulatory regime other than those in the Act would require managing a health and safety risk,

compliance with the external regulatory regime would be treated as compliance with the Act for a risk in relation to the same situation or circumstances. However, we consider that the wording in the bill as introduced is unclear in describing the overlap between the requirements in the Act and those in other legislation. If the overlap is interpreted too broadly, we think that legal regimes that do not manage risks could be captured. This could lead to inadequate risk management. If, on the other hand, the overlap is interpreted too narrowly, few external legal regimes would be captured, and the provision would have little practical effect.

We therefore propose amending the wording of new section 35 to specify that the affected external enactments are:

- requirements to take actions that have the effect of managing a health and safety risk
- applicable in relation to the same situation or set of circumstances, not just the same subject matter, as a work health and safety duty under the Act.

### **Duty of PCBU who manages or controls workplace**

Section 37 of the Health and Safety at Work Act describes the duty of a PCBU who manages or controls a workplace. Clause 14 of the bill as introduced would amend section 37 to clarify and add exceptions to the duty of the PCBU. We recommend several amendments and additions to this section.

#### **Exception for recreational access**

As introduced, subsections (2A) and (2B) set out the circumstances under which the PCBU's health and safety duty would not apply to an outdoor recreational space, described in the bill as introduced as "open space". However, when recreational use of the land is "connected to" the PCBU's business or undertaking, the PCBU's health and safety duty would still apply. Our amendments would make the relationship between the use of the land and the business clearer, by using the words "part of a business or undertaking conducted by the PCBU".

Our proposed amendments would define "recreational purposes" to cover both commercial and non-commercial recreational activities. Our amendments also introduce the term "outdoor space", with a definition that would include cleared land, uncleared land such as forest or scrub, and water. These amendments aim to describe the full range of types of land used for recreation.

Our other amendments to section 37 would make clear that the charging of an access fee to enter an outdoor space does not in itself connect the use of the space and the PCBU's business (new subsection (2C)). An "access fee" would be defined as a fee that neither gives profit nor recovers costs for the PCBU (subsection (4)).

#### **Exception for seismic risk to workplace buildings**

As introduced, section 37(3A)–(3B) sets out the circumstances under which a PCBU would not be required to take any action to manage a building's seismic risk. We recommend amending the wording to more precisely describe what the PCBU would not

be required to do, and in relation to which issues. Our suggested wording would clarify that the exception would not affect the PCBU's duties under the Act to do with workplace contents or other non-building items. One of our suggested amendments includes the phrase "building element"; we recommend adding a definition of it to new section 37(4).

### **Approved codes of practice**

Approved codes of practice (ACOPs) set out standards for duty-holders to achieve in order to comply with the Health and Safety at Work Act 2015 and its regulations. At present, the codes may only be developed by the regulator.

### **Giving draft or proposal to regulator**

Clause 28 would insert new section 222A, allowing any person to develop a draft code of practice, a draft amendment to an ACOP, or a proposal to revoke an ACOP. As introduced, it specifies that the regulator may do so; it also lists other people or bodies who may, including a worker representative and an employer representative. We suggest replacing these with "a union or other worker representative" and "an employer organisation".

New section 222A(3) applies to situations where a person other than the regulator develops a draft code of practice, a draft amendment to an ACOP, or a proposal to revoke an ACOP. We recommend amending it so that the person would be required (rather than simply allowed) to give the draft or proposal to the regulator for recommendation to the Minister if they wished the draft or proposal to progress.

### **Review process for draft code of practice or draft amendment**

We also recommend adding subsections (4A) and (4B) to new section 222A. They set out requirements for the regulator's review of draft codes of practice and draft amendments to an ACOP. The regulator would have to assess such drafts' technical accuracy, consistency of compliance with the relevant duty, and whether they meet relevant requirements under other enactments. The regulator may consider only those matters when amending a draft code of practice or a draft amendment to an ACOP. Our suggestions aim to improve the transparency and robustness of the review process.

### **Use in proceedings**

Clause 29 provides that a person who acts in accordance with an ACOP in relation to a specific risk would be deemed to have complied with the Act regarding that risk. We recommend amending clause 29 so it is better aligned with sections 142 to 148 of the Act, which deal with enforcement and prosecution decisions. In particular, we recommend replacing the phrase "other matter" with "set of circumstances". We consider that this would aid understanding.

## **Green Party of Aotearoa New Zealand and New Zealand Labour Party differing view**

The Green Party opposes this bill. The proposed changes weaken the systems designed to keep workers safe and healthy. New Zealand already has disastrously bad workplace health and safety outcomes, and this bill is likely to make this significantly worse.

This bill risks reducing high workplace health and safety standards, particularly for small business, which is where many workplace injuries occur, as over 90 percent of NZ businesses are small and will have their duties reduced.

In particular, mental health and workload management are very unlikely to be captured by the new focus on “critical risks”, which will mean that workers in small organisations are at greater risk of these types of harms. The downgrading of psychosocial risk to a nice to have for small employers risks adding to the billions in costs of worker absences, higher turnover rates, not to mention ACC costs.

Many workplaces with relatively high-risk profiles will also be shifted into the lower duty small business category which may have dozens to hundreds of employees for a short period of time.

The small PCBU carve-out from some of their health and safety duties runs counter to the evidence that they are often less safe than their larger counterparts but need more targeted support. This will create a two-tier system and could lead to different levels of accountability, leading to significant complexity when different sizes of businesses are working on the same worksite.

Additionally, the definition of “critical risk” is unlikely to lead to greater certainty for employers—the bill has a huge number of examples to try and define this, demonstrating that the wording itself is unclear and will not support good decision making by employers.

Subordinating health and safety duties to other legislation is a significant backwards step and likely to result in worse outcomes and backsliding.

Additionally the Approved Codes of Practice (ACOP) safe harbour provisions will disincentivise continuous improvement, and constrain regulatory enforcement.

The proposed changes to compliance with overlapping legislation undermine regulatory certainty, and risk displacing HSWA duties with legislation never designed to protect workers. This simply is not good law making.

The range of organisations and businesses that oppose this bill, or at least raise significant concerns about its impact and workability demonstrate the significant failings with this legislation. The fundamental issues of “critical risk” and the small employer carve-out are widely opposed by many business groups, individual businesses, unions, lawyers and health and safety specialists.

The fact that these obvious failings have been resolved is an indictment on the process that has been followed. That this fundamentally flawed legislation is being reported back to the House without any real attempt to address these major flaws

undermines the value of the select committee process and makes it appear to be simply a rubber stamp for this Government.

## Appendix

### Committee process

The Health and Safety at Work Amendment Bill was referred to this committee on 12 February 2026. The House instructed us to report the bill back no later than 16 June 2026. We invited the Minister for Workplace Relations and Safety to provide an oral submission on the bill. She did so on 25 March 2026.

We called for submissions on the bill with a closing date of 18 March 2026. We received and considered submissions from 335 interested groups and individuals. We heard oral evidence from 77 submitters. We wish to acknowledge the efforts of all submitters and thank them for their engagement.

Advice on the bill was provided by the Ministry of Business, Innovation and Employment and WorkSafe New Zealand. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting. The Regulations Review Committee reported to us on the powers contained in clause 9.

### Committee membership

Katie Nimon (Chairperson)

Hon Ginny Andersen (from 25 March 2026)

Carl Bates

Shanan Halbert

Grant McCallum

Dr Parmjeet Parmar

Hon Willow-Jean Prime (until 25 March 2026)

Hon Phil Twyford

Dr Vanessa Weenink

Dr Lawrence Xu-Nan

Teanau Tuiono took part in our consideration.

### Related resources

The documents we received as advice and evidence are available on the Parliament website.



**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted by a majority

~~text deleted by a majority~~



*Hon Brooke van Velden*

## **Health and Safety at Work Amendment Bill**

Government Bill

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The Parliament of New Zealand enacts as follows:

**1 Title**

This Act is the Health and Safety at Work Amendment Act **2026**.

**2 Commencement**

- (1) This Act comes into force on **1 November 2026** ~~the day after Royal assent~~. 5
- (2) However, sections 29 and 30 come into force on the day after Royal assent.

**Part 1**

**Amendments to Health and Safety at Work Act 2015**

**3 Principal Act**

This Part amends the Health and Safety at Work Act 2015. 10

**4 Section 3 replaced (Purpose)**

Replace section 3 with:

**3 Purposes**

- (1) The main purpose of this Act is to provide a balanced framework for securing the health and safety of workers and workplaces that prioritises the critical risks that arise from work (including by prioritising the management of those risks by PCBUs). 15
- (2) This Act also has the following purposes:

- (a) to protect workers and other persons against harm to their health, safety, and welfare by eliminating or minimising risks arising from work or from prescribed high-risk plant:
- (b) to provide for fair and effective workplace representation, consultation, co-operation, and resolution of issues in relation to work health and safety: 5
- (c) to encourage unions and employer organisations to take a constructive role in promoting improvements in work health and safety practices, and to assist PCBUs and workers to achieve a healthier and safer work environment: 10
- (d) to promote the provision of advice, information, education, and training in relation to work health and safety:
- (e) to secure compliance with this Act and regulations made under this Act through effective and appropriate compliance and enforcement measures: 15
- (f) to ensure appropriate scrutiny and review of actions taken by persons performing functions or exercising powers under this Act:
- (g) to provide a framework for continuous improvement and progressively higher standards of work health and safety:
- (h) to give PCBUs certainty about the scope of their obligations to comply with this Act and regulations made under this Act. 20
- (3) A person (including a duty holder and a regulator) must, in promoting the purpose set out in **subsection (2)(a)**, have regard to the principle that workers and other persons should be given the highest level of protection against harm to their health, safety, and welfare from hazards and risks arising from work or from prescribed high-risk plant as is reasonably practicable. 25

**5 Section 7 amended (Application of Act to Armed Forces)**

In section 7(9), replace “purpose” with “purposes”.

**6 Section 8 amended (Application of Act to intelligence and security agencies)** 30

In section 8(6), replace “purpose” with “purposes”.

**7 Section 16 amended (Interpretation)**

- (1) In section 16, insert in their appropriate alphabetical order:

**critical risk** has the meaning given in **section 22A**

**financial year** means a period of 12 months commencing on 1 July and ending with 30 June 35

**large PCBU** has the meaning given in section 17

~~prioritise, in relation to critical risks, includes —~~

- ~~(a) managing critical risks before managing other risks;~~
- ~~(b) monitoring, reviewing, and revising controls relating to critical risks more often than controls relating to other risks;~~
- ~~(c) applying a higher proportion of risk management resources to the management of critical risks compared with other risks~~

5

**small PCBU** has the meaning given in section 17

- (2) In section 16, insert as subsection (2):
- (2) Terms and expressions in **Schedule 1A** that are used in the relevant regulations set out in that schedule have the same meaning that they have in those regulations.

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## 8 Section 17 amended (Meaning of PCBU)

- (1) Replace the heading to section 17 with “**Meanings of PCBU and small PCBU**”.

- (2) Before section 17(1), insert:

15

*PCBU*

- (3) In section 17(2), replace “this section” with “subsection (1)(b)(ii)”.

- (4) After section 17(2), insert:

*Small PCBU*

- (3) In this Act, unless the context otherwise requires, **small PCBU** means a PCBU in whose business or undertaking fewer than 20 workers carry out work in any capacity.

20

- (4) If the number of workers in a business or undertaking fluctuates during a financial year due to the nature of the business or undertaking (for example, because a proportion of the work is seasonal in nature), the PCBU is a **small PCBU** if the PCBU reasonably expects the number of workers carrying out work in any capacity to be fewer than 20 in at least 9 months of the current financial year.

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- (5) If a business or undertaking of the kind described in **subsection (4)** was not operating for the whole of the current financial year, the PCBU is a **small PCBU** if the PCBU reasonably expects that the number of workers carrying out work in any capacity in the following financial year will be fewer than 20 in at least 9 months of that year.

30

*Large PCBU*

- (6) In this Act, unless the context otherwise requires, **large PCBU** means a PCBU that is not a small PCBU.

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## 9 New sections 22A and 22B inserted

After section 22, insert:

**22A Meaning of critical risk**

- (1) In this Act, unless the context otherwise provides, **critical risk** means ~~a risk that is associated with—~~
- (a) a risk that is associated with a hazard described in **Schedule 1A**; or
  - (b) a risk that is associated with a hazard of any kind and that, if the risk occurs, is likely to result in any 1 or more of the following:
    - (i) a death:
    - (ii) a notifiable injury or illness:
    - (iii) a notifiable incident:
    - (iv) an occupational disease listed in Schedule 2 of the Accident Compensation Act 2001.
- (2) A risk associated with a hazard referred to in **subsection (1)(a)** is a critical risk whether it is considered in relation to compliance with—
- (a) a regulation set out in **Schedule 1A**; or
  - (b) a duty under Part 2 of the Act.
- (3) In **subsection (1)(b)**, **risk**, in relation to a hazard, includes harm to mental health that is associated with the hazard.

**22B Amendment of Schedule 1A**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, amend **Schedule 1A**.
- (2) An amendment to **Schedule 1A**—
- (a) may be made only if it is necessary or desirable as a consequence of—
    - (i) the amendment or revocation of regulations; or
    - (ii) the making of new regulations (including by replacing existing regulations); and
  - (b) may—
    - (i) amend or delete a hazard set out in that schedule; or
    - (ii) add a new hazard to that schedule.
- (3) An Order in Council that—
- (a) amends a hazard or adds a new hazard may be made only if the amended or new hazard is a hazard of a kind described in **section 22A(1)(b)**; or
  - (b) deletes a hazard may be made only if the hazard is not a hazard of a kind described in **section 22A(1)(b)**.
- (3A) The Minister must not make a recommendation under **subsection (1)** unless the Minister is satisfied that the order is appropriate, including that the proposed amendment meets the conditions set out in **subsections (2)(a) and (3)**.

- (3B) If the Minister makes a recommendation, the Minister’s reasons for making the recommendation (including why the order is appropriate) must be published together with the order.
- (3C) When the order is published, the Ministry must publish on an Internet site maintained by or on behalf of the Ministry a statement explaining— 5
- (a) the amendment; and
- (b) the reasons for the amendment, including how the amendment meets the conditions set out in **subsections (2)(a) and (3).**
- (4) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 10
- 10 Section 23 amended (Meaning of notifiable injury or illness)**
- (1) In section 23(1)(a)(ii), after “injury”, insert “(for example, a fractured skull, a blood clot or bleeding in the brain, or an injury resulting in a temporary or permanent loss of consciousness or memory)”.
- (2) In section 23(1)(a)(iii), after “injury”, insert “(for example, the loss of an eye, an object entering the eye, or an eye injury resulting in total or partial loss of vision)” 15
- (3) In section 23(1)(a)(iv), after “burn”, insert “(for example, a burn that requires a skin graft or a compression garment)”.
- (4) In section 23(1)(a)(vi), after “injury”, insert “(for example, an injury to the spinal cord, any spinal disc, or any cervical, thoracic, lumbar, or sacral vertebra)” 20
- (5) In section 23(1)(a)(vii), after “function”, insert “(for example, loss of consciousness, a sense, speech, movement of a limb, or the function of an internal organ)”.
- (6) In section 23(1)(viii), after “lacerations”, insert “(for example, deep cuts causing muscle, tendon, nerve, or blood vessel damage or permanent impairment or lacerations requiring stitching or other treatment to prevent blood loss or loss of bodily function)” 25
- (7) In section 23(3), insert in their appropriate alphabetical order:
- health practitioner** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003 30
- immediate treatment** means urgent treatment, including urgent treatment by a medical practitioner, a nurse practitioner, or a paramedic
- medical treatment** means treatment by a medical practitioner
- nurse practitioner** means a health practitioner who— 35
- (a) is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing

and whose scope of practice permits the performance of nurse practitioner functions; and

- (b) holds a current practising certificate under that Act

**paramedic** means a health practitioner who—

- (a) is registered as a paramedic with the Paramedic Council established by the Health Practitioners Competence Assurance (Designation of Paramedic Services as Health Profession) Order 2019; and

- (b) holds a current practising certificate under the Health Practitioners Competence Assurance Act 2003.

## 11 New sections 25A to 25C and cross-heading inserted

After section 25, insert:

### *PCBU duties: role of critical risk*

#### 25A Small PCBUs: scope of duties

- (1) A small PCBU is required—
- (a) to comply with the following provisions (**critical risk provisions**) only in relation to critical risks:
- (i) sections 36 to 43 (except section 36(3)(e));
- (ii) regulation 9 (duty to provide information, supervision, training, and instruction), regulation 15(2) (general duty of PCBU to provide personal protective equipment), and regulation 19 (duty of PCBU to ensure personal protective equipment worn or used by other persons) of the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016; and
- (b) to comply with section 36(3)(e) according to its terms; and
- (c) to prioritise critical risks when complying with all other provisions of this Act and regulations.
- (2) A small PCBU's failure to prioritise critical risks in accordance with **subsection (1)(c)** is not an offence.
- (3) The provisions of this Act and regulations must, so far as they relate to the duty of a small PCBU under a critical risk provision, be read subject to the limitation set out in **subsection (1)(a)**.

#### **Examples**

The duty of an officer of a small PCBU under section 44 to exercise due diligence in relation to the PCBU's compliance with a critical risk provision is limited to critical risks.

A health and safety representative may issue a provisional improvement notice to a small PCBU under section 69 in relation to the breach of a critical risk provision only if the breach relates to a critical risk.

	An inspector may issue an improvement notice to a small PCBU under section 101 in relation to a breach of a critical risk provision only if the breach relates to a critical risk.	
(4)	<u>In this section and <b>section 25B</b>, prioritise, in relation to critical risks, includes—</u>	5
	<u>(a) managing critical risks before managing other risks;</u>	
	<u>(b) monitoring, reviewing, and revising controls relating to critical risks more often than controls relating to other risks;</u>	
	<u>(c) applying a higher proportion of risk management resources to the management of critical risks compared with other risks.</u>	10
<b>25B</b>	<del>Other</del> <b>Large PCBUs: scope of duties</b>	
(1)	A <u>large</u> PCBU <del>that is not a small PCBU</del> is required—	
	(a) to prioritise critical risks when complying with this Act (except section 36(3)(e)) and regulations; and	
	(b) to comply with section 36(3)(e) according to its terms.	15
(2)	A PCBU's failure to prioritise critical risks in accordance with <b>subsection (1)(a)</b> is not an offence.	
<b>25C</b>	<b>All PCBUs: determination of critical risk</b>	
(1)	This section applies when a PCBU is determining, for the purposes of <b>section 25A or 25B</b> , whether a risk is a critical risk.	20
(2)	The PCBU's determination must be based on an assessment that takes into account what the PCBU knows, or ought reasonably to know, about—	
	(a) their business or undertaking; and	
	(b) the hazard with which the risk is associated; and	
	(c) <del>whether the risk-hazard</del> , if it does not relate to a matter described in <b>Schedule 1A</b> , is likely to result in 1 or more of the consequences referred to in <b>section 22A(1)(b)(i) to (iv)</b> .	25
<b>11A</b>	<b><u>Section 34 replaced (PCBU must consult other PCBUs with same duty)</u></b>	
	<u>Replace section 34 with:</u>	
<b>34</b>	<b><u>PCBU must co-operate with other PCBUs with same duty</u></b>	30
(1)	<u>This section applies if 2 or more PCBUs have a duty in relation to the same matter imposed by or under this Act.</u>	
	<u><i>2 or more large PCBUs</i></u>	
(2)	<u>If 2 or more large PCBUs have a duty in relation to the same matter, each PCBU must, so far as is reasonably practicable, co-operate with the other PCBUs in relation to that matter.</u>	35

- 2 or more small PCBUs*
- (3) If 2 or more small PCBUs have a duty in relation to the same matter, each PCBU—
- (a) must, so far as is reasonably practicable, co-operate with the other PCBUs in relation to any critical risk involved in the matter; but 5
- (b) may co-operate with the other PCBUs in relation to all other risks involved in the matter.
- 1 or more large PCBUs and 1 or more small PCBUs*
- (4) **Subsections (5) and (6)** apply if 1 or more small PCBUs and 1 or more large PCBUs have a duty in relation to the same matter. 10
- (5) Each small PCBU—
- (a) must, so far as is reasonably practicable, co-operate with the other PCBUs in relation to any critical risk involved in the matter; but
- (b) may co-operate with the other PCBUs in relation to all other risks involved in the matter. 15
- (6) Each large PCBU must, so far as is reasonably practicable, co-operate with the other PCBUs in relation to the matter.
- Agreements and contracts*
- (7) For the purposes of co-operation between 2 or more PCBUs that include at least 1 small PCBU, this section does not prevent the PCBUs from entering into an agreement or a contract that requires them to co-operate with each other in relation to any or all risks involved in the relevant matter. 20
- (8) An agreement referred to in **subsection (7)**—
- (a) may require a small PCBU that is a party to the agreement or contract to, so far as is reasonably practicable, co-operate with the other PCBUs in relation to risks that are not critical risks; but 25
- (b) must not be an agreement or a contract to which section 28 applies.
- Definitions*
- (9) In this section,—
- co-operate** means to consult, to co-operate with, and to co-ordinate activities with 30
- have a duty**, in relation to 2 or more PCBUs, means that a provision of this Act or regulations made under this Act purports to impose a duty on the PCBUs (regardless of the effect of **section 25A(1)(a) and (b)** in the case of a small PCBU). 35
- Offence*
- (10) A person who contravenes this section commits an offence and is liable on conviction,—

- (a) for an individual, to a fine not exceeding \$20,000:  
 (b) for any other person, to a fine not exceeding \$100,000.

Compare: Model Work Health and Safety Act s 46 (Aust)

## 12 Section 35 replaced (Compliance with other enactments)

Replace section 35 with:

5

### 35 Compliance with risk requirements in other enactments ~~addressing same subject matter~~

- (1) This section applies if a person is subject to—
- (a) a duty imposed by or under this Act to manage a specified risk in the person's situation or set of circumstances (the **work health and safety duty**), regardless of whether regulations also impose 1 or more specific duties in relation to that risk; and 10
- (b) 1 or more requirements imposed by or under another enactment (the **external risk requirements**) to take actions that have the effect of managing a risk to health or safety in relation to the same situation or set of circumstances ~~subject matter~~ as the work health and safety duty, regardless of whether the purpose of the external requirements is to manage risk to work health and safety. 15
- (2) A person who complies with the external risk requirements ~~must be~~ is taken to have complied with the work health and safety duty. 20
- (3) However, if regulations also impose 1 or more specific duties in relation to the risk referred to in subsection (1)(a) ~~that risk~~, the person must comply with those duties.

#### Example

A person who complies with Maritime Rule 40A.33 (petrol inboard and outboard engines) ~~must be~~ is taken to have complied with their work health and safety duties under sections 37 (~~duty of PCBU who manages or controls workplace~~) and 38 (~~duty of PCBU who manages or controls fixtures, fittings, or plant at workplace~~) of this Act in relation to managing risks from dangerous atmospheres forming inside enclosed or poorly ventilated spaces on passenger vessels that are not SOLAS ships fitted with inboard petrol engines. 25 30

## 13 Section 36 amended (Primary duty of care)

- (1) Before section 36(1), insert:

*Health and safety of workers*

- (2) After section 36(1), insert:

*Health and safety of other persons*

- (3) After section 36(2), insert:

*Matters included in duty*

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- (4) After section 36(3), insert:
- Accommodation*
- (5) After section 36(5), insert:
- Self-employed persons*
- (6) After section 36(6), insert: 5
- Small PCBUs to manage critical risks*
- (7) This section (except subsection (3)(e)) applies to a small PCBU only in relation to critical risks.
- 14 Section 37 amended (Duty of PCBU who manages or controls workplace)**
- (1) Before section 37(1), insert: 10
- Duty*
- (2) After section 37(1), insert:
- Exception for persons at workplace for unlawful purpose*
- (3) After section 37(2), insert: 15
- Exception for recreational access*
- (2A) **Subsection (2B)** applies if—
- (a) the workplace includes ~~open outdoor space~~ that can be used for recreational purposes ~~(including the purpose of crossing the land to reach other land to be used for recreational purposes)~~; and
- (b) 1 or more persons lawfully enter the outdoor space and use ~~it the open space~~ for recreational purposes, including ~~when by being~~ expressly or impliedly permitted by the PCBU to do so. 20
- (2B) The duty owed by the PCBU under subsection (1) does not apply in relation to a person ~~referred to in~~ entering and using the outdoor space under **subsection (2A)(b)**, unless— 25
- (a) the recreational use of the ~~land~~ outdoor space is part of a business or undertaking conducted by the PCBU ~~connected to the PCBU's business or undertaking~~; or
- (b) other work connected to ~~the PCBU's~~ a business or undertaking conducted by the PCBU is being carried out at the time in the ~~open outdoor~~ space near where the entry and use are taking place. 30
- (2C) For the purposes of **subsection (2B)(a)**, the PCBU charging an access fee for entering the outdoor space does not on its own make that recreational use a part of a business or undertaking conducted by the PCBU.
- (4) Before section 37(3), insert: 35
- Additional exception for farms*
- (5) After section 37(3), insert:

*Exception for seismic risk to workplace buildings*

(3A) **Subsection (3B)** applies if—

- (a) a PCBU manages or controls a workplace that includes the whole or a part of a building; and
- (b) the owner of the building is not in breach of any duty or requirement under subpart 6A of Part 2 of the Building Act 2004 relating to—
  - (i) the determination of whether the building, or the part of a building, that is included in the workplace is earthquake prone; or
  - (ii) the carrying out of seismic work in relation to the building, or the part of a building, included in the workplace to ensure that it is no longer earthquake prone.

(3B) This section does not require the PCBU to take any action in relation to the effects or potential effects of seismic risk affecting on any building element of the building, or of the part of a building, that is included in the workplace (for example, by directing the evacuation of the building or the part of a building) unless an emergency affecting the building is occurring.

*Small PCBUs to manage critical risks*

(3C) This section applies to a small PCBU only in relation to critical risks.

(6) Replace section 37(4) with:

*Definitions*

(4) In this section,—

**access fee** means a fee that—

- (a) entitles a person referred to in **subsection (2A)(b)** to enter the outdoor space; and
- (b) does not—
  - (i) enable the PCBU to recover costs incurred in allowing the entry;
  - or
  - (ii) provide the PCBU with any profit for allowing the entry

**building element** has the same meaning as in clause A2 of Schedule 1 (the building code) of the Building Regulations 1992

**earthquake prone**, in relation to a building or a part of a building, has the same meaning as in section 133AB of the Building Act 2004

**outdoor space** includes cleared land, uncleared land (such as forest or scrub), and water

**owner**, in relation to a building, has the same meaning as in section 7(1) of the Building Act 2004

	<b>PCBU who manages or controls a workplace—</b>	
	(a) means a PCBU to the extent that the business or undertaking involves the management or control (in whole or in part) of the workplace; but	
	(b) does not include—	
	(i) the occupier of a residence, unless the residence is occupied for the purposes of, or as part of, the conduct of a business or undertaking; or	5
	(ii) a prescribed person	
	<b><u>recreational purposes, in relation to the use of outdoor space, includes—</u></b>	
	(a) <u>use of the space for the purposes of crossing it to reach another location to be used for recreational purposes; and</u>	10
	(b) <u>commercial and non-commercial use of the space</u>	
	<b>seismic work</b> has the same meaning as in section 7(1) of the Building Act 2004.	
<b>15</b>	<b>Section 38 amended (Duty of PCBU who manages or controls fixtures, fittings, or plant at workplaces)</b>	15
	(1) Before section 38(1), insert:	
	<i>Duty</i>	
	(2) After section 38(1), insert:	
	<i>Exception for persons at workplace for unlawful purpose</i>	20
	(3) After section 38(2), insert:	
	<i>Small PCBUs to manage critical risks</i>	
	(2A) This section applies to a small PCBU only in relation to critical risks.	
	<i>Duty holder</i>	
<b>16</b>	<b>Section 39 amended (Duty of PCBU who designs plant, substances, or structures)</b>	25
	(1) Before section 39(1), insert:	
	<i>Duty holder</i>	
	(2) After section 39(1), insert:	
	<i>Duty</i>	30
	(3) After section 39(5), insert:	
	<i>Small PCBUs to manage critical risks</i>	
	(6) This section applies to a small PCBU only in relation to critical risks.	

<b>17</b>	<b>Section 40 amended (Duty of PCBU who manufactures plant, substances, or structures)</b>	
(1)	Before section 40(1), insert: <i>Duty holder</i>	
(2)	After section 40(1), insert: <i>Duty</i>	5
(3)	After section 40(5), insert: <i>Small PCBUs to manage critical risks</i>	
(6)	This section applies to a small PCBU only in relation to critical risks.	
<b>18</b>	<b>Section 41 amended (Duty of PCBU who imports plant, substances, or structures)</b>	10
(1)	Before section 41(1), insert: <i>Duty holder</i>	
(2)	After section 41(1), insert: <i>Duty</i>	15
(3)	After section 41(5), insert: <i>Small PCBUs to manage critical risks</i>	
(6)	This section applies to a small PCBU only in relation to critical risks.	
<b>19</b>	<b>Section 42 amended (Duty of PCBU who supplies plant, substances, or structures)</b>	20
(1)	Before section 42(1), insert: <i>Duty holder</i>	
(2)	After section 42(1), insert: <i>Duty</i>	
(3)	After section 42(5), insert: <i>Exception for plant that is secondhand or sold as is</i>	25
(4)	After section 42(7), insert: <i>Small PCBUs to manage critical risks</i>	
(8)	This section applies to a small PCBU only in relation to critical risks.	
<b>20</b>	<b>Section 43 amended (Duty of PCBU who installs, constructs, or commissions plant or structures)</b>	30
(1)	Before section 43(1), insert: <i>Duty holder</i>	
(2)	After section 43(1), insert:	

	<i>Duty</i>	
(3)	After section 43(2), insert:	
	<i>Small PCBUs to manage critical risks</i>	
(3)	This section applies to a small PCBU only in relation to critical risks.	
<b>21</b>	<b>Section 44 amended (Duty of officers)</b>	5
	Replace section 44(4) with:	
(4)	If a person is both an officer of the PCBU and a worker who performs a separate or additional role in the business or undertaking, the person's duty under this section applies only to their role as an officer ( <i>see</i> section 45 for the duties of workers).	10
(5)	In this section, <b>due diligence</b> means taking reasonable steps—	
	(a) to understand and keep up to date with—	
	(i) the nature of the operations of the PCBU's business or undertaking; and	
	(ii) hazards and risks associated with those operations; and	15
	(iii) work health and safety matters generally as they relate to the business or undertaking; and	
	(b) to ensure that the PCBU—	
	(i) 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; and	20
	(ii) has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and	25
	(iii) has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and	
	(c) to verify the provision and the use of the resources and processes referred to in <b>paragraph (b)</b> .	
<b>22</b>	<b>Section 144 amended (Private prosecutions)</b>	30
	In section 144(5)(b)(i), replace "purpose" with "purposes".	
<b>23</b>	<b>Section 151 amended (Sentencing criteria)</b>	
	In section 151(2)(b), replace "purpose" with "purposes".	
<b>24</b>	<b>Section 190 amended (Functions and powers of regulator other than WorkSafe)</b>	35
(1)	In section 190, insert as <b>subsections (1) and (2)</b> :	

- (1) The functions of a regulator other than WorkSafe set out in this section are subject to the regulator’s scope of designation under section 191.
- (2) The main functions of a regulator other than WorkSafe are—
- (a) to provide guidance, advice, and information on compliance with relevant health and safety legislation to—
    - (i) persons who hold duties under that legislation; and
    - (ii) the public; and
  - (b) to develop, review, and recommend codes of practice; and
  - (c) to develop safe work instruments; and
  - (d) to monitor and enforce compliance with relevant health and safety legislation.
- (2) In section 190, replace “Subject to its scope of designation, a regulator other than WorkSafe has the following functions under this Act” with “A regulator other than WorkSafe also has the following functions under this Act”.
- (3) Repeal section 190(a), (b), (c), and (e).
- 25 Section 219 amended (Procedure for making regulations relating to definitions, exclusions, or exemptions)**  
In section 219(1)(a), replace “purpose” with “purposes”.
- 26 Section 220 amended (Regulator may grant exemption from compliance with regulations)**  
In section 220(2)(b), replace “purpose” with “purposes”.
- 27 Section 222 amended (Approval of codes of practice)**
- (1) In section 222(1), after “may”, insert “, on the regulator’s recommendation,”.
  - (2) In section 222(1)(a), delete “by the regulator”.
  - (3) In section 222(2),—
    - (a) replace “the code” with “the recommended code”;
    - (b) after “developed”, insert “or reviewed”;
    - (c) replace “between” with “with”.
- 28 New section 222A inserted (Development of approved codes of practice)**  
After section 222, insert:
- 222A Development of approved codes of practice**
- (1) A draft code of practice, a draft amendment to an approved code of practice, or a proposal to revoke an approved code of practice may be developed by any person ~~or organisation~~, including—
    - (a) the regulator; or

- (b) a union or other worker representative, an employer ~~organisation-representative~~, or a representative of a particular industry or sector.
- (2) The regulator that develops a draft code of practice, a draft amendment, or a proposed revocation may recommend the draft or the proposal to the Minister for approval. 5
- (3) A person ~~or organisation~~ other than the regulator ~~that~~ who develops a draft code of practice, a draft amendment, or a proposed revocation ~~may~~ must, if they wish to progress the draft or the proposal, give the draft or the proposal to the regulator for recommendation to the Minister.
- (4) The regulator that receives a draft or a proposal under **subsection (3)**— 10
- (a) must review the draft or the proposal; and
- (b) in the case of a draft code or a draft amendment, may amend the draft; and
- (c) may recommend the draft or the proposal to the Minister for approval.
- (4A) When reviewing a draft code of practice or a draft amendment to an approved code of practice, the regulator must assess— 15
- (a) the accuracy of the draft’s technical content; and
- (b) the draft’s consistency with what the regulator considers to be compliance with the relevant duty; and
- (c) whether the draft meets relevant requirements under other enactments. 20
- (4B) The regulator must consider only the matters assessed under **subsection (4A)** when amending a draft code of practice or a draft amendment to an approved code of practice.
- (5) The regulator may not recommend a draft or a proposal to the Minister without first ensuring that a consultation process of the kind referred to in section 222(2) has taken place. 25

## 29 Section 226 amended (Use of approved codes of practice in proceedings)

- (1) In section 226(1), replace “No code of practice issued or amended under this Part confers” with “An approved code of practice does not confer”. 30
- (2) Replace section 226(2) with:
- (2) However,—
- (a) a person with a duty under this Act relating to a specified risk in the person’s situation or set of circumstances ~~risk or any other matter~~, who acts in accordance with an approved code of practice that relates to the same risk and the same situation or set of circumstances ~~person and the risk or other matter, must be~~ is taken to have complied with this Act and regulations in relation to that risk ~~or other matter~~; and 35

- (b) an approved code of practice is admissible in any civil or criminal proceeding as evidence of whether a duty under this Act or regulations has been complied with.
- (3) In section 226(3), replace “The court” with “In addition, the court”.
- 30 Schedule 1 amended** 5
- In Schedule 1,—
- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
- (b) make all necessary consequential amendments.
- 31 New Schedule 1A inserted**
- After Schedule 1, insert the **Schedule 1A** set out in **Schedule 2** of this Act. 10

## Part 2

### Amendments to WorkSafe New Zealand Act 2013

- 32 Principal Act**
- This Part amends the WorkSafe New Zealand Act 2013.
- 32A Section 3 amended (Interpretation)** 15
- In section 3, insert in its appropriate alphabetical order:
- critical risk** has the same meaning as in **section 22A** of the Health and Safety at Work Act 2015
- 33 Section 9 amended (WorkSafe New Zealand’s main objective)**
- (1) In the heading to section 9, replace “**main objective**” with “**objectives**”. 20
- (2) In section 9(1), after “workplaces”, insert “that prioritises the critical risks that arise from work (including by prioritising the management of those risks by PCBUs)”.
- 34 Section 10 amended (WorkSafe New Zealand’s functions)**
- (1) In section 10, insert as subsection (1): 25
- (1) WorkSafe New Zealand’s main functions are—
- (a) to provide guidance, advice, and information on compliance with relevant health and safety legislation to—
- (i) persons who hold duties under that legislation; and
- (ii) the public; and 30
- (b) to develop, review, and recommend codes of practice; and
- (c) to develop safe work instruments; and

- (d) to monitor and enforce compliance with relevant health and safety legislation.
- (2) In section 10, replace “functions are” with “functions are also”.
- (3) Repeal section 10(c), (e), (ea), and (f).

### Part 3

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## Amendments to Health and Safety at Work (General Risk and Workplace Management) Regulations 2016

### 35 Principal regulations

This Part amends the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.

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### 36 Regulation 9 amended (Duty to provide information, supervision, training, and instruction)

After regulation 9(3), insert:

*Small PCBUs to manage critical risks*

- (3A) This regulation applies to a small PCBU only in relation to critical risks.

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### 37 Regulation 15 amended (General duty of PCBU to provide personal protective equipment)

- (1) After regulation 15(2), insert:

*Small PCBUs to manage critical risks*

- (2A) Subclause (2) applies to a small PCBU only in relation to critical risks.

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- (2) In regulation 15(3), replace “subclause (2)” with “this regulation”.

### 38 Regulation 19 amended (Duty of PCBU to ensure personal protective equipment worn or used by other persons)

After regulation 19(1), insert:

*Small PCBUs to manage critical risks*

- (1A) This regulation applies to a small PCBU only in relation to critical risks.

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**Schedule 1**  
**New Part 3 inserted into Schedule 1 of Health and Safety at Work Act 2015**

s 30

**Part 3**  
**Provisions relating to Health and Safety at Work Amendment Act 2026**

**28 Interpretation**

In this Part, **commencement date** means the date on which **sections 29 and 30** of the Health and Safety at Work Amendment Act 2026 comes into force.

*Effect of section 226(2)(a)*

**29 New approved codes of practice**

(1) ~~On and after the commencement date, **section 226(2)(a)**~~ Section 226(2)(a), as inserted by means of the replacement of section 226(2) by section 29(2) of the Health and Safety at Work Amendment Act 2026, applies only in relation to an approved code of practice that is approved on or after ~~that~~ the commencement date.

(2) ~~For the purposes of **subclause (1)**,~~ However, when approving a new code of practice on or after the commencement date, the Minister may be satisfied about consultation under section 222(2) whether the consultation took place before, on, or after the commencement date.

**30 Existing approved codes of practice**

Despite **clause 29**, on and after the commencement date, **section 226(2)(a)** applies in relation to the following approved codes of practice as in force immediately before the commencement date:

- (a) Approved code of practice for loading and unloading cargo at ports and on ships (2024), approved on 27 June 2024 and notified in the *Gazette* on 27 June 2024 and 8 July 2024 and available on an internet site maintained by Maritime New Zealand:
- (b) Approved code of practice: Safe practice for forestry and harvesting operations (2025), approved on 28 July 2025 and notified in the *Gazette* on 29 July 2025 and available on an internet site maintained by Work-Safe.

## Schedule 2

### New Schedule 1A inserted into Health and Safety at Work Act 2015

s 31

#### Schedule 1A

#### Hazards associated with critical risk

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s 22A

##### Adventure activities

The provision of an adventure activity as defined in regulation 4 of the Health and Safety at Work (Adventure Activities) Regulations 2016.

##### Amusement devices

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The following hazards to which the Amusement Device Regulations 1978 apply:

- (a) construction of an amusement device:
- (b) erection of an amusement device:
- (ba) operation or taking charge of an amusement device:
- (c) material alteration of an amusement device (*see* section 21A(10) of the Machinery Act 1950): 15
- (d) repair, of a kind described in section 21A(10) of the Machinery Act 1950, of an amusement device.†
- ~~(e) operation or taking charge of an amusement device.~~

##### Asbestos

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The following hazards to which the Health and Safety at Work (Asbestos) Regulations 2016 apply:

- (a) working with asbestos (*see* regulation 7(5) of those regulations):
- (b) airborne asbestos (*see* regulation 9):
- (c) the use of equipment on asbestos or asbestos-containing material (*see* regulation 18): 25
- (d) the demolition or refurbishment of a structure or plant to which subpart 4 of Part 2 of those regulations applies (*see* regulation 19):
- (e) asbestos removal work (*see* Parts 3, 4, and 6):
- (f) asbestos-related work (*see* Part 5). 30

##### General risk and workplace management

The following hazards to which the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 apply:

- (a) remote or isolated work (*see* regulation 21 of those regulations):

- (b) atmospheres with potential for fire or explosion (*see* regulations 22 and 23):
- (c) raised and falling objects (*see* regulations 24 and 25):
- (d) containers of liquids with an associated risk of drowning (*see* regulation 26):
- (e) loose but enclosed materials with an associated risk of becoming trapped or engulfed (*see* regulation 27): 5
- (f) substances that are hazardous to health (*see* regulations 28 to 31):
- (g) a person aged under 15 years—
  - (i) carrying out the manufacture or preparation of goods for trade or sale, construction work, logging or tree-felling, the manufacture, use, or generation of hazardous substances, or any other work likely to cause harm to the health of a person aged under 15 years (*see* regulation 43); or 10
  - (ii) being present when any work described in **subparagraph (i)** is being carried out (*see* regulation 44); or
  - (iii) carrying out work that involves lifting any weight, or performing any task, if doing so would be likely to be harmful to the worker's health (*see* regulation 45); or 15
  - (iv) working at or with any machinery or assisting with such work (*see* regulation 46); or
  - (v) driving a vehicle, riding upon a vehicle while it is drawing an implement or has an implement attached to it, or riding upon an implement drawn by or attached to a vehicle (*see* regulation 47): 20
- (h) a person aged under 16 years working between the hours of 10 pm and 6 am the following day (*see* regulation 48):
- (i) suitability of workers at limited-attendance child-care centres (*see* Part 5 of those regulations). 25

### Geothermal energy

The following hazards to which the Geothermal Energy Regulations 1961 apply:

- (a) design, construction, operation, and maintenance of bores and pipework (*see* regulation 26(1) and (2) of those regulations):
- (b) maintenance of bores and the equipment used in geothermal work (*see* regulation 26(3)): 30
- (c) geothermal work involving severe heat (~~see~~ *see* regulation 26(4)):
- (d) geothermal work in an atmosphere containing or likely to contain hazardous gases (*see* regulation 28(2) and (3)):
- (e) design of geothermal works with an associated risk of the accumulation of hazardous gases (*see* regulation 28(1)): 35
- (f) the use of explosives (*see* regulation 29):
- (g) drilling bores (*see* regulations 31 to 33):

- (h) security and condition of bores (*see* regulations 34 and 35).

### **Hazardous substances and gases under pressure**

The following hazards to which the Health and Safety at Work (Hazardous Substances) Regulations 2017 apply:

#### Hazardous substances

- (a) storage and handling of hazardous substances:  
 (b) use of hazardous substances:  
 (c) manufacture of hazardous substances:  
 (d) transportation of hazardous substances:  
 (e) disposal of hazardous substances:

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#### Gases under pressure

- (f) design, manufacture, importation, supply, use, repair, and maintenance of gas containers:  
 (g) manufacture, importation, and supply of cylinder fittings:  
 (h) charging of gas containers and tank wagons.

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### **Major hazard facilities**

The following hazards to which the Health and Safety at Work (Major Hazard Facilities) Regulations 2016 apply:

- (a) use of large quantities (for example, a threshold quantity) of specified hazardous substances at a major hazard facility:  
 (b) storage of large quantities (~~for example, a threshold quantity~~) of specified hazardous substances at a major hazard facility.

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### **Mining and quarrying**

The following hazards to which the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 apply:

- (a) ground or strata instability (*see* regulation 65, in particular, regulation 65(a)(i), and paragraphs (16) to (19) of Schedule 5 of those regulations):  
 (aa) inundation and inrush of any substance (*see* regulation 65, in particular, regulation 65(a)(ii)):  
 (b) mine shafts and winding systems (*see* regulation 65, in particular, regulation 65(a)(iii)):  
 (c) roads, other vehicle operating areas, and the use of mobile plant (*see* regulation 65, in particular, regulation 65(a)(iv), and paragraphs (26) to (31) of Schedule 5):  
 (d) tips, ponds, and voids (*see* regulation 65, in particular, regulation 65(a)(v)):

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(e)	use of explosives ( <i>see</i> regulation 65, in particular, regulation 65(a)(viii), and paragraphs (32) to (35) of Schedule 5):	
(f)	air quality and ventilation, including the presence of methane or any other gas ( <i>see</i> regulation 65, in particular, regulation 65(a)(vi), subpart 3 of Part 5, and paragraphs (7) to (10) of Schedule 5):	5
(g)	the presence of flammable or combustible gas, dust, or other material ( <i>see</i> paragraphs (1) to (6) of Schedule 5):	
(h)	electrical systems and plant ( <i>see</i> paragraphs (36) to (38) of Schedule 5).	
	<b>Miscellaneous hazards regulated by Health and Safety in Employment Regulations 1995</b>	10
	The following hazards to which the Health and Safety in Employment Regulations 1995 apply:	
(a)	noise in the workplace ( <i>see</i> regulations 10 and 11 of those regulations):	
(b)	cleaning, maintenance, or repair of machinery ( <i>see</i> regulation 17):	
(c)	use of woodworking and abrasive grinding machinery ( <i>see</i> regulation 18):	15
(d)	use of self-propelled mobile mechanical plant ( <i>see</i> regulations 19 and 20):	
(e)	use of powder-actuated tools in construction work ( <i>see</i> regulation 52):	
(f)	scaffolding, in particular,—	
	(i) its construction, suitability, and sufficiency ( <i>see</i> regulation 22):	
	(ii) its erection, maintenance, repair, or dismantling ( <i>see</i> regulation 53):	20
(g)	working at heights ( <i>see</i> regulation 21):	
(h)	faces and depth of excavations in construction work ( <i>see</i> regulations 23 to 25):	
(i)	occupational diving ( <i>see</i> regulations 47 to 49).	
	<b>Petroleum exploration and extraction</b>	
	The following hazards to which the Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016 apply:	25
(a)	production installations and non-production installations ( <i>see</i> regulation 8(1)(a) of those regulations), including any of the following:	
	(i) the condition and performance of wells ( <i>see</i> regulation 70(b) and (e)):	
	(ii) the presence of hydrocarbon vapour, petroleum liquids, and other substances that could cause a serious risk to health and safety ( <i>see</i> regulation 70(c), (d), and (h)):	30
	(iii) the condition and performance of safety-critical elements ( <i>see</i> regulation 70(f)):	
	(iv) the stability of the installation and of any plant at the installation ( <i>see</i> regulation 70(i) and (j)):	35
	(v) the condition of the seabed or ground ( <i>see</i> regulation 70(j)):	

(vi)	weather conditions, earthquakes, and other natural events ( <i>see</i> regulation 70(l)):	
(vii)	the movement of vessels, aircraft, and vehicles near the installation ( <i>see</i> regulation 70(m)):	
(viii)	the buoyancy of the installation ( <i>see</i> regulation 70(n) and (o)):	5
(b)	work and other activities carried out on production installations and non-production installations ( <i>see</i> regulation 8(1)(b)):	
(c)	release and accumulation of hazardous liquids, vapours, or gases ( <i>see</i> regulation 11):	
(d)	disposal of waste petroleum, vapours, or gases ( <i>see</i> regulation 12):	10
(e)	sources of ignition ( <i>see</i> regulation 13):	
(f)	any major accident hazard ( <del><i>see</i> Part 3</del> ):	
(g)	management or control of a well operation ( <i>see</i> Part 6), including—	
(i)	the conditions below ground ( <i>see</i> regulations 59 and 60); and	
(ii)	the design and construction of a well ( <i>see</i> regulations 61 and 62); and	15
(iii)	the suitability of well control equipment and associated control systems ( <i>see</i> regulation 63).	
<b>Pipelines</b>		
	The following hazards to which the Health and Safety in Employment (Pipelines) Regulations 1999 apply:	20
(a)	release or accumulation of hazardous liquids, vapours, and gases ( <i>see</i> regulation 6 of those regulations):	
(b)	design and construction of pipelines ( <i>see</i> regulations 8 and 12):	
(c)	operation and maintenance of pipelines ( <i>see</i> regulations 8 and 12):	
(d)	suspension and abandonment of pipelines ( <i>see</i> regulations 8, 12, and 14):	25
(e)	hydrostatic testing of pipelines ( <i>see</i> regulation 13):	
(f)	work on, in, or around a pipeline ( <i>see</i> regulation 16).	
<b>Pressure equipment, cranes, and passenger ropeways</b>		
	The following hazards to which the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999 apply:	30
(a)	operation of pressure equipment, cranes, and passenger ropeways ( <b>equipment</b> ) ( <i>see</i> regulations 10 and 12 of those regulations):	
(b)	repair or alterations of equipment ( <i>see</i> regulation 11):	
(c)	condition of equipment ( <i>see</i> regulations 12 to 15):	
(d)	design of equipment ( <i>see</i> regulation 18):	35
(e)	manufacture of equipment ( <i>see</i> regulation 19):	

(f) supply of equipment (*see* regulation 20).

**Legislative history**

9 February 2026  
12 February 2026

Introduction (Bill 244–1)  
First reading and referral to Education and Workforce  
Committee