

Health and Safety at Work Amendment Bill

Government Bill

Explanatory note

General policy statement

The Bill amends the Health and Safety at Work Act 2015 (the **HSW Act**), the WorkSafe New Zealand Act 2013 (the **WorkSafe Act**), and the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.

The objectives of the Bill are to—

- reduce unnecessary compliance costs; and
- increase certainty for businesses and organisations about what they need to do; and
- support continued reductions in the incidence of workplace fatalities, injuries, and illnesses.

The Bill seeks to achieve these objectives by focusing the work health and safety system on critical risks, clarifying areas of confusion, creating greater certainty through strengthening approved codes of practice (**ACOPs**), and prioritising regulators' functions.

Work health and safety system

The HSW Act applies broadly and is performance based. The duties in the HSW Act are intentionally broad to ensure coverage of all types of risks, business structures, and working arrangements. The HSW Act places the primary duty of care on a person conducting a business or undertaking (**PCBU**). Each PCBU judges what actions are reasonably practicable to manage the risks arising from its work. The work health and safety system relies on the regulator and legislation (the HSW Act and regulations made under it), safe work instruments, ACOPs, and guidance to provide PCBUs with more detail about how to meet their duties for specific risks or activities.

The WorkSafe Act establishes WorkSafe New Zealand as the primary work health and safety regulator and sets out its objectives and functions and its more specific

powers and duties. Other agencies can be designated under the HSW Act to be the work health and safety regulator for a particular industry, sector, or type of work or circumstance. There are currently 2 designated agencies: Maritime New Zealand and the Civil Aviation Authority.

Focusing the system on critical risks

The work health and safety system requires PCBUs to manage all their risks. The broad nature of PCBUs' general duties has led to confusion and overcompliance, and many PCBUs have found it difficult when engaging with, and demonstrating compliance to, regulators.

Focusing the system on critical risks is designed to direct attention and resources towards preventing serious workplace harms and away from more minor issues.

Sharpening the purpose of HSW Act and WorkSafe Act

To signal the overall intent of the health and safety reform to focus the system on critical risks, the Bill amends the main purpose of the HSW Act and WorkSafe's objectives under the WorkSafe Act to explicitly prioritise critical risks.

Defining "critical risk"

The Bill adds a new definition of critical risk. Critical risk is defined as a risk that is associated with—

- a hazard to which certain regulations apply, with those regulations and hazards set out in *new Schedule 1A* of the HSW Act; or
- a hazard of any kind that is likely to result in a death, a notifiable injury, illness or incident (as defined in sections 23 and 24 of the HSW Act), or an occupational disease (as defined in Schedule 2 of the Accident Compensation Act 2001).

The first step for a PCBU is to check whether any of the regulations and hazards in *new Schedule 1A* apply to their work. The second step is a catch-all test, which the PCBU must use to check whether they have any other hazards associated with critical risks (likelihood of death, notifiable injury or illness, etc).

When making those assessments, the PCBU is required to take into account what they know, or ought to reasonably know, about their business or undertaking and the potential risks from the hazards in their work or workplace. For the catch-all test, the PCBU must consider whether the hazard is likely to result in one of the serious outcomes specified in the test. If Yes, then the risk is a critical risk.

The Bill enables *new Schedule 1A* to be amended by an Order in Council in response to future changes to relevant regulations. *New Schedule 1A* needs to be kept up-to-date so that people can readily understand what is a critical risk and therefore the scope of core aspects of the HSW Act.

The Bill limits the power to amend *new Schedule 1A* to an amendment that relates to a hazard that is consistent with the Bill's definition of critical risk as provided in the

catch all test for critical risk. A hazard can be removed from the schedule only if the hazard is not of a kind described in the catch-all test.

Clarifying duties relating to critical risks

Small PCBUs are required to manage only critical risks under their duties (*see* sections 36 to 43 of the HSW Act) and under the requirements in the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 to provide information, supervision, training, instruction, and personal protective equipment, and to ensure that personal protective equipment is worn or used.

Small PCBUs must continue to provide worker welfare facilities such as adequate lighting, washing facilities, and first aid in full.

Small PCBUs must prioritise critical risks over other risks when complying with other provisions.

All other PCBUs—those that are not small—must manage all risks but prioritise critical risks under all provisions.

The Bill does not create an offence for failure to prioritise critical risks.

To assist PCBUs to understand how to prioritise critical risks, the Bill provides a definition of “prioritise” in relation to critical risks.

Defining small PCBU

The Bill adds a new definition of small PCBU to the HSW Act. A small PCBU is one that has fewer than 20 workers. The definition accounts for a PCBU with a fluctuating workforce (eg, seasonal workers), with the basic requirement that there are fewer than 20 workers for at least 9 out of 12 months.

Clarifying areas of confusion

Clarifying overlaps with other legislation

Overlaps between the HSW Act and other systems that manage health and safety risks have resulted in some PCBUs thinking that the HSW Act requires them to do more to manage a specific risk than is required by another system, even if there is another system that manages that risk.

The Bill clarifies that, if a person complies with relevant requirements under other legislation to manage a risk, they must be treated as having complied with the relevant duty under the HSW Act. This reinforces that the focus of the HSW Act is on work-related health and safety—not public health or public safety—and it is not intended to be a “backstop” health and safety system. An example is included to illustrate an area of overlap with the maritime safety regulatory system.

Clarifying duties relating to recreational use of land

The section 37 duty of a PCBU who manages or controls a workplace has been associated with some confusion among landowners as to whether they are responsible for health and safety risks to people they allow onto their land for recreational purposes.

This has resulted in some landowners, both private and public (for instance farmers, councils, and schools) being reluctant to allow people to do things such as walk or ride horses on their land.

The Bill clarifies that PCBUs who manage or control a workplace that includes open space do not owe any duties to those lawfully accessing the land for recreational purposes, unless the recreation is connected with the PCBU's work or the PCBU has other work happening at the same place and at the same time as the recreational users are present. For instance, a farmer does not owe a section 37 duty to people they allow to walk across parts of their land where and when no farming work is happening.

Section 37 is also amended to create a new exception that relates to workplace buildings and seismic risk regulated under the Building Act 2004. The provision clarifies that, where a building is an earthquake-prone building (an **EPB**) and the owner is meeting their Building Act 2004 obligations, the PCBU (owner or tenant) has no further duties under section 37. If the owner is non-compliant, the usual reasonably practicable duty applies. For buildings that are not EPBs, no action is required under section 37.

Clarifying officers' duties

An officer of a PCBU includes a director, a partner, or anyone who exercises significant influence over the management of the business or undertaking. The officer duty is intended as a governance duty requiring due diligence to ensure that the PCBU meets its health and safety obligations. There has been some ambiguity about the extent of the duty, especially when an officer also has other roles in the PCBU, such as chief executives, owner-operators or partners.

To address this ambiguity, the Bill clarifies that an officer's duty does not extend to activities they perform in another role within a PCBU. To reinforce that an officer duty applies to governance only, the Bill changes the current open (inclusive) list of due diligence steps into an exhaustive list of the due diligence steps required to meet the officer duty, and re-expresses some of the steps.

Clarifying notification requirements

PCBUs must notify the regulator of significant workplace events (deaths, serious injuries, serious illnesses, and incidents that expose the work or others to serious risks).

The Bill adds definitions and examples to clarify what types of events must be notified.

Strengthening approved codes of practice

ACOPs set out standards for how duty holders can comply with the HSW Act and regulations by providing the detail on how to meet the standard of "reasonably practicable" in managing specific risks. However, relatively few have been developed

since the HSW Act came into force and most existing ACOPs were carried over from the previous Health and Safety in Employment Act 1992.

The HSW Act specifies that the regulators develop the draft codes of practice and submit these to the responsible Minister for approval. The Minister may approve the draft only if satisfied that the legislated requirements for consultation with unions, employer organisations, and other affected persons and organisations have been met. The same applies to amendments to, and revocations of, ACOPs.

The Bill retains the function of the regulators in developing ACOPs but also allows other persons or organisations (including worker or employer representatives, or representatives of a particular industry or sector) to develop and submit draft codes of practice to the regulator. The regulator must review these drafts, may amend them, and may recommend them to the Minister for approval. The regulator may not recommend approval to the Minister unless the regulator has ensured that the legislative consultation requirements have been met. The same applies to amendments to, and revocations of, ACOPs.

Under the HSW Act, ACOPs are admissible as evidence of compliance. The Bill strengthens this provision by providing that, if a person acts in accordance with an ACOP for a specific risk, they are deemed to have complied with their duty for managing that risk.

The use of ACOPs remains non-binding; a person can still demonstrate compliance through other means.

Any ACOP approved after commencement of the Bill will be afforded the new “safe harbour” status. Most of the existing ACOPs were not drafted with this status in mind, and the Bill provides, therefore, that only the 2 most recent ACOPs, the Approved code of practice for loading and unloading cargo at ports and on ships (2024) and the Approved code of practice: Safe practice for forestry and harvesting operations (2025), will be afforded safe harbour status from commencement. Other ACOPs will retain their current status until reviewed and reapproved by the Minister.

Prioritising regulators’ functions

The HSW Act and the WorkSafe Act set out the functions of the regulators, with no indication as to whether any functions should be prioritised. While these functions reflect the necessarily broad scope of the regulators’ roles, the lack of prioritisation in the legislation has not supported regulator decisions on how to balance their assistance and enforcement roles.

To prioritise the existing functions of WorkSafe, the Bill reorganises section 10 of the WorkSafe Act and sets WorkSafe’s main functions as being to—

- provide guidance, advice, and information on compliance with relevant health and safety legislation:
- develop, review, and recommend codes of practice:
- develop safe work instruments:
- monitor and enforce compliance with relevant health and safety legislation.

WorkSafe's other existing functions remain as additional functions.

Section 190 of the HSW Act sets out the functions of designated agencies (currently Maritime New Zealand and the Civil Aviation Authority). These functions replicate section 10 of the WorkSafe Act, except that WorkSafe has several additional functions as the primary regulator.

The Bill applies the same prioritisation to the functions of the designated regulators as is the case with WorkSafe.

Commencement

The Bill will commence on the day after Royal assent.

Departmental disclosure statement

The Ministry of Business, Innovation, and Employment is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2026&no=244>

Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced 2 regulatory impact statements on 12 March 2025 and 20 May 2025 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at—

- <https://www.mbie.govt.nz/dmsdocument/30791-regulatory-impact-statement-work-health-and-safety-reforms-proactiverelease-pdf>
- <https://www.mbie.govt.nz/dmsdocument/31734-regulatory-impact-statement-work-health-and-safety-reforms-further-policy-decisions-on-the-reform-bill>
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Bill comes into force on the day after Royal assent.

Part 1

Amendments to Health and Safety at Work Act 2015

Part 1 of this Bill amends the Health and Safety at Work Act 2015 (the **HSW Act**).

Clause 3 identifies the Health and Safety at Work Act 2015 as the Act being amended by *Part 1*.

Clause 4 replaces section 3 of the HSW Act. The new purposes provision differs from the existing provision by separating the main purpose (which prioritises critical risks) from other purposes. Other purposes now include giving persons conducting businesses or undertakings (PCBUs) certainty about the scope of their duties. Minor consequential amendments (replacing “purpose” with “purposes”) are made to section 7 (*clause 5*), section 8 (*clause 6*), section 144 (*clause 22*), section 151 (*clause 23*), section 219 (*clause 25*), and section 220 (*clause 26*).

Clause 5: see note relating to *clause 4*.

Clause 6: see note relating to *clause 4*.

Clause 7 amends section 16 (interpretation) as follows:

- *subclause (1)* inserts new definitions, including a definition of prioritise in relation to critical risks; prioritise includes managing those risks before other risks, monitoring, reviewing, and revising controls for those risks more often than for other risks, and applying a higher proportion of risk management resources to those risks. This definition supports *new sections 22A, 22B, and 25A to 25C*, which are concerned with the separation of small PCBUs from other PCBUs and the priority of managing critical risks:
- *subclause (2)* inserts *new subsection (2)*, which provides that a term or expression used in *new Schedule 1A* has the same meaning as it has in the relevant regulations referenced in that schedule.

Clause 8 amends section 17 (meaning of PCBU) by creating and defining a small PCBU, the basic characteristic of which is a business or undertaking with fewer than 20 workers.

Clause 9 inserts *new sections 22A and 22B*.

New section 22A defines critical risk as a risk associated with either—

- a hazard described in *new Schedule 1A*; or
- a hazard that is likely to result in 1 or more of a number of specified consequences, including death and a notifiable injury or illness.

New section 22B authorises the making of secondary legislation to amend the list of hazards set out in *new Schedule 1A*. An amendment that amends a hazard in that schedule or that adds a new hazard may be made only if the amended hazard or the new hazard meets the description in *new section 22A(1)(b)*.

Clause 10 amends section 23 (meaning of notifiable injury or illness). The amendments clarify the stated categories of injury and illness by giving examples and by defining the terms used in those examples (such as immediate treatment and medical treatment).

Clause 11 inserts *new sections 25A to 25C*.

New section 25A(1) sets out the extent to which small PCBUs (defined by the amendments made to section 17 by *clause 8*) must comply with duties in the Act and regulations. It requires them to—

- comply with specified provisions only in relation to critical risks. Those critical risk provisions are sections 36 to 43 of the HSW Act (other than section 36(3)(e)) and regulations 9, 15(2), and 19 of the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016;
- prioritise critical risks in complying with all other duties, except section 36(3)(e) (provision of facilities for workers' welfare), which they must comply with according to its terms.

New section 25A(3) sets out how the limited scope of a small PCBU's duty under a critical risk provision affects other provisions of the HSW Act and regulations. If those provisions apply to a PCBU's compliance with a critical risk duty, they must be read subject to the limited scope of the duty. Examples are included.

New section 25B provides for other PCBUs. They are to prioritise critical risks in all their compliance actions (except in relation to section 36(3)(e) of the HSW Act, which they must comply with according to its terms).

New sections 25A(2) and 25B(2) both provide that a failure to prioritise critical risks as required is not a separate offence.

New section 25C provides that a PCBU's determination of whether a risk is a critical risk must be based on an assessment that takes into account what the PCBU knows or should know about the business or undertaking and the relevant hazard.

Clause 12 replaces section 35 (compliance with other enactments). *New section 35* (compliance with other enactments addressing same subject matter) applies if a person is subject to—

- a duty imposed by or under the HSW Act (the **work health and safety duty**) to manage a specified risk (regardless of whether the person is also subject to specific duties in regulations); and
- 1 or more requirements imposed by another enactment (the **external requirements**) in relation to the same subject matter, regardless of whether the purpose of the external requirements is to manage risk to work health and safety.

New section 35(2) provides that a person who complies with the external requirements must be treated as having complied with the work health and safety duty.

New section 35(3) provides that the person must nonetheless comply with specific duties imposed by regulations under the HSW Act.

Clause 13 makes an amendment to section 36 (primary duty of care) that is consequential to the insertion of *new section 25A*. Section 36 is one of the critical risk provisions referred to in *new section 25A*, and *new section 36(7)* reiterates that section 36 applies to a small PCBU only in relation to critical risks.

Clause 14 inserts *new subsections (2A), (2B), and (3A) to (3C)* in section 37 (duty of PCBU who manages or controls workplace).

New section 37(2A) and (2B) provide an exception to section 37 if a PCBU's workplace includes open space that can be used for recreational purposes and persons lawfully enter and use the land for those purposes. The PCBU's section 37 duty applies to those persons only if their activity is connected with the PCBU's business or undertaking or if some other connected work is being carried out at the relevant location.

New subsections (3A) and (3B) provide for a new exception to the operation of section 37. A PCBU is not required to take action in relation to seismic risk affecting a workplace building if the building owner (and duty holder under subpart 6A of Part 2 of the Building Act 2004) is not in breach of their obligations under that subpart. The exception does not apply during an emergency.

The insertion of *new subsection (3C)* is consequential to the insertion of *new section 25A* by *clause 11*. Section 37 is one of the critical risk provisions referred to in *new section 25A*, and *new section 37(3C)* reiterates that section 37 applies to a small PCBU only in relation to critical risks.

Clause 15 makes an amendment to section 38 (duty of PCBU who manages or controls fixtures, fittings, or plant at workplaces) that is consequential to the insertion of *new section 25A*. Section 38 is one of the critical risk provisions referred to in *new section 25A*, and *new section 38(2A)* reiterates that section 38 applies to a small PCBU only in relation to critical risks.

Clause 16 makes an amendment to section 39 (duty of PCBU who designs plant, substances, or structures) that is consequential to the insertion of *new section 25A*. Section 39 is one of the critical risk provisions referred to in *new section 25A*, and *new section 39(6)* reiterates that section 39 applies to a small PCBU only in relation to critical risks.

Clause 17 makes an amendment to section 40 (duty of PCBU who manufactures plant, substances, or structures) that is consequential to the insertion of *new section 25A*. Section 40 is one of the critical risk provisions referred to in *new section 25A*, and *new section 40(6)* reiterates that section 40 applies to a small PCBU only in relation to critical risks.

Clause 18 makes an amendment to section 41 (duty of PCBU who imports plant, substances, or structures) that is consequential to the insertion of *new section 25A*. Section 41 is one of the critical risk provisions referred to in *new section 25A*, and *new section 41(6)* reiterates that section 41 applies to a small PCBU only in relation to critical risks.

Clause 19 makes an amendment to section 42 (duty of PCBU who supplies plant, substances, or structures) that is consequential to the insertion of *new section 25A*. Section 42 is one of the critical risk provisions referred to in *new section 25A*, and *new section 42(8)* reiterates that section 42 applies to a small PCBU only in relation to critical risks.

Clause 20 makes an amendment to section 43 (duty of PCBU who installs, constructs, or commissions plant or structures) that is consequential to the insertion of *new section 25A*. Section 43 is one of the critical risk provisions referred to in *new section*

25A, and *new section 43(3)* reiterates that section 43 applies to a small PCBU only in relation to critical risks.

Clause 21 amends section 44 (duty of officers). *New subsection (4)* provides that, if a person is both an officer and a worker, their duty as an officer is limited to their role as an officer. *New subsection (5)* replaces the definition of due diligence for the purposes of an officer's duty. The new definition reorganises the definition into themes (the officer's understanding and what the officer must ensure that the PCBU does), requires the officer's understanding of hazards and risks to be up to date, and requires the officer to have an up to date understanding of work health and safety matters as they relate to the business or undertaking rather than more broadly.

Clause 22: see note relating to *clause 4*.

Clause 23: see note relating to *clause 4*.

Clause 24 amends section 190 (functions and powers of regulator other than WorkSafe) by separating regulators' main functions from their other functions. In addition, the scope of some main functions is narrowed to focus on matters arising under the HSW Act, rather than under the wider category of relevant health and safety legislation. Similar amendments are made to section 10 of the WorkSafe New Zealand Act 2013, which sets out WorkSafe's functions (see *clause 29*).

Clause 25: see note relating to *clause 4*.

Clause 26: see note relating to *clause 4*.

Clause 27 makes minor amendments to section 222 (approval of codes of practice) that are consequential to the insertion of *new section 222A*.

Clause 28 inserts *new section 222A* (development of approved codes of practice). *New section 222A* provides for a draft code (or a draft amendment to a code or a proposal to revoke a code) to be prepared not only by the regulator, but also by another person or organisation (for example, a worker representative or an employer representative). The person or organisation (if not the regulator) must give the draft or proposal to the regulator for recommendation to the Minister. The regulator must review the draft or proposal and may recommend it (with or without amendment). Regardless of who develops the draft or proposal, the regulator must ensure that mandatory consultation takes place.

Clause 29 amends section 226 (use of approved codes of practice in proceedings). *New subsection (2)(a)* provides that a person with a duty who acts in accordance with relevant provisions of an approved code of practice is taken to have complied with the duty.

Clause 30 amends Schedule 1 of the HSW Act (transitional and savings provisions) by inserting *new Part 3* into that schedule. *New Part 3* is located in *Schedule 1* of this Bill and contains transitional provisions relating to existing and new approved codes of practice.

New clause 29 of Schedule 1 applies to approved codes of practice that are approved after the amendments come into force. *Subclause (1)* provides that *new section*

226(2)(a) applies to an approved code of practice approved on or after the commencement date. However, for that purpose, *subclause (2)* provides that pre-commencement consultation satisfies section 222(2) in relation to the relevant code.

New clause 30 of Schedule 1 contains an exception to *clause 29* of that schedule by providing that *new section 226(2)(a)* also applies to 2 specified approved codes of practice as in force immediately before the commencement date.

Clause 31 inserts *new Schedule 1A* into the HSW Act. *New Schedule 1A* is located in *Schedule 2* of this Bill and sets out the hazards (by reference to the regulations that address them) that relate to the component of the definition of critical risk that is in *new section 22A(1)(a)*.

Part 2

Amendments to WorkSafe New Zealand Act 2013

Part 2 of this Bill amends the WorkSafe New Zealand Act 2013.

Clause 32 identifies the WorkSafe New Zealand Act 2013 as the Act being amended by *Part 2*.

Clause 33 amends section 9 by providing that the balanced framework for securing health and safety prioritises the critical risks that arise from work. This is consistent with *new section 3(1)* of the HSW Act (*see clause 4*).

Clause 34 amends section 10 (WorkSafe New Zealand's functions) by separating WorkSafe's main functions from its other functions. In addition, the scope of some main functions is narrowed to focus on matters arising under the HSW Act, rather than under the wider category of relevant health and safety legislation. Similar amendments are made to section 190 of the HSW Act, which sets out the functions of other regulators (*see clause 19*).

Part 3

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

Part 3 of this Bill amends the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016. The amendments support *new section 25A* of the HSW Act, which limits the duties of a small PCBU under specified provisions of the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 to critical risks.

Clause 35 identifies the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 being amended by *Part 3*.

Clause 36 inserts *new regulation 9(3A)*, which provides that regulation 9 applies to small PCBUs only in relation to critical risks.

Clause 37 inserts *new regulation 15(2A)*, which provides that regulation 15(2) applies to small PCBUs only in relation to critical risks.

Clause 38 inserts *new regulation 19(1A)*, which provides that regulation 19 applies to small PCBUs only in relation to critical risks.

Hon Brooke van Velden

Health and Safety at Work Amendment Bill

Government Bill

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Part 2

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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

This Act comes into force on the day after Royal assent.

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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.

4 Section 3 replaced (Purpose)

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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.

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(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:

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(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:
- (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: 5
 - (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: 10
 - (h) to give PCBUs certainty about the scope of their obligations to comply with this Act and regulations made under this Act.
- (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. 15
- 5 Section 7 amended (Application of Act to Armed Forces)**
- In section 7(9), replace “purpose” with “purposes”. 20
- 6 Section 8 amended (Application of Act to intelligence and security agencies)**
- In section 8(6), replace “purpose” with “purposes”.
- 7 Section 16 amended (Interpretation)**
- (1) In section 16, insert in their appropriate alphabetical order: 25
- 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
- prioritise**, in relation to critical risks, includes—
- (a) managing critical risks before managing other risks: 30
 - (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
- small PCBU** has the meaning given in section 17 35
- (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.

8 Section 17 amended (Meaning of PCBU)

- (1) Replace the heading to section 17 with “**Meanings of PCBU and small PCBU**”. 5

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

PCBU

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

- (4) After section 17(2), insert: 10

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.

- (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. 15

- (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. 20

9 New sections 22A and 22B inserted 25

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 hazard described in **Schedule 1A**; or 30

- (b) a hazard of any kind that 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: 35

(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.

22B Amendment of Schedule 1A

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- (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)**.
- (4) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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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)”.
- (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)”.
- (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)”.

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- (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)”.
- (7) In section 23(3), insert in their appropriate alphabetical order: 5
- health practitioner** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003
- 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 10
- nurse practitioner** means a health practitioner who—
- (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 15
- (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 20
- (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: 25

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: 30
- (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 35
- (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) .	5
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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.	10
	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.	15
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25B	Other PCBUs: scope of duties	
(1)	A PCBU that is not a small PCBU is required—	
(a)	to prioritise critical risks when complying with this Act (except section 36(3)(e)) and regulations; and	20
(b)	to comply with section 36(3)(e) according to its terms.	
(2)	A PCBU's failure to prioritise critical risks in accordance with subsection (1)(a) is not an offence.	
25C	All PCBUs: determination of critical risk	25
(1)	This section applies when a PCBU is determining, for the purposes of section 25A or 25B , whether a risk is a critical risk.	
(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	30
(b)	the hazard with which the risk is associated; and	
(c)	whether the hazard, if it does not relate to a matter described in Schedule 1A , is likely to result in 1 or more of the consequences referred to in section 22A(1)(b)(i) to (iv) .	
12	Section 35 replaced (Compliance with other enactments)	35
	Replace section 35 with:	

35 Compliance with 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 (the **work health and safety duty**), regardless of whether regulations also impose 1 or more specific duties in relation to that risk; and 5
 - (b) 1 or more requirements imposed by another enactment (the **external requirements**) in relation to the same 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.
- (2) A person who complies with the external requirements must be taken to have complied with the work health and safety duty. 10
- (3) However, if regulations also impose 1 or more specific duties in relation to 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 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 workplaces) 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. 15
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13 Section 36 amended (Primary duty of care)

- (1) Before section 36(1), insert:
- Health and safety of workers* 25
- (2) After section 36(1), insert:
- Health and safety of other persons*
- (3) After section 36(2), insert:
- Matters included in duty*
- (4) After section 36(3), insert:
- Accommodation* 30
- (5) After section 36(5), insert:
- Self-employed persons*
- (6) After section 36(6), insert:
- Small PCBUs to manage critical risks*
- (7) This section (except subsection (3)(e)) applies to a small PCBU only in relation to critical risks. 35

14 Section 37 amended (Duty of PCBU who manages or controls workplace)

(1) Before section 37(1), insert:

Duty

(2) After section 37(1), insert:

Exception for persons at workplace for unlawful purpose

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(3) After section 37(2), insert:

Exception for recreational access(2A) **Subsection (2B)** applies if—

(a) the workplace includes open 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

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(b) 1 or more persons lawfully enter and use the open space for recreational purposes, including by being expressly or impliedly permitted by the PCBU to do so.

(2B) The duty owed by the PCBU under subsection (1) does not apply in relation to a person referred to in **subsection (2A)(b)**, unless—

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(a) the recreational use of the land is connected to the PCBU's business or undertaking; or

(b) other work connected to the PCBU's business or undertaking is being carried out at the time in the open space near where the entry and use are taking place.

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(4) Before section 37(3), insert:

Additional exception for farms

(5) After section 37(3), insert:

Exception for seismic risk to workplace buildings

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(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—

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(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.

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(3B) This section does not require the PCBU to take any action in relation to seismic risk affecting the building, or the part of a building, 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.	
	<i>Small PCBUs to manage critical risks</i>	
(3C)	This section applies to a small PCBU only in relation to critical risks.	
(6)	Replace section 37(4) with:	5
	<i>Definitions</i>	
(4)	In this section,—	
	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	
	owner , in relation to a building, has the same meaning as in section 7(1) of the Building Act 2004	10
	PCBU who manages or controls a workplace —	
(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—	15
(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	
(ii)	a prescribed person	
	seismic work has the same meaning as in section 7(1) of the Building Act 2004.	20
15	Section 38 amended (Duty of PCBU who manages or controls fixtures, fittings, or plant at workplaces)	
(1)	Before section 38(1), insert:	
	<i>Duty</i>	25
(2)	After section 38(1), insert:	
	<i>Exception for persons at workplace for unlawful purpose</i>	
(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.	30
	<i>Duty holder</i>	
16	Section 39 amended (Duty of PCBU who designs plant, substances, or structures)	
(1)	Before section 39(1), insert:	
	<i>Duty holder</i>	35
(2)	After section 39(1), insert:	

	<i>Duty</i>	
(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.	
17	Section 40 amended (Duty of PCBU who manufactures plant, substances, or structures)	5
(1)	Before section 40(1), insert:	
	<i>Duty holder</i>	
(2)	After section 40(1), insert:	
	<i>Duty</i>	10
(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.	
18	Section 41 amended (Duty of PCBU who imports plant, substances, or structures)	15
(1)	Before section 41(1), insert:	
	<i>Duty holder</i>	
(2)	After section 41(1), insert:	
	<i>Duty</i>	
(3)	After section 41(5), insert:	20
	<i>Small PCBUs to manage critical risks</i>	
(6)	This section applies to a small PCBU only in relation to critical risks.	
19	Section 42 amended (Duty of PCBU who supplies plant, substances, or structures)	
(1)	Before section 42(1), insert:	25
	<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>	30
(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.	

- 20 Section 43 amended (Duty of PCBU who installs, constructs, or commissions plant or structures)**
- (1) Before section 43(1), insert:
- Duty holder*
- (2) After section 43(1), insert: 5
- Duty*
- (3) After section 43(2), insert:
- Small PCBUs to manage critical risks*
- (3) This section applies to a small PCBU only in relation to critical risks.
- 21 Section 44 amended (Duty of officers)** 10
- 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 (*see* section 45 for the duties of workers). 15
- (5) In this section, **due diligence** 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 20
- (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 25
- (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 30
- (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 **paragraph (b)**.
- 22 Section 144 amended (Private prosecutions)** 35
- In section 144(5)(b)(i), replace “purpose” with “purposes”.

- 23 Section 151 amended (Sentencing criteria)**
In section 151(2)(b), replace “purpose” with “purposes”.
- 24 Section 190 amended (Functions and powers of regulator other than WorkSafe)**
- (1) In section 190, insert as **subsections (1) and (2):** 5
- (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— 10
- (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. 15
- (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). 20
- 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)** 25
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),— 30
- (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: 35

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 5
 - (b) a worker representative, an employer 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. 10
- (3) A person or organisation other than the regulator that develops a draft code of practice, a draft amendment, or a proposed revocation may 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)**—
- (a) must review the draft or the proposal; and 15
 - (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.
- (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. 20

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”. 25
- (2) Replace section 226(2) with:
- (2) However,—
- (a) a person with a duty under this Act relating to a risk or any other matter, who acts in accordance with an approved code of practice that relates to the person and the risk or other matter, must be taken to have complied with this Act and regulations in relation to that risk or other matter; and 30
 - (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 35

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.

Part 2**Amendments to WorkSafe New Zealand Act 2013****32 Principal Act** 5

This Part amends the WorkSafe New Zealand Act 2013.

33 Section 9 amended (WorkSafe New Zealand’s main objective)

- (1) In the heading to section 9, replace “**main objective**” with “**objectives**”.
- (2) In section 9(1), after “workplaces”, insert “that prioritises the critical risks that arise from work”.
- 10

34 Section 10 amended (WorkSafe New Zealand’s functions)

- (1) In section 10, insert as subsection (1):
- (1) WorkSafe New Zealand’s main functions are—
- (a) to provide guidance, advice, and information on compliance with relevant health and safety legislation to— 15
- (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 legis- 20
lation.
- (2) In section 10, replace “functions are” with “functions are also”.
- (3) Repeal section 10(c), (e), (ea), and (f).

Part 3**Amendments to Health and Safety at Work (General Risk and Workplace Management) Regulations 2016** 25**35 Principal regulations**

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

36 Regulation 9 amended (Duty to provide information, supervision, training, and instruction) 30

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.

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

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

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Small PCBUs to manage critical risks

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

(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)

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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.

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

s 30

Part 3	5
Provisions relating to Health and Safety at Work Amendment Act 2026	
28 Interpretation	
In this Part, commencement date means the date on which the Health and Safety at Work Amendment Act 2026 comes into force.	10
<i>Effect of section 226(2)(a)</i>	
29 New approved codes of practice	
(1) On and after the commencement date, section 226(2)(a) applies only in relation to an approved code of practice that is approved on or after that date.	
(2) For the purposes of subclause (1) , the Minister may be satisfied about consultation under section 222(2) whether the consultation took place before, on, or after the commencement date.	15
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:	20
(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 <i>Gazette</i> on 27 June 2024 and 8 July 2024 and available on an internet site maintained by Maritime New Zealand:	25
(b) Approved code of practice: Safe practice for forestry and harvesting operations (2025), approved on 28 July 2025 and notified in the <i>Gazette</i> on 29 July 2025 and available on an internet site maintained by Work-Safe.	

Schedule 2
New Schedule 1A inserted in 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:
- (c) material alteration of an amusement device (*see* section 21A(10) of the Machinery Act 1950):
- (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.

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Asbestos

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

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- (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):
- (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).

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General risk and workplace management

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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 (<i>see</i> regulations 24 and 25):	
(d)	containers of liquids with an associated risk of drowning (<i>see</i> regulation 26):	
(e)	loose but enclosed materials with an associated risk of becoming trapped or engulfed (<i>see</i> regulation 27):	
(f)	substances that are hazardous to health (<i>see</i> regulations 28 to 31):	5
(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 (<i>see</i> regulation 43); or	10
	(ii) being present when any work described in subparagraph (i) is being carried out (<i>see</i> 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 (<i>see</i> regulation 45); or	15
	(iv) working at or with any machinery or assisting with such work (<i>see</i> 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 (<i>see</i> regulation 47):	20
(h)	a person aged under 16 years working between the hours of 10 pm and 6 am the following day (<i>see</i> regulation 48):	
(i)	suitability of workers at limited-attendance child-care centres (<i>see</i> Part 5 of those regulations).	
	Geothermal energy	25
	The following hazards to which the Geothermal Energy Regulations 1961 apply:	
(a)	design, construction, operation, and maintenance of bores and pipework (<i>see</i> regulation 26(1) and (2) of those regulations):	
(b)	maintenance of bores and the equipment used in geothermal work (<i>see</i> regulation 26(3)):	30
(c)	geothermal work involving severe heat (<i>see</i> regulation 26(4)):	
(d)	geothermal work in an atmosphere containing or likely to contain hazardous gases (<i>see</i> regulation 28(2) and (3)):	
(e)	design of geothermal works with an associated risk of the accumulation of hazardous gases (<i>see</i> regulation 28(1)):	35
(f)	the use of explosives (<i>see</i> regulation 29):	
(g)	drilling bores (<i>see</i> regulations 31 to 33):	
(h)	security and condition of bores (<i>see</i> regulations 34 and 35).	

Hazardous substances

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

- (a) storage and handling of hazardous substances:
- (b) use of hazardous substances: 5
- (c) manufacture of hazardous substances:
- (d) transportation of hazardous substances:
- (e) disposal of hazardous substances.

Major hazard facilities

The following hazards to which the Health and Safety at Work (Major Hazard Facilities) Regulations 2016 apply: 10

- (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. 15

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): 20
- (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): 25
- (d) tips, ponds, and voids (*see* regulation 65, in particular, regulation 65(a)(v)):
- (e) use of explosives (*see* 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 (*see* regulation 65, in particular, regulation 65(a)(vi), subpart 3 of Part 5, and paragraphs (7) to (10) of Schedule 5): 30
- (g) the presence of flammable or combustible gas, dust, or other material (*see* paragraphs (1) to (6) of Schedule 5):
- (h) electrical systems and plant (*see* paragraphs (36) to (38) of Schedule 5).

Miscellaneous hazards regulated by Health and Safety in Employment Regulations 1995

The following hazards to which the Health and Safety in Employment Regulations 1995 apply:

- (a) noise in the workplace (*see* regulations 10 and 11 of those regulations): 5
- (b) cleaning, maintenance, or repair of machinery (*see* regulation 17):
- (c) use of woodworking and abrasive grinding machinery (*see* regulation 18):
- (d) use of self-propelled mobile mechanical plant (*see* regulations 19 and 20):
- (e) use of powder-actuated tools in construction work (*see* regulation 52):
- (f) scaffolding, in particular,— 10
 - (i) its construction, suitability, and sufficiency (*see* regulation 22):
 - (ii) its erection, maintenance, repair, or dismantling (*see* regulation 53):
- (g) working at heights (*see* regulation 21):
- (h) faces and depth of excavations in construction work (*see* regulations 23 to 25):
- (i) occupational diving (*see* regulations 47 to 49). 15

Petroleum exploration and extraction

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

- (a) production installations and non-production installations (*see* regulation 8(1)(a) of those regulations), including any of the following: 20
 - (i) the condition and performance of wells (*see* 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 (*see* regulation 70(c), (d), and (h)):
 - (iii) the condition and performance of safety-critical elements (*see* regulation 70(f)): 25
 - (iv) the stability of the installation and of any plant at the installation (*see* regulation 70(i) and (j)):
 - (v) the condition of the seabed or ground (*see* regulation 70(j)):
 - (vi) weather conditions, earthquakes, and other natural events (*see* regulation 70(l)): 30
 - (vii) the movement of vessels, aircraft, and vehicles near the installation (*see* regulation 70(m)):
 - (viii) the buoyancy of the installation (*see* regulation 70(n) and (o)):
- (b) work and other activities carried out on production installations and non-production installations (*see* regulation 8(1)(b)): 35

- (c) release and accumulation of hazardous liquids, vapours, or gases (*see* regulation 11):
- (d) disposal of waste petroleum, vapours, or gases (*see* regulation 12):
- (e) sources of ignition (*see* regulation 13):
- (f) any major accident hazard (*see* Part 3): 5
- (g) management or control of a well operation (*see* Part 6), including—
 - (i) the conditions below ground (*see* regulations 59 and 60); and
 - (ii) the design and construction of a well (*see* regulations 61 and 62); and
 - (iii) the suitability of well control equipment and associated control systems (*see* regulation 63). 10

Pipelines

The following hazards to which the Health and Safety in Employment (Pipelines) Regulations 1999 apply:

- (a) release or accumulation of hazardous liquids, vapours, and gases (*see* regulation 6 of those regulations): 15
- (b) design and construction of pipelines (*see* regulations 8 and 12):
- (c) operation and maintenance of pipelines (*see* regulations 8 and 12):
- (d) suspension and abandonment of pipelines (*see* regulations 8, 12, and 14):
- (e) hydrostatic testing of pipelines (*see* regulation 13):
- (f) work on, in, or around a pipeline (*see* regulation 16). 20

Pressure equipment, cranes, and passenger ropeways

The following hazards to which the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999 apply:

- (a) operation of pressure equipment, cranes, and passenger ropeways (**equipment**) (*see* regulations 10 and 12 of those regulations): 25
- (b) repair or alterations of equipment (*see* regulation 11):
- (c) condition of equipment (*see* regulations 12 to 15):
- (d) design of equipment (*see* regulation 18):
- (e) manufacture of equipment (*see* regulation 19):
- (f) supply of equipment (*see* regulation 20). 30