

Health and Safety at Work Amendment Act 2026



The Health and Safety at Work Amendment Act 2026 received Royal Assent on 9 July 2026 and comes into force on 1 April 2027. The changes are intended to reduce unnecessary compliance, provide greater certainty for businesses, and focus attention on risks most likely to cause death, serious injury or illness.

Small PCBU's

A **Small PCBU** is generally a business with:

- ✔ Fewer than 20 workers; and
- ✔ Fewer than 20 workers for at least 9 months of a financial year (YE June).

Small PCBU's must:

- ✔ Manage and prioritise critical risks.
- ✔ Provide information, training, instruction and supervision.
- ✔ Provide and ensure the use of appropriate PPE.
- ✔ Maintain worker welfare facilities such as first aid, washing facilities and lighting.

Prioritisation of critical risks is required but failure to do so is not an offence

Critical Risks

The Act introduces a formal definition of **critical risk**.

Critical risks are generally those that:

- Could result in death.
- Could cause a notifiable injury, illness or incident.
- Are associated with specified high-risk hazards identified within the legislation (Schedule 1A). (The changes to the Health and Safety at Work (General Risk and Workplace Management) Regulations 2017 sit here.) These include:
 - Amusement devices
 - Hazardous substances
 - Working at height
 - Excavations
 - Scaffolding
 - Remote work
 - Confined space
 - Noise
 - Machinery maintenance

Businesses will be expected to prioritise critical risks above other workplace risks. This includes applying greater resources, more frequent monitoring and more rigorous review of controls.

Overlapping Duties

Where two or more PCBUs have the same health and safety duty, they must work together to meet their obligations.

This includes:

- ✔ Co-operating with each other.
- ✔ Co-ordinating activities.
- ✔ Collaborating where necessary.

This is particularly important where contractors, subcontractors, labour hire organisations, landlords, tenants or service providers are working together. Shared duties require active communication and management rather than assumptions that another party is managing the risk.

The Amendment Act introduces different minimum duties for small and large PCBU.

However, where a **large PCBU and a small PCBU work together**, the large PCBU must continue to manage **both critical and other workplace risks** that apply to its business or undertaking. It cannot reduce its responsibilities simply because it is working with a small PCBU.

Example

A large manufacturing business engages a small electrical contractor.

- ✔ The contractor must manage critical risks arising from its work.
- ✔ The manufacturing business must continue to manage both critical and other workplace risks within its operation.
- ✔ Both PCBUs must co-operate, co-ordinate and collaborate on shared risks.

Using Contracts and Agreements to Manage Shared Duties

While a PCBU cannot contract out of its legal duties, contractor agreements, scopes of work and service agreements can help document how risks will be managed.

A written agreement may:

- ✔ Identify hazards and risks associated with the work.
- ✔ Allocate responsibility for controls.
- ✔ Require all parties to manage hazards and risks identified within the work.
- ✔ Define communication and reporting requirements.
- ✔ Establish consultation and review processes.
- ✔ Clarify emergency response arrangements.

These agreements can help ensure there are no gaps in risk management while supporting the requirement to co-operate, co-ordinate and collaborate. Each PCBU remains responsible for ensuring it meets its own legal duties.

Businesses engaging contractors should ensure contracts and contractor management processes clearly define who is responsible for managing particular

hazards and risks. This is especially important where large and small PCBUs are working together.

Officer Duties Clarified

The amendments further clarify the distinction between:

- ✔ Governance (Officers and Directors)
- ✔ Management (Day-to-day operations)

Officers continue to have due diligence obligations but are expected to focus on governance, oversight and assurance rather than operational management. The question becomes has the organisation effective systems, rather than does the officer have direct oversight on health and safety.

Due Diligence will have 3 elements:

- ✔ Understanding the PCBU's operations, risks and relevant health and safety matters.
- ✔ Ensuring the PCBU has resources and processes (and uses them) to manage risks.
- ✔ Verifying the PCBU is using those resources and processes.

Notifiable Event Requirements Clarified

Additional definitions and examples have been added to help PCBUs determine when WorkSafe must be notified of:

- ✔ Notifiable injuries
- ✔ Notifiable illnesses
- ✔ Notifiable incidents

For Example:

Head injury - 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

Eye injury - the loss of an eye, an object entering the eye, or an eye injury resulting in total or partial loss of vision

The examples may provide some clarity, but they are not exhaustive.

Stronger Status for Approved Codes of Practice (ACOPs)

Approved Codes of Practice (ACOPs) will carry greater weight under the legislation.

Where a business follows an applicable ACOP, this will generally be recognised as evidence that it has met its health and safety duties in relation to that risk.

Clarification of Overlapping Legislation

The Act clarifies how health and safety obligations interact with other legislation.

Where a person complies with another legislative requirement that manages the same risk, that compliance may also satisfy the equivalent health and safety duty. This is intended to reduce duplication and improve certainty.

Landowners' Duties (Recreational Use of Land)

Landowners and occupiers will generally no longer owe health and safety duties to people lawfully using open land for recreational purposes unless:

- ✔ The recreational activity forms part of the business or undertaking; or
- ✔ Other work activities are occurring at the same place and time.

Responsibility will generally fall to the person or organisation conducting the recreational activity.

Changes to WorkSafe's Functions

WorkSafe's primary functions have been reorganised to focus on:

- ✔ Providing guidance and advice.
- ✔ Developing and reviewing Approved Codes of Practice.
- ✔ Developing safe work instruments.
- ✔ Monitoring and enforcing compliance.

The changes aim to provide businesses with clearer guidance and practical support.
What Should Businesses Do Now?

Before 1 April 2027:

1. Identify and document your critical risks.
2. Review contractor management processes.
3. Clarify how you co-operate, co-ordinate and collaborate with other PCBUs.
4. Review contracts, service agreements and scopes of work to ensure responsibilities are clearly documented.
5. Determine whether your organisation is a small or large PCBU.
6. Ensure officers understand their governance responsibilities.
7. Monitor future WorkSafe guidance and updated Approved Codes of Practice.