

**GOVERNMENT  
HEALTH AND SAFETY LEAD****DIRECTOR'S UPDATE****OVERLAPPING DUTIES IN HEALTH AND SAFETY:  
UPCOMING SESSION ON 13 AUGUST**

We are looking forward to seeing you at the upcoming online Heads of Health and Safety session, scheduled for Tuesday, 13 August, from 9:30 am. This session will focus on how the Ministry of Business, Innovation and Employment (MBIE) Health, Safety and Wellbeing Team is approaching "Overlapping Duties" under the Health and Safety at Work Act (the Act) 2015.

The Act defines overlapping duties as situations where two or more organisations or PCBUs (Person Conducting a Business or Undertaking), share responsibilities regarding the same health and safety matter. It mandates that each PCBU must, as far as reasonably practicable, consult, cooperate and coordinate with all other PCBUs involved in the same matter.

In our engagements with various agencies, leads and practitioners, we have encountered a wide range of interpretations regarding overlapping duties. These interpretations often involve aspects such as contracts, contractor relationships, procurements, shared work areas and funding arrangements. The diversity in these relationships and the lack of explicit guidance from regulators and courts have led to inconsistent levels of assurance and oversight. To address this issue, the MBIE Health and Safety Team has developed a framework using five categories of relationship types. This framework aims to help them to understand and manage overlapping duties effectively and we hope it will be of value for other agencies.

**MENTALLY HEALTHY WORK**

Production of the Mentally Healthy Work CE / Heads of H&S development modules continues to progress. We will present links for each of the four modules upon their release, with the first one due in the next few weeks. An outline of the four modules can be found here - . <https://www.healthandsafety.govt.nz/a-z-topics/mentally-healthy-work/>. This learning is substantively more impactful when agency executive leaders, functional leaders and / or governance groups undertake it collectively, assigning time between each module to interpret the key learnings and application together. For those planning to incorporate these development modules into structured learning and development within your agency please contact [liam.bourne@mpi.govt.nz](mailto:liam.bourne@mpi.govt.nz) for a discussion on how best to do so.

# PUBLIC SERVICE EARLY IN CAREERS HEALTH AND SAFETY CERTIFICATE

We are seeking agencies' feedback so we can gauge interest in running a 2024 Public Service Early in Careers (EiC) Health and Safety Certificate Programme this year.

We are conscious of the budget constraints agencies are under and that a number of agencies will still be in the process of restructuring and setting work programmes. With that in mind, we would like to hear from you as to whether you would prefer us to run a EIC programme from September to November or leave it until 2025. To make this programme viable we need to have minimum of 18 people registered.

The programme has been designed for H&S practitioners starting their careers, advisors who are looking to expand their H&S knowledge and for H&S Representative who want to develop further or even transition into a H&S career.

Delivered in partnership with +IMPAC the four workshops cover 14 hours of professional development at a total cost of \$1,165 + GST per person. The programme content covers Risk Fundamentals; Engagement & Participation; Working with other PCBUs; and Reporting & Measuring H&S Performance. Please email [Deborah.Bridge@mpi.govt.nz](mailto:Deborah.Bridge@mpi.govt.nz) indicating your preferred option and any other feedback.

## HEALTH AND SAFETY REFORM – SEEKING CONSULTATION AND FEEDBACK ON THE H&S REGULATORY SYSTEM.

Just a reminder that consultation is still open on the Health and Safety reform consultation. Government agencies have duties under the Act and may want to provide information from that perspective. MBIE has a separate process for government agencies to directly provide feedback as a duty holder while the public consultation is underway.

You can either email [Shannon.Kelly@mbie.govt.nz](mailto:Shannon.Kelly@mbie.govt.nz) with your agency's feedback with the subject line Agency feedback on health and safety at work reform – [agency name] or, if your agency would like to provide unattributed feedback, send it to the GHSL and we will forward it to MBIE with any identifying information removed.

The consultation period ends on 31 October 2024. Information about the consultation and the type of feedback MBIE is looking for can be found [on the MBIE website](#).

# NEW GUIDELINES FOR DIRECTORS ON HEALTH & SAFETY GOVERNANCE

As you may have seen promoted across social media and other platforms, the Institute of Directors (IoD) and WorkSafe New Zealand have released new guides aimed at improving health and safety outcomes in Aotearoa New Zealand. The Health and Safety Governance: A Good Practice Guide was developed by the IoD, WorkSafe NZ, GM Safety Forum and Business Leaders H&S Forum to assist directors and other officers in enhancing their organisations' health and safety performance. This new edition updates what was previously known as "the Blue Book," providing a refreshed and comprehensive resource for directors committed to advancing health and safety governance in New Zealand. You can find some more details [here](#).

## TIER 2 LEADERS OF HSW FUNCTION PROGRAMME

Our T2 Leaders with responsibility for health, safety and wellbeing (HSW) often also have wider responsibility for a range of corporate functions, which means they have a significant span of control and influence within their agency. These leaders are usually not technical H&S experts and it is essential they are equipped with the most up to date knowledge and understanding of the latest HSW trends and legislation.

In August, Ray Smith will be contacting your CEs about a new programme for Tier 2 leaders with HSW responsibility, to support them to lead, direct and guide the HSW function within their agencies.

The T2 HSW Leaders programme will incorporate a series of breakfast meetings, online forums and newsletters. Once the final details of the programme have been approved, I will circulate them for your information.

## NEW AGENCIES JOIN THE GHSL

I am delighted to welcome five new agencies to the GHSL: Transport Accident Investigation Commission (TAIC), Whaikaha / Ministry of Disabled People, Electoral Commission, Taumata Arowai (Water Regulator) and the Independent Children's Monitor. We look forward to working with you and to sharing your good practice across the sector.



## SUPPORTING EACH OTHER

One of things I hear a lot as I meet with Heads of H&S is their offer to other Heads of H&S to share their experiences and good practice and I often link people up where I am aware of a specific issue. If you have experience or good practice that you think may be of assistance and are willing to give up some of your time, or if you think there might be an agency that has already developed a plan for an area you are working on, please feel free to get in touch with me and I'll link you up.