

Health and Safety Matters

March 2025

Environment Scan:



Health and Safety Matters, offers a snapshot of key recent events and changes across health, safety and wellbeing (HSW).

For more information on the Government Health and Safety Lead (GHSL) and the public sector please [visit our website](#) or email the team at ghsl@mpi.govt.nz

2025 Breakfast Events:



30 April 2025

Our next Tier 2 Health, Safety & Wellbeing (HSW) Leaders' Breakfast event is in Wellington at MPI, Charles Fergusson Building. Superintendents Kelly Ryan and Melanie Aitken with Andrea Conlan, Deputy Commissioner from New Zealand Police will share their Tactical Response Model in the context of HSW and how they put this Model together, following the murder of Constable Matt Hunt, and used it to keep their people as safe as possible.

23 July 2025

The Ministry for the Environment will be hosting a breakfast event in July which will outline their case study of managing an onsite psychological harm event. More details to be confirmed in June.

Good Practice Safety Leadership

On Tuesday, February 25, we held the first Tier 2 HSW Leaders webinar, featuring Phil Parkes, Director, ESG at HSE Global. Phil discussed effective safety leadership, emphasising the significance of clarity in roles, defining what 'good' looks like for your organisation and understanding how the responsibilities are managed for your PCBU.

This initiated an interesting discussion regarding who qualifies as officers under the Health and Safety at Work Act (HSWA). Consequently, the GHSL was asked to provide **its perspective** on the definition of an officer under HSWA in the public sector.

Officers: implications of Maritime New Zealand v Gibson

Who is an Officer?

- Port of Auckland Chief Executive Mr Gibson was prosecuted for breaching his due diligence duties as an officer under the Health and Safety at Work Act. This is the first time that an officer of a large company has been prosecuted for breaches of their due diligence duties.
- The decision does not provide insight into whether someone other than a chief executive can be an officer, for example a chief operating officer. This is because the decision concerned a chief executive.
- However, the decision does provide useful principles on the due diligence duty. Officers must be proactive in relation to health and safety issues and not just rely on others. They should interrogate the information they receive and monitor the performance of those that they have assigned health and safety obligations to.

[Read Greg Cain's, Partner Dentons full article here or you can contact Greg by visiting the Dentons website.](#)

T2 HSW Leaders Field Trip

To note that the GHSL is arranging a field trip for our T2 HSW Leaders, in August. This will be hosted by a fellow Tier 2 Leader and give a glimpse into a day in their life. This unique opportunity will enable you to gain insights into site specific workplace risks and how these translate into practical strategies, policies, and processes.

The current plan is for the field trip to last no longer than three hours (inclusive of travel time), take place in the Wellington region and accommodate up to 10 attendees. If there is significant additional demand, we will arrange a second site visit to accommodate those who are unable to participate in the initial field trip.



A snapshot of cases we have seen from New Zealand, Australia and further abroad.

Maritime vs Gibson

Mr Gibson has been convicted, pending a potential appeal. This is the first time a CEO of a major New Zealand company has been found guilty of 'failing to properly execute his Health and Safety officer due diligence duties'. This case offers useful reminders for officers:

- Be clear about your business critical risks, hazards and controls.
- Maintain sufficient knowledge of work as done versus work as imagined.
- Have clear accountabilities and responsibilities around health and safety and seek assurance around how these are being met.
- Check all internal and external audits, reviews and investigations have been completed.

The Institute of Directors has a helpful '[Good Governance Guide](#)' and an assessment tool.

[Dentons full article can be found here.](#)

Whakaari Management Ltd wins appeal

The High Court has ruled that Whakaari Management Ltd (WML) did not have a duty under section 37 of the HSWA to ensure the safety of the walking tour.

- WML appealed stating that there was no distinction between work that was being undertaken on Whakaari and the workplace. It argued that WML had no influence or control over the walking tours or tour operator's activities/operations
- The Court determined **three factors** whether a PCBU does actually manage or control a workplace in a practical sense.
- The Court found that simply owning or leasing land does not automatically make landowners responsible for health and safety of a workplace under section 37.

[Minter Ellison full article can be found here.](#)

Important Lesson for PCBUs – the "other persons"

WorkSafe recently prosecuted Safe Business Solutions (SBS) for failing to ensure the safety of "other persons" while providing health and safety consultancy service, specifically for failing to deliver a promised traffic management plan, resulting in a serious incident.

SBS identified a "desperate need" for a traffic management plan and had undertaken to provide one, but hadn't done so by the time of the collision six months later. SBS pleaded guilty and was fined.

The outcome of this case highlights that health and safety consultants are not exempt from liability.

[Duncan Cotterill full report can be found here.](#)

Landmark Prosecution for Psychosocial Hazards - duty of care

WorkSafe Australia (WA) is charging Western Australia Department of Justice (DoJ) for breaching its duties under the WHS Act not to expose workers to risks to their psychological hazards. This is the first time WA is using their current legislation to prosecute in relation to psychosocial hazards in the workplace.

In this case the DoJ is facing charges of Primary Duty of Care, Failure to comply with the health and safety duty of the Act, alleging that DoJ failed to provide a safe work environment, and through its failure caused serious harm to a female prison officer employed at Bunbury Prison. The outcome of this case will be insightful in terms of outlining the extent to which the DoJ had a duty to control psychosocial hazards in what is an inherently challenging work environment.

[Squire Patton Boggs full article can be found here.](#)

Useful Insights and Resources

Compiled current resources and identified insights from experts on health and safety

Mentally Healthy Work

The GHSL has released four mentally healthy work (MHW) modules, each comprised of a 25 min video and conversational prompts. These are intended to prime executive and functional leads with the knowledge to understand the level of organisational maturity, inspire progress on psychological health and safety, and identify desired next steps.

Massey University has launched the complementary **Mentally Healthy Work Practitioners Course** (NZQA level 5) to further assist in addressing the identified capability gap. Intended for H&S, HR, ER and Integrity Practitioners.

WorkSafe New Zealand is expected to publish Psychosocial Risk guidelines for businesses shortly, which will provide further additional information for businesses on how to meet the primary duty of care and the risk management process.

[GHSL Mentally Healthy Work Development modules](#)
[Massey University - Mentally Healthy Work Practitioner Development course](#)

Safe Work Australia - New report on work-related violence and aggression

Safe Work Australia has recently published a new report on workplace and work related violence and aggression in Australia. This is also a concerning upward trend being seen in New Zealand, including across the public sector.

Here are the top three key points:

- Over the last five years there has been a 56% increase in the number of serious workers' compensation claims for assault and exposure to workplace violence.
- Workplace physical violence claims by women have increased by 73% in the last decade and by 33% for men.
- Angry or hostile behaviour, shouting, swearing, intimidation and insults had the highest number of reports. Though these behaviours are lower in severity than violent behaviours they still represent significant workplace risks, particularly if they are prolonged or frequently exposed.

[South Work Australia's full report can be found here](#)

Harmful Behaviours

Visible progress is continuing to be made to address deep and systemic issues across the sector, such as;

- **[Fire and Emergency](#)** CE Kerry Gregory's public statement "enough is enough".
- **[Department of Corrections](#)** is mobilizing a taskforce to address independent sexual harassment review recommendations.
- The Office of the Auditor-General is monitoring NZ **[Defence Force OpRespect](#)**, noting positive progress.

Te Taunaki Public Census Survey was distributed and closed on 21 March with results expected in July 2025. This is the first time the census included questions about psychosocial harm, including bullying and harassment.

The **[Office of the Auditor-General](#)** released a refreshed Integrity Framework to aid agencies and integrity leads in aligning with public service values.

New Zealand Food Safety Good Governance Guide Launched

Recently, New Zealand Food Safety released a new publication aimed at offering essential food safety governance guidelines to help directors, executives and owners of food businesses to be clear on their governance responsibilities in the context of food safety. The guide features five crucial questions to pose during board meetings, a checklist for directors, and illustrative examples related to performance metrics.

[New Zealand Food Safety Good Governance Guide can be found here](#)