

# WHS Law Briefing

February 2025



# Contents

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<b>Key issues and trends</b>	<b>03</b>
<b>Legislative updates</b>	<b>04</b>
Commonwealth / National	04
New South Wales	07
Queensland	08
South Australia	10
Victoria	11
Western Australia	11
Australian Capital Territory	12
Northern Territory	13
Tasmania	13
<b>Significant cases</b>	<b>14</b>
<b>Contacts</b>	<b>24</b>

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## Key issues and trends

Welcome to our WHS Law Briefing. This briefing identifies key issues and emerging trends in WHS Law, and details significant legislative and case law developments from August 2024 to date in February 2025. Please contact our national WHS team if you would like to discuss any of the matters in this briefing or would like any source materials which have not been included. We welcome your feedback.

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<b>Eliminating sexual harassment</b>	There have been a number of developments in WHS legal obligations aimed at combatting sexual harassment in Australian workplaces. New notification requirements in respect of violent incidents are being added to the model WHS Act and various jurisdictions have introduced positive duties and codes of practice in relation to sexual harassment and sex or gender based harassment. For further insights, listen to our <a href="#">podcast</a> with the SafeWork NSW Respect at Work Taskforce.
<b>Diversity, equity and inclusion programs</b>	There is much speculation as to the future of diversity, equity and inclusion programs in Australian businesses given recent political and workplace discussions at home and abroad. It is critical that Australian business leaders consider the psychosocial risk perspective on gender diversity and ensure that their decision making on this issue aligns with their obligations under work health and safety laws. For our further insights on this issue, read our article <a href="#">here</a> .
<b>Successful prosecution of CEO for failure to exercise due diligence</b>	In a landmark decision, the former Chief Executive Officer of a large corporation was found guilty of failing to comply with his officer due diligence obligation under the <i>Health and Safety at Work Act 2015</i> (NZ). It is not yet known whether the decision will be appealed. See below for a detailed analysis of the decision and its relevance to the due diligence duty under Australian WHS laws.
<b>Industrial manslaughter offences</b>	The offence of industrial manslaughter has now commenced in every Australian jurisdiction, with New South Wales and Tasmania giving effect to the offence on 16 September and 2 October 2024 respectively. The industrial manslaughter offence in Queensland has been expanded to bring it in line with other jurisdictions in Australia.
<b>More stringent regulation of crystalline silica</b>	More stringent WHS duties targeting all industries where workers are or might be exposed to silica dust came into effect in most jurisdictions on 1 September 2024 and importation restrictions commenced on 1 January 2025. The <a href="#">Silica National Strategic Plan 2024-30</a> has been formally endorsed.

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# Legislative updates

## Commonwealth / National

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### New psychosocial hazards code of practice

The [Work Health and Safety 'Managing Psychosocial Hazards at Work' Code of Practice](#) (Commonwealth Code) has been approved under the *Work Health and Safety Act 2011* (Cth) (Commonwealth WHS Act). It is based on Safe Work Australia's model code of practice of the same name, with some differences, including that the Commonwealth Code:

- Identifies job insecurity, fatigue and intrusive surveillance as common psychosocial hazards and sets out examples of control measures for these hazards.
- Discusses the requirement to apply the hierarchy of controls to psychosocial risks (reflecting the application of this requirement under the *Work Health and Safety Regulations 2011* (Cth) (Commonwealth WHS Regulations).
- Contains a new Part 8 regarding responding to reports, complaints or incidents involving psychosocial hazards, including a list of ten principles that can be applied to mitigate harm from the investigation process itself.

For more information see our article [here](#).

### Upcoming changes to incident notification requirements

Safe Work Australia is drafting changes to the incident notification requirements under the model Work Health and Safety Act (Model WHS Act) to address gaps and provide more clarity in respect of existing incident notification requirements. The changes will include requirements to notify of:

- Violent incidents, including sexual assault, that may not result in a physical injury triggering notification.
- Work-related (or suspected work-related) suicide or attempted suicide of a worker, and the suicide or attempted suicide of other persons in specific settings.

- A worker's absence period (or likely absence period) of 15 or more consecutive calendar days due to psychological or physical injury, illness or harm arising out of conduct of the business or undertaking.

Further information is available [here](#). Changes to the notification requirements under the Model WHS Act will not take effect in a jurisdiction until implemented in the WHS laws of that jurisdiction.

### Crystalline silica regulation changes

The Commonwealth WHS Regulations were amended on 1 September 2024 by the [Work Health and Safety Amendment \(Penalties and Engineered Stone and Crystalline Silica Substances\) Regulations 2024](#) in accordance with [changes](#) made to the Model WHS Regulations in April 2024 (including requirements in relation to a silica risk control plan, training, air and health monitoring and reporting requirements). The requirements of the Commonwealth WHS Regulations in relation to crystalline silica are outlined by Comcare [here](#).

### New codes of practice, guides and tools

Safe Work Australia has published:

- A [draft model Code of Practice 'Managing fatigue risks at work'](#) – consultation regarding this draft code of practice closed in November 2024.
- A Fact Sheet on [Communicating with migrant and multicultural workers about work health and safety](#).
- A [Guide to managing the risks of rooftop solar installation work](#).
- A set of [WHS performance reporting tools](#) that can be used by persons conducting a business or undertaking (PCBUs) to assess, measure and report on WHS performance.

The National Heavy Vehicle Regulator has released the [Mobile crane industry Code of Practice](#), which was developed in partnership with the Crane Industry Council of Australia to help chain-of-responsibility parties comply with their primary duties under the Heavy Vehicle National Law.

The Office of the National Rail Safety Regulator (ONRSR) has published the [ONRSR Code of Practice – Train Visibility at Level Crossings](#) designed to improve safety at thousands of level crossings around the country.

The National Transport Commission has released [Edition 7.9](#) of the Australian Code for the Transport of Dangerous Goods by Road and Rail. The NTC [states](#) Edition 7.9 can be used from 1 October 2024 and is mandatory from 1 October 2025 (however check with your relevant local authority to confirm the applicable commencement date).

## Protections from violence for Commonwealth workers

The [Commonwealth Workplace Protection Orders Bill 2024](#) was introduced to Parliament in November 2024 to respond to work health and safety risks faced by Commonwealth frontline workers. If passed, the Bill will enable an authorised person within a Commonwealth entity to apply to a court for a workplace protection order to protect a Commonwealth worker or workplace from acts of personal violence. The Bill is currently being considered by the House of Representatives.

## Proposed changes to Heavy Vehicle National Law

The National Transport Commission has published exposure drafts of the [Heavy Vehicle National Law Amendment Bill](#) and [Heavy Vehicle National Amendment Regulations](#), along with an [Explanatory Document](#) regarding the proposed laws. The proposed reforms include a more flexible and safety focused accreditation scheme, a driver fitness duty, Ministerial approvals and direction powers, and improving regulatory accountability. There are also proposed amendments to omit or move prescriptive detail from law into regulations, to contemporise the law and enhance regulatory flexibility.

The NTC has also reviewed all HVNL penalties, and has published a [paper](#) summarizing the penalty changes proposed.

## Consultation on proposed new workplace exposure limits

Safe Work Australia has undertaken [consultation](#) on the proposed workplace exposure limits (WEL) for nine chemicals (benzene, chlorine, copper, formaldehyde, hydrogen cyanide, hydrogen sulphide, nitrogen dioxide, respirable crystalline silica, titanium dioxide). Submissions received during the consultation process will be used by Safe Work Australia to prepare an Impact Analysis for Work health and safety ministers to help them decide whether to implement the proposed WEL for each of the nine chemicals, and the timeframe for implementation.

## Costs protection regime for sexual harassment cases

The [Australian Human Rights Commission Amendment \(Costs Protection\) Act 2024](#) passed through Parliament in September 2024 and amends the Australian Human Rights Commission Act 1986 (Cth) to protect claimants in discrimination and sexual harassment cases from adverse cost orders, subject to some limited exceptions. This reform is designed to alleviate the barrier to justice that the risk of an adverse costs order poses for applicants in federal unlawful discrimination court proceedings, and aims to achieve the objectives of recommendation 25 of the 2020 [Respect@Work](#) report.

## Key WHS statistics and data published

SafeWork Australia has published the [Key Work Health and Safety Statistics Australia 2024 Report](#), as well as a data report on [Workplace and work-related violence and aggression in Australia](#).

The Workplace Gender Equality Agency (WGEA) has published the [WGEA Gender Equality Scorecard 2023 – 2024](#), which is based on Gender Equality Reports from more than 7000 medium and large employers.

Comcare has published [Systems for Respect: Interventions to reduce workplace sexual harassment, Rapid review](#), to provide employers and PCBUs with a summary of relevant evidence regarding the effectiveness of workplace approaches and interventions to prevent workplace sexual harassment.

## Workplace policies to address perimenopause and menopause

Australian workplaces have been encouraged to develop workplace policies in respect of perimenopause and menopause in consultation with their employees, in a report by the Senate Community Affairs References Committee - [Issues related to menopause and perimenopause](#). The report also examines potential supports available for women in the workforce including menopause-specific leave, greater flexibility and reasonable workplace adjustments.

## Recommended changes to WHS laws to address AI risks

The Senate's Select Committee on Adopting Artificial Intelligence has recommended that the Australian Government extend and apply the existing work health and safety legislative framework to workplace health and safety risks posed by the adoption of AI. The Committee's [report](#) specifically refers to the risk to psychosocial health posed by AI driven surveillance technologies.

## Australia ratifies International Conventions on work health and safety

On 29 October 2024, Australia ratified the International Labour Organisation's Fundamental Convention – Promotional Framework for Occupational Safety and Health Convention 187. This makes Australia the first in the world to ratify all 10 ILO Fundamental Conventions which together recognise workplace health and safety as a fundamental principle and right. Marie Boland, CEO, Safe Work Australia [said](#) "Australia is a world leader in work health and safety, and becoming one of the first nations to ratify all 10 of the ILO's Fundamental Conventions underscores our commitment to workplace health and safety as a fundamental principle and right."



## New South Wales

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### Industrial Manslaughter offence commences

Amendments to the Work Health and Safety 2011 (NSW) (NSW WHS Act) took effect on 16 September 2024 (following the commencement of the [Work Health and Safety Amendment \(Industrial Manslaughter\) Act 2024](#)). The NSW WHS Act now contains an industrial manslaughter offence, with the maximum penalties of \$20 million for a body corporate and 25 years imprisonment for an individual. PCBUs and officers of PCBUs will commit industrial manslaughter when they engage in grossly negligent conduct that breaches their work health and safety duties that they owe an individual and cause the death of that individual.

### SafeWork NSW launches strategic plan and musculoskeletal disorder prevention plan

SafeWork NSW has launched its five year [Strategic Plan](#) for 2024 – 2029 which outlines what SafeWork NSW aims to achieve and how it will measure its performance. Strategic objectives include:

- Preventing harm through strong and responsive regulatory approaches.
- Supporting industry capability by educating, advising, empowering and securing WHS compliance.
- Engaging and partnering with government, industry, unions and those affected by workplace incidents to collaboratively solve WHS issues.
- Striving to be a model employer and regulator.

SafeWork NSW also launched the [Musculoskeletal Disorder \(MSD\) Prevention Plan 2024-2026](#), along with a series of webinars for employers and workers regarding Musculoskeletal Disorders which can be accessed [here](#).

### Crystalline silica regulation changes and consultation paper released

The NSW WHS Regulation was amended on 1 September 2024 by the [Work Health and Safety Amendment \(Crystalline Silica Substances\) Regulation 2024](#) in accordance with [changes](#) made to the Model WHS Regulations in April 2024 (including requirements in relation to a silica risk control

plan, training, air and health monitoring and reporting requirements). Further information about the changes to the NSW WHS Regulation can be accessed [here](#).

The NSW Government also released a [consultation paper](#) regarding the proposed provisions to bring into effect a silica worker register to help monitor the health of at-risk workers exposed to respirable crystalline silica dust, including the proposed key requirements for information to be included on the register, the use of the register and penalty notice offences. Consultation is now closed and the NSW Government is reviewing responses received. The proposed commencement date for reporting on the silica worker register is 1 March 2025.

### New explosives legislation

The [Explosives Amendment Act 2023](#) commenced on 1 September 2024, transferring a number of provisions of the regulatory framework from the Explosives Regulation 2013 to the Explosives Act 2003. The Explosives Regulation 2024 was also made, and replaces the Explosives Regulation 2013. A summary of the changes is available [here](#).

### Enforcement of supervision practice standard commences

From 1 September 2024, the Building Commission NSW has started to actively enforce the [Supervision Practice Standard for Apprentices in the Electrical Industry](#) which was released in December 2023. Failing to comply with the Standard may attract fines, penalties and/or disciplinary action such as suspension or cancellation of a license. The Building Commission NSW's statement of regulatory intent is available [here](#).

### Psychosocial hazard resources for mining sector

The NSW Resources Regulator has launched a new psychosocial hazards [webpage](#) containing information on identifying psychosocial hazards and complying with incident notification requirements in the mining sector.

## Queensland

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### New government, new safety rules

Soon after the 26 October 2024 change of government in Queensland, changes were made to the *Work Health and Safety Act 2011* (Qld) (QLD WHS Act). The changes commenced on 29 November 2024 and include:

- Reversing changes made by the previous state Government in relation to cease work notices.
- Reintroducing the notice of entry requirements for WHS entry permit holders.
- Cancelling the powers and functions of health and safety representatives and WHS entry permit holders that were scheduled to commence from 1 January 2025.

For more information see our article [here](#).

### Changes to industrial manslaughter and electrical safety laws

QLD's industrial manslaughter laws (contained in both the QLD WHS Act and the *Safety in Recreational Water Activities Act 2011* (Qld)) have been amended to align with other jurisdictions by:

- Extending the provisions to include the negligent deaths of individuals, such as bystanders.
- Making it clear that multiple parties can be charged with the industrial manslaughter of one person.
- Permitting alternative verdicts to industrial manslaughter and other serious offences.

These changes were contained in the [Electrical Safety and Other Legislation Amendment Act 2024](#) (ESOLA Act) which gives effect to a suite of recommendations from various reviews of Queensland's safety frameworks. Other changes include amending the *Electrical Safety Act 2002* (Qld) to:

- Change the definitions of "electrical equipment" and "electrical installation" so that they capture new and emerging technologies.
- Clarify licensing requirements and assist duty holders to comply with the Wiring Rules.

The [Electrical Safety and Other Legislation Amendment Regulation 2024](#) (ESOLA Regulation) has also commenced.

Further information regarding the changes brought about by the ESOLA Act is available [here](#) and responses to common queries about the ESOLA Regulation are provided [here](#).

### Sexual harassment amendment regulations

The *Work Health and Safety Regulation 2011* (Qld) (QLD WHS Regulation) has been amended to:

- Expressly require PCBUs to manage the risk to health or safety of workers or other persons from sexual harassment or sex or gender based harassment at work, including matters that must be taken into account in determining the control measures to implement.
- From 1 March 2025, PCBUs must also develop and implement a written prevention plan to manage the identified risk to the health and safety of workers or other persons from sexual harassment or sex or gender-based discrimination at work.

The amendments were contained in the [Work Health and Safety \(Sexual Harassment\) Amendment Regulation 2024](#) (Qld), WHSQ has released guidance material in relation to the new requirements [here](#).

### Respect@Work Act passed

The [Respect at Work and Other Matters Amendment Act 2024](#) (Qld) passed Queensland Parliament on 19 September 2024, amending the *Anti Discrimination Act 1991* (QLD) (AD Act QLD) and other legislation, to include:

- New protections against harassment on the basis of sex and work environments that are hostile on the basis of sex.
- A positive duty that requires duty holders to take reasonable and proportionate measures to eliminate, as far as possible, discrimination on the basis of all protected attributes, sexual harassment, harassment on the basis of sex and other "objectionable conduct".

Most of the changes will commence on 1 July 2025, although some provisions have already commenced.



## New duties of principal contractors

The obligations imposed on principal contractors under the WHS Regulation QLD expanded on 1 January 2025 as a result of the [Work Health and Safety \(Amenities for Construction Work\) Amendment Regulation 2024](#), which imposes new requirements relating to designated female toilets and improved facilities and amenities for certain construction projects. Further information can be accessed [here](#).

## New codes of practice commence

Three new WHS Codes of Practice commenced in Queensland in September 2024:

- [Mobile crane Code of Practice 2024](#)
- [Rural plant Code of Practice 2024](#)
- [Sugar mill safety Code of Practice 2024](#)

*The Safety in Recreational Water Activities Regulation 2024* and the revised WHS Code of Practice, [Recreational Diving, Recreational Technical Diving and Snorkelling](#) commenced in August 2024.

## Changes to resources safety legislation

Amendments to the *Coal Mining Safety and Health Regulation 2017*, *Explosives Regulation 2017*, *Mining and Quarrying Safety and Health Regulation 2017* and *Petroleum and Gas (Safety) Regulation 2018* will be introduced over the next five years, as a result of the [Resources Safety and Health Legislation Amendment Regulation 2024](#). Some changes commenced on 1 September 2024, including introduction of a continuing professional development framework for those in safety critical roles, improved incident and data reporting, clarification of legislative provisions regarding publishing safety information, introduction of enforceable undertakings and changes concerning principal hazard management plans; the directive power of the regulator; labour hire agencies, contractors and service providers; remote operating centres; safety critical roles at or near mine sites and powers to compel answers or provide information. A summary of the main changes can be accessed [here](#).

## Crystalline silica regulation changes

The QLD WHS Regulation was amended on 1 September 2024 by the [Work Health and Safety Amendment Regulation 2024](#), in accordance with [changes](#) made to the Model WHS Regulations in April 2024 (including requirements in relation to a silica risk control plan, training, air and health monitoring and reporting requirements). Further information about the changes to the QLD WHS Regulation can be accessed [here](#).

## Changes to workers' compensation legislation

Workers' compensation legislation in Queensland has been amended by the [Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2024](#). Information about the amendments is available [here](#).

## South Australia

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### SA WHS Act amendments

The [Work Health and Safety \(Review Recommendations\) Amendment Act 2024](#) commenced on 1 September 2024 and makes changes to the *Work Health and Safety Act 2012* (SA) (SA WHS Act), including to:

- Formally establish the SafeWork SA Advisory Committee
- Extend time frames for requesting the Regulator to bring a prosecution
- Require the Regulator to provide regular updates during investigations on the decision to prosecute;
- Prohibit a person from entering into, providing or benefiting from insurance or other indemnity against penalties
- Enable SafeWork SA to communicate more information about its regulatory activities with stakeholders, including victims of workplace accidents and their families
- Introduce a conciliation, mediation, and arbitration model for work health and safety disputes

Further information regarding these and other changes can be accessed [here](#).

### Crystalline silica regulation changes

The *Work Health and Safety Regulations 2012* (SA) (SA WHS Regulations) were amended on 1 September 2024 by the [Work Health and Safety \(Crystalline Silica Substances\) Amendment Regulations 2024](#), in accordance with [changes](#) made to the Model WHS Regulations in April 2024 (including requirements in relation to a silica risk control plan, training, air and health monitoring and reporting requirements). Further information about the changes to the SA WHS Regulations can be accessed [here](#).

### Changes to explosives laws pass parliament

The [South Australian Explosives Act 2024](#) passed parliament in September 2024 and will come into operation in mid 2026, when supporting regulations and a new licensing system has been developed. Key changes include improved clarity around the definition of explosives, establishment of a licensing framework, increased penalties for breaches and enhanced information notification processes. More information can be accessed [here](#).

### Proposed new laws to protect retail workers from violence

In October 2024, the South Australian Government [announced](#) that it is proposing to create new safety laws to protect retail workers from violence. The proposed laws would enable businesses to apply to the Magistrate Court to prevent individuals who have been violent in a workplace from revisiting that business for up to a year.

### Workplace road safety guide published

The South Australian Government has published a [Workplace Road Safety Guide](#), which aims to help employers build and embed a road safety culture in the workplace and the community.

## Victoria

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### Restrictions on non-disclosure agreements in workplace sexual harassment cases

The Victorian Government is progressing legislative reform to restrict the use of non disclosure agreements in workplace sexual harassment cases. Review of feedback received during public consultation took place in late 2024, with the development of legislation due to take place in 2025. More information can be accessed [here](#).

### Recommendation to clarify requirements for workplace drug testing

A Victorian parliamentary inquiry [report](#) published in August 2024 about workplace drug testing has made recommendations for both the Victorian Government and WorkSafe Victoria. One of the recommendations is that the *Occupational Health and Safety Act 2004* (Vic) (Vic

OHS Act) and/or the relevant regulations be amended to include key principles around alcohol and drug (including prescription medication) testing, which would address the employee's right to privacy and dignity, a commitment to workplace education, and appropriate support measures. It also recommended that amendments to the OHS Act should articulate the way testing should be carried out. For more information see our article [here](#).

### Draft metal casting compliance code

WorkSafe Victoria has sought feedback on a proposed [Metal casting compliance code](#) that is intended to replace the Foundries compliance code. Consultation is now closed, and it is proposed the new code will be made in early 2025.

## Western Australia

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### Sexual harassment changes to employment laws

A new express prohibition on sexual harassment is being introduced to the *Industrial Relations Act 1979* (WA) on 31 January 2025, amongst other changes brought about by the *Industrial Relations Legislation Amendment Act 2024* (WA). Information about the changes can be accessed in the [Sexual harassment changes fact sheet](#).

### National rail safety laws commence in WA

Following its passage through the Western Australian Parliament earlier this year, the Rail Safety National Law (RSNL) commenced in WA on 1 October 2024. The new legislation and a fact sheet can be accessed [here](#).

### Crystalline silica regulation changes

The *Work Health and Safety (General) Regulations 2022* (WA) (WA WHS Regulations) were amended on 1 September 2024 by Part 3 of the [Work Health and Safety \(General\) Amendment Regulations \(No. 2\) 2024](#), in accordance with [changes](#) made to the Model WHS Regulations in April 2024 (including requirements in relation to a silica risk control plan, training, air and health monitoring and reporting requirements). Further information about the requirements under the WA WHS Regulations can be accessed [here](#).

### Psychosocial hazards for FIFO workers code of practice

The Work Health and Safety Commission and Mining and Petroleum Advisory Committee is [reviewing feedback](#) on the draft code of practice "Psychosocial hazards at work for fly-in fly-out (FIFO) workers in the resources and construction sectors". When finalised, the code will replace the existing code [Mentally healthy workplaces for fly-in fly-out \(FIFO\) workers in the resources and construction sectors](#).

### Submissions sought on WHS management systems in the WA public sector code of practice

The Work Health and Safety Commission [invited public submissions](#) on the draft code of practice: *Work health and safety management systems in the Western Australian public sector* (submissions closed 31 January 2025). The draft code provides guidance to assist public sector entities to establish and implement work health and safety management systems.

## Review into possible merger of WHS and dangerous goods laws

The Department of Energy, Mines, Industry Regulation and Safety engaged a consultant to conduct a review of the *Dangerous Goods Safety Act 2004* and regulations, to identify opportunities for modernisation, restructuring and streamlining, consider whether it should be incorporated into Western Australia's work health and safety legislation or remain separate and make recommendations on these options. [Submissions closed](#) 18 October 2024 and are being considered by the Western Australian Government.

## Change to start date for new fall from height provisions

The Western Australian Government has made the [Work Health and Safety \(General\) Amendment Regulations \(No. 4\) 2024](#) which changes the start date for new provisions covering falls from height from March 2025 to 30 September 2026. In the meantime, duty holders need to comply with the equivalent provisions under the *Occupational Safety and Health Act 1984* and *Occupational Safety and Health Regulations 1996*.

## Australian Capital Territory

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### Sexual and gender based harassment code of practice commences

The [Sexual and gender-based Hazards at Work Code of Practice](#) made under the *Work Health and Safety Act 2011* (ACT) (ACT WHS Act), commenced on 11 November 2024. The Code of Practice is based on the nationally agreed model code of practice of the same name.

### Alerts issued re WHS investigations and notification requirements

WorkSafe ACT has issued an [Alert](#) reminding duty holders of the need to undertake WHS investigations concurrently with disciplinary investigations when addressing psychosocial hazards (for example, when investigating complaints of bullying and harassment).

WorkSafe ACT also issued an [Alert](#) confirming that since new sexual harassment notification requirements commenced in June 2023, workplaces must report allegations of sexual assault to WorkSafe as soon as is practicably possible. It is no longer an option to conduct an internal investigation to determine if they think there is merit to an allegation of sexual assault.

### Engineered stone notification requirements

Notification requirements in respect of legacy engineered stone commenced on 1 November 2024 under the *Work Health and Safety Amendment Regulation 2024* (No 1). The notification form is available [here](#).

## Northern Territory

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### Crystalline silica regulation changes

The *Work Health and Safety (National Uniform Legislation) Regulation 2011* (NT) (NT WHS Regulations) was amended on 1 September 2024 by the [Work Health and Safety \(National Uniform Legislation\) Amendment \(Crystalline Silica Substances\) Regulations 2024](#) in accordance with [changes](#) made to the Model WHS Regulations in April 2024 (including requirements in relation to a silica risk control plan, training, air and health monitoring and reporting requirements). Further information about the requirements under the NT WHS Regulations can be accessed [here](#).

## Tasmania

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### Industrial manslaughter offence commences

On 2 October 2024, changes to the *Work Health and Safety Act 2012* (Tas) (Tas WHS Act) came into effect, making industrial manslaughter a criminal offence in Tasmania. The offence of industrial manslaughter applies to a PCBU or an officer of a PCBU. Individuals face a maximum penalty of 21 years imprisonment and a corporation faces a maximum penalty of \$18 million. More information about the industrial manslaughter offence in Tasmania is available [here](#).

### Crystalline silica regulation changes

The *Work Health and Safety Regulations 2022* (Tas) (Tas WHS Regulations) were amended by the [Work Health and Safety \(Crystalline Silica Substances\) Amendment Regulations 2024](#) on 1 September 2024 in accordance with [changes](#) made to the Model WHS Regulations in April 2024 (including requirements in relation to a silica risk control plan, training, air and health monitoring and reporting requirements).

WorkSafe Tasmania has also published a [Managing silica dust at construction sites Guidance Note](#) and [Managing silica dust at mine sites and quarries Guidance Note](#).

# Significant cases

## Commonwealth

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### High Court refuses SafeWork NSW's bid to appeal limitation period decision

The High Court has **refused** SafeWork NSW's bid for special leave to appeal against the Court of Criminal Appeal's ruling quashing a SafeWork NSW prosecution. The Court of Criminal Appeal ruled the prosecution be quashed on the basis that it was launched after the limitation period had expired. The prosecution related to the silicosis deaths of two workers in 2020. In 2017, a SafeWork Inspector conducted an inspection of the PCBU's factory, concluded that all the PCBU's workers undertaking polishing tasks were exposed to crystalline silica dust concentrations well above the relevant exposure standard, and issued an improvement notice. However SafeWork NSW did not charge the PCBU until March 2023. The High Court found SafeWork NSW had insufficient prospects of establishing error on the part of the Court of Criminal Appeal to warrant the grant of special leave.

### High Court rejects special leave application; WHS prosecution can proceed

The High Court has **rejected** John Holland Pty Ltd's application for special leave to appeal against a ruling of the Court of Appeal of the Supreme Court of Western Australia, meaning that a WHS prosecution against John Holland Pty Ltd can proceed. In 2022, Supreme Court Justice Gail Archer found that a prosecution notice issued to John Holland Pty Ltd was invalid due to flaws in a Comcare delegation instrument, which meant that the inspector who launched the proceedings wasn't properly authorised to do so. The Court of Appeal overturned Justice Archer's decision, finding that she had misinterpreted the delegation provisions of the Commonwealth WHS Act. The High Court found there was no reason to doubt the correctness of the Court of Appeal's decision and that the proposed appeal did not raise a question of public importance in any event.



## New South Wales

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### Enforceable undertaking after workers allegedly exposed to psychosocial hazards

Cobar Management Pty Ltd (CMPL) has entered into an [enforceable undertaking](#) valued at over \$1 million in lieu of prosecution by the Resources Regulator, for allegedly exposing two workers (both accountants) to psychosocial hazards, including role overload (as a result of lack of staff, long working hours, demanding tasks, time zone issues associated with project work and inadequate fatigue management), role conflict and lack of role clarity (including the arrangement of meetings at short notice that clashed with other commitments), poor support and poor procedural justice.

Metals Acquisition Limited took ownership of CMPL from its previous owners Glencore in 2023 and a number of notices were issued to CMPL by the Resources Regulator, both before and after the acquisition.

Remedial actions implemented by CMPL to address the alleged failures include changes to its HR system and Fatigue Management Procedure aimed at preventing staff from working excessive hours (including a 'lock out system' where staff cannot log on to their computers between 9pm and 5am without a temporary exemption). Pursuant to the enforceable undertaking, CMPL has also committed to undertake various actions, including a Health and Safety Culture Survey, psychometric testing during the recruitment process for roles requiring high mental acuity, a leadership mental health support program, organising the NSW Metalliferous Mining Industry Psychosocial Safety Workshop and partnering with local schools to deliver the Resilience Project.

### Court of criminal appeal responds to question regarding risk minimisation charge

The NSW Court of Criminal Appeal has [formally declined](#) to resolve a question concerning the correct operation of section 17 of the NSW WHS Act, which deals with management of risks, on the basis that the question was not a pure question of law and therefore not capable of being the subject of an application under s 5AE of the *Criminal Appeal Act 1912* (NSW). The question that was put to the Court of Criminal Appeal concerned whether the prosecution could continue to pursue particulars of

a charge relating to risk minimisation, in circumstances where the offender had pleaded guilty to the charge based on accepting a particular that would have eliminated the pleaded risk. Whilst not formally answering the question, the NSW Court of Criminal Appeal noted difficulties with a construction of the legislation that would prevent the prosecution from pursuing particulars relating to risk minimisation, stating: "It is difficult to see why the [NSW WHS Act] would undercut these principles.

### Owners corporation of strata scheme and managing agent convicted and fined

Following the July 2024 decision to [fine](#) the owners corporation of a strata scheme at an industrial complex \$225,000 for an offence against the NSW WHS Act following the death of a worker who was crushed by a large electric gate, the strata agent has been [fined](#) \$150,000 in relation to the same incident. Eight days prior to the worker's death, a van collided with the electric gate, bending it out of shape and enabling it to come off its support rollers. Whilst the owners' corporation promptly reported the damaged gate to the strata agent and gave approval for the strata agent to arrange repairs, the repairs were not treated as a matter of urgency.

### Improvement notice issued to principal contractor overturned

An improvement notice issued to a principal contractor, Diona Pty Ltd, has been [overturned](#), after the NSW Industrial Relations Commissioner agreed with the principal contractor that the SafeWork NSW inspector did not abide by his obligation to make "reasonable inquiries" before deciding to issue the improvement notice. The improvement notice directed the principal contractor to ensure there were arrangements to ensure work was carried out in accordance with the subcontractor's SWMS for the relevant tasks and to otherwise stop work immediately. Commissioner Muir found "There is force to Diona's submission that [the inspector] has taken the simple, Diona called it lazy, approach by determining that any inadequacy must be visited upon the principal contractor. At no point in the inspector's evidence was there consideration of the interaction between the parties or the extent to which the expert party was Diona or [the relevant subcontractor]."

## Director ordered to undertake training and return to court

A company director who admitted to failing to exercise due diligence and exposing non-workers to fatal risks has been [ordered](#) to complete a Certificate IV WHS course, a training course on WHS due diligence for directors and managers, and a SafeWork webinar on supervision on construction sites. The director was also required to give a section 239 undertaking that he return to court in one year, unless he provides evidence of the completion of the training order to SafeWork NSW, and may be called on to appear before court during the one year adjournment.

## Queensland

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### \$425,000 fine after training failure

A responsible agency for the State of Queensland has been [fined](#) \$425,000 from a maximum penalty of \$1,500,000 after pleading guilty to a category 2 offence against the QLD WHS Act. The offence related to the death of a worker who was struck by a stolen car and fatally injured whilst deploying a tyre deflation device. The court heard that in the worker's 10 years of employment with the agency he had only completed about five hours of training in the use of tyre deflation devices (which was primarily theoretical), and that the agency had been notified of multiple injuries involving tyre deflating devices during that time. The Magistrate rejected the agency's claim that general deterrence should not be a significant factor in sentencing because the vehicle was stolen and the driver and passenger were facing murder charges.

### Fine imposed against company in liquidation

Mobile Scaffolds Queensland Pty Ltd has been [convicted](#) and ordered to pay a \$400,000 fine in relation to its installation of a scaffold tower at a Mitchelton Sports complex that fell and fatally injured a volunteer ground official. The Court heard that the defendant had chosen to enter into liquidation in response to the charges brought against it, however despite the company's status in liquidation, as a matter of general deterrence, a penalty was called for that would appropriately deter others. A worker at Mobile Scaffolds Queensland Pty Ltd is being prosecuted in relation to the same incident.

### Worker ordered to perform 200 hours of community service

A worker has been [sentenced](#) for an offence against the *Mining and Quarrying Safety and Health Act 1999* (Qld) after he neglected to properly check his surroundings while operating a front end loader, and caused grievous bodily harm to a colleague. The worker was placed on a 21 month probation period, with a requirement to perform 200 hours of community service, and a conviction was recorded.

## South Australia

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### First recklessness prosecution and record fine

JMA Engineering Pty Ltd is the first PCBU to be **convicted** of a recklessness offence under the SA WHS Act, after pleading guilty to engaging in conduct that exposed workers to the risk of death or serious injury, and being reckless as to the risk, prior to the death of an apprentice worker. JMA's production manager was also charged and pleaded guilty to a Category 2 offence. JMA was fined \$840,000 (a record fine under the SA WHS Act) and the production manager was fined \$12,000.

### Labour hire company convicted of consultation failings

A labour hire company has been **fined** \$18,000 for breaching its duty under section 46 of the SA WHS Act to consult, cooperate and coordinate activities with a host organisation, after a worker was injured by falling through a skylight on a roof at the host organisation's workplace. In the same proceedings, the host organisation was sentenced \$90,000 for breaching its primary duty under the SA WHS Act in failing to identify and manage the risks posed by the skylights.

### SWMS criticised for lack of implementation delegation

LR&M Construction Pty Ltd has been **fined** \$75,000 (which includes a 40 per cent discount for an early guilty plea) after pleading guilty to an offence against the SA WHS Act relating to a failure to provide a safe system of work by ensuring a trench had adequate benching, battering or shoring. The South Australian Employment Tribunal heard that LR&M had a lengthy SWMS for trenching, that addressed the risk of trench collapses and included controls consistent with the Code of Practice for Excavation Work. However, Deputy President Lieschke noted the SWMS "unrealistically assigned responsibility for implementation to 'all involved', meaning no-one in particular" and "it is still not clear who was responsible for implementing the SWMS on this occasion."

## Victoria

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### Penalty tripled to avoid conviction

In March 2024, a PCBU was convicted of an offence against the *Occupational Health and Safety Act 2004* (Vic OHS Act) and fined \$140,000 following an incident that resulted in a delivery driver sustaining severe brain and leg injuries. Five months later, the PCBU successfully appealed against the decision to record a conviction against it, on the basis that this would adversely affect its economic wellbeing, including by limiting its ability to tender for new work. The County Court allowed the appeal, finding that it could achieve the sentencing purposes of general deterrence by imposing a larger fine (\$413,050) without conviction.

### Companies charged after skylarking manslaughter death

WorkSafe Victoria has **charged** HSG Developments Pty Ltd and HSG Asphalt Pty Ltd with offences under the Vic OHS Act for failing to provide and maintain a safe system for securely storing keys for items of plant to prevent untrained or unauthorised people gaining access. The charges follow an incident in 2022 where a worker was skylarking on a skid steer loader after hours and deliberately drove towards his co-worker who was tragically killed. The driver of the skid steer was sentenced to seven years imprisonment after being **convicted** of manslaughter by criminal negligence under the Crimes Act 1958 (Vic).

### Company fined \$750,000 following employees' deliberate non compliance with directions

Cutri Fruit Pty Ltd has been **convicted and fined** \$750,000 after a fruit picker died following a fall from a moving trailer. Cutri's orchard manager had warned workers twice in the month before the incident that riding picking trailers was "extremely dangerous" and "must stop immediately", and this warning was repeated by Cutri's Director and in Cutri's Health and Safety Guide. The Court ruled that directing workers not to engage in a dangerous practice is insufficient to address the risk, and that Cutri not only needed to tell people not to ride on the trailers, it needed to take practical steps to prevent that happening.

## Western Australia

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### First finalised prosecution under the WA WHS Act

The first finalised prosecution under the WA WHS Act occurred in August 2024, with a sole trader being **fined** \$10,000 after pleading guilty to an offence under section 43 of the WA WHS Act ("Requirements for authorisation of work") in relation to removing asbestos containing fencing without holding an asbestos removal licence.

### First PCBU charged with failing to control psychosocial risks

WorkSafe WA has announced that it has charged the State Department of Justice with offences under the WA WHS Act, in relation to allegedly failing to provide a safe workplace for a female prison officer who experienced inappropriate workplace behaviours, including bullying, harassment, sexual harassment and victimisation. It has been reported that this is the first prosecution brought by WorkSafe WA in relation to psychological harm to a worker.

### WHS discrimination application dismissed

A worker's application under section 112 of the WA WHS Act for an order that he was discriminated against for a prohibited reason (raising an issue or concern about work health and safety) has been **dismissed**. The worker was put on a performance plan and dismissed after he defied his manager's instruction regarding the dissemination of an investigation report, however his employer argued the reasons why it took that action was the worker's misconduct, and not the fact that he had raised an issue or concern about health and safety. The Commissioner accepted the employer's submission and dismissed the worker's application.

## Northern Territory

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### Evidence of breach inadvertently sent to WHS Regulator

Heritage Stone Pty Ltd has been fined \$500,000 in the Hobart Magistrates Court for breaching section 32 of the TAS WHS Act. A PCBU and company manager that sent photographs to WorkSafe NT that inadvertently showed their workers working at height without fall protection have been **convicted and fined**. The photographs had been sent to WorkSafe NT for the purpose of demonstrating that electrical safety defects previously identified by electrical safety inspectors had been rectified. The PCBU and company manager were fined \$24,000 and \$6,000 respectively.

## New Zealand

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### Successful prosecution of CEO for failure to exercise due diligence

In a landmark decision, the District Court of New Zealand has found a former Chief Executive Officer (CEO) of a large corporation guilty of an offence under the *Health and Safety at Work Act 2015* (NZ) (HSWA) for failing to comply with his officer due diligence duties.

In [\*Maritime New Zealand v Anthony Michael Gibson \[2024\] NZDC 27975\*](#), Judge Bonnar KC delivered judgment in a prosecution brought by Maritime New Zealand (MNZ) against Anthony Gibson (Mr Gibson) who was the CEO of Ports of Auckland Limited (POAL) from 2011 to 2021.

Mr Gibson was found to have breached s 48(1) of the HSWA in that he failed to comply with the duty imposed upon him as an officer of POAL by s 44 of the HSWA to exercise due diligence to ensure that POAL complied with its duties or obligations under the HSWA and that that failure exposed POAL's stevedores to a risk of death or serious injury, namely, the risk of being struck by objects falling from operating cranes.

The judgment is significant in the Australian context because the HSWA is an adoption of Australia's model WHS Act. The duty imposed on officers in New Zealand by s 44 is largely identical to the duty imposed on officers under section 27 of the model WHS Act, which has been adopted by all jurisdictions in Australia, apart from Victoria.

### The incident

On 30 August 2020, Mr Pala'amo Kalati (Mr Kalati) was working the night shift as a lasher at the Port of Auckland. Together with a colleague, Mr Kalati was lashing in close proximity to an operating crane, as directed by the ship's leading hand. The crane operator was not aware that they were working there and was unable to see the two workers. Whilst the crane operator was lifting a container, a lock mechanism failed under the container's weight. The container fell and crushed and fatally killed Mr Kalati.

### Charge against POAL

Following the incident, MNZ charged POAL with two offences under s 48(1) of the HSWA for failing to ensure, so far as is reasonably practicable, the health and safety of workers. Specifically, the alleged failures of POAL included:

1. Not directing or permitting the workers to work in close proximity to the operating crane.
2. Developing and clearly documenting adequate and effective exclusion zones around operating cranes.
3. Providing effective training and instruction to workers on safely working around operating cranes.
4. Carrying out effective supervision, monitoring and audits to ensure that workers were complying with the safe systems of work and not developing unsafe work cultures.
5. Conducting an appropriate risk assessment relating to removal of the lash landing hand role in response to the COVID-19 pandemic.
6. Providing effective training, instruction and supervision to ship leading hands and crane operators when requiring them to assume the role of lash leading hand.

POAL plead guilty to the charges and was convicted and fined NZ\$561,000 in December 2023.



## Charge against Mr Gibson

MNZ also charged Mr Gibson, as an officer of POAL, with two charges alleging breaches of ss 48(1) and 49(1) HSWA between 31 May 2019 and 31 August 2020. The charges were laid in the alternative. Both charges alleged that Mr Gibson failed to comply with the duty imposed upon him, under s 44 of the HSWA, to exercise due diligence to ensure that POAL complied with its duties or obligations under the HSWA. Mr Gibson plead not guilty to the charges.

MNZ alleged that Mr Gibson failed to exercise the care, diligence and skill that a reasonable officer would exercise in the circumstances to:

1. Take reasonable steps to ensure that POAL had available for use, and used, appropriate resources to eliminate or minimise risks to health and safety, including by having:
  - a. clearly documented, effectively implemented and appropriate exclusion zones around operating cranes; and
  - b. clearly documented, effectively implemented, and appropriate processes for ensuring coordination between lashers and crane operators.
2. Take reasonable steps to verify the provision and use of those resources and processes.

The Court found Mr Gibson failed to comply with his duty as an officer in respect of particulars 1a) and 2. However, the Court was not satisfied of his guilt beyond reasonable doubt in relation to particular 1b).

## Reasons for decision

### Particulars 1a) and 2 – ensuring implementation of exclusion zones and verification of provision and use of resources and processes

A key factual finding made by the Court in relation to particulars 1a) and 2) was that there was a practice of stevedores engaging in unsafe practices and cutting corners on the night shift. Such practices included lashers not working in pairs as required, using phones or listening to music while working on vessels, and breaching POAL's rule not to work within three container widths of an operating crane. Lashers had breached this rule by waiting next to containers being lowered onto ships, so they could

lash it immediately, a practice known as "load and lash" and were even attaching lashing bars while containers were still being lowered. The Court also determined that some managers and lash leading hands were aware of corners being cut, that POAL's training materials and documentation on the rule of not working within three container widths of an operating crane was confusing and inconsistent, and that there were no adequate systems in place to monitor compliance with the rule, including inadequate reporting on system compliance to senior management and the Executive.

In determining that Mr Gibson had failed to discharge his duties as an officer on these issues, the Court relied on a range of factual matters, including that Mr Gibson:

- Was fully aware of the critical risk of handling suspended loads.
- Was ultimately responsible for health and safety and was tasked with a number of key health and safety responsibilities.
- Was responsible for monitoring and reviewing the performance of his subordinates and POAL's systems and required to exercise systems leadership.
- Was "hands on" in relation to health and safety issues.
- Was aware of POAL not having responded in a timely fashion to recommended improvements to POAL's safety management systems identified in a 2018 audit. This included recommended improvements in relation to health and safety accountability, monitoring and reporting systems.
- Was aware, or ought to have been aware, of the lack of timely progression of bow-tie analysis of critical risks.
- Was on notice of POAL's on-going difficulties in adequately monitoring work "as done" and of the need for improvement of the monitoring of the night shift – in particular, POAL had been convicted of safety offences on four occasions prior to the incident during Mr Gibson's tenure as CEO.
- Was conscious of the desirability of additional technological controls in relation to work carried out by lashers on ships, to address POAL's reliance on behavioural controls, but failed to turn his mind to the need for additional hard, non-technological controls.

- Had failed to ensure that the POAL Health and Safety Steering Committee (HSSC) was properly performing its functions, which included monitoring POAL's performance against its safety policies and procedures. Mr Gibson did not attend HSSC meetings for a six-month period prior to the incident, and only one meeting was held during that time.
- Had not met his responsibility to approve POAL's annual safety strategies/plans, and ensure those plans were prepared. The plans had not been prepared for the 2020 and 2021 financial years.

The Court concluded that a reasonable CEO in Mr Gibson's position would have recognised the shortfalls in POAL's management of exclusion zones and would have ensured that POAL utilised appropriate resources and processes to address those shortfalls.

#### **Particular 1b) – ensuring coordination between lashers and crane operators**

The Court determined that it had not been proven beyond reasonable doubt that Mr Gibson had not taken reasonable steps to ensure that POAL had documented and implemented appropriate processes for ensuring coordination between lashers and crane operators. The prosecution's case at trial on this issue was that Mr Gibson failed to ensure that POAL had formal change management systems and processes in place, that would have ensured that a risk assessment was carried out before removing the role of lash hand during the COVID-19 pandemic (an issue for which POAL had already been convicted for breaching its safety duties).

In assessing the reasonableness of Mr Gibson's actions in this regard, the Court had regard to the following:

- The significant additional burden placed upon Mr Gibson as CEO by reason of COVID-19 pandemic.
- Mr Gibson made significant efforts to make himself seen and available to workers at the port.
- Those involved in the decision to remove the lash hand at the operational level did not consider that there were any negative safety implications in doing so, or that the plan involved a significant change of work processes given that pre-pandemic, there were situations where the leading hand already had responsibility for the lashers working on the vessel.

- It was not clear on the evidence that in the period leading up to the incident POAL was significantly out of step with industry generally, by not having a formally documented management of change process, as opposed to managing change and undertaking risk assessments as and when necessary.
- In respect of the previous conviction, POAL was not convicted for failing to have a formalised and documented management of change process in place – it was convicted for failing to carry out a risk assessment for the decision of removing the role of lash leading hand.

#### **Causation**

With reference to the previous findings made in relation to particulars 1a) and 2, the Court was also satisfied beyond reasonable doubt that Mr Gibson's failures made it materially more likely that POAL would breach its duty of care, and his failures thereby exposed workers to a risk of serious death or injury from being struck by objects falling from operating cranes.

#### **Principles of due diligence**

The Court also provided a helpful summary of key principles of due diligence. These principles included:

- The question of whether an officer has exercised due diligence is dependent on the facts and circumstances of the case.
- The duty applies to all officers across all PCBUs, large and small, with both flat and hierarchical structures.
- The fact that an officer may operate at the head of a large, hierarchical organisation does not mean that the officer's obligations are diminished.
- In the case of large, hierarchical organisations, the duty to exercise due diligence is not limited to governance or directorial oversight functions.
- The officer's duty is distinct from the duty imposed upon a PCBU. The officer is not required to do everything that the PCBU is required to do to comply with its duties. A failure by a PCBU to comply with its duties does not, of itself, mean that its officers have not complied with their duties to exercise due diligence.
- An officer in a large PCBU does not need to be involved in day-to-day operations in a hands-on way but cannot simply rely upon others within the organisation to

discharge their duties – the officer must personally acquire and maintain sufficient knowledge to reasonably satisfy him or herself that the PCBU is complying with its duties.

- Where others are assigned safety roles, the officer must ensure that those persons have the necessary skills and experience to properly execute their roles, and must adequately and regularly monitor their performance.
- An officer must acquire and maintain sufficient knowledge of the operations of the PCBU and the work actually carried out “on the shop floor” to adequately identify and address actual workplace hazards and risks.
- An officer must ensure that entrenched and adequate systemic processes are put in place to ensure that the PCBU complies with its duties.
- An officer must ensure that there are effective reporting systems in place to ensure that necessary information in relation to safety, risks, hazards and controls flows to officers and others in the organisation with governance and supervisory functions.
- An officer must arrange an effective process of monitoring, review and/or auditing of the PCBU’s systems to ensure they are being adhered to.
- An officer cannot assume that the PCBU is compliant with its duties in the absence of information or assume that information they have been provided is correct – they must be proactive and properly verify and interrogate the information they receive.
- A court will obtain assistance from industry standards and knowledge, but must objectively determine the reasonableness of an officer’s actions.

### Doble

The Court spent some time considering the recent decision in the District Court of New South Wales (DCNSW) [SafeWork NSW v Doble](#) [2024] NSWDC 58 (Doble), where an officer was found to have complied with his due diligence duty under the WHS Act in New South Wales. The Court said that it was “difficult to reconcile” the DCNSW’s conclusion with the stated facts, history and purpose of the legislation and other Australian authorities in relation to the exercise of due diligence. The Court further expressed a view the conclusion arose, at least in part, from the prosecutor’s failure to adequately particularise the allegations regarding what Mr Doble had failed to

do, beyond essentially saying that he should have done something to ensure that the company had complied with its duty. As noted by the DCNSW in *Doble*, this was not addressed in the charges, the opening submissions or the closing submissions. The DCNSW also noted the prosecutor failed to tender appropriate documentary evidence to support the allegations that Mr Doble failed to exercise due diligence. The Court considered the main conclusion to be taken from *Doble*, therefore, was that there is a distinction between the primary duty of care of a PBCU, and the due diligence duty of officers.

See our previous analysis of the Doble case [here](#).

### Commentary

It is important to recognise that the judgment in *Gibson* is not binding on Australian courts. However, given the similarity between the officer duties under Australian and New Zealand laws, and the limited case law on the scope of the duty, it is likely that courts in Australia will have regard to the *Gibson* decision when interpreting the scope of the officer due diligence duty in Australia. The *Gibson* case highlights the personal and proactive nature of the due diligence obligation, as in making its decision the Court closely examined the role of Mr Gibson, his awareness of the risks in question, and the actions that he had taken (and not taken) in relation to those risks. The case is particularly significant in that involves a conviction of the CEO of a large and sophisticated organisation.

### Safety consultancy business sentenced

A safety consultancy business has been [fined](#) for an offence under the HSWA after failing to act in a timely manner to provide a workplace traffic management plan. The safety consultancy had identified an urgent need for the traffic management plan and undertook to provide one, but had not done so six months later when a worker was seriously injured in a vehicle incident.

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