



Safety Update

Key developments and trends: January 2026 – June 2026

	Key points from cases, regulatory updates & legislative changes	Implications for your business
1: Industrial manslaughter and gross negligence cases	• Queensland: In March 2026, Mastermyne Crinum Operations Pty Ltd became the first company convicted of industrial manslaughter under Queensland's Coal Mining Safety and Health Act 1999 (Qld), following a fatal roof collapse at the Crinum underground mine in September 2021, with the jury returning a majority verdict after Mastermyne used an unconventional shotcrete-only strata support method that was high risk in the circumstances. In May 2026, Mastermyne was sentenced to a \$7 million fine plus \$299,000 in costs — a record-breaking fine significantly higher than Australia's previous record WHS penalty — with the District Court commenting that this was "a gross breach of safety obligations" and the degree of negligence was "of high order"; Mastermyne has lodged an appeal. • Victoria: Risham Nominees Pty Ltd (operator of a bakery) was fined \$3.4 million — the largest WHS penalty in Victoria and the third-largest in Australia — for workplace manslaughter after a worker fell four metres and suffered fatal head injuries during ceiling upgrade works, with WorkSafe Victoria finding no control measures had been implemented to eliminate or reduce the fall risk despite their availability. • NSW: In May 2026, NSW principal contractor Acon Projects Pty Ltd pleaded guilty to a Category 1 gross negligence offence and was fined \$480,000 after a worker fell three metres from an unprotected edge at a residential construction site, suffering a traumatic brain injury and spending 21 days in a coma, with the Court finding the director was aware the temporary balustrade had been removed and yet took no action. • NSW: In April 2026, Young Mining Company Pty Ltd (NSW) was found guilty of the first WHS gross negligence verdict under a Category 1 offence after a worker suffered severe crush and spinal injuries from slipping into an unguarded chute, with the Court finding the company ignored its own safety systems, prioritised production over safety, and failed to implement a fit-for-purpose emergency stop system.	• We are likely to see a continued focus by safety regulators in assessing the suitability of bringing charges under industrial manslaughter laws where there are serious workplace safety breaches resulting in death. • This is particularly the case where businesses are on notice of safety gaps and have not taken steps to address these through interim or permanent measures that are reasonably practicable.
2: Officer due diligence cases	• The New Zealand High Court upheld the first-ever conviction of a director or executive of a large New Zealand company under officer due diligence provisions in <i>Gibson v Maritime New Zealand</i> [2026] NZHC 813, finding that Tony Gibson (former CEO of Ports of Auckland) failed to exercise due diligence despite being personally aware of critical risks, and emphasising that systems that "look good on paper" are not sufficient — officers must implement systems that genuinely monitor and measure compliance, must understand "work as done" rather than "work as planned", and cannot simply accept assurances that systems are working. A companion Health and Safety at Work Amendment Bill is currently before New Zealand's Parliament, proposing to limit an officer's duty to their role as an officer (where they hold multiple roles), to define "due diligence steps" exhaustively, and to introduce a statutory definition of "critical risk" requiring its prioritised management. • Victoria's proposed Occupational Health and Safety Amendment (Dangerous Goods) Bill 2026 and the Dangerous Goods Transport Bill 2026 would introduce new personal due diligence obligations on officers of a body corporate in Victoria — a significant change for Victoria, though equivalent obligations already exist in other harmonised jurisdictions. • Across multiple Australian jurisdictions, officers and directors were convicted for failing to exercise due diligence: the sole director of Always Energy Pty Ltd was fined \$101,250 after an apprentice fell from a roof; Delta Contractors' director was convicted and fined \$20,000 following a fall from an unprotected suspended slab; the sole director of Acon Projects was convicted and fined \$20,000 after a worker fell three metres from an unprotected edge suffering a traumatic brain injury; Young Mining Company's managing director was found guilty of a category-2 officer duty breach following the first WHS	• While we have seen some cases of medium sized businesses in Australia, the continued officer convictions across multiple jurisdictions reinforce the critical importance of officers actively informing themselves of known safety risks and previous incidents, and verifying implementation and ongoing effectiveness of safety systems. The decisions collectively reinforce that officers face heightened regulatory and judicial scrutiny where known safety risks or previous incidents have not been adequately addressed, and that failures to exercise due diligence can result in

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	gross negligence verdict in NSW (with sentencing pending); and the sole director of The Real Juice Company (Anthony Taliano) was convicted and fined, with the Court describing his decade-long failure to inform himself of known forklift safety risks — particularly given a near-identical incident at the same site in 2012 — as "egregious" and a "very significant absence of due diligence", attracting an adverse publicity order. • HSF Kramer has published an article on the Star case (ASIC v Bekier (Liability Judgment) [2026] FCA 196) for the safety context, discussing key learnings for boards and senior leaders from a WHS officer due diligence perspective.	conviction, significant fines, adverse publicity orders, and reputational damage.
3: Psychosocial hazards: continuing and expanding regulatory focus	• The NSW Parliament passed the Work Health and Safety Amendment (Digital Work Systems) Bill 2025, creating a new duty on PCBU to ensure health and safety is not put at risk by the allocation of work through digital systems such as algorithms, AI, automation and online platforms, requiring consideration of risks such as excessive workloads, unreasonable performance metrics, excessive monitoring or surveillance, and unlawful discriminatory practices. • SafeWork NSW issued two improvement notices to the NSW Department of Education (DoE) over delays in misconduct investigations and the assignment of alternative duties not aligned with workers' roles, finding failures to manage psychosocial risks under the WHS Regulation 2025 (NSW); the notices were upheld by the IRC, signalling regulator willingness to intervene in what are typically employment and IR processes through the WHS framework. • SafeWork NSW deployed 20 specialist psychosocial health inspectors with expertise in psychology, anti-bullying, trauma-informed practice and workers' compensation to conduct proactive workplace visits, respond to psychosocial incidents, and enforce compliance with WHS psychosocial obligations. • Queensland introduced two Bills — one making defined "violent incidents" (including sexual and physical assault, threats and deprivation of liberty) a new category of notifiable incident, and a second implementing Respect@Work reforms by imposing a positive duty to eliminate discrimination and harassment, new prohibitions on sex-based harassment and hostile work environments, and strengthened enforcement powers. • WorkSafe WA published information sheets on suicide and suicidal behaviour in work-related contexts and on trauma-informed approaches to workplace incident response and investigation.	• The continued regulatory focus on psychosocial risk management is expected to drive an increase in enforcement and prosecution activity including in the context of usual business processes such as workplace investigations and restructure projects.
4: Hazardous substances and respiratory hazards: silica, asbestos & biological hazards	• From 1 December 2026, the Workplace exposure limits for airborne contaminants (WEL list) will be adopted across Australia as part of WHS laws, replacing the current workplace exposure standards (WES). Safe Work Australia released a stakeholder pack to support workplaces in preparing for the transition to new Workplace Exposure Limits (WELs) for airborne contaminants, which come into effect on 1 December 2026, developed for WHS regulators, occupational hygienists, WHS professionals, unions and employers to promote awareness and compliance ahead of commencement. • WHS ministers did not reach the majority support required to adopt proposed new WELs for nine specific chemicals — including benzene, respirable crystalline silica, formaldehyde and hydrogen sulphide — with the current limits remaining unchanged and further analysis and consultation to follow. • Laing O'Rourke entered a \$929,500 enforceable undertaking after exceeding silica dust exposure standards. Commitments include industry training, a supply chain forum, and a \$50,000 donation to Lung Foundation Australia. • The NSW Department of Education entered a \$3.5 million enforceable undertaking after asbestos dust exposure incidents. Measures include a new digital hazardous materials system and asbestos training for workers. • Safe Work Australia has commenced a public consultation on its Asbestos Framework Review to strengthen the national WHS framework for asbestos risk management. • Safe Work Australia released a Model Code of Practice on Managing Biological Hazards at Work, covering risks such as viruses, bacteria, mould and organic dusts, and published a detailed guide on managing risks of diesel engine emissions (DEE) exposure in the workplace, confirming that exposure to DEE is a hazard for any person working with or in close proximity to diesel-powered engines, particularly in poorly ventilated and closed spaces.	• Safety regulators and unions remain focused on the risks associated with respirable dust, with particular attention on the mining industry and worker exposure to serious occupational dust diseases such as silicosis and asbestosis.

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5: Technology & AI in the workplace: new WHS obligations	- The Northern Territory approved a new WHS Code of Practice on Managing Risks of Respirable Crystalline Silica in the Workplace. - The NSW Parliament passed the Work Health and Safety Amendment (Digital Work Systems) Bill 2025, creating a new duty on PCBUs to ensure health and safety is not put at risk by the allocation of work through digital systems such as algorithms, AI, automation and online platforms, requiring consideration of risks such as excessive workloads, unreasonable performance metrics, excessive monitoring or surveillance, and unlawful discriminatory practices. Safe Work Australia's Best Practice Review of WHS laws received feedback identifying the need to better address emerging and evolving risks including psychosocial hazards, artificial intelligence and climate-related risks, with a final report to WHS Ministers expected in August 2026. Safe Work Australia also published a series of National WHS and Workers' Compensation Research Landscape Reports, which identified comparatively limited research on the WHS impacts of new and emerging technologies despite rapid technological change reshaping work across many industries, with the findings intended to guide future research priorities and policy development.	- We expect to see a continued focus on AI and safety by policy makers, parliament and regulators, including ensuring digital systems support safe work and do not create risks. Employee representatives and unions are also increasingly agitating rights in relation to AI, technology and automation. - These changes emphasise the need to embed safety considerations when implementing new technologies or processes.
6: Expanded union & HSR rights: legislative shift in balance of power	Queensland amended the <i>Work Health and Safety Act 2011</i> (from March 2026) to strengthen HSR rights, including prohibiting interference in HSR elections, requiring PCBUs to invite election requests, enhancing powers (e.g. accompanying entry permit holders and requesting information), and allowing HSRs to choose their own training. Unions may now participate in work group negotiations and issue resolution processes, and consultation obligations have been expanded to include workers' chosen representatives on request. NSW commenced further provisions of the <i>Industrial Relations and Other Legislation Amendment (Workplace Protections) Bill 2025</i> on 1 March 2026, permitting unions to bring WHS prosecutions (subject to consulting the regulator) and enabling Courts to direct that part of a fine be paid to the prosecuting organisation. The amendments also introduced mandatory six-monthly SafeWork NSW reporting on psychosocial matters, enforcement activity, and prevention insights. - The NSW Standing Committee on Law and Justice commenced a review of the NSW WHS regime, focusing on HSR powers and functions, and WHS training and support for apprentices.	- The broadening of union prosecution rights in NSW may lead to more enforcement action, with unions directly incentivised to bring proceedings as they may recoup costs and receive a share of any penalty. - Employers should be particularly mindful of HSR obligations prior to and during the commencement of bargaining, where WHS issues can intersect with IR dynamics.
7: Contractor safety management	- In April 2026, Boral Cement Ltd was found guilty of breaching its primary WHS duty despite having engaged specialist contractors (Nepean and Fenner) for maintenance shutdown works, with the Court holding that Boral continued to have a duty to do what was reasonably practicable to ensure safety — particularly because its contract required the contractor to follow Boral's own documented safety procedures and reasonable directions — confirming that engaging contractors does not automatically relieve a principal of its WHS obligations. - The Royal Australian Mint entered a \$1.1 million enforceable undertaking after Comcare alleged that it failed to conduct an adequate load-stability risk assessment, implement appropriate control measures, or provide its engaged contractor with a proper safe work method statement for the relocation of a three-tonne press, which toppled and narrowly missed a worker. - In May 2026, Newcrest Mining Ltd was fined \$750,000 after a 23-year-old labour-hire worker at its Cadia East mine suffered a below-elbow amputation, with the Court finding Newcrest's safety system was "entirely dependent on worker compliance with no effective verification control measures in place".	- The Boral decision clarifies key concepts around control and reasonable practicability, and reinforces the importance of taking steps to ensure contractors are providing, maintaining and implementing safe systems of work. - Your business should continue to ensure that all workers including contractors comply with site-specific safety and health management systems, particularly where non-routine or high-risk

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		tasks are being undertaken.

Guidance Materials Published or Out for Consultation

National / Safe Work Australia

- June 2026 — Safe Work Australia digital hub for the Australian Work Health and Safety Strategy 2023–33 (launched)
- June 2026 — Guide to managing risks of diesel engine emissions (DEE) exposure in the workplace (published)
- June 2026 — Stakeholder pack to support transition to new Workplace Exposure Limits (effective 1 December 2026) (published)
- May 2026 — National WHS and Workers' Compensation Research Landscape Reports (published)
- May 2026 — Consultation paper on strengthening regulation of welding processes under the national model WHS framework (submissions close 12 July 2026)
- March 2026 — Model Code of Practice: Managing the risks of biological hazards at work (published)
- March 2026 — Draft impact analysis and public consultation on proposed reforms to the crane licensing framework (submissions closed 4 May 2026)
- March 2026 — Summary of Feedback from the Best Practice Review of model WHS laws (published; final report to WHS Ministers expected August 2026)
- March 2026 — Discussion paper for public consultation on the Asbestos Framework Review (submissions closed 26 April 2026)
- December 2025–January 2026 — Notifiable Incidents, Extended Absences and Suicides Helpbook (published to assist PCBUs interpret the model WHS incident notification amendments)
- December 2025–January 2026 — National model WHS Code of Practice: Elevating work platforms (EWPs) (published)
- December 2025–January 2026 — Discussion paper on safety when earthmoving machinery is used for lifting operations (consultation closed 2 March 2026)

New South Wales

- May 2026 — Eight new WHS Codes of Practice approved by the NSW Work Health and Safety Minister, replacing nine pre-harmonisation documents, covering topics including blood-borne virus exposure, bulk storage silos and bins, sawmilling, cash transport, worker accommodation, concrete/masonry cutting, electric lines, and commercial roof work (published)
- May 2026 — NSW Resources Regulator published five amended WHS Codes of Practice applicable to NSW mines (strata control in underground coal mines; inundation and inrush hazard management; roadway dust analysis in underground coal mines; safety management systems in mines; mine shafts and winding systems) (published)
- May 2026 — SafeWork NSW Consultation Paper on proposed regulatory priorities for the 2026–27 financial year, covering falls from heights, psychosocial risks, hazardous chemicals (including asbestos, silica and welding fumes) and mobile plant (submissions closed 31 May 2026)
- May 2026 — NSW Government draft amendments to the Workers Compensation Regulation 2016 and draft guidelines restricting compensation for psychological injuries and imposing new disclosure requirements (submissions closed 15 May 2026)
- March 2026 — Deployment of 20 specialist psychosocial health inspectors within SafeWork NSW (announced)
- February 2026 — NSW (and Tasmania) adoption of the national model WHS Code of Practice: Managing the risk of fatigue at work (commenced)
- December 2025–January 2026 — NSW WHS Code overhaul: three new Codes commenced (moving plant on construction sites; overhead protective structures; safety in forest harvesting operations); two draft Codes released for comment — safe use and design of bulk storage silos and bins; safe use and storage of agricultural and veterinary chemicals (comment period closed 21 December 2025)

Northern Territory

- March 2026 — Three new WHS Codes of Practice approved (Managing risks of respirable crystalline silica in the workplace; Healthcare and Social Assistance Industry; Managing the risk of fatigue at work) and seven existing Codes varied to incorporate recent amendments to model WHS Regulations and Codes, including updated expectations around psychosocial hazards, bullying and sexual harassment (published)

Queensland

- June 2026 — RSHQ warning and direction on the integrity of respirable dust monitoring in Queensland coal mines (issued)

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- June 2026 — National Heavy Vehicle Regulator (NHVR) released four statutory instruments ahead of 1 August 2026 commencement: Safety Management System Standard 2026; National Audit Standard for Heavy Vehicle Accreditation; Ministerial Guidelines for Heavy Vehicle Accreditation 2026; Ministerial Standard for alternative compliance hours; plus new guidance on regulations against unfit driving (published)
- May 2026 — WorkSafe Queensland safety alert following fatal concrete retaining wall collapse at a Brisbane construction site (issued 26 May 2026)
- April 2026 — WorkSafe Queensland safety alert following two incidents involving workers struck by forklifts (issued)
- April 2026 — WorkSafe Queensland safety alert on dozer rollover and loss of control incidents across Queensland mine and quarry operations (issued 13 April 2026)
- February 2026 — RSHQ safety and health alert following an incident where a worker was injured by a poly pipe during installation at an underground mine (issued)

South Australia

- June 2026 — SafeWork SA fact sheets on high-risk construction work changes (for workers; for PCBUs and principal contractors) issued ahead of the 1 July 2026 reduction in the working at height threshold from 3m to 2m (published)
- June 2026 — SafeWork SA safety alert and reminder on conveyor guarding and isolation following a serious arm injury (issued)
- May 2026 — "Safety at work is a serious job" roll-away vehicle safety campaign launched by SafeWork SA, addressing park brakes, chocks, vehicle immobilisation, inspection/maintenance and training (launched)
- April 2026 — SafeWork SA safety alert warning workers and employers of the dangers associated with mobile elevating work platforms (EWPs) following three deaths and five serious injuries in South Australia since the start of 2025 (issued 8 April 2026)
- April 2026 — SafeWork SA safety alert on safe use and storage of explosives at mine sites following a fire at a South Australian underground mine's magazine (issued 31 March 2026)

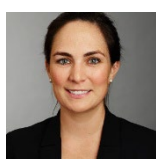
Western Australia

- March 2026 — WorkSafe WA information sheet on suicide and suicidal behaviour in work-related contexts, outlining PCBU obligations to prevent, manage and respond to suicide and suicidal behaviours in workplaces and mine-related accommodation (published)
- March 2026 — WorkSafe WA information sheet on trauma-informed approaches to workplace incident response and investigation, providing guidance on managing investigations following potentially traumatic workplace events (published)
- February/December 2025–January 2026 — Draft Code of Practice: Emergency Management for Western Australian mines — public consultation conducted by the Work Health and Safety Commission and the Mining and Petroleum Advisory Committee (submissions closed 6 March 2026)
- February/December 2025–January 2026 — Draft Code of Practice: Excavation Work — developed by the Work Health and Safety Commission under the Work Health and Safety Act 2020 (WA), providing guidance on controlling access, minimising time in excavations, training and emergency planning (submissions closed 13 March 2026)
- December 2025–January 2026 — Proposed amendments to WA's dangerous goods safety regime — consultation on significant reforms to the Dangerous Goods Safety Act 2004 (WA) including increased maximum penalties, enforceable undertakings and expanded investigative powers (submissions closed 27 February 2026)

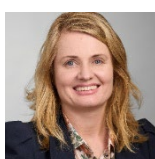
Victoria

- April 2026 — WorkSafe Victoria safety alert reminding PCBUs of the importance of identifying overhead powerline hazards and implementing controls following a fatality involving an electrical arc (issued 14 April 2026)
- February 2026 — WorkSafe Victoria announcement of significant enforcement activity in 2025 and reminder to duty holders of new OHS Regulations (commenced 1 December 2025) requiring identification and control of psychosocial hazards and risks (published 30 January 2026)

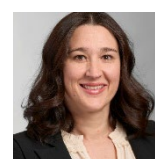
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