

HSW Overlapping Duties Decision-making Framework

Is this a workplace? (s 20)

No

E.g. a public space without infrastructure or work taking place

Yes

Is a PCBU involved? (s 17)

No

E.g. a Volunteer Association (as defined in the Act)

Yes

Who is the PCBU interacting with?

Another PCBU

Workers or Volunteer Workers (s 19)

Members of the public or casual volunteers

A Volunteer Association (s 17 (2))

Duty to eliminate or minimise risk applies (s 30)
Primary Duty of Care applies (s 36)
And duty to consult applies (s 34)

Duty to ensure the health and safety of other persons is not put at risk applies (s 36 (2))

Duty to take reasonable care for own safety and to comply with reasonable instruction given by PCBU applies (s 46)