

- (6) A PCBU who is a self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.

Compare: Model Work Health and Safety Act (Aust) s 19

### **37 Duty of PCBU who manages or controls workplace**

- (1) A PCBU who manages or controls a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace, and anything arising from the workplace are without risks to the health and safety of any person.
- (2) Despite subsection (1), a PCBU who manages or controls a workplace does not owe a duty under that subsection to any person who is at the workplace for an unlawful purpose.
- (3) For the purposes of subsection (1), if the PCBU is conducting a farming business or undertaking, the duty owed by the PCBU under that subsection—
- (a) applies only in relation to the farm buildings and any structure or part of the farm immediately surrounding the farm buildings that are necessary for the operation of the business or undertaking;
  - (b) does not apply in relation to—
    - (i) the main dwelling house on the farm (if any); or
    - (ii) any other part of the farm, unless work is being carried out in that part at the time.
- (4) In this section, a **PCBU who manages or controls a workplace**—
- (a) means a PCBU to the extent that the business or undertaking involves the management or control (in whole or in part) of the workplace; but
  - (b) does not include—
    - (i) the occupier of a residence, unless the residence is occupied for the purposes of, or as part of, the conduct of a business or undertaking; or
    - (ii) a prescribed person.

Compare: Model Work Health and Safety Act (Aust) s 20

### **38 Duty of PCBU who manages or controls fixtures, fittings, or plant at workplaces**

- (1) A PCBU who manages or controls fixtures, fittings, or plant at a workplace must, so far as is reasonably practicable, ensure that the fixtures, fittings, or plant are without risks to the health and safety of any person.
- (2) Despite subsection (1), a PCBU who manages or controls fixtures, fittings, or plant at a workplace does not owe a duty under that subsection to any person who is at the workplace for an unlawful purpose.
- (3) In this section, a **PCBU who manages or controls fixtures, fittings, or plant at a workplace**—