

Health and Safety at Work Amendment Bill

Safer Farms Submission

18 March 2026

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1) Executive Summary

Safer Farms welcomes the opportunity to submit on the Health and Safety at Work Amendment Bill. For more than a decade, Safer Farms has worked alongside farmers, rural businesses, industry bodies, iwi, Māori agri-business, government, and sector partners to reduce harm in agriculture. This submission reflects extensive sector engagement, including direct consultation with agricultural entities, a members-only webinar, and survey feedback from organisations representing many thousands of farmers across New Zealand.

Agriculture is a task-based, high-risk sector dominated by small businesses that operate the same machinery, manage the same livestock, and face the same hazards as larger enterprises. While injury rates have declined over time, agriculture continues to experience persistently high levels of harm, largely driven by high-volume, non-critical injuries such as musculoskeletal strain, vehicle incidents, and psychosocial risks. These harms impose significant productivity costs, increase time away from work, and act as leading indicators of more serious incidents.

Safer Farms supports the stated objectives of the Amendment Bill in principle, including a desire for clearer, more proportionate duties and a focus on critical risks. The sector broadly agrees that prioritising the most serious risks is sensible. However, Safer Farms is concerned that the proposed amendments may not achieve improved health and safety outcomes for agriculture and may introduce unintended consequences. In particular, the narrow definition of “critical risk,” the subjectivity introduced by the term “likely,” and the proposed exemption for small PCBUs risk diminishing attention on the harms that occur most frequently and cost the sector the most.

The submission also supports greater clarity around recreational access and endorses the elevation of Approved Codes of Practice (ACOPs) as practical, sector-led guidance tools. However, Safer Farms emphasises that expanding the role of ACOPs without sustainable funding, system capability, and a robust approval process risks undermining their effectiveness. A well-resourced regulator, providing high-quality guidance alongside proportionate enforcement, remains essential to maintaining consistent standards across the sector.

Safer Farms is also concerned that reductions in statutory duties for small PCBUs may create coordination challenges in multi-PCBU farm environments and shift injury-related costs onto farmers and workers.

To address these challenges, Safer Farms proposes complementary reform through the establishment of an industry-led health and safety commissioning agency to sustainably support ACOP development, sector capability, and harm-prevention initiatives aligned with the Farm Without Harm strategy.

2) About Safer Farms

For ten years Safer Farms has been working with our sector to design harm out of agriculture, creating safer workplaces and stronger communities across New Zealand. Safer Farms are the kaitiaki of the Farm Without Harm strategy¹. This strategy is a collective primary sector strategy which is a commitment to drive practical changes that prevents harm to our farming communities.

It was co-designed by critical stakeholders – industry leadership bodies, government, farming communities, iwi & Māori agri-business and primary sector organisations – to deliver tangible, on-the-ground impact for farming people.

The four key harm focus areas identified in the strategy are:

- Psychosocial risks resulting in diminished wellbeing
- Harm experienced while working in and around vehicles and mobile plant
- Muscular stress and injury caused by livestock handling
- Harm caused by exposure to agricultural chemicals and airborne risks

These four harm focus areas are the ones costing our farmers in both lost time and lost productivity.

Our Board, staff and members² are deeply committed to the sector with real world experience in the agriculture sector, many of whom are farming in their own right.

2.1 Input into this submission

This submission has been developed with broad input from across the sector, including the Safer Farms Board, members, staff, and the wider rural community. It was informed through meetings with multiple agricultural entities, both individually and via a members-only webinar. In addition, a survey was distributed to the wider agriculture sector to capture a diverse range of perspectives.

The survey responses represent both small and large businesses, as outlined in Appendix 1, including organisations that collectively represent many thousands of farmers and regularly engage with farm businesses across the country.

¹ <https://www.farmwithoutharm.org.nz/>

² <https://www.farmwithoutharm.org.nz/membership>

3) The sector we serve and the importance of the Health and Safety at Work Act

3.1 New Zealand's food and fibre business structure

There are 62,280 businesses counted in the wider food and fibre sector (Agriculture, forestry and fishing) as counted by StatsNZ³. Of these businesses

- 61,362 have less than 20 workers (98.5% of PCBU's)

Risk in agriculture is determined by the task, not the size of the business. Small farms operate the same machinery, manage the same livestock, and work in the same hazardous environments as larger enterprises. A size-based duty distinction does not reflect the sector's real risk profile.

3.2 Persistent high rates of harm

While there has been a trend downward in injuries over the past ten years, agriculture continues to experience unacceptable levels of harm. The majority of injuries are high-volume, non-critical harms that disrupt operations, reduce productivity, and impose significant costs to farming businesses and the wider economy. These injuries are also leading indicators of more serious incidents.

3.3 Productivity and broader economic challenges

While there has been an encouraging reduction in the number of injuries at work over the last decade, the time off work from each injury has doubled. Between July 2024 and June 2025, 1,866 agriculture injuries resulted in more than a week away from work, with ACC claims costs estimated at an average over the past 10 years of around \$76 million per year⁴.

Productivity losses are driven by high-volume, non-critical injuries as noted in Graph 1: Agriculture ACC claims by cause data (2025).

The lengthening duration of time out of work is due to a range of factors⁵ including, but not limited to:

- more severe injuries
- changes in workers' claiming behaviors or medical treatment provider practices
- ACC operational changes
- constrained health system capacity leading to delays, and
- injured people presenting with multiple comorbidities leading to longer time off.

³ <https://www.stats.govt.nz/information-releases/new-zealand-business-demography-statistics-at-february-2024/>

⁴ <https://www.farmwithoutharm.org.nz/>

⁵ <https://www.forum.org.nz/resources/2025-sotn/>

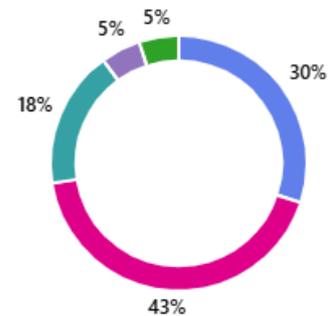
4) Sector Support for the Bill

4.1 Focus on critical risks

There is general consensus that the intent to focus effort on the most critical risks appears to be sensible and is a good place to start. It appears from the survey that there is also a good understanding of the definition of “critical risk”. There is an acknowledgement that if businesses at the very least can focus on key critical risks, this may create a ‘trickle down’ effect in terms of other risks then being considered which is a good thing.

How well do you understand the proposed definition of “critical risk”?

● Very well	12
● Well	17
● Somewhat	7
● Not very well	2
● Not at all	2



What may be less clear, and not asked in the survey specifically, is the definition of the word “likely”. This is discussed later in the submission alongside concerns that the vast majority of risks and injuries to staff, families, friends and contractors on-farm will not fit into the new definition of “critical risk” and the challenges that this may create.

4.2 Recreational access clarity

The Bill provides long-needed certainty for farmers by clarifying that landowners have limited duties to recreational visitors, except where risks are hidden, created, or associated with paid access.

4.3 Elevating ACOPs

The move to allow industry groups to develop ACOPs represents a positive and necessary evolution of the health and safety system. A “by industry, for industry” approach is essential in agriculture, where practical knowledge, seasonal variability, and real-world operating conditions must shape guidance. Safer Farms strongly supports this direction.

The current system lacks stable, long-term mechanisms for sector-led leadership, capability building, and the ongoing development and maintenance of ACOPs. Without dedicated structures and sustainable funding, the sector cannot maintain consistent standards or deliver the guidance required for small businesses to manage risk effectively.

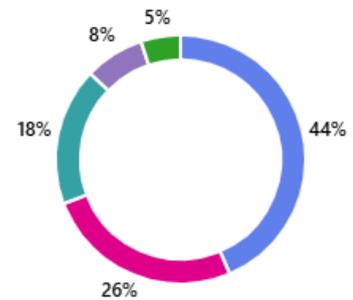
4.4 WorkSafe’s Role and System Settings

Safer Farms supports a stronger emphasis on high-quality guidance and practical tools, however, is also of the view that enforcement remains an essential component of any effective health and safety system.

Survey respondents clearly support education and guidance from the Regulator. A balanced approach that combines clear guidance with appropriate enforcement is necessary to ensure consistent and safe practice across the sector.

Survey question: Do you support WorkSafe placing greater emphasis on education and guidance rather than general compliance activity?

● Strongly support	17
● Support	10
● Neutral	7
● Oppose	3
● Strongly oppose	2



“We need a strong and properly resourced WorkSafe regulator to make sure everyone in agriculture is working to the same standard. When the rules are clear and actually enforced, it helps keep the playing field fair and makes sure everyone gets home safe at the end of the day. Good regulation, and proper enforcement, supports safe farming”. Email, Safer Farms member.

5) Stated objectives of the Amendment Bill and Safer Farms’ position

Safer Farms supports the Bill’s objectives in principle, but it is unclear that the proposed amendments will achieve them for the agriculture sector. The Bill’s three objectives are to:

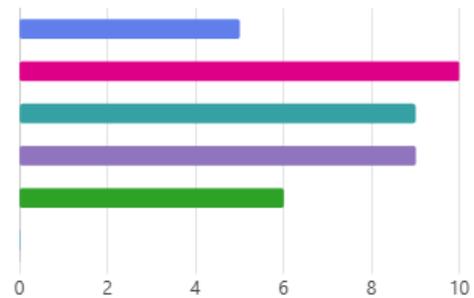
- 1) Improve health and safety outcomes
- 2) Reduce unnecessary compliance costs
- 3) Provide clearer and more proportionate duties

Objective 1: Improve health and safety outcomes

Safer Farms cannot determine how the amendments to the current Bill will improve health and safety outcomes. There are no major amendments that specifically address the harm and injuries that are prevalent across many sectors, including our own, beyond ensuring all businesses focus on “critical risks”. We believe this is why those surveyed do not wholly agree with the statement that the Bill will improve safety outcomes in agriculture.

Survey question: Do you think the Bill will improve safety outcomes in agriculture overall?

● Strongly agree	5
● Agree	10
● Neutral	9
● Disagree	9
● Strongly disagree	6
● Other	0



“Most of our harm comes from non-critical risk areas. Whilst they won’t kill you immediately, they still cause harm and impact on people’s quality of life.” Anonymous survey respondent

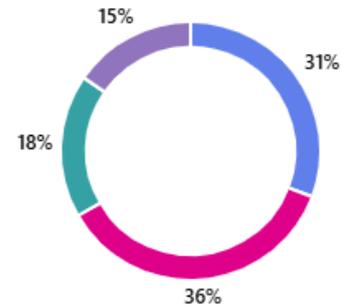
“Many farms with harsh terrain will fall under small business with multiple critical risks, these are the places where more harm happens, and the changes will make that worse.” Anonymous survey respondent

Objective 2: Reduce unnecessary compliance costs

The distinction between critical and non-critical risks is complex in practice. Without a clear and consistently interpretable definition, the proposed framework may increase confusion and create inconsistent practice rather than reduce costs as seen in the survey results below.

Survey question: Do you think the Bill will make health and safety simpler for your business?

● Yes	12
● No	14
● No change	7
● Not sure	6
● Other	0



“Change is usually scary and messy but must be worthwhile afterwards, not sure this will be”

Anonymous survey participant

Objective 3: Provide clearer and more proportionate duties

Safer Farms is in favor of the provision of clearer and more proportionate duties. There is some concern that this objective will not be met due to the majority of agriculture businesses being defined as a small PCBU under the proposed amendments.

Agriculture relies heavily on multi-PCBU environments. Examples include large contractors undertaking harvesting, dairy companies collecting milk, veterinarians attending farms for animal health services, or technicians providing specialist services.

Differentiated duties between small and large PCBUs may create mismatched expectations, contractual tension, and uncertainty about who is responsible for managing non-critical risks. This may undermine coordination, increase administrative burden, and create practical and legal ambiguity in everyday farming operations.

Some questions also remain regarding the practicality of deferring to other legislation. Safer Farms notes that this amendment may not provide clearer nor more proportionate duties for farmers. Without strong sector-specific guidance regarding ACOPs, duties will also not be clearer or more proportionate for farmers.

6) Safer Farm’s position on specific amendments

6.1 Critical risks – definition

The sector supports prioritising critical risks, however a question remains around what else can be done to ensure non-critical risks are also taken seriously? Part of the challenge lies in the term “likely” which introduces subjectivity that will lead to variability in interpretation and enforcement. This will lead to unsafe or inconsistent outcomes unless supported by a clear, practical, and consistently interpretable definition.

What is considered “likely” will vary between farms, inspectors, and advisers, creating uncertainty rather than clarity. For example, two farms with identical hazards could reach different conclusions about whether a risk is “likely” to cause notifiable harm, and inspectors may also interpret the threshold differently. This undermines the Bill’s objective of providing clearer and more proportionate duties.

6.2 High volume harms

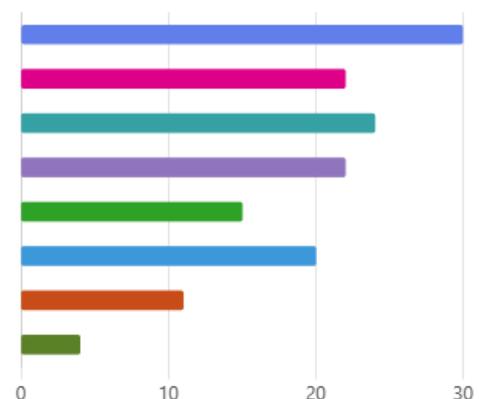
High-volume harms, which are leading indicators of serious incidents, would fall outside statutory duties, reducing the system’s ability to prevent critical harm. ACC’s dashboard⁶ on the Farm Without Harm website notes that fatalities made up only 0.03% of all claims and serious injuries made up 0.01% of all claims over the past ten years (2015 – 2025).

Chronic harm — including musculoskeletal injuries, fatigue, stress, and mental health challenges, are by far the most prevalent source of harm in agriculture (total claims being 242,852 in the last ten years in agriculture). These conditions impair decision-making and increase the likelihood of serious incidents.

Excluding chronic harm from statutory duties further demonstrates the limitations of the current definition and undermines the Bill’s stated objective of improving health and safety outcomes.

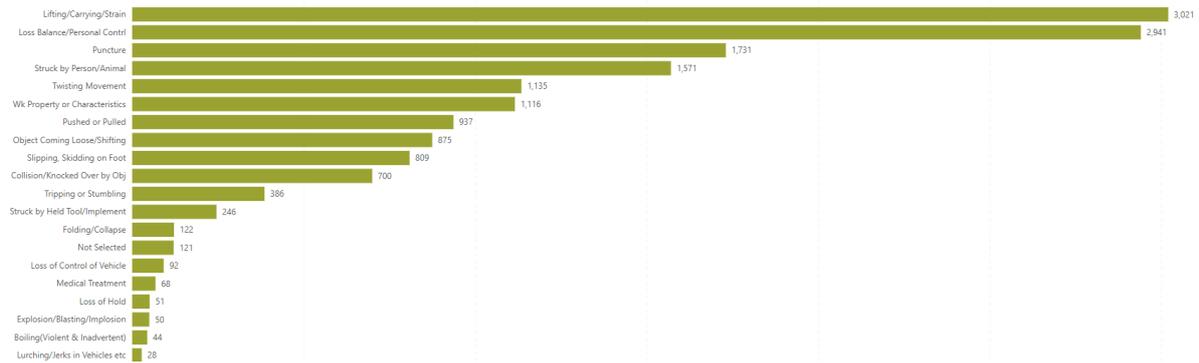
Survey question: Which types of risks do you think may receive less attention under the new approach?

● Slips and trips	30
● Manual handling	22
● Noise	24
● Fatigue	22
● Occupational disease	15
● Mental health	20
● Child safety	11
● Other	4



⁶ <https://www.farmwithoutharm.org.nz/>

Graph 1: Agriculture ACC claims by cause data (2025)⁷

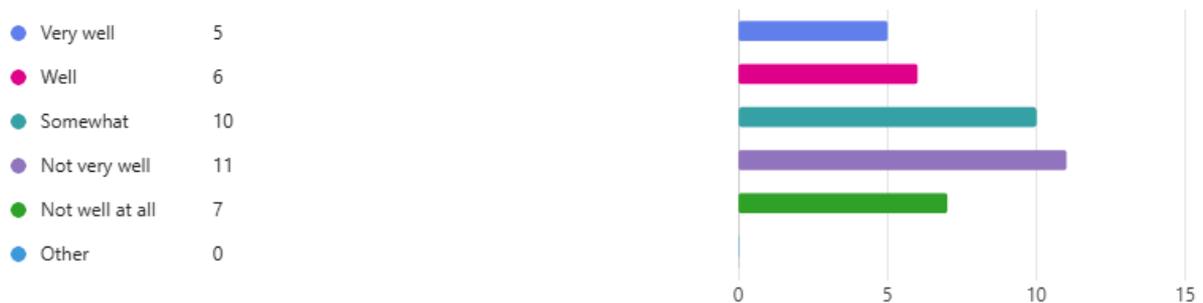


6.3 Small PCBU exemption

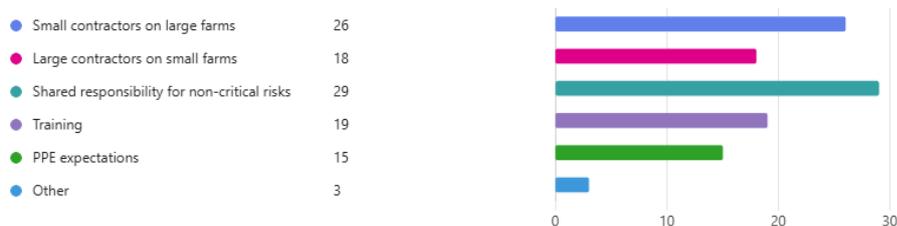
Safer Farms has concerns around the proposed exemption that limits small PCBUs to managing only critical risks. Agriculture is a task-based risk environment: small farms operate the same machinery, manage the same livestock, and work in the same hazardous conditions as larger enterprises. A size-based duty distinction does not reflect the sector’s real risk profile and will create inconsistent and potentially unsafe expectations across the industry.

The exemption will also undermine coordination in multi-PCBU environments, create contractual tension, and shift injury-related costs onto farmers and workers. For these reasons, Safer Farms considers the small-PCBU exemption to be a flaw in the Bill which is also seen in the very mixed responses in our survey as per the below.

Survey question: How well do you think the proposed duties will work when small and large businesses work together (e.g. contractors on farms)?



Survey question: Which situations may still require clearer guidance?



⁷ <https://www.farmwithoutarm.org.nz/>

The proposed exemption for small PCBUs will reduce attention on the most common injury risks, create confusion about what must be managed, and increase costs to farmers if non-critical injuries rise. Reducing obligations does not remove risk. Injuries will continue to occur, and costs will be transferred to farmers through higher ACC levies and to workers through lost income and long-term health impacts.

The definitional uncertainty around “critical risks” compounds this issue. If small businesses are required to manage only critical risks, but the definition of a critical risk is unclear or inconsistently interpreted, small farms will face uncertainty about what they are legally required to do. This is likely to create confusion, variability, and inconsistent practice across the sector.

6.4 Approved Codes of Practice as safe harbours

While Safer Farms supports ACOPs becoming safe harbours in principle, this will require substantial new capability and sustainable funding to ensure ACOPs remain current, credible, and practical.

There is real concern that if it is left to the regulator with no additional funding provided to support industry in developing these, there will not be the ability for industry to specifically dedicate resources to these. One solution to this could be a structured, sector-led model which is outlined in section 7 of this submission.

Survey question: Do you think ACOPs need dedicated, ongoing funding to stay up to date and fit for purpose?



There is also a question mark around the Regulator’s capacity to produce ACOPs at scale with the buy-in required from industry. We have evidence of this with the two ACOPs that our sector is being asked to provide guidance, expertise, and a large amount of time on currently. With no funding attached, and only the goodwill of those individuals involved, this is not sustainable as more ACOPs would need to be developed to become safe harbours.

There are some questions also around the process of not only producing ACOPs, which to date have taken a considerable amount of time, but also the sign-off process that appears light touch, with the Minister able to sign them off directly. This is without the usual rigor that would be expected of a tool that will hold so much importance and weight within the health and safety system in New Zealand.

However, the benefits of industry-developed ACOPs will only be realised if the system provides the capability, funding, and long-term infrastructure required to develop, review, and maintain them. Without this support, the elevated role of ACOPs creates expectations that the sector is not currently resourced to meet.

6.5 International trade obligations

The Bill reduces statutory obligations for approximately 97% of New Zealand businesses and structurally reduces enforcement for small PCBUs. Agriculture is the sector most exposed to the resulting trade risks.

The EU–NZ FTA’s non-regression clause prohibits weakening labour protections in a way that affects trade. The EU is also implementing strict supply-chain due-diligence requirements, under which agriculture is considered a high-risk sector. Any perception that New Zealand is weakening safety protections for small farms may create compliance challenges for EU importers, increase audit requirements, or disrupt market access.

Safer Farms is concerned that these agriculture-specific trade risks have not been assessed.

7) Proposed Complementary Reform

Safer Farms is interested in the concept of the establishment of an industry-led health and safety commissioning agency. This would ensure that the organisations closest to their sectors are properly funded to lead on decreasing harm, thereby decreasing the cost to businesses and the economy.

7.1 Establishing an Industry Health & Safety Commissioning Agency

A sector-led independent Crown entity, funded primarily through the current Working Safer Levy, would act as the system's commissioning backbone. Its core functions would include:

- Commissioning and partnering with Accredited Health & Safety Industry Groups
- Supporting ACOP development, review, and maintenance
- Administering ACC co-investment
- Providing system-level stewardship, data insights, and evaluation

7.2 Accrediting Health & Safety Industry Groups

Accreditation provides the legitimacy, capability assurance, and accountability needed for sector-based groups to play a formal leadership role. Addressing the complexity of wicked problems like harm on farm demands concerted effort. Embracing a Collective Impact approach ensures this challenge is not just a sideline concern. It requires daily commitment, driving focused action to mitigate harm and foster positive change within our sector. This is Safer Farms' day job, ensuring the Farm Without Harm strategy and action plan is brought to life.

We know our communities, our businesses and our people. Many of us live in rural communities, are farmers and growers and are deeply embedded in the sector, and therefore are the right people drive change.

7.3 MBIE retains levy management

The Working Safer Levy continues to be collected and allocated by MBIE.

7.4 ACC co-investment

ACC may co-invest in injury prevention, early intervention, and rehabilitation programmes.

8) Recommendations

There are particular amendments that Safer Farms are broadly supportive of. There are other amendments that we believe require additional consideration by the Select Committee namely:

- Consideration of a way to ensure that PCBUs focus on high harm areas on their properties which may include those not deemed “critical risks” given the most prevalent, and costly, forms of harm to their businesses. More analysis is required regarding the cost of chronic harm to ensure that these amendments don’t result in costing our businesses even more.
- Those with trade policy expertise (i.e. MFAT) to look into our international trade obligations and any risks that these amendments may pose to those.
- Consider the proposal of an industry-led commissioning agency and what impact that would have on the drafting of ACOPs alongside reach and reputation in the sector to influence change through education and engagement.
- Reconsider the two-tier approach to PCBUs to create clarity of expectations and ensure all businesses comply with the same rules.

9) Conclusion

Safer Farms supports reform of the health and safety system that delivers genuinely safer outcomes for people working in and around agriculture while recognising the realities of farm operations. While the Amendment Bill's objectives align with this intent, Safer Farms is not convinced that the proposed changes, as currently drafted, will improve health and safety outcomes in the agricultural sector or reduce costs in practice.

Safer Farms strongly supports sector-led solutions, particularly the expansion and elevation of Approved Codes of Practice, provided they are underpinned by sustainable funding, robust governance, and meaningful industry involvement. A balanced regulatory system, one that combines high-quality guidance, credible ACOPs, and appropriate enforcement, is essential to maintaining fair, safe, and competitive farming operations.

The proposed focus on critical risks, combined with a two-tier duty framework for small and large PCBUs, risks sidelining the high-volume harms that cause the greatest disruption to farming people, businesses, and productivity. Definitional ambiguity, particularly around what constitutes a "likely" critical risk, may introduce confusion rather than clarity and undermine consistent application across the sector. Reducing statutory attention to chronic and non-critical harm does not remove risk - it shifts costs onto farmers, workers, ACC, and the wider economy.

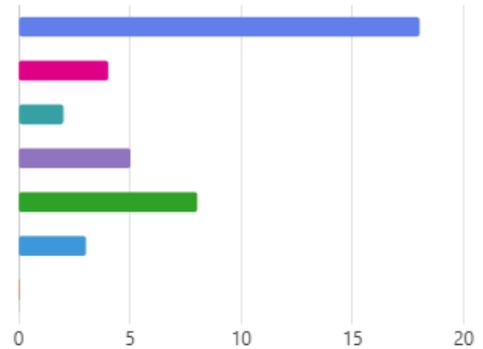
Accordingly, Safer Farms recommends that the Select Committee consider refinements to the Bill to ensure ongoing focus on high-harm areas beyond narrowly defined critical risks, reassess the small-PCBU exemption, evaluate potential international trade impacts, and explore the establishment of an industry-led health and safety commissioning agency. These changes would better align the Amendment Bill with the realities of agriculture and support enduring improvements in health, safety, and wellbeing for New Zealand's farming communities.

10) Appendix 1: Survey demographics

Number of respondents: 41

Survey question: How many people work in your business (including owners, family and employees)?

● 1-5	18
● 6-10	4
● 11-20	2
● 21-50	5
● 51-200	8
● 200+	3
● Other	0



Survey question: What is your business's main activity type?

● Dairy	12
● Sheep	0
● Beef	3
● Sheep & Beef	11
● Arable	2
● Deer	0
● Horticulture	2
● Viticulture	1
● Equine	0
● Piggery	0
● Poultry	0
● Mix of above	4
● Services	4
● Levy body	0
● Other	1

