

GM Safety Forum[®]

2026 Submission

Health and Safety at
Work Amendment Bill

Submission to the Education and Workforce Select Committee on the:

Health and Safety at Work Amendment Bill 2026

1. Submitter details

Submitted on behalf of: the GM Safety Forum

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The GM Safety Forum represents senior health and safety leaders from major New Zealand organisations with complex risk profiles, extensive contractor networks, and exposure to high-consequence hazards. This submission shares practical perspectives from leaders responsible for health and safety across these operations and supply chains.

The Forum wishes to appear before the Committee to speak to this submission.

1.1 Basis for this submission (consultation and inputs)

This submission presents the collective position of the GM Health & Safety Forum, informed by operational experience implementing health and safety systems within complex, multi-site environments and managing expectations through procurement, contracting, and assurance across supply chains.

2. Executive summary

2.1 Overall position

The GM Forum supports the Bill's intent to increase certainty, provided the changes strengthen the system's ability to prevent fatalities and serious harm.

The explanatory note indicates an intent to reduce unnecessary compliance, increase certainty, and prevent serious harm by concentrating on critical risks and clarifying duties. We support this direction. However, the system will only succeed if "critical risk" is defined and applied with precision and consistency, and if the supporting regulatory framework (regulations, ACOPs, guidance, and enforcement settings) is ready at commencement.

If those conditions are not met, the business impact is predictable:

- Higher cost and rework as organisations build interim frameworks, training and assurance models that must later be revised.
- Tendering and procurement friction where different parties classify “critical risks” differently and impose inconsistent contract requirements.
- Inconsistent audit and enforcement expectations across sectors and regions, increasing time spent defending classifications rather than improving controls.
- Cost shifting through supply chains, as larger PCBUs respond to uncertainty by pushing bespoke standards into contracts, increasing transaction costs for principals and SMEs.

We support the Bill’s direction but recommend targeted amendments and implementation settings to address unnecessary uncertainty, duplication, and cost without improved harm reduction.

2.2 Key recommendations (summary)

The Forum requests that the Committee specifically recommend which amendments and implementation settings will ensure practical certainty and focus efforts on preventing fatalities and serious harm:

1. Clarify the definition of “critical risk,” change the term from “likely” to “with the potential to” specify meaning, and ensure the framework requires identifying and verifying critical controls. This will reduce disputes, procurement issues, duplication, and cost.
2. Amend the carve-out for small PCBUs so proportionality is based on credible risk exposure, not size alone. This will avoid complexity, cost shifting, and gaming incentives.
3. Ensure that ACOPs, guidance, and enforcement settings are aligned before the Bill comes into force, including staged implementation as needed. This will help avoid uncertainty, redundant standards, and extra costs.
4. Publish sector examples and practical tools; fund a national SME toolkit to focus implementation on effective controls, not extra paperwork.
5. Commit to a 12–18 month post-implementation review focused on serious harm outcomes, application consistency, SME compliance costs, and supply-chain effects.

3. Overview of position

The GM Forum supports reforms that increase certainty and strengthen the prevention of fatalities and serious harm. From a business perspective, certainty is achieved when duty holders, auditors, clients, and regulators interpret and apply requirements consistently, and when businesses are able to implement changes without creating parallel private standards to address ambiguity.

The Bill will be most effective when it strengthens the focus on critical risks and controls in an operationally clear and consistently applied manner, supported by up-to-date ACOPs, guidance, and an enforcement approach understood by the market.

4. Comments on specific clauses and issues

4.1 Definition and application of “critical risk” and linkage to critical controls

Position: Support in part (seek clarification and implementation support)

Issue and business impact

The Bill includes a statutory definition of “critical risk” and provides for changes to Schedule 1A.

As drafted, the word “likely” poses a significant risk of inconsistent interpretation in practice. Some may treat it as inherent consequence, while others may see it as a probability threshold. This inconsistency creates direct and avoidable impacts for businesses:

- **Audit and assurance friction:** different assurance providers and client requirements drive rework, repeated verification, and inconsistent findings.
- **Tendering and procurement disruption:** inconsistent “critical risk” determinations lead to inconsistent contract requirements, delays in procurement, and costs in prequalification and bid processes.
- **Regulatory uncertainty:** variable interpretation across regions/sectors drives businesses to adopt “worst case” internal interpretations to protect against unpredictability.
- **Sunk cost risk:** organisations invest in systems and documentation to defend classifications, then must rebuild once official guidance and interpretation stabilise.

A consequence-based approach is simpler to apply operationally and better aligns with serious injury and fatality prevention, as well as with critical control practices used in high-hazard operations.

What success looks like

- Duty holders can classify “critical risk” consistently across sites and sectors, and the classification holds across procurement, assurance, and regulatory engagement.
- The framework should direct resources and attention to identifying and verifying critical controls, rather than generating paperwork to defend contested classifications.

Committee recommendation 1.1 (consequence-based anchor)

The Committee should recommend clarifying the critical-risk framework so that “critical risk” is determined by the foreseeable worst-credible consequence (death or serious harm), rather than as a probability threshold.

Committee recommendation 1.2 (explicit linkage to critical controls)

The Committee should recommend that the framework is explicitly operationalised through critical controls that must be identified and verified for effectiveness, shifting effort from generic compliance to measures that prevent catastrophic events.

Committee recommendation 1.3 (worked sector examples)

The Committee should recommend publishing sector-specific worked examples (such as construction, manufacturing, and logistics) and practical decision tools for frontline use, released with the commencement package, to reduce interpretation variance and duplication of private standards.

4.2 Small PCBU carve-out: proportionality by risk exposure, not firm size

Position: Not supported

Issue and business impact

The Bill narrows certain duties for small PCBUs to apply only to critical risks, intending to reduce the burden where there is little exposure to catastrophic harm.

The Forum supports proportionality in principle. However, a size-based carve-out introduces system complexity and cost in real operating models:

- Supply-chain complexity and cost shifting: larger PCBUs still need consistent controls from suppliers and contractors, shifting requirements into contracts and assurance processes, creating uneven tendering outcomes and cost opacity.

- Operational inconsistency on shared worksites: a two-tier duty signal increases interface management, coordination burden, and administrative overhead to align standards between principals and subcontractors.
- Tendering distortion: procurement teams must build additional checks and contractual “levelling” mechanisms, increasing transaction costs and slowing onboarding.
- Gaming/structuring risk: incentives to remain “small” through entity structuring create competitive distortions and increase due diligence burden for those managing supply chains.
- Cost without clarity: businesses can end up bearing both the complexity of carve-outs and the cost of maintaining consistent operational standards.

What success looks like

- Proportionality is based on credible exposure to critical energy/consequence, enabling consistent expectations across multi-employer worksites and supply chains.
- Where small PCBUs have credible critical exposures, expectations should be clear and practical (“know your critical risks and control them properly”). Where exposure is genuinely low, obligations can be lighter without creating a complex two-tier system.

Committee recommendation 2.1 (reshape the carve-out)

The Committee should recommend reshaping the small PCBU carve-out so proportionality is based on risk exposure, not firm size alone, and includes safeguards to deter structuring to avoid duties.

Committee recommendation 2.2 (SME toolkit to reduce admin cost)

The Committee should recommend funding a nationally consistent template pack or toolkit (including risk triage, critical-control libraries, verification checklists, and example SWIs), so SMEs can demonstrate control effectiveness without excessive administrative burden or inconsistent bespoke templates from customers.

4.3 Commencement and implementation readiness: align ACOPs, guidance and enforcement settings before commencement

Position: Support in part (seek implementation change)

Issue and business impact

The Bill commences the day after Royal assent.

Immediate commencement without updated ACOPs, sector guidance, and a clear enforcement approach will increase uncertainty and costs in the first 6 to 12 months, particularly for larger PCBUs and their supply chains. "private regulation": businesses will rapidly develop internal interpretations and contract requirements, duplicating effort across industry and increasing inconsistency.

- Rework cost: organisations will quickly update policies, training, assurance, and contractor onboarding, then need to rework these investments once official guidance is established.
- Contract churn and procurement disruption: uncertainty leads principals to rapidly include standards in contracts, increasing transaction costs and creating inconsistent expectations for suppliers and SMEs.
- Over-compliance risk: without clear guidance, conservative approaches may increase costs without improving serious harm outcomes.

What success looks like

- Commencement should occur only once a credible commencement package is available (including guidance, priority ACOP updates, and a clear enforcement approach), ensuring consistent expectations and avoiding the need for businesses to create parallel standards.

Committee recommendation 3.1 (staggered commencement)

The Committee should recommend a staggered commencement for core critical-risk provisions, such as six months after Royal assent, explicitly tied to the publication of the guidance package and priority ACOP updates.

Committee recommendation 3.2 (post-implementation review)

The Committee should recommend a 12 to 18 month post-implementation review focused on serious harm rates, application consistency, SME compliance costs, and supply-chain effects, so that unintended costs and uncertainties can be addressed promptly.

5. Monitoring and review

What success looks like

A time-bound review should confirm whether the reforms are reducing fatalities and serious harm and delivering consistent application, without creating avoidable compliance costs, procurement friction, duplicated standards, or supply-chain cost shifting.

Committee recommendation 4

The Committee should recommend a post-implementation review within 12–18 months of commencement, including consideration of:

- consistency of “critical risk” application across sectors and regions;
- evidence that critical control identification and verification are improving;
- SME implementation experience and compliance costs (including the value of any tools); and
- supply-chain impacts, including tendering and contracting effects.

6. Conclusion

The GM Forum supports the Bill’s intent to increase certainty and strengthen the prevention of fatalities and serious harm. We ask the Committee to recommend amendments and implementation settings that ensure the critical-risk framework is operationally clear and consistently applied, that proportionality for small PCBUs is based on risk exposure rather than size alone, and that ACOPs, guidance, and enforcement settings are aligned before commencement through a phased approach and time-bound review.

We thank the Committee for the opportunity to submit and request the opportunity to appear to speak to this submission.