



HASANZ

Miller
Foundation

Submission on the
Health and Safety at
Work Amendment Bill

Submission to the Education and Workforce Select Committee

Health and Safety at Work Amendment Bill 2026

Submitted by: HASANZ Miller Foundation

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1. About the HASANZ Miller Foundation

1.1 The HASANZ Miller Foundation is an independent charitable trust established in 2024 with the support of the family of Derek Miller and the Health and Safety Association of New Zealand.

1.2 The charitable purposes of the Foundation are to:

- advance education and training for people working in, and seeking to work in, the health and safety sector in New Zealand;
- improve workforce capability and capacity in health and safety; and
- benefit the community by advancing public health and safety through education, training, and the promotion of effective health and safety standards and processes.

1.3 The Foundation does not represent employers, workers, or professional members. Its role is to support system capability, education pathways, and long-term harm prevention for the public benefit.

1.4 This submission is provided from a charitable and education-focused perspective, with particular attention to how legislative settings affect workforce capability, learning demand, and the consistency of health and safety practice across New Zealand.

1.5 The Foundation requests the opportunity to appear before the Committee.

2. Executive summary

2.1 The HASANZ Miller Foundation supports reform that strengthens New Zealand's health and safety system by improving clarity, capability, and consistency.

2.2 From an education and workforce-development perspective, legislation plays a critical role in shaping:

- what health and safety knowledge and skills are required;
- how consistently those skills can be taught and assessed; and
- whether organisations invest in education, training, and professional capability.

2.3 The Foundation is concerned that aspects of the Bill, as currently drafted, may unintentionally:

- reduce clarity for educators, learners, and practitioners;
- weaken incentives for capability development in small businesses; and
- narrow the perceived scope of "health and safety" in ways that undermine occupational health and psychosocial risk education.

2.4 The Foundation's recommendations concentrate on ensuring the Bill:

- supports consistent, teachable, and evidence-based practice;

- enables education and training providers to align learning with legislative expectations; and
- strengthens long-term public health and safety outcomes.

3. The importance of capability and education

3.1 Education and training are central to preventing workplace harm. Legislative change alone does not reduce harm; harm is reduced when people have the capability to understand, apply, and continuously improve health and safety practices.

3.2 Through its charitable activities, the Foundation has observed that:

- clear and stable duty frameworks drive demand for education and training;
- complexity and ambiguity disproportionately challenge small businesses and early-career practitioners; and
- systems that emphasise control effectiveness are more readily embedded through education than systems focused on classification or thresholds alone.

3.3 Legislative reform should be assessed not only for compliance impacts, but also for its effect on capability development across the system.

4. Comments regarding key aspects of the Bill

4.1 Prioritisation of “critical risks”

Foundation position: Support in principle; seek refinement

4.1.1 The Foundation supports prioritising risks that can result in death or serious harm. This is in accordance with contemporary safety education and high-hazard risk management practice.

4.1.2 However, the current definition of “critical risk,” especially the use of the term “likely,” introduces interpretive uncertainty that complicates:

- education and training delivery;
- assessment of competence; and
- consistent advice by practitioners, especially in small or resource-constrained organisations.

4.1.3 The Foundation is also concerned that the Bill may emphasise identifying critical risks without sufficient focus on identifying, maintaining, and verifying critical controls, where education and training have the greatest preventive impact.

What success looks like

- A definition of critical risk that can be consistently taught across qualifications, guidance, and professional development.
- Clear linkage between critical risks and critical controls, supporting applied learning and continuous improvement.

Foundation recommendation 1

- Clarify the definition of critical risk using a foreseeable consequence-based test.
- Explicitly link prioritisation of critical risks to the identification and verification of critical controls.

4.2 Small PCBU provisions and capability development

Foundation position: Concerned about unintended impacts

4.2.1 The Foundation is concerned that limiting core health and safety duties for small PCBUs to “critical risks only” may unintentionally reduce:

- demand for health and safety education and training;
- engagement with occupational health and psychosocial risk management; and
- access to early-intervention capability that prevents cumulative and long-latency harm.

4.2.2 From a charitable and public benefit perspective, small businesses are a critical audience for education and capability-building. Exemptions risk signalling that broader health and safety competence is unnecessary, rather than supporting proportionate learning and support.

4.2.3 Two-tier duty settings also make it more difficult to:

- design consistent education programmes;
- develop transferable skills across sectors and business sizes; and
- sustain a capable workforce pipeline.

Success is

- Proportionality achieved through scalable guidance and education, not reduced expectations.
- Small businesses supported to understand and manage risks competently.

Foundation recommendation 2

- Reconsider provisions that limit small PCBU duties to critical risks only.
- Prioritise investment in practical guidance, education tools, and training support tailored to small businesses.

4.3 Approved Codes of Practice (ACOPs)

Foundation position: Strongly support increasing the use and development of ACOPs.

4.3.1 The Foundation strongly supports improving the role of ACOPs as practical, accessible learning tools that support consistent practice.

4.3.2 From an education perspective, ACOPs are most effective when they are:

- current and evidence-based;
- transparently developed; and
- aligned with education and training frameworks.

4.3.3 Outdated or incomplete ACOPs undermine training quality, professional confidence, and public trust.

Foundation recommendation 3

- Ensure ACOPs are adequately resourced, regularly reviewed, and developed with input from educators and technical experts.
- Avoid settings that discourage continuous learning or improvement beyond minimum guidance.

4.4 Implementation and transition

Foundation position: Seek staged implementation

4.4.1 Education providers, training organisations, and professional development programmes require sufficient lead-in time to align learning materials, assessments, and guidance with legislative changes.

4.4.2 Immediate commencement risks inconsistencies between the law, guidance, and education delivery.

Foundation recommendation 4

- Provide a staged commencement or minimum transition period.
- Require key guidance and priority of ACOPs to be available before new expectations are relied upon.

5. Monitoring and review

5.1 As a charitable trust focused on public benefit, the Foundation considers it necessary to evaluate whether the reforms:

- strengthen or weaken workforce capability;
- improve access to education and training; and
- contribute to sustained reductions in serious harm and occupational ill-health.

Foundation recommendation 5

- Include a statutory post-implementation review within 12–24 months, with explicit consideration of workforce capability and education impacts.

6. Conclusion

6.1 The HASANZ Miller Foundation supports reform that strengthens New Zealand’s health and safety system through education, capability, and evidence-based practice.

6.2 The Foundation encourages the Committee to recommend amendments and implementation settings that:

- support consistent and teachable health and safety practice;
- avoid unintended weakening of capability development, particularly in small businesses; and
- recognise education and training as core system enablers of long-term public health and safety.

6.3 The Foundation thanks the Committee for considering this submission and requests the opportunity to appear in support of it.