

17 March 2026

Committee Secretariat  
Education and Workforce Committee  
Parliament Buildings  
Wellington

Submitted via: [Health and Safety at Work Amendment Bill - New Zealand Parliament](#)

Dear Members of the Education and Workforce Committee

### **Submission from the Manawatū District Council on Health and Safety at Work Amendment Bill**

The Manawatū District Council (MDC) thanks the Education and Workforce Committee for the opportunity to provide feedback on the Health and Safety at Work Amendment Bill (“the Bill”). MDC strongly supports the intent of the Bill to improve clarity within the work health and safety system, reduce unnecessary compliance burden, and ensure that regulatory effort is directed toward preventing serious harm while maintaining effective management of workplace health and safety risks. However, MDC does have some concerns regarding how the proposed prioritisation of critical risks may operate in practice and seeks clarity regarding responsibility for recreational land use where permits are issued.

#### ***Introduction***

Manawatū District Council (MDC) is a territorial local authority employing more than 100 staff and managing a diverse portfolio of public assets, infrastructure, and community facilities. MDC operates across low, medium, and high-risk environments, including office-based work, aquatic facilities, wastewater treatment plants, road corridors, and public open space. We also regularly engage contractors, and issue permits for events and community activities on Council-owned land.

Council supports the overarching objectives of the Bill to improve clarity within the work health and safety system, reduce unnecessary compliance burden, and ensure regulatory effort is directed toward preventing serious harm. Our submission focuses on:

1. The proposed shift to a focus on critical risks
2. The proposed reforms clarifying duties relating to recreational use of land
3. Clarification of overlaps with other legislation
4. Strengthening of approved codes of practice (ACOPs)

#### ***Focusing the System on Critical Risks***

MDC is supportive of a clearer focus on risks that are capable of causing death, serious injury, serious illness, or notifiable events. Prioritising the prevention of serious harm is sensible and aligns with established risk management methodologies.

MDC uses a critical risk framework internally to identify and manage high-consequence hazards in areas such as confined spaces, heavy plant operation, wastewater treatment, and

traffic management. However, we have concerns about the potential unintended consequences of reframing the purpose of the Act and regulatory expectations around critical risks.

Many workplace injuries and illnesses that materially affect Council operations do not meet the threshold of likely death or notifiable injury but nonetheless have significant impact.

Examples include:

- Manual handling injuries;
- Musculoskeletal disorders arising from repetitive or awkward tasks;
- Slips, trips, and falls;
- Psychosocial risks and stress-related harm;
- Fatigue and cumulative exposure risks.

These risks may not involve immediate life-threatening consequences, but they can result in prolonged absences, long-term health impacts, significant ACC costs, productivity loss, and operational disruption. For a local authority delivering essential services, these impacts are material.

While the Bill maintains the obligation for larger PCBUs to manage all risks (while prioritising critical risks), small PCBUs will only be required to manage critical risks under their primary duties. Council is concerned that, in practice, the reforms could create a two-tier system where only critical risks receive attention, and non-critical but operationally significant harms are implicitly deprioritised.

This may not be the intent of the Bill, but it is a foreseeable behavioural outcome.

### **Decisions Sought**

Council asks the Committee to ensure that:

- The legislation or accompanying explanatory material clearly confirms that prioritising critical risks does not reduce expectations for managing other workplace health and safety risks.
- The focus on critical risks is not interpreted as diminishing the importance of managing chronic, cumulative, or psychosocial harm.

### **Recommendations**

To support effective implementation of the reforms, Council recommends that:

- Regulators provide clear guidance on how prioritisation of critical risks is intended to operate in practice without weakening preventative health and safety practices.
- Particular attention be given to sectors with high numbers of small operators to ensure long-term harm trends do not worsen.

The Manawatū District includes a large number of small businesses and farm owners that would meet the proposed definition of a small PCBU.

We support proportionate reforms that reduce compliance burden and administrative cost for these operators, recognising this as an important policy objective. However, in rural and small business contexts, cumulative and manual handling injuries, fatigue, and long-term

exposure risks are common and can have significant workforce and financial impacts. Council considers it important that the reforms do not unintentionally signal that these risks are of secondary importance simply because they do not meet the critical risk threshold.

### ***Clarifying Duties Relating to Recreational Use of Land***

MDC is supportive of the proposed clarification of duties for PCBUs who manage, or control open space used for recreational purposes. In principle, we welcome reforms that reduce unnecessary administrative burden and remove uncertainty where a landowner has no active involvement in, or control over, the recreational activity taking place.

As a significant landowner that administers permits for events and community activities across parks, reserves, sports fields, and walkways, Council has had concerns about the extent of its responsibility for the operational decisions and risk management of those given formal permission via the permit process to utilise these spaces.

Clarifying that landowners are not responsible for recreational users in circumstances where the activity is not connected to the PCBU's work, is a constructive reform. However, the Bill provides that the exemption does not apply where other work connected to the PCBU's business is being carried out "at the time in the open space near where the entry and use are taking place."

In large or complex public open spaces, this raises practical questions.

Council land frequently accommodates:

- Multiple concurrent activities;
- Routine maintenance work occurring in one area of a reserve;
- Permitted events or recreational use occurring elsewhere in the same reserve.

### **Decision Sought**

- Council seeks clarification that issuing a permit for an event or activity, in itself, does not constitute operational control of that activity for the purposes of the Health and Safety at Work Act.
- Council seeks clarification that the legislation, or Select Committee commentary, clearly articulate the boundary between passive land ownership and operational control where recreational activities occur on land owned or managed by a PCBU.

### **Recommendations**

To support consistent interpretation of reforms, MDC recommends that:

- Clear statutory guidance or regulatory commentary distinguish passive land ownership from active management or control.
- Guidance to clarify how the terms "near" and "at the time" are intended to apply in large, multi-use open space where multiple activities may occur simultaneously.
- Permit frameworks are able to allocate risk management responsibilities clearly to event organisers without creating unintended liability for the landowner.

The reform is welcome, but its practical effectiveness will depend on clarity of interpretation.

### ***Clarifying Overlaps with Other Legislation***

MDC supports the intent of the Bill to clarify overlaps between the HSW Act and other legislation, and to confirm that compliance with relevant requirements under another Act may satisfy corresponding duties under the HSW Act.

As a local authority operating within multiple regulatory frameworks, Council has experienced complexity where duties appear to overlap. Greater clarity that the HSW Act is not intended to function as a “backstop” for risks that are comprehensively managed under other systems is welcome.

#### *Recommendation*

MDC recommends that:

- Clear cross-regulator guidance be developed to ensure there are no unintended regulatory gaps where worker safety expectations differ across systems.
- Particular care be taken in areas such as seismic risk and building compliance to ensure that the interaction between the HSW Act and the Building Act 2004 remains coherent and does not create uncertainty for building owners, tenants, or regulators.
- Ongoing coordination between regulators be transparent and readily understood by those subject to the legislation.

Clarity should reduce duplication without inadvertently lowering safety standards or creating ambiguity about enforcement responsibility.

#### ***Strengthening Approved Codes of Practice***

Council notes the proposed changes to strengthen Approved Codes of Practice (ACOPs), including the introduction of safe harbour status whereby a person acting in accordance with an approved ACOP for a specific risk is deemed to have complied with their duty for managing that risk.

MDC supports efforts to provide greater certainty for duty holders. Clear, up-to-date, and practical codes of practice can assist PCBUs in understanding what is reasonably practicable in particular circumstances.

#### *Recommendations*

Given the elevated status ACOPs will hold under the proposed reforms, MDC recommends that:

- ACOPs are regularly reviewed and updated to reflect current technology, equipment, and industry practice.
- ACOPs do not become overly prescriptive in ways that undermine the performance-based nature of the HSW Act.
- Transparency is maintained where draft ACOPs are developed by external organisations and submitted to the regulator for approval.
- The development and revision of ACOPs include input from relevant industry sectors and practitioners to ensure that guidance is practical, technically accurate, and workable in real-world operating environments.

MDC has previously observed that some legacy ACOPs and guidance material have become outdated over time. If ACOPs are to carry safe harbour status, it becomes even more important that they are up to date, high quality, and developed with broad sector input.

## **Conclusion**

MDC supports the objectives of the Health and Safety at Work Amendment Bill and recognises the importance of reducing unnecessary compliance and burden while improving clarity.

MDC submits that the Bill would benefit from ensuring that:

- The focus on critical risks does not inadvertently diminish attention to cumulative and high-frequency harms;
- The recreational land reforms provide genuine clarity for significant public landowners;
- Legislative overlap provisions are supported by inter-agency coordination; and
- The strengthened status of ACOPs is matched by robust development and review of processes.

Manawatū District Council appreciates the opportunity to provide feedback on the Bill and thanks the Committee for its consideration of this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Ford', with a long, sweeping horizontal stroke extending to the right.

Michael Ford, JP  
**Mayor**