



## Health and Safety at Work Act Amendment Bill: What it may mean for agriculture

### Possible key changes affecting agriculture

The Government is reforming the Health and Safety at Work Act (HSWA) to reduce bureaucracy and focus effort on risks most likely to cause serious harm. The Bill's Explanatory Note states that the amendments are intended to:

- Support continued reductions in workplace fatalities, serious injuries, and occupational illness
- Direct effort toward risks most likely to cause death or notifiable harm
- Provide clearer, more practical duties for small businesses
- Strengthen the role of Approved Codes of Practice (ACOPs) as "safe harbours"
- Clarify landowner duties, particularly for recreational access

These changes could affect farming, contracting, and rural operations.

#### 1 Understanding "critical" risks

A risk is considered critical if it is covered by existing regulations (e.g., hazardous substances, machinery, asbestos) or is likely to cause death, a notifiable injury, or an occupational disease.

Examples of critical risks on farms include tractor and quad bike rollovers, PTO entanglement, hazardous substances, and confined spaces such as silos and tanks. Risks that may not be considered critical include sprains and strains, fatigue, light-vehicle driving, minor injuries, and child safety on farms. These risks cause a large proportion of harm in agriculture but may fall outside the new duty for small PCBUs.

**Some risks that contribute significantly to harm in agriculture may fall outside the "critical" threshold, including:**

- slips and trips
- manual handling injuries
- noise exposure
- fatigue and long hours
- occupational diseases
- mental health and wellbeing

**These may receive less attention unless supported by strong sector guidance.**

#### 2 Small farming businesses (<20 workers)



Small PCBUs will only be legally required to manage critical risks. Training, supervision, and PPE would only be required for those risks.

The purpose of this change is to reduce compliance burden on small and micro-businesses by focusing their legal duties on the risks most likely to cause serious harm. The Government's intent is to make requirements more achievable for small operators, remove expectations that are difficult for very small teams to meet, and create a clearer, more practical set of duties that reflect the realities of small-scale farming.

**This may lead to:**

- inconsistent practice and confusion
- reduced focus on common injury risks
- potential increases in ACC levies if non-critical injuries rise

**Mixed-size work environments**

Different duties for small and large PCBUs may create uncertainty when they work together, which is common in agriculture.

**Examples include:**

- a small fencing contractor (fewer than 20 workers) working on a large dairy farm (more than 20 workers), where only the farm is responsible for non-critical risks
- a large contracting business working on a small family-run farm, where the contractor must manage all risks but the farm is only required to manage critical risks

These situations may lead to mismatched expectations unless clear guidance is developed for mixed-size working arrangements.

### **3 Recreational use of farms**

The Bill clarifies that landowners have limited duties to recreational users such as hunters, trampers, mountain bikers, or people accessing farm tracks for leisure.

**For farmers, this means:**

- no duty to manage most risks for recreational visitors
- no responsibility for normal farm hazards unless the activity is connected to work or access is charged for
- no liability for uninvited visitors unless exposed to hidden or created risks

This clarification may reduce uncertainty for farmers who allow public access or have uninvited visitors crossing their land.



#### **4 Officer duties**

The Bill narrows officer duties to governance only. Officers are responsible for ensuring good systems and oversight, but not day-to-day operational safety.

The purpose of this change is to clarify the boundary between governance and operational responsibilities, ensuring officers focus on setting direction, allocating resources, and monitoring performance. This is intended to reduce ambiguity about personal liability and support clearer, more practical due-diligence expectations.

#### **5 Stronger role for Approved Codes of Practice (ACOPs)**

ACOPs become “safe harbours”—following an ACOP is deemed compliance with HSWA. Industry groups can propose new ACOPs, subject to regulator review. This elevates ACOPs from guidance documents to a central part of the regulatory system.

**However, this shift creates a significant new responsibility for industry. ACOPs must be:**

- developed to a high technical standard
- regularly reviewed
- updated to reflect changes in technology, practice, and risk
- maintained so they remain credible and fit for purpose

To achieve this, a sustainable funding model is essential. Most industry groups do not currently have the resources to develop and maintain ACOPs at the level required for them to function as legal safe harbours.

**A strengthened ACOP system therefore requires:**

- dedicated, ongoing funding for accredited industry groups
- support for technical expertise, consultation, and evidence gathering
- resourcing for regular review cycles
- funding mechanisms that do not rely on voluntary or ad-hoc contributions

Without this, ACOPs risk becoming outdated, inconsistent, or inaccessible—undermining the purpose of elevating them in the legislation and leaving farmers uncertain about whether they remain compliant.

#### **6 Refocused priorities for WorkSafe**

**The Bill requires WorkSafe and other designated regulators to shift their emphasis toward (and in this order):**

- guidance and advice



- codes of practice
- safe work instruments
- monitoring and enforcement

For agriculture, this represents a significant change in regulatory posture. Farmers may see fewer general compliance checks and more targeted engagement on critical risks. The effectiveness of this shift will depend on the availability of high-quality, sector-specific guidance.

#### **What this means for agriculture**

- Many high-harm risks may fall outside the new definition of critical risk.
- Small farms could stop managing important risks because they are no longer required to.
- Confusion may arise in mixed-size working arrangements.
- The sector will need clear, practical guidance to avoid inconsistent or unsafe outcomes.
- ACOPs will become more important but require ongoing maintenance and sustainable funding.
- WorkSafe's shift toward education over compliance will change how farmers experience regulation.

**Public submissions on the Bill close 11:59pm, 18 March 2026.**

**Safer Farms will be submitting on behalf of members however anyone is able to submit their thoughts and ideas. You can do so [here](#)**