



**FOREST INDUSTRY
CONTRACTORS
ASSOCIATION**

Submission on

Health and Safety at Work Amendment Bill (Government Bill 244—1)

Forest Industry Contractors Association (FICA)

March 2026

About FICA

The Forest Industry Contractors Association (FICA) represents the businesses that carry out the majority of operational forestry work in New Zealand, including harvesting, silviculture, land preparation, log transport and associated support activities. Contractors employ thousands of forestry workers and operate daily in one of New Zealand's four designated high-risk sectors.

As the national voice of contractors, FICA offers practical insight into how health and safety legislation is applied on the ground. Contractors work closest to the risks the Bill seeks to address. FICA's submission reflects consultation with contractor members, regional leadership, and industry advisers.

Summary

FICA supports the overall intent of the Health and Safety at Work Amendment Bill to:

- reduce unnecessary compliance costs;
- improve clarity for PCBUs about what is required; and
- support further reductions in fatalities, serious harm and injuries.

The Bill's emphasis on critical risks aligns with established best practice in forestry contracting. However, without refinement, some proposed provisions may introduce ambiguity or unintentionally weaken safety outcomes for a large proportion of the forestry workforce.

1. Sharpening the Purpose of the HSW Act and WorkSafe Act

FICA supports legislative changes that prioritise the identification and control of critical risks.

Forestry contracting businesses have long embedded critical-risk management through:

- mechanisation and redesign of high-risk tasks
- improved competency and certification systems
- robust risk assessment processes
- strong crew-level leadership and supervision
- adoption of the *Safe Practice for Forestry and Harvesting Operations – Approved Code of Practice (ACoP)*
- continuous improvement in harvesting systems and safety technologies.

For contractors, the Bill's directional shift reflects **continuity of practice**, not a new approach.

2. Definition of “Critical Risk”

The Bill defines a critical risk as a hazard “likely” to result in death, notifiable injury, illness, or incident.

FICA has two concerns:

2.1 The term “likely” creates ambiguity

Likelihood alone is not a sufficient determinant of criticality in high-risk industries. Many forestry critical risks have **low frequency** but **extreme consequences**, such as:

- tree felling hazards
- machine rollovers
- log truck loading and securement hazards
- tensioned-cable systems
- ingress/egress from heavy machinery
- manual handling of chains, rigging equipment, and saws.

These are inherently critical regardless of their statistical likelihood.

2.2 Industry needs clarity and strong definitions

Forestry has a history of developing sector-specific risk guidance, including health and safety charters. These are effective but lack statutory clarity. A refined definition would:

- improve consistency;
- support more accurate risk classification;
- reduce disputes between contractors and principals;
- support WorkSafe expectations.

FICA recommends:

- amending the definition to reflect both **likelihood and consequence**, with emphasis on **severe harm potential**;
 - enabling an **industry-led definition of critical risks**, endorsed by WorkSafe, for national consistency.
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3. Definition of a “Small PCBU”

The Bill defines a small PCBU as a business with fewer than 20 workers and requires such businesses to manage only critical risks.

This is highly problematic for forestry contracting.

3.1 Almost the entire contracting sector would be classified as “small”

Most forestry crews operate with small, specialist teams. Using a simple headcount ignores:

- the complexity of forestry operations,
- the level of risk exposure, and
- the high degree of operational expertise required.

Some small PCBUs (e.g., full-time harvesting contractors) have vastly greater risk exposure and safety capability than many small forest owners.

3.2 The proposal unintentionally lowers the safety baseline

Large forest companies already focus on critical risks because it delivers results—not because of scale. Reducing obligations for small PCBUs would:

- create inequity between workers in small vs. large businesses;
- imply that non-critical risks no longer require management;
- misalign with decades of safety improvement work;
- contradict the ACoP, which requires identification, assessment, and control of **all risks**.

3.3 Many “non-critical” harms arise from hazards linked to critical risk sources

Approximately half of ACC claims in forestry relate to sprains and strains. These may stem from:

- ingress/egress from machines or trucks,
- throwing chains,
- handling tools and equipment,
- uneven terrain or awkward positioning.

These may not appear “critical” in isolation, but the underlying hazard sources **are**.

FICA recommends:

- revising or removing the “small PCBU” category;
 - maintaining a requirement for all PCBUs—regardless of size—to manage **all risks** using reasonably practicable steps;
 - using industry-defined critical risks to streamline expectations without reducing safety.
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4. Strengthening Approved Codes of Practice (ACoPs)

FICA strongly supports the forestry ACoP receiving **safe harbour status**.

The ACoP:

- was co-developed with extensive contractor involvement;
- represents practical, evidence-based standards;
- provides clarity about WorkSafe expectations;
- improves national consistency;
- is already well implemented within the contracting workforce.

However:

Forest managers must avoid creating supplementary rule sets that exceed or distort ACoP requirements. Excessive layers of additional rules:

- dilute the purpose of safe harbour,
- create unnecessary compliance costs,
- confuse expectations between estates,
- undermine consistent national standards.

The value of safe harbour relies on the ACoP being the **primary reference point**, supported but not overridden by forest-specific requirements.

Conclusion

FICA supports the Bill's objectives and agrees with the need to prioritise critical risks. To ensure strong, practical and fair outcomes for forestry workers, FICA recommends:

1. **Refining the definition of "critical risk"** to reflect both likelihood and consequence, enabling industry-led clarification.
2. **Reconsidering or removing the "small PCBU" category**, which is not suitable for high-risk sectors and would unintentionally weaken protections.
3. **Maintaining consistent national standards** through the forestry ACoP achieving safe harbour status, and discouraging excessive additional rules imposed by principals.
4. **Ensuring legislation supports—not undermines—industry's long-standing critical-risk focus**, mechanisation gains, competency improvements, and modern safety practice.

FICA remains committed to collaborating with Government, WorkSafe, and sector partners to continue reducing serious harm and strengthening safety performance across New Zealand's forestry contracting workforce.