



BRIEFING

Plant and structures regulatory reform: draft Cabinet paper and regulatory impact analysis

Date:	16 December 2020	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2021-1680

Action sought

	Action sought	Deadline
Hon Michael Wood Minister for Workplace Relations and Safety	Discuss your feedback on the draft Cabinet paper and next steps with officials	26 January 2021

Contact for telephone discussion (if required)

Name	Position	Telephone	1st contact
Lisa Collins	Manager, Health and Safety Policy	04 897 6436 Privacy of natural persons	✓
Alannah MacShane	Principal Advisor, Health and Safety Policy	Privacy of natural persons	
Charlotte Woolhouse	Senior Advisor, Health and Safety Policy	Privacy of natural persons	

The following departments/agencies have been consulted

WorkSafe New Zealand

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments



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Purpose

This briefing provides you with background information on the plant and structures regulatory review, and provides a draft Cabinet paper for your consideration. Also attached is the draft Regulatory Impact Analysis (RIA) and Stage One Cost Recovery Impact Statement, prepared by the Ministry of Business, Innovation and Employment (MBIE), for your information.

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Discuss** with officials your feedback on the draft Cabinet paper and timing for next steps in early 2021

Discuss

Lisa Collins
Manager, Health and Safety Policy
Labour, Science and Enterprise, MBIE

16 / 12 / 20

Hon Michael Wood
Minister for Workplace Relations and Safety

6 / 1 / 21

Draft Cabinet paper and regulatory impact analysis for consideration

1. As part of the ongoing reform of the health and safety regulatory regime, MBIE has prepared a package of regulatory proposals to reduce harm from working with plant and structures, and doing hazardous work at height and on excavations.
2. A discussion document – *Implementing the Health and Safety at Work Act 2015: Better Regulation: Plant, Structures and Working at Heights* – was released in July 2019 for public consultation. MBIE received over 170 submissions from stakeholders, with the majority largely in support of the proposed changes. Since consultation closed, MBIE has been finalising advice and completing the regulatory impact analysis process.
3. The former Minister for Workplace Relations and Safety agreed in principle to progress with the majority of the proposals put forward in the discussion document, with some modifications to reflect stakeholder feedback [Briefings 1862 19-20 and 2133 19-20 refer].
4. We have further refined the requirements through the regulatory impact analysis process, resulting in some minor changes to the package of proposals agreed to in principle by the former Minister. Most substantively, we now consider that high-risk work licensing for forklifts is instead most appropriately considered and further consulted on in the next stage of the regulatory reform work programme, with other hazardous work topics. In the meantime, WorkSafe New Zealand is working to improve forklift safety, including by holding forklift safety roadshows in 2021 to improve understanding of risk and risk management, and by improving guidance.
5. MBIE briefed you verbally on the regulatory proposals on Tuesday 8 December 2020.
6. A draft Cabinet paper is attached as **Annex One** for your review, outlining the package of regulatory proposals. **Annex Two** provides the draft RIA and Stage One Cost Recovery Impact Statement prepared by MBIE. The RIA is being considered by a joint MBIE-Treasury panel, and we aim to finalise it early in 2021. The financial implications of the regulatory proposals provided in the Cabinet paper are indicative and will be further refined with WorkSafe before the Cabinet paper is finalised. They will then be further tested through the exposure draft and public consultation phase.
7. The Cabinet paper is in draft and we are seeking your feedback on the content. We have aimed to balance providing enough detail to support Cabinet policy decisions, while not replicating the detailed analysis required by the RIA.
8. The Cabinet paper contains a large package of proposals, and to make it easier to digest for Ministers, an option is to split it into two papers. The first paper would focus on the plant and structures regulatory proposals, and the second paper on hazardous work at heights and on excavations, as well as the next steps in the process, including the exposure draft and further consultation on remaining policy matters. Both papers would need to be submitted as a package to Cabinet and considered together. We wish to seek your feedback on this approach.
9. Once we have received your feedback on the Cabinet paper in early 2021, we will finalise the paper for your approval, Ministerial consultation, and submission to Cabinet. We will engage with your office on what associated materials will be helpful for consultation.

Next steps

10. We wish to discuss with you your feedback on the paper and timing for next steps, including seeking Cabinet policy decisions, in early 2021. Indicative timing is outlined in the table below.

Step	Indicative timing
Finalise Cabinet paper and RIA	Dec 2020-Feb 2021
Stage 1 Cabinet DEV Committee policy approvals	Feb 2021
Drafting of new regulations	Feb-Jun 2021
Consultation on exposure draft and remaining policy matters	Jul-Sep 2021
Stage 2 Cabinet DEV Committee policy approvals	Oct 2021
Cabinet LEG Committee approval	Dec 2021
Staged implementation begins	2022

Annexes

Annex One: Draft Cabinet paper – *Health and Safety at Work regulatory reform: Protecting people working with plant, structures and doing hazardous work*

Annex Two: Draft Regulatory Impact Analysis and Stage One Cost Recovery Impact Statement