MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

COVERSHEET

Minister	Hon Dr Duncan Webb	**Portfolio**	Commerce and Consumer Affairs
Title of briefing	Product Safety Standards (Multipurpose Ladders) Regulations 2023	**Date to be published**	2 May 2023

List of documents that have been proactively released		
Date	**Title**	**Author**
15 February 2023	Product Safety Standards (Multipurpose Ladders) Regulations 2023	Office of the Minister of Commerce and Consumer Affairs
9 March 2023	Product Safety Standards (Multipurpose Ladders) Regulations 2023 LEG-23-MIN-0015 Minute	Cabinet Office

Information redacted **YES / NO**

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In Confidence

Office of the Minister of Commerce and Consumer Affairs

Chair, Cabinet Legislation Committee

Product Safety Standards (Multipurpose Ladders) Regulations 2023

Proposal

1. This paper seeks authorisation for submission to the Executive Council of the Product Safety Standards (Multipurpose Ladders) Regulations 2023.

Policy

2. A multipurpose ladder is a portable ladder with joints which allow it to be rearranged to function as:

    2.1. a single ladder, with or without a stand-off;

    2.2. a single or double-sided step ladder; or

    2.3. a scaffold or work platform.

3. Multipurpose ladders facilitate working at heights. Failure of multipurpose ladders, such as collapsing when in use, can cause serious injuries. Ladders that do not meet official standards were banned in 2012, due to injuries attributed to structural and stability failures. The Australian Standard, 'AS 1892.1:2018 Portable ladders, Part 1: Performance and geometric requirements' (**AS 1892.1:2018**) is the latest standard that specifies the design, functionality, durability and testing requirements for multipurpose ladders.

4. On 12 December 2022, Cabinet agreed to require that multipurpose ladders comply with AS 1892.1:2018, with minor modifications for New Zealand consistent with the Unsafe Goods Notice (Multipurpose Ladders) 2021 (**Unsafe Goods Notice**). [GOV-22-MIN-0051 refers].

5. The attached Product Safety Standards (Multipurpose Ladders) Regulations 2023 give effect to this decision, and will replace the temporary Unsafe Goods Notice with permanent regulation.

Timing and 28-day rule

6. A waiver of the 28-day rule is not sought. This regulation will come into effect on 13 April 2023, which is 28 days after which it will be notified in the New Zealand Gazette.

7. To give retailers time to move older stock, the regulations have a transitional period allowing multipurpose ladders which comply with a previous standard to be sold until 1 September 2023. I consider there to be a relatively low safety risk of permitting

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ladders that comply with the previous standard but do not meet the labelling requirements of AS 1892.1:2018.

Compliance

8. The Product Safety Standards (Multipurpose Ladders) Regulations 2023 comply with:

    8.1. the principles of the Treaty of Waitangi;

    8.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;

    8.3. the principles and guidelines set out in the Privacy Act 2020; and

    8.4. relevant international standards and obligations.

9. Section 29 of the Fair Trading Act 1986 provides that the Minister of Commerce and Consumer Affairs may recommend the making of regulations declaring an official standard or an official standard with such additions or variations as are specified in the regulations is a product safety standard.

10. The Minister must not make a recommendation under this section unless:

    10.1. the Minister has consulted with such persons or representatives of such persons as the Minister considers will be substantially affected by any Order in Council made in accordance with the recommendation and those persons have had the opportunity to comment to the Minister; and

    10.2. the Minister has considered any such comments.

11. I am satisfied that these statutory conditions have been met.

Regulations Review Committee

12. I do not consider there are any grounds for the Regulations Review Committee to draw regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

13. The Product Safety Standards (Multipurpose Ladders) Regulations 2023 were certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact analysis

14. The Treasury's Regulatory Impact Analysis team has determined that transitioning multipurpose ladders to a new safety standard is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals and not-for-profit entities.

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Climate Implications of Policy Assessment

15. The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

Publicity

16. The Ministry of Business, Innovation and Employment (**MBIE**) will communicate this change with a press release as well as engagement with industry groups. This will ensure awareness of the updated compliance requirements.

Proactive release

17. This paper will be published on MBIE's website, subject to withholdings as appropriate under the Official Information Act 1982.

Consultation

18. The Treasury, Commerce Commission, The New Zealand Customs Service and The Department of Prime Minister and Cabinet have been consulted on this paper.

Recommendations

The Minister of Commerce and Consumer Affairs recommends that the Cabinet Legislation Committee:

1. **note** that on 12 December 2022 Cabinet [GOV-22-MIN-0051 refers]:

    1.1. agreed to require that multipurpose ladders comply with the 2018 safety standard (AS 1892.1:2018), with modifications for New Zealand consistent with the Unsafe Goods Notice (Multipurpose Ladders) 2021;

    1.2. agreed to give effect to the above decision through regulations under section 29 of the Fair Trading 1986;

2. **note** that the Product Safety Standards (Multipurpose Ladders) Regulations 2023 will give effect to the decision referred to in paragraph 1 above;

3. **note** that the Product Safety Standards (Multipurpose Ladders) Regulations 2023 will, if approved, come into force on 13 April 2023;

4. **note** that section 29 of the Fair Trading Act 1986 provides that the Minister may not recommend that regulations are made under section 29 unless the Minister has consulted with such persons or representatives of the persons who the Minister considers will be substantially affected by the regulations and considered these comments;

5. **note** that the Minister of Commerce and Consumer Affairs advises that the statutory conditions referred to in recommendation 4 have been met;

6. **authorise** the submission to the Executive Council of the Product Safety Standards (Multipurpose Ladders) Regulations 2023.

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Authorised for lodgement

Hon Dr Duncan Webb

Minister of Commerce and Consumer Affairs

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