



COVERSHEET

| | | | |
|-------------------------------|---|-----------------------------|--------------------------------|
| Minister | Hon Brooke Van Velden | Portfolio | Workplace Relations and Safety |
| Title of Cabinet paper | Health and Safety Reform: System-Wide changes | Date to be published | 9 June 2025 |

List of documents that have been proactively released

| Date | Title | Author |
|---------------|--|---|
| 24 March 2025 | Health and Safety Reform: System-Wide changes | Office of the Minister for Workplace Relations and Safety |
| 17 March 2025 | Minute of Decision CBC-25-MIN-0004 | Cabinet Office |
| 12 March 2025 | Regulatory Impact Statement – Work Health and Safety Reforms | MBIE |

Information redacted

YES/NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reasons of confidential advice to Government.

In Confidence

Office of the Minister for Workplace Relations and Safety

Cabinet Business Committee

Health and safety reform: system-wide changes

Proposal

- 1 This paper seeks agreement to a suite of system-wide changes to reform work health and safety, including changes to the Health and Safety at Work Act 2015 (the HSW Act).
- 2 This paper is part one of a package of five Cabinet policy papers to reform work health and safety. I will bring further papers to Cabinet to provide policy detail, to address issues in relation to WorkSafe New Zealand, and to address sector-specific pain points.

Relation to government priorities

- 3 The proposals in this paper represent the first tranche of changes to address the ACT – National Coalition Agreement to reform health and safety law and regulations.

Executive Summary

- 4 I seek reform of the work health and safety system through a suite of system-wide changes. The significant scale of reform requires the phasing of Cabinet decisions:

| Timing of papers | What | Description of paper |
|-------------------------|---|---|
| March 2025 (this paper) | Decisions on system-wide changes to the HSW Act | Changes with the widest impact across the system come first |
| April 2025 | Decisions on legislative and operational changes for WorkSafe | Changes that focus WorkSafe on delivering the system-wide changes |

Constitutional conventions

- 5 New Zealand's work health and safety legislation is flexible by nature, offering little prescription on the specific actions and activities that are needed to be compliant. Instead, compliance relies on doing what is 'reasonably practicable' to manage risks. While maintaining such flexibility ought to remain a priority, it is clear that the current system is leading to some unintended consequences.
- 6 In the absence of certainty about what is considered 'reasonably practicable', New Zealand's work health and safety settings have inadvertently created a culture of health and safety-ism that stifles innovation and binds businesses in red tape and fear. This regulatory creep is not making us safer and could even be detracting businesses and workers from managing the risks that really matter.
- 7 The comprehensive public consultation I have led has shown that there is significant appetite for change to reduce costs and improve focus in the system.
- 8 In this paper, I propose a suite of system-wide changes to improve the scope and understanding of what is 'reasonably practicable', including a Bill to amend the HSW Act. This paper seeks Cabinet agreement to:
- ending the proliferation of road cones
 - limit health and safety duties for small, low-risk businesses to reduce unnecessary costs
 - sharpen the purpose of the HSW Act to focus the system on critical risks
 - clarify that, where other regulatory systems' rules and requirements sufficiently manage a risk, the HSW Act should not require a higher standard for the same risk
 - improve Approved Codes of Practice to increase business certainty about what is reasonably practicable
 - free up recreational land use on private and public land to reduce landowner fears
 - clarify officers' duties to separate operational detail from governance
 - reduce notification requirements to the regulator to reduce compliance burdens
- 9 As indicated in paragraph 4, this paper is the first of five. I will report back to Cabinet in April 2025 seeking decisions on a range of legislative and operational improvements to improve business certainty and public confidence in WorkSafe.

10 **Constitutional conventions**

[REDACTED]

I have heard that the regulatory system lacks clarity and certainty which is driving risk aversion and costly over-compliance

- 11 In May 2024, Cabinet agreed to release a consultation document, *Have Your Say on Work Health and Safety*, supported by a series of roadshows to ask New Zealanders about what's working well and what needs to change [ECO-24-MIN-0094].
- 12 Consultation was open from June to October 2024. Over 1000 people provided feedback through submissions, roadshow meetings and site visits. The major theme of the feedback was that as it stands, businesses don't know what they need to do to manage risks and meet their legal duties. This is because:
 - there is a lack of guidance on what is considered 'reasonably practicable' and therefore what is needed to be deemed compliant, and
 - some regulations are overly complex and out of date and the pace of change has been slow, and
 - there is a fear of WorkSafe arising from difficult engagements or inconsistent treatment.
- 13 This uncertainty is driving some undesirable behaviour that increases costs and does not reduce workplace harm, including:
 - A focus on paperwork instead of actions. This paperwork is not only a productivity cost to businesses, it also rarely contributes to worker health and safety.
 - The significant expansion of a health and safety industry providing advice in the absence of clear regulator guidance, and the associated costs to people who just want to do the right thing, including consumers and taxpayers.
 - Treating more minor risks in the same way as critical risks. This over-compliance can create unnecessary costs and an excess of red tape.
- 14 I have heard that while larger businesses may be able to afford to hire dedicated health and safety professionals, small businesses in particular can struggle to get the information they need to ensure they are compliant, and can also struggle with the costs of compliance.
- 15 Even where businesses and organisations can afford the costs of compliance, the productivity losses and costs to the taxpayer of spending on excess regulatory compliance that does not contribute to worker safety is a cause for concern.
- 16 I also heard concerns that the scope of workplace health and safety obligations is creeping into unintended areas of life, from the proliferation of road cones to Santa parades. This is having a chilling effect on activities many would consider part of the Kiwi way of life.
- 17 It is timely to reform the system to ensure it is fit-for-purpose, by focusing on critical workplace risks, so that businesses can shift to prioritising their valuable time and

effort on taking action to manage critical risks rather than on low value compliance. Workers will be assured that their workplaces are prioritising the right actions to protect them from workplace harm, and they will also know where they should place their attention to keep themselves and their workmates safe. Businesses and workers will be assisted in this shift by WorkSafe taking a more active role in guidance and support and focusing its efforts on critical risk.

I seek Cabinet decisions on an initial package of legislative amendments

- 18 My initial package of changes includes the key shifts – most require legislative amendments and will be included in the Bill. One is an operational improvement that I intend to progress directly following Cabinet decisions.

Ending the proliferation of road cones

- 19 We all know there is excessive use of road cones when managing road works that disrupt peoples' journeys whether on state highways or local roads.
- 20 I am advised that the New Zealand Transport Agency Waka Kotahi (NZTA) is implementing a more efficient, risk-based approach to temporary traffic management to encourage more critical thinking about what is required for a particular project that is both efficient and keeps people safer. A new NZ Guide to Temporary Traffic Management is being rolled out and is now being applied to all new capital projects and significant portions of the State highway maintenance plan.
- 21 **Constitutional conventions**
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- 22 NZTA is working with the sector to encourage uptake and promote use of the TTM Guide. Further guidance will be given in the coming months to improve TTM practice for local events such as parades, sporting events and music festivals.
- 23 A key issue is that smaller local authorities (as road controlling authorities) are still defaulting to HSW Act obligations and the old TTM prescriptive guidance. They misunderstand the limits of their HSW Act liability for roadworks, and think they are wholly responsible for the traffic management subcontractors' health and safety obligations, which is leading to risk aversion and overcompliance.
- 24 To help address this, particularly when it occurs for local roadwork activity that should be low risk, I propose that WorkSafe runs a time-limited pilot for businesses and individuals to report instances of overzealous road cone use or traffic management requirements. The pilot will run for 12 months and use WorkSafe's existing contact channels.
- 25 I want those affected, either when using the roads themselves or when it affects their business, to be able to report this. Additionally, I see a role for WorkSafe in undertaking inspections – but as a shift from their usual practice, I would like them to instead focus on offering advice and guidance on instances of over-compliance. My April Cabinet paper on improving business certainty and public confidence in

WorkSafe will further outline this pilot and how it fits within a wider organisational shift.

Limiting health and safety duties for small, low-risk businesses to reduce unnecessary costs

- 26 I have consistently heard that small, low-risk businesses are uncertain about which risks to focus on and struggle to meet the costs of compliance. Of those submitters that responded to survey questions regarding the regulatory balance of costs to risks, more than half do not consider the balance is met, and difficulties for small business in complying with requirements were frequently raised.
- 27 I propose to amend the HSW Act so that the work health and safety duties for New Zealand's small, low-risk businesses are limited to be proportionate to the risk. I propose that, to meet the primary duty of care on a business to ensure work health and safety, small low-risk businesses will only need to:
- manage the critical risks that could cause death, or serious injury or illness, and
 - provide worker supervision, training and instruction, and personal protective equipment (as set out in Part 1 of the General Risk and Workplace Management Regulations) but only for critical risks, and
 - provide first aid, emergency plans, and the basic workplace facilities to maintain worker welfare such as the provision of drinking water, suitable lighting and ventilation (as set out in Part 1 of the General Risk and Workplace Management Regulations).
- 28 I propose that critical risks are those that cause death, or serious injury or illness:
- those serious injuries or illness set out in section 23 of the HSW Act as notifiable to the regulator – such as amputations, serious burns or lacerations, serious head, brain, spinal or eye injuries, or serious illnesses requiring hospital admission, and
 - the occupational diseases set out in Schedule 2 of the Accident Compensation Act 2001 – such as cancers that are caused by work.
- 29 I expect this proposal to reduce compliance costs for small businesses, by supporting them to focus on critical risks and not on minor risks that do not cause harm. For example, a small retail clothing shop would need only to meet minimum duties relating to first aid, emergency plans and basic workplace facilities, but would not need to have a psychosocial harm plan or policy, or need to warn staff to be careful when steaming garments. A small retail hardware shop may have flammable paint or toxic chemicals that could cause significant harm if ignited or released in their shop. They would still need to manage these critical risks, alongside the minimum duties for basic workplace facilities, but would not need to warn staff to be careful when removing food from a microwave.
- 30 Further policy work is required to consider how best to identify small, low-risk businesses, to detail the extent of their duties, and consider whether the thresholds for what are considered serious injury and illness are set at the right level. I want to ensure businesses are clear about whether they are covered by this change and what

their health and safety duties are. Specifying the low-risk sectors should ideally be through regulation rather than the Act, so that it may be more easily updated as sector risks change over time due to technology changes and other factors.

- 31 I intend to report back to Cabinet in May this year to seek decisions on regulations that identify what are small, low risk businesses, so that people have this information alongside the draft Bill when it goes to Select Committee.

Sharpening the purpose and boundaries of the HSW Act to focus the system on critical risks

- 32 The purpose of the HSW Act is long-winded, diluting its focus on providing a balanced framework to secure the health and safety of workers and protect them against harm. For example, I heard from the roadshows that pre-qualifications in civil construction focus on generic paperwork and policies, but do not focus on actual on-the-ground risks on the worksites. This contributes to a lack of clarity about what people should be focused on to meet their health and safety duties under the HSW Act.
- 33 I propose to sharpen this so that the principal purpose of the HSW Act is managing the critical risks from work. This will signal the overall intent of this reform – to ensure the system is focused on critical risks from work. I expect that over time, this will contribute to a shift in mindset on work health and safety duties to focus people's efforts on critical risk and not on actions that don't prevent workplace harm. This shift will be supported by focusing WorkSafe's guidance, support and compliance and enforcement action on critical risks. Other aspects of the Act's purpose will remain but become secondary to this principal purpose.
- 34 Additionally, I have heard from many that the overlap between health and safety law and other regulatory systems that already manage safety risks causes confusion, over-compliance and excessive costs. For example, I heard that people are evacuating buildings that are compliant with the Building Code, or that Santa parades now require seat belts on floats. Consultation showed that the most common sources of confusion about the overlap between the HSW Act and other legislation were the Building Act 2004 and Land Transport rules.
- 35 While the HSW Act currently allows for people to have regard for safety requirements under other laws when deciding how to manage a work health and safety risk, this signal is not strong enough to prevent them from thinking the HSW Act requires them to do more, even if the same risk is well managed by the other safety regime. This overcompliance is exacerbated by a lack of clear guidance on what to do, and by the culture of risk aversion and 'safetyism'.
- 36 I propose to amend the HSW Act to make it clearer that, where other regulatory systems' rules and requirements manage a risk, the HSW Act should not require a higher standard for the same risk. Businesses, workers and the regulator should be clear where specific requirements in other regimes take precedence over the more general HSW Act requirements for the same risk.
- 37 For example, if a seismic risk assessment finds a school building meets Building Act requirements, the school board should not think that the HSW Act requires them to close the building on seismic safety grounds.

Improvements to Approved Codes of Practice to increase certainty about what to do

- 38 The HSW Act follows the Robens model for health and safety at work as developed in the United Kingdom and used throughout Australia. The model is based on an Act with flexible performance-based duties that cover a wide range of work and working arrangements. It anticipates a limited set of regulations to provide more certainty in higher risk areas like working at heights and working with dangerous chemicals.
- 39 The third part of the model is where the greatest volume of instruments is expected, in the form of guidance. This includes, in some cases, Approved Codes of Practice (ACOPs), which are sets of practical guidelines to help people in specific sectors and industries to comply with their work health and safety standards and requirements. Currently ACOPs are developed by WorkSafe (in consultation with relevant sector or industry) and approved by the Minister for Workplace Relations and Safety.
- 40 In practice, New Zealand's model has not developed in this way, with many regulations not being updated, and less ACOPs and guidance have been developed than originally envisaged. Reflecting this, I received a lot of feedback that more and better guidance would reduce people's compliance costs by providing clarity where it is needed and improving certainty about what is reasonably practicable in their specific circumstances.
- 41 While some advocate for more regulations, experience to date is that this is not a feasible option given the time, complexity and resources involved for both government and businesses to develop them. This means regulations remain in place that are outdated, not fit for purpose, and often overly complex. Additionally, the pace of change in industry practices and technology means that even if new regulations are made, they will rapidly become out of date.
- 42 My proposals will make the model more flexible and responsive to business needs by shifting the balance from regulations to greater development and use of ACOPs and guidance that are both more readily updated, and the processes are such that businesses can more readily engage.
- 43 As well as increasing the volume of ACOPs, I propose changes to improve the quality of ACOPs and the reliance that can be placed on them. I heard directly from businesses that some ACOPs do not provide enough detail, are outdated, and no longer reflect industry best practice and are therefore no longer addressing current risks. I also heard that the process of developing new ACOPs can be slow and arduous. Some businesses have expressed that there are scenarios where businesses are following the relevant ACOP but are still required to complete paperwork to justify their actions, leading to unnecessary costs. This was a pain point shared by specific sectors such as forestry.
- 44 To address these concerns, I am proposing the following improvements to ACOPs:
- introduce deemed compliance so that if businesses comply with the relevant ACOP, they are reassured that they have done what is reasonably practicable to manage their risks (known as a 'safe harbour'), and

- allow persons and groups, including business, worker, and other representative organisations, to develop and submit ACOPs, that meet a set of minimum standards, for the regulator to refine and recommend for my approval.
- 45 Allowing people and groups to initiate work on ACOPs will help to speed up the process and facilitate a greater volume of ACOPs, as development will no longer rely on WorkSafe resources alone. WorkSafe could also draw on and adapt overseas guidance and codes in developing ACOPs. My April Cabinet paper on improving business certainty and public confidence in WorkSafe will outline operational initiatives I will take to communicate my priorities to WorkSafe for developing ACOPs.
- 46 ACOPs need not be sector -based but can also be used to help businesses know what ‘reasonably practicable’ means for specific issues that may occur across a range of sectors. They will likely be a useful tool for supporting innovation by responding to new and emerging industries where certainty about the risks would not yet warrant regulations, such as the use of artificial intelligence and robotics in industrial applications.
- 47 To ensure that ACOPs are of quality, I expect WorkSafe to develop a set of minimum standards for initiating, designing and developing an ACOP, before these can be submitted to WorkSafe. MBIE and WorkSafe would work with the Ministry for Regulation to develop a set of minimum standards applying to the approval process, including a cost benefit analysis and clear industry support. These requirements will clarify that I can choose not to approve the ACOP if I consider it does not meet these standards.
- 48 These changes will ensure businesses know when they have done enough to manage their health and safety risks, reflecting current optimum industry and sector practice and reducing compliance costs. I will inform Cabinet of priority sectors or specific workplace risks for approved codes of practice development in the April Cabinet paper on WorkSafe improvements.

Freeing up recreational land use on private and public land to reduce landowner fears

- 49 I heard from recreational groups and landowners that there is reluctance to allow recreational activities such as tramping and rock climbing on private land due to a lack of clarity around the landowner’s health and safety responsibilities. This lack of clarity is also an issue for public land managed by the Department of Conservation (DOC), local councils, Land Information New Zealand, the New Zealand Transport Agency, and for school grounds. This uncertainty and risk aversion may be having a chilling effect on recreational activities, especially in rural communities.
- 50 I wish to reassure private and public landowners, and land managers, of the extent of their responsibilities in order to free up recreational land use. To do this, I am proposing to amend the HSW Act to clarify that their duty to manage or control a workplace does not apply to recreational access and activities (whether those recreational activities are run by a commercial business or not) on the land unless there is work happening in that part of the land at the time. For example, if a horse trekking business is taking clients across someone’s land, the horse trekking business is responsible for managing the risks from the horse trekking. The landowner would

only need to consider the risks from their work where that work is happening in the immediate vicinity of the horse trekking. In determining how best to clarify this duty, consideration will be given to DOC's unique role in managing public land.

Clarifying officers' (e.g. directors') duties to separate operational detail from governance

- 51 I have heard from business owners and company directors that the lack of clarity about the officers' due diligence duty for work health and safety causes confusion about how far their duty extends.
- 52 Submissions, including from the New Zealand Institute of Directors, highlighted the importance of maintaining legislative clarity while addressing the challenges, responsibilities and uncertainty faced by boards under the HSW Act. This included highlighting that officers should remain focused on strategic oversight, while management should be responsible for the operational implementation of health and safety systems. Making a clearer distinction in the legislation between governance and executive management would enhance the effectiveness of health and safety governance, and the outcomes achieved in the health and safety system.
- 53 I seek Cabinet agreement to clarify the distinction between governance (director and board responsibility) and operational management (executive management) responsibility. I intend to report back in May to seek detailed policy decisions and agreement on any further operational changes required to facilitate a more balanced approach to setting expectations and reducing officers' fear and risks of overcompliance.

Reducing notification requirements to the regulator to reduce compliance burdens

- 54 Notifiable events include work-related events such as deaths, notifiable injuries or illnesses, or notifiable incidents. I have heard from some business owners and workers that the requirements to notify the regulator of notifiable events causes frustration and high compliance burdens on businesses. These submitters noted the lengthy, complex process involved to report incidents, paired with slow and inconsistent responses from the regulator.
- 55 Businesses should only have to report the highest levels of incidents and harm to WorkSafe, reducing their compliance burden. To further reduce compliance cost and refocus on critical risks I intend to report back in May 2025 to seek agreement to reduce the notification requirements to the regulator to only the significant workplace events (deaths, serious injuries and illness, and potential catastrophic failure).

Wider work health and safety system interactions with the Accident Compensation Scheme

- 56 The incentives that the Accident Compensation Corporation (ACC) places on businesses and employees was another issue raised during the roadshows and in submissions.
- 57 I received feedback that New Zealand's no-fault Accident Compensation system has created unique incentives compared with other countries. Unlike commercial workplace insurers overseas, under the Accident Compensation system there are fewer incentives to reduce harm by rewarding good safety performance and penalising poor outcomes. Additionally, unlike commercial insurers, there are fewer

incentives to fine-tune the use of data to discover what activities are most effective at reducing harm and using that data to inform ACC's practice. Finally, there was concern from businesses that currently, many incidents that were classified as 'workplace accidents' by a doctor for ACC purposes should not have been classified as such. Constitutional conventions

58 Constitutional conventions

Implementation

59 I intend to take four more policy papers to Cabinet in the near term as part of this health and safety reform package as outlined above.

60 The Health and Safety Reform package main milestones are:

| Milestone | Timeframe |
|--|------------------|
| Public announcement of changes in this Cabinet paper | March/April 2025 |
| Cabinet policy paper 2: Legislative and operational changes for WorkSafe | April 2025 |

Constitutional conventions

Cost-of-living Implications

61 There are no direct cost-of-living implications associated with the proposals in this paper. It is expected that the cumulative impact of all these proposals will be to reduce the cost to business of protecting worker health and safety.

62 Improving safety outcomes can directly affect people's take-home pay where they reduce ACC costs (and so, levies), and the work health and safety levy, but it is not possible to directly quantify this from this package.

Financial Implications

63 The proposals in this paper have no direct financial implications for the Crown. Policy work and regulatory change will be delivered within existing Ministry of Business,

Innovation and Employment baselines. Operational changes will be delivered within WorkSafe baselines.

- 64 There may be short term costs for businesses (including the Crown as an employer) as they adapt to new regulatory settings. As an example, changes to the purpose of the HSW Act may require a review of a businesses health and safety approach. The emergence of 'safe harbour' ACOPs may lead to changes in business processes. Over time and across the economy, these costs will be offset by increased clarity and efficiency, which will reduce compliance costs, and improve work health and safety outcomes.

Legislative Implications

- 65 Legislative changes will be made through a Health and Safety at Work Reform Bill, which sought a category five priority in the 2025 Legislative Programme. This omnibus Bill will amend the Health and Safety at Work Act 2015 and the WorkSafe New Zealand Act 2013.

Impact Analysis

Regulatory Impact Statement

- 66 A Regulatory Impact Statement (RIS) has been completed and is attached. A panel comprising officials from the Ministry of Business, Innovation and Employment, and the Ministry for Regulation has reviewed the RIS and found that it partially meets quality requirements.

Climate Implications of Policy Assessment

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

Population Implications

- 68 There is evidence that some groups, including Māori, Pacific Peoples, workers of lower socioeconomic status, migrant workers, older workers and young workers experience higher rates of work-related harm or exposure to risk at work. It is expected that refocusing the system on actions to manage critical risks rather than on paperwork and unnecessary compliance will improve health and safety outcomes for these more vulnerable groups.

Human Rights

- 69 I do not consider that these proposals engage the New Zealand Bill of Rights Act 1990 (NZBORA). The Health and Safety at Work Reform Bill will be assessed by the Ministry of Justice for consistency with NZBORA before introduction.
- 70 I consider that the proposals in this paper are unlikely to raise Treaty of Waitangi interests. Iwi with land from Treaty Settlements may benefit from the proposed

changes to narrow and clarify land access and liability rules so that recreational activity can occur on the land without the owner's facing liability.

- 71 Further work will be undertaken for the future report backs to understand the full range of interactions between the proposals, particularly the proposed limit on duties for small low risk businesses, and New Zealand's International Labour Organisation and Free Trade Agreement obligations.

Use of external Resources

- 72 No external resources were used in the development of these policy proposals.

Consultation

- 73 The following departments were consulted: the Treasury, Accident Compensation Corporation, Department of Conservation, Department of Corrections, Customs, Ministry of Disabled People, Ministry of Education, Emergency Management and Recovery, Ministry for the Environment, Environmental Protection Agency, Ministry for Ethnic Communities, Ministry of Foreign Affairs and Trade, Ministry of Health, Ministry of Housing and Urban Development, Fire and Emergency New Zealand, Ministry of Justice, Kāinga Ora - Homes and Communities, Oranga Tamariki – Ministry for Children, Ministry for Pacific Peoples, Public Service Commission, Te Puni Kōkiri, Ministry for Regulation, Ministry of Social Development, Ministry of Transport, New Zealand Land Transport Agency, Civil Aviation Authority, Maritime New Zealand, Ministry for Women, WorkSafe New Zealand, New Zealand Defence Force, Ministry of Defence, Police, the following portfolio areas within the Ministry for Primary Industries: Agriculture, Fisheries, Forestry, Oceans and Fisheries, Rural Communities, the following portfolio areas in the Department of Internal Affairs: Community and Voluntary Sector, Local Government, Internal Affairs, and the following portfolio areas within MBIE: Building and Construction, Commerce and Consumer Affairs, Accident Compensation Policy, Small Business and Manufacturing, Space, Tourism and Hospitality, Energy, Resources, Trade and Investment. The Government Health and Safety Lead was consulted. The Department of the Prime Minister and Cabinet was informed.
- 74 My officials will work with relevant agencies as the policy proposals are further developed.

Communications

- 75 The Government has publicly committed to reform the work health and safety law and regulation system as part of the ACT–National Coalition Agreement. I intend to announce the changes outlined in this paper.

Proactive Release

- 76 This paper will be proactively released (subject to redactions in line with the Official Information Act 1982) within 30 business days of final Cabinet decisions.

Recommendations

The Minister for Workplace Relations and Safety recommends that the Committee:

- 1 **note** that this paper is part one of a package of five Cabinet policy papers to reform work health and safety and address problems raised during public consultation;

Ending the proliferation of road cones

- 2 **note** that the New Zealand Transport Agency is implementing its new New Zealand Guide to Temporary Traffic Management to achieve a more efficient, risk-based approach and will advise the Minister of Transport on options to accelerate its roll-out with local authorities;
- 3 **note** that WorkSafe New Zealand will run a 12-month pilot for affected businesses and individuals to report excessive road cone use or traffic management requirements and will undertake inspections to confirm and provide guidance on over-compliance;

Sharpen the purpose of the Health and Safety at Work Act 2015 (the HSW Act)

- 4 **agree** to sharpen the purpose of the HSW Act so that its principal purpose is to prevent work-related harm by managing the critical risks arising from work;
- 5 **agree** to limit health and safety at work duties for small businesses in low-risk sectors to:
 - 5.1 managing critical risks that could cause death or serious injury or illness; and
 - 5.2 providing worker training and personal protective equipment for those critical risks; and
 - 5.3 providing first aid, emergency plans, and basic workplace facilities for worker welfare (for example, provision of drinking water);
- 6 **note** that the Minister for Workplace Relations and Safety intends to report back to Cabinet in May 2025 to seek further policy decisions to give effect to the changes in recommendation 5, by defining how small low risk businesses will be specified through regulations;
- 7 **agree** to sharpen the coverage of the HSW Act so that if duty holders comply with relevant requirements under other legislation (for example, the Building Act 2004) to manage a health and safety risk, the HSW Act does not require a higher standard for the same risk;

Improvements to Approved Codes of Practice

- 8 **agree** that, if duty holders comply with approved codes of practice, they have done what is reasonably practicable to manage the risks covered by the code;
- 9 **agree** that persons and groups, including business, worker, and other representative organisations, can submit approved codes of practice to the regulator, and the Minister for Workplace Relations and Safety remains responsible for deciding approval;
- 10 **note** that the Minister for Workplace Relations and Safety will inform Cabinet of priority sectors or specific workplace risks for approved codes of practice development in the April Cabinet paper on WorkSafe improvements;

Free up recreational land use on private and public land

- 11 **agree** that the duty to manage or control a workplace does not apply to recreational access and activities on the land unless there is work happening in that part of the land at the time;

Clarify the Act's application to officers (e.g. directors')

- 12 **agree** that the application of the HSW Act is clarified to more clearly distinguish between officers and management, enabling officers to focus on governance and not operational matters;

- 13 Constitutional conventions

Reducing notification requirements to the regulator

- 14 **agree** to reduce the notification requirements to the regulator to only significant workplace events (deaths, serious injury, illness and incidents);

- 15 Constitutional conventions

Interactions with the Accident Compensation Scheme

- 16 **note** that feedback from the roadshow and consultation highlighted that the effect the Accident Compensation Scheme has on employers and workers dulls important economic signals and incentives to take proportionate actions on health and safety;

- 17 Constitutional conventions

Next steps

- 18 **note** that the changes in recommendations 4 to 11 be given effect through the Health and Safety at Work Reform Bill, which sought a category five priority in the 2025 Legislative Programme;
- 19 **invite** the Minister for Workplace Relations and Safety to issue drafting instructions to the Parliamentary Council Office to give effect to recommendations 4 to 11; and
- 20 **authorise** the Minister for Workplace Relations and Safety to make decisions, consistent with the policy in this paper, on any issues that may arise during the drafting, including any transitional provisions.

Hon Brooke van Velden

Minister for Workplace Relations and Safety