



AIDE MEMOIRE

Lodging Cabinet paper 1: Health and Safety Reform: system-wide changes

Date:	12 March 2025	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	BRIEFING-REQ- 0011035

Information for Minister

Hon Brooke van Velden
Minister for Workplace Relations and Safety

Contact for telephone discussion (if required)

Name	Position	Telephone		1st contact
Nita Zodgekar	Acting Manager, Health and Safety Policy	04 901 3889	Privacy of natural persons	✓
Rachael Fleming	Principal Policy Advisor, Health and Safety Policy	04 897 6592		

The following departments/agencies have been consulted

The Ministries for/of: Education, Environment, Ethnic Communities, Foreign Affairs and Trade, Health, Housing and Urban Development, Justice, Children, Pacific Peoples, Disabled People, Te Puni Kōkiri, Regulation, Emergency Management and Recovery, Social Development, Transport, Women, Defence. The Treasury. Kāinga Ora. DPMC, ACC, DOC, Corrections, Customs, EPA, FENZ, NZDF, PSC, NZTA, CAA, MNZ, WorkSafe New Zealand, New Zealand Police. Portfolio areas: Agriculture, Fisheries, Forestry, Oceans and Fisheries, Rural Communities (MPI), Community and Voluntary Sector, Local Government, Internal Affairs (DIA), Building and Construction, Commerce and Consumer Affairs, Accident Compensation Policy, Small Business and Manufacturing, Space, Tourism and Hospitality, Energy, Resources, Trade and Investment (MBIE).

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 Withdrawn |



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Purpose

To advise you of how the key feedback from agency consultation has been addressed in the Cabinet paper. The paper also reflects changes requested by your Office.

To provide you with a final Cabinet paper: Health and Safety Reform: system-wide changes for lodging on Thursday 13 March to be considered at Cabinet Business Committee on Monday 17 March.

Nita Zodgekar
Acting Manager, Health and Safety Policy

Workplace Relations and Safety, MBIE

12 / 3 / 2025

Key feedback from agency consultation

1. We completed agency consultation on the draft Cabinet paper on Monday 10 March 2025.
2. Most agencies are broadly comfortable with the intent of the proposals. While some agencies requested more detail around the specific proposals, we expect to work through this detail with them as the policy work advances.
3. We draw your attention to the following key comments on the proposals:
 - The **Department of the Prime Minister and Cabinet and the Ministry for Regulations** recommended that the paper more clearly signpost upfront the phasing of the work and the logic behind this sequencing, to ensure Ministers can quickly see the overall package before diving into the detail. We have added a table to the executive summary to reflect this.
 - Agencies including the **Ministry of Social Development, Police** and the **Ministry for Regulation**, recommended the paper more clearly explain the policy intent underpinning the reforms, including how they will improve health and safety outcomes. We have incorporated this feedback throughout the Cabinet paper and prepared Q&As for you to address these questions should they arise at Cabinet.
 - Agencies including the **Ministry of Health, the Ministry of Social Development, Police**, and the **Accident Compensation Corporation** suggested the paper more clearly explain what is meant by “critical risk” and that this would help to articulate the full intent of the proposals. New paragraph 27 describes what constitutes “critical risk”.
 - The **Accident Compensation Corporation** raised a risk that the focus on critical risk could result in an increase in less severe injuries which could increase ACC work injury costs, of which 50 percent are from less-severe injuries. We will work closely with ACC on the detail of the policy proposals, until then, we are unable to quantify this potential risk. We have prepared a Q&A.
 - **WorkSafe** provided specific feedback relating to each proposal. They commented that the proposals to increase the use of ACOPs would require additional resource. WorkSafe raised a risk that the proposal to turn ACOPs into ‘safe harbours’ would result in them becoming secondary legislation requiring additional Parliamentary scrutiny of ACOPs, which would be resource intensive for WorkSafe. We have not amended the paper to reflect this feedback as we consider these issues can be worked through as we develop the proposals in consultation with WorkSafe. **Constitutional conventions**
 - Some agencies including **Police, the Ministry of Social Development** and the **Ministry for Regulation** questioned whether there was enough detail in the paper about the proposal to limit the health and safety duties for small, low-risk businesses. As outlined in the paper, further work is required to determine the best way to define small, low-risk businesses to ensure clarity around which businesses will be affected by the proposal. Your report back to Cabinet in May intends to seek agreement to this detail. We therefore have not amended the Cabinet paper to reflect this feedback.
 - The **Ministry for Primary Industries** and the **Department of Conservation** recommended the paper more clearly articulate the types of recreational activities intended to be captured by the proposal to free up private and public land. The proposal is meant to cover both commercial and private recreational activity. Paragraph 49 clarifies this.

4. We've also made changes to the Cabinet paper as requested by your Office.

Cabinet Business Committee consideration is on 17 March

5. We will work with your office to lodge the final Cabinet paper and associated regulatory impact statement on Thursday 13 March.
6. For this Cabinet paper, we are working toward the following timeframes:

Steps	Timeframe
Updated Cabinet paper and finalised regulatory impact statement provided for lodging	13 March
Lodge Cabinet papers	13 March
Cabinet Business Committee	17 March
Cabinet	24 March
Post-Cabinet announcement	TBC

7. We are working with your office to provide you with talking points and Q&As for the Cabinet Business Committee meeting.

Next steps

8. This paper is part one of a package of five Cabinet policy papers to reform health and safety, scheduled to be considered by Cabinet as follows:

Timing of papers	What	Why
March 2025	Decisions on system-wide changes to the Health and Safety at Work Act	Changes with the widest impact across the system come first

Constitutional conventions