



COVERSHEET

Minister	Hon Brooke van Velden	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Health and Safety at Work Amendment Bill: approval for introduction	Date to be published	16 March 2026

List of documents that have been proactively released

Date	Title	Author
February 2026	Health and Safety at Work Amendment Bill: approval for introduction	Office of Workplace Relations and Safety Minister
02 February 2026	Health and Safety at Work Amendment Bill: approval for introduction CAB-26-MIN-0016 Minute	Cabinet Office

Information redacted

YES / NO (please select)

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Some information has been withheld for the reasons of International relations, Legal professional privilege and Constitutional conventions.



Cabinet

Minute of Decision

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Health and Safety at Work Amendment Bill: Approval for Introduction

Portfolio **Workplace Relations and Safety**

On 2 February 2026, Cabinet:

- 1 **Constitutional conventions**
 [Redacted text]
- 2 **noted** that the Bill amends the Health and Safety at Work Act 2015 (HSW Act), the WorkSafe New Zealand Act 2013 and the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 to focus the health and safety system on critical risks that cause the most harm, clarify areas of confusion, create greater certainty through strengthening Approved Codes of Practice (ACOPs), and to prioritise the regulators' powers and functions;
- 3 **noted** that the definition of critical risk relies in part on proposed Schedule 1A Hazards associated with critical risk and that this could be kept up-to-date by Order in Council in response to changes to relevant regulations;
- 4 **noted** that the proposed Order in Council provision in paragraph 3 above is a type of Henry VIII clause, but that an up-to-date list of regulations and hazards is essential to enable people to understand what a critical risk is, and therefore the scope of core aspects of the HSW Act;
- 5 **noted** that the proposal in paragraph 3 above should be limited as much as possible to ensure that the definition of critical risks remains consistent over time with Parliament's intentions;
- 6 **agreed** that the Bill enable Schedule 1A Hazards associated with critical risk to be updated by Order in Council in response to changes to relevant regulations;
- 7 **agreed** that the responsible Minister may recommend an amendment to Schedule 1A via Order in Council:
 - 7.1 only if satisfied the amendment relates to a hazard that is consistent with the definition of a critical risk as provided in the Bill's catch-all test for critical risk, that is, the addition or amendment must concern a hazard that is likely to result in any one or more of death, a notifiable injury or illness, a notifiable incident, or an occupational disease listed in Schedule 2 of the Accident Compensation Act 2001; and
 - 7.2 when proposing to remove a hazard from Schedule 1A the Minister must be satisfied the hazard is no longer likely to have such a result;

- 8 **agreed** to include the upstream duties in sections 39 to 43 of the HSW Act within the limitation that applies to a small Person Conducting a Business or Undertaking (PCBU), so that small PCBUs must comply with these duties only in relation to critical risks;
- 9 **agreed** to include a specific provision in section 37 of the HSW Act to clarify that where a workplace building is not an earthquake-prone building, or where a workplace building is an earthquake prone building and the owner is not in breach of their obligations under the Building Act 2004, the PCBU is not required to take action in relation to seismic risk affecting the building unless an emergency affecting the building occurs;
- 10 **agreed** to amend section 190 of the Health and Safety at Work Act 2015 to align with Cabinet’s earlier decision to prioritise WorkSafe’s functions, so that the main functions and powers of regulators other than WorkSafe are:
- 10.1 providing guidance, advice, and information on compliance with relevant health and safety legislation;
 - 10.2 developing, reviewing, and recommending codes of practice;
 - 10.3 developing safe work instruments; and
 - 10.4 monitoring and enforcing compliance with relevant health and safety legislation, with the other existing functions remaining as additional functions;
- 11 **noted** that the Minister for Workplace Relations and Safety (the Minister) used her delegated decision-making authority to:
- 11.1 add an additional purpose to the HSW Act so that the purposes now include providing PCBUs with certainty about the scope of their obligations [CBC-25-MIN-0004];
 - 11.2 clearly define critical risk, in line with Cabinet’s decisions [ECO-25-MIN-0086 and CBC-25-MIN-0004] by raising the threshold from “may result in” to “likely to result in” serious harm;
 - 11.3 add a requirement for PCBUs to prioritise critical risks, in line with Cabinet’s decision to sharpen the main purpose of the HSW Act so that its principal purpose is to prevent work-related harm by managing the critical risks arising from work [CBC-25-MIN-0004];
 - 11.4 refine the definition of a small PCBU so that it is clear and workable for both existing and new businesses and organisations with fluctuating numbers;
 - 11.5 afford the new safe harbour status only to ACOPs approved after commencement, and to the 2024 Approved Code of Practice for Loading and Unloading Cargo at Ports and on Ships, and the 2025 Approved Code of Practice: Safe Practice for Forestry and Harvesting Operation from commencement;
 - 11.6 retain the current status of all remaining ACOPs until they have been reviewed, updated, and reapproved or revoked by the Minister for Workplace Relations and Safety;
 - 11.7 amend the consultation requirement for developing an ACOP to require consultation with the parties listed in the HSW Act, rather than between these parties;

- 12 **approved** the Health and Safety at Work Amendment Bill [PCO 27029/9.0] for introduction;
- 13 **authorised** the Minister to approve minor and technical changes to the Bill, prior to its introduction;
- 14 **authorised** the Parliamentary Counsel Office to make minor proofreading and editorial changes to the Bill, prior to its introduction;
- 15 **agreed** that the Bill be introduced on 9 February 2026;
- 16 **agreed** that the Government propose that the Bill be:
 - 16.1 referred to the Education and Workforce Committee for consideration for four months;
 - 16.2 enacted before the House rises ahead of the election.

Rachel Hayward
Secretary of the Cabinet