



## COVERSHEET

|                               |   |                             |                                |
|-------------------------------|---|-----------------------------|--------------------------------|
| <b>Minister</b>               | Hon Brooke van Velden                                 | <b>Portfolio</b>            | Workplace Relations and Safety |
| <b>Title of Cabinet paper</b> | Health and Safety Reform: Further Legislative changes | <b>Date to be published</b> | 16 March 2026                  |

### List of documents that have been proactively released

| <b>Date</b> | <b>Title</b>   | <b>Author</b>                                     |
|-------------|--|---|
| May 2025    | Health and Safety Reform: further Legislative changes  | Office of Workplace Relations and Safety Minister |
| 4 June 2025 | Minute of Decision Health and Safety Reform: Further Legislative changes<br>ECO-25-MIN-0086 Minute | Cabinet Office                                    |

### Information redacted

**YES / NO** (please select)

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 Constitutional conventions and International relations.



# Cabinet Economic Policy Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Health and Safety Reform: Further Legislative Changes

Portfolio                      Workplace Relations and Safety

On 4 June 2025, the Cabinet Economic Policy Committee:

#### Limiting the health and safety duties for small businesses in the Health and Safety at Work Act 2015

- 1  **agreed** to amend the Health and Safety at Work Act 2015 (HSW Act) to create a new definition of small Persons Conducting Business or Undertaking (PCBU) to capture PCBUs with fewer than 20 workers;
- 2  **agreed** that ‘fewer than 20 workers’ be determined based on the maximum number of workers in the PCBU for nine out of the twelve months of each financial year;
- 3  **agreed** to amend the HSW Act to provide that a small PCBU of fewer than 20 workers must:
  - 3.1  meet the General Duties in sections 36 to 38 of the HSW Act only as they apply to ‘critical risks’;
  - 3.2  provide worker supervision, training and instruction, and personal protective equipment (as set out in Part 1 of the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016), but only for critical risks;
  - 3.3  continue to provide first aid, emergency plans, and basic workplace facilities (as set out in Part 1 of the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016);
- 4  **noted** that other than as provided in paragraph 2 above, the duties in the HSW Act and in relevant regulations continue to apply to small PCBUs (as relevant to the PCBU);
- 5  **noted** that the Minister for Workplace Relations and Safety proposes not to define ‘low risk’ in primary legislation, as it is not practical;
- 6  **agreed** that the definition of ‘critical risks’ be based on existing risks managed through regulations made under the HSW Act with an added principle-based catch-all to account for non-regulated risks that may result in death, serious injury, or illness, based on the notification requirements in sections 23-25 of the HSW Act, and occupational diseases in Schedule 2 of the Accident Compensation Act 2001;

## Clarifying the HSW Act's application to officers

- 7□ **agreed** to amend the HSW Act to clarify that:
  - 7.1□ the officer's duty of 'due diligence' is limited to the six reasonable steps currently identified in the HSW Act; and
  - 7.2□ where an officer works in a PCBU, the HSW Act is not to be read to include their operational work in their officer duty;
- 8□ **agreed** to amend the HSW Act to limit the due diligence duty to 'to acquire, and keep up to date, knowledge of work health and safety matters' to knowledge focused on risks relevant to the PCBU, rather than all health and safety;
- 9□ **agreed** to amend the HSW Act to organise the six officers' due diligence steps into categories, subject to Parliamentary Counsel Office drafting, such as steps to 'understand', 'ensure' and 'verify';
- 10□ **noted** that these changes will be supported by approved codes of practice and/or guidance on officer duties in different business structures;

## Reducing notification requirements to the regulator to reduce compliance burdens

- 11□ **agreed** to define key concepts in the definitions of 'notifiable injury or illness' and 'notifiable incident', and to add examples where appropriate to provide clarity for duty-holders about the types of events to notify to the regulator;

## Next steps

- 12□ **noted** that implications of the above changes for the voluntary sector will be considered in a future Cabinet paper;
- 13□ **authorised** the Minister for Workplace Relations and Safety to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 14□ **authorised** the Minister for Workplace Relations and Safety to make decisions consistent with the policy proposals in the paper under ECO-25-SUB-0086 on any issues that may arise during the drafting, including any transitional provisions.

Tom Kelly  
Committee Secretary

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**Attendance: (See over)**

**Present:**

Rt Hon Winston Peters  
Hon Nicola Willis (Chair)  
Hon Chris Bishop  
Hon Brooke van Velden  
Hon Shane Jones  
Hon Erica Stanford  
Hon Paul Goldsmith  
Hon Louise Upston  
Hon Tama Potaka  
Hon Simon Watts  
Hon Chris Penk  
Hon Penny Simmonds  
Hon Andrew Hoggard  
Hon Nicola Grigg  
Hon James Meager  
Hon Scott Simpson  
Hon Mark Patterson  
Simon Court, MP

**Officials present from:**

Officials Committee for ECO  
Prime Minister's Office  
Office of the Leader of the House  
Office of the Minister for Workplace Relations and Safety  
Ministry of Business, Innovation and Employment