MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

COVERSHEET

Minister	Hon Brooke van Velden	**Portfolio**	Workplace Relations and Safety
Cabinet paper	Health and Safety at Work (Hazardous Substances) Amendment Regulations 2026	**Date to be published**	31 July 2026

List of documents that have been proactively released		
Date	**Title**	**Author**
June 2026	Health and Safety at Work (Hazardous Substances) Amendment Regulations 2026	Office of the Minister for Workplace Relations and Safety
25 June 2026	Health and Safety at Work (Hazardous Substances) Amendment Regulations 2026 LEG-26-MIN-0131 Minute	Cabinet Office

Information redacted **YES / NO**

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In Confidence

Office of the Minister for Workplace Relations and Safety

Chair, Cabinet Legislation Committee

Health and Safety at Work (Hazardous Substances) Amendment Regulations 2026

Proposal

1 This paper seeks authorisation for submission to the Executive Council of the *Health and Safety at Work (Hazardous Substances) Amendment Regulations 2026*.

Executive Summary

2 This paper seeks authorisation to submit to the Executive Council the *Health and Safety at Work (Hazardous Substances) Amendment Regulations 2026*. The Amendment Regulations give effect to the decisions taken by the Cabinet Expenditure and Regulatory Review Committee in December 2025 to address long-standing compliance issues for research, teaching and testing laboratories [EXP-25-MIN-0120 refers]. The amendments enable eligible laboratories to comply with a risk management plan, which will be supported by an industry-developed Approved Code of Practice (ACOP). There are also several targeted amendments to reduce compliance costs without compromising safety.

Relation to Government Priorities

3 The proposals in these regulations give effect to the ACT–National Coalition Agreement commitment to reform health and safety law and regulations. They support the Government's broader aims of improving the workability of the health and safety system, ensuring the regulator can prioritise effort where it has the greatest impact, and reducing unnecessary compliance costs, while also supporting the Innovation, Technology and Science pillar of Going for Growth.

Policy

The amendments fix compliance issues for laboratories

4 The proposed *Health and Safety at Work (Hazardous Substances) Amendment Regulations 2026* (the 'Amendment Regulations') resolve compliance issues for research, testing and teaching research laboratories that do not sell hazardous substances or create hazardous substances for sale ('research laboratories'). The current *Health and Safety at Work (Hazardous Substances) Regulations 2017* (the Regulations) require research laboratories to meet requirements designed for the general use of hazardous substances, for example, food processors and commercial cleaning. Those users often work with large quantities of hazardous substances and may involve workers with a range of expertise.

5 Research laboratories typically operate at a smaller scale under the supervision of highly skilled workers. Having to comply with the general-user standards has led to overly restrictive compliance requirements for research laboratories, pushing up costs and, in several cases, increasing health and safety risks.

6 Research laboratories previously operated under a dedicated compliance pathway through a code of practice. That pathway was revoked in 2017, and the intended replacement mechanism for research laboratories was never implemented. As a result, research laboratories have been subject to these requirements that have proven overly restrictive for nearly a decade.

7 In 2025, these issues were raised repeatedly during targeted consultation. Stakeholders emphasised that many research laboratories are now non-compliant because their buildings were constructed under previous regulatory settings, and that the cost of retrofitting or rebuilding research laboratories to meet the current standards would be extreme.

Cabinet agreed to a new pathway and to address unnecessary compliance costs

8 In December 2025, Cabinet Expenditure and Regulatory Review Committee (EXP) agreed to amend the Regulations [EXP-25-MIN-0120 refers] to:

8.1 Enable research laboratories to manage flammable and oxidising substances through a risk management plan pathway (RMP). A person conducting a business or undertaking (PCBU) would need to:

8.1.1 identify risks by considering specified factors;
8.1.2 implement effective controls to manage those risks;
8.1.3 have certain controls independently verified;
8.1.4 review the controls following any more than minor change that affects control measures; and
8.1.5 keep records of how risks are managed in a RMP.

8.2 Align requirements for connected storerooms with those for research laboratories, simplifying compliance and ensuring consistency between laboratories and associated storage areas.

8.3 Remove the requirement for laboratory workers to hold certified handler certification, recognising their high level of training and reducing compliance costs that do not meaningfully improve safety.

8.4 Clarify that research laboratory managers must be available to provide oversight but are not required to be physically present on site at all times, better reflecting current staffing and supervision practices.

8.5 Refine the knowledge requirements for research laboratory managers so they must understand the safety risks associated with the substances and equipment they oversee, rather than hold all knowledge of all hazardous substances present, ensuring a focus on information relevant to effective risk management.

9 Additionally, these regulatory changes will be supported by a new industry-wide Approved Code of Practice (ACOP) that will be developed by the sector with support from WorkSafe New Zealand (WorkSafe). The ACOP will provide greater certainty for duty holders about how to meet their obligations if they choose the RMP approach.

Progressing an additional amendment that was agreed by Cabinet for hydrogen energy

10 I am recommending including an amendment that was agreed in the Energy Cabinet paper for hydrogen energy [EXP-25-MIN-0121 refers]: to add the latest version of the standard, AS/NZS 60079.10.1, in clause 10.6 of the Hazardous Substances Regulations. This addition was also proposed by laboratory stakeholders because the standard referenced is out of date and the new standard allows them to use modern processes to manage risks in hazardous areas.

11 This amendment was not included in the Cabinet paper for the laboratory reforms because it was being progressed through the hydrogen work programme. Given the laboratory reforms are progressing ahead of that programme, including this amendment in these amendment regulations will enable it to come into force sooner.

12 To avoid disruption and provide certainty, a transitional provision will allow PCBUs that have established or do establish a hazardous area within the next three years to continue relying on the existing standards indefinitely.

Implications for offence and penalty provisions

13 Currently, it is an offence if laboratories do not manage hazardous substances in accordance with the general requirements in Parts 9-13 of the Regulations. The existing fines range from $6,000 to $10,000 for individuals and $30,000 to $50,000 for businesses.

14 The Amendment Regulations establish an alternative compliance pathway if the PCBU proves that it has adopted a suitable RMP and follows the plan. A PCBU that seeks to rely on the RMP pathway but fails to meet the requirements prescribed in the Regulations for a RMP could be prosecuted for each provision in Parts 9-13 that they fail to meet in their laboratory.

15 In practice, WorkSafe is expected to take a proportionate, risk-based approach to enforcement, using a range of interventions to support compliance. These interventions include raising concerns, issuing improvement notices, and prohibition notices, with prosecution reserved for cases where there is a substantial or extreme gap between the accepted standard of risk management and the controls implemented by the PCBU.

Decisions under delegated authority

16 I indicated that I would report back on further consultation to ensure that the amendments would align with an ACOP [EXP-25-MIN-0120 refers]. As a result of that consultation, I clarified minor and technical matters using the delegated decision-making authority granted to me by EXP:

16.1 Specified the mandatory considerations a PCBU must take into account when assessing risks under the risk management plan pathway. These reflect existing regulatory concepts, with additional considerations proposed by stakeholders to better align with current laboratory risk management practice. The considerations include:

16.1.1 the quantity of the substance; and

16.1.2 the health and physico-chemical hazards associated with the substance; and

16.1.3 any potential chemical or physical reaction between the substance and another substance, including a substance that may be generated by the reaction; and

16.1.4 any ignition sources (for example, flames, heat, or sparks) that might ignite the substance; and

16.1.5 any structure, plant, or system of work that is used in the handling, packaging, or storage of the substance; and

16.1.6 the nature of the work to be carried out by workers with the substance; and

16.1.7 the extent to which the quantity of the substance, in any part of the laboratory or laboratory storeroom in which the substance is located, exceeds the relevant quantity specified in table 4 in Schedule 9, table 2 in Schedule 10, table 1 in Schedule 11; and

16.1.8 the size of the laboratory or laboratory storeroom in which the substance will be handled, packaged, or stored; and

16.1.9 the number of people who will be present in the laboratory or laboratory storeroom in which the substance will be handled, packaged, or stored; and

16.1.10 the skills, knowledge, experience, and competence of the people who will be present in the laboratory or laboratory storeroom; and

16.1.11 the risk that an activity that takes place close to the laboratory or laboratory storeroom may cause a fire that could spread to the laboratory or laboratory storeroom; and

16.1.12 any activity that takes place, or equipment, materials, or hazardous substances that are located, close to the laboratory or laboratory storeroom that could—

16.1.12.1 (i) exacerbate the effects of a fire that has started in the laboratory or laboratory storeroom; or

16.1.12.2 (ii) be affected by a fire that has started in the laboratory or laboratory storeroom; and

16.1.13 the distance of the laboratory or laboratory storeroom from—

16.1.13.1 a protected place; or

16.1.13.2 a public place; and

16.1.14 the means by which people who are present in the laboratory or laboratory storeroom would be able to escape from the laboratory or laboratory storeroom; and

16.1.15 any relevant approved code of practice.

16.2 Specified the requirements for determining whether a control is effective under the RMP pathway - the hierarchy of controls set out in the *Health and Safety at Work (General Risk and Workplace Management) Regulations 2016* applies, and that controls must be fit for purpose, suitable for the nature and duration of the work, and correctly set up.

16.3 Specified that general and local ventilation systems must be independently verified by an appropriately qualified person who is independent of the research laboratory's workflow.

16.4 Added a requirement for the RMP to be reviewed at least every three years, reflecting stakeholder feedback that a regular review cycle would support ongoing effective risk management.

16.5 Refined the definition of connected storage so that only authorised persons may enter the storage; the hazardous substances must not be used to produce goods for sale; it applies to storerooms located on the same site or premises as the research laboratory but excludes bulk storage. For this purpose, bulk storage is defined as processing deliveries or storing quantities of substances above what is used in the routine operation of the laboratory.

16.6 Added a requirement for research laboratories to keep a list of authorised workers who are exempt from the certified handler requirement, to support monitoring and compliance.

Timing and 28-day rule

17 The *Health and Safety at Work (Hazardous Substances) Amendment Regulations 2026* are proposed to come into force on 30 July 2026. No waiver of the 28-day rule is sought.

Compliance

18 The Amendment Regulations comply with each of the following:

18.1 the principles of the Treaty of Waitangi;

18.2 the rights and freedoms contained in the *New Zealand Bill of Rights Act 1990* or the *Human Rights Act 1993*;

18.3 relevant international standards and obligations;

18.4 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

19 Section 217 of the *Health and Safety at Work Act 2015* (the Act) requires me to consult with all persons and organisations that I consider appropriate, having regard to the subject matter of the proposed regulations. Under s 217(2) I am also required to consult with the Environmental Protection Authority when the proposed regulations relate to hazardous substances. To meet these requirements, Ministry of Business, Innovation and Employment (MBIE), on my behalf, undertook targeted consultation with numerous stakeholders as referred to in paragraphs 24-25 of this paper.

Regulations Review Committee

20 I do not consider that there are grounds for the Regulations Review Committee to draw the regulations to the attention of the House.

Certification by Parliamentary Counsel

21 The draft regulations were certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

Impact Analysis

22 The Ministry for Regulation determined that these proposals are exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor economic, social, or environmental impacts. The benefits will result from research laboratories not having to change practices to meet the more prescriptive, general-user requirements.

Publicity

23 I intend to publicly announce the changes once they have been gazetted.

Proactive release

24 I intend to proactively release this paper, subject to any required redactions, within 30 business days from the date that decisions on this paper are confirmed by Cabinet.

Consultation

25 MBIE consulted the following departments and Crown entities on this paper during the development of the policy proposals and the draft Amendment Regulations: Ministry of Education, Tertiary Education Commission, Environmental Protection Agency, Ministry for Regulation, Ministry for Primary Industries, Fire and Emergency New Zealand (FENZ) and WorkSafe New Zealand. The Department of the Prime Minister and Cabinet was informed. WorkSafe and FENZ in particular were engaged through the development of these proposals and supports the general approach.

26 MBIE, on my behalf, undertook targeted consultation with key representatives from universities (Auckland, Victoria, Otago, Massey and Canterbury), Public Research Organisations (New Zealand Institute for Bioeconomy Science, Cawthron Institute, New Zealand Institute for Public Health and Forensic Science, WSP Research), diagnostic and commercial laboratories (RJ Hill Laboratories, Blis Technologies), industry and professional bodies (Independent Research Association of New Zealand, HASANZ, CRI Association, New Zealand Safety Council, New Zealand Occupational Hygiene Society). Stakeholders were strongly supportive of the changes following consultation and the announcement.

Recommendations

I recommend that the Cabinet Legislation committee:

1 **note** that on 2 December 2025 the Cabinet Expenditure and Regulatory Review Committee (EXP) agreed to amend the *Health and Safety at Work (Hazardous Substances) Regulations* 2017 to provide a fit-for purpose compliance pathway for research, testing and teaching laboratories as well as make several technical amendments [EXP-25-MIN-0120 refers];

2 **note** that the *Health and Safety at Work (Hazardous Substances) Amendment Regulations 2026* will give effect to the decision referred to in paragraph 1 above;

3 **note** that, consistent with the authority granted by EXP, the Minister for Workplace Relations and Safety has used delegated decision-making authority to make the following minor and technical changes:

3.1 Specified the mandatory considerations a PCBU must take into account when assessing risks under the risk management plan (RMP) pathway. These reflect existing regulatory concepts, with additional considerations proposed by stakeholders to better align with current laboratory risk management practice.

3.2 Specified the requirements for determining whether a control is effective under the RMP pathway - the hierarchy of controls set out in the *Health and Safety at Work (General Risk and Workplace Management) Regulations 2016* applies, and that controls must be fit for purpose, suitable for the nature and duration of the work, and correctly set up.

3.3 Specified that general and local ventilation systems must be independently verified by an appropriately qualified person who is independent of the research laboratory's workflow.

3.4 Added a requirement for the RMP to be reviewed at least every three years, reflecting stakeholder feedback that a regular review cycle would support ongoing effective risk management.

3.5 Refined the definition of connected storage so that only authorised persons may enter the storage; the hazardous substances must not be used to produce goods for sale; it applies to storerooms located on the same site or premises as the research laboratory; but excludes bulk storage. For this purpose, bulk

storage is defined as processing deliveries or storing quantities of substances above what is used in the routine operation of the laboratory.

3.6 Added a requirement for research laboratories to keep a list of authorised workers who are exempt from the certified handler requirement, to support compliance and WorkSafe oversight.

4 **agree** to bring forward the amendment agreed by Cabinet initially for hydrogen energy [EXP-25-MIN-0121 refers], to add the latest version of the standard AS/NZS 60079.10.1 in clause 10.6 of the Hazardous Substances Regulations, because the amendment would also improve outcomes for research laboratories and this work is ahead of the hydrogen amendments;

5 **note** that section 217 of the *Health and Safety at Work Act 2015* requires consultation with the Environmental Protection Authority and with persons and organisations that the Minister for Workplace Relations and Safety considers appropriate, and that the Minister for Workplace Relations and Safety is satisfied that these consultation requirements have been met;

6 **authorise** the submission to the Executive Council of the *Health and Safety at Work (Hazardous Substances) Amendment Regulations 2026;*

7 **note** that the *Health and Safety at Work (Hazardous Substances) Amendment Regulations 2026* come into force on 30 July 2026

Authorised for lodgement

Hon Brooke van Velden

Minister for Workplace Relations and Safety