



COVERSHEET

Minister	Hon Michael Wood	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Updating Health and Safety in Employment (Pipelines) Regulations 1999: Proposed Updates to Standards	Date to be published	4 July 2023

List of documents that have been proactively released

Date	Title	Author
May 2023	Updating Health and Safety in Employment (Pipelines) Regulations 1999: Proposed Updates to Standards	Office of the Minister of Workplace Relations and Safety
18 May 2023	LEG-23-MIN-0063 Minute	Cabinet Office

Information redacted

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.

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Office of the Minister for Workplace Relations and Safety
Chair, Cabinet Legislation Committee

Health and Safety in Employment (Pipelines) Amendment Regulations 2023

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the *Health and Safety in Employment (Pipelines) Amendment Regulations 2023* (the Pipelines Amendment Regulations).

Policy

- 2 Following the rupture of the Refinery to Auckland Pipeline in September 2017, the Auckland Fuel Supply Disruption Inquiry provided 21 recommendations for improving the resiliency of Auckland's fuel supply and New Zealand's pipeline network. One of these recommendations was to update the *Health and Safety in Employment (Pipelines) Regulations 1999* to remove outdated standards.
- 3 To meet this recommendation, on 9 November 2022, Cabinet Economic Development Committee agreed to amending the *Health and Safety in Employment (Pipelines) Regulations 1999* to replace the references to outdated standards with provision for a Safe Work Instrument (SWI) administered by WorkSafe New Zealand, which will list the up-to-date standards [DEV-22-MIN-0257; CAB-22-MIN-0497]. SWIs are developed by WorkSafe in consultation with appropriate parties, approved by the Minister for Workplace Relations and Safety, and notified in the *New Zealand Gazette*. SWIs are preferable to updating the standards in the Regulations, because a SWI can be updated more quickly, allowing the regulations to better keep pace as technology and industry practice evolve.
- 4 The Pipelines Amendment Regulations are entirely routine and do not require any new policy decisions.

Timing and 28-day rule

- 5 The Pipelines Amendment Regulations and the SWI will both come into effect on 22 June 2023, at least 28 days after the regulations are notified in the *New Zealand Gazette*.

Compliance

- 6 The regulations comply with the following:
 - 6.1 the principles of the *Treaty of Waitangi*;

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- 6.2 the rights and freedoms contained in the *New Zealand Bill of Rights Act 1990* or the *Human Rights Act 1993*;
 - 6.3 the principles and guidelines set out in the *Privacy Act 2020*;
 - 6.4 relevant international standards and obligations;
 - 6.5 the Legislation Guidelines (2021 edition).
- 7 I confirm that the following statutory prerequisites have been met for the making of the regulations:
- 7.1 Section 217 of the *Health and Safety at Work Act 2015* requires me to consult with persons and organisations I consider appropriate before recommending the making of regulations. The policy proposals and the proposed updated standards for the SWI have been consulted on with the energy sector and other relevant stakeholders, with positive feedback from almost all submitters.
 - 7.2 Section 217 also requires me to consult with the Environmental Protection Authority (EPA) before recommending the making of regulations relating to hazardous substances. The EPA has been consulted.

Regulations Review Committee

- 8 There are no grounds for the Regulations Review Committee to draw the regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

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

Impact Analysis

- 10 The Treasury's Regulatory Impact Analysis team determined that the proposal to update the *Health and Safety in Employment (Pipelines) Regulations 1999* was exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities [DEV-22-MIN-0257; CAB-22-MIN-0497].
- 11 The Climate Implications of Policy Assessment (CIPA) team was consulted and confirmed that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

Publicity

- 12 In addition to the standard Gazetting processes, WorkSafe will notify affected parties of the changes once they come into effect.

Proactive release

- 13 This paper will be proactively released within 30 business days.

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Consultation

- 14 Section 217 of the *Health and Safety at Work Act 2015* requires me to consult with persons and organisations I consider appropriate before recommending the making of regulations. The policy decisions made in November 2022 were consulted with the energy sector and other relevant stakeholders, with positive feedback from almost all submitters. Section 217 also requires me to consult with the EPA before recommending the making of regulations relating to hazardous substances. The EPA has been consulted.
- 15 The following agencies and departments were consulted on the policy proposals and the amendment regulations: EPA, Ministry for the Environment, the Treasury, and WorkSafe. DPMC was informed.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that on 9 November 2022, the Cabinet Economic Development Committee agreed to amend the *Health and Safety in Employment (Pipelines) Regulations 1999* to replace references to Standards in the relevant provisions with a provision for a Safe Work Instrument administered by WorkSafe New Zealand [DEV-22-MIN-0257; CAB-22-MIN-0497];
- 2 note that the *Health and Safety in Employment (Pipelines) Amendment Regulations 2023* will give effect to the decision referred to in paragraph 1 above;
- 3 note that section 217 of the *Health and Safety at Work Act 2015* requires the Minister for Workplace Relations and Safety to consult with persons and organisations he considers appropriate, and the Environmental Protection Authority, before recommending the making of regulations under section 211 of the *Health and Safety at Work Act 2015*;
- 4 note the advice of the Minister for Workplace Relations and Safety that this requirement has been met;
- 5 note that the *Health and Safety in Employment (Pipelines) Amendment Regulations 2023* come into force on 22 June 2023;
- 6 authorise the submission to the Executive Council of the *Health and Safety in Employment (Pipelines) Amendment Regulations 2023*;

Authorised for lodgement

Hon Michael Wood

Minister for Workplace Relations and Safety