



## BRIEFING

### Initial advice on reforming work health and safety regulations

<b>Date:</b>	18 January 2024	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2324-1210

Action sought		
	Action sought	Deadline
Hon Brooke van Velden <b>Minister for Workplace Relations and Safety</b>	<b>Discuss</b> your priorities for reform of health and safety law and regulations with officials, with the aim of setting up a health and safety regulatory reform work programme	N/A

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Anna Clark	General Manager, Workplace Relations and Safety Policy	s 9(2)(a)	
Hayden Fenwick	Manager, Health and Safety Policy	s 9(2)(a)	✓
Charlotte Woolhouse	Principal Policy Advisor, Health and Safety Policy	s 9(2)(a)	

The following departments/agencies have been consulted
WorkSafe New Zealand

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 Withdrawn           |

Comments



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### Purpose

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This briefing provides information on the state of the regulations under the *Health and Safety at Work Act 2015*, and what is needed to ensure proportionate and effective regulatory settings.

Ministry of Business Innovation and Employment (MBIE) officials would like to discuss the contents of this briefing and how we support you to deliver the policy in the National-ACT Coalition Agreement to reform health and safety law and regulations.

### Executive summary

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The Government has committed to reforming health and safety law and regulations. We would like to discuss the outcomes you are seeking, and how MBIE can help you to meet these.

MBIE considers the core underpinning concepts of the *Health and Safety at Work Act 2015* (HSW Act) are broadly fit-for-purpose, but some of the regulations are not. For an efficient regulatory system, businesses must be supported by regulations that are proportionate to the risk and provide clear guidance.

Our previous briefing [*Work Health and Safety System Issues and Opportunities – Briefing 2324-1207* refers] highlighted fixing outdated, incomplete and complex regulations in the health and safety regulatory system as a priority. These regulations are creating compliance costs for businesses that are out of step with the benefits in reduced harm and are difficult and resource intensive for WorkSafe New Zealand to enforce.

You have choices about where to focus the resource available to you for health and safety reform. We recommend you balance a range of factors in setting a health and safety reform work programme, including:

- the levels of harm or potential for harm to workers and others, including where regulations are not adequately addressing risks or harm
- where the regulations are creating the most issues – compliance costs to regulated parties, a lack of clarity for regulated parties, cost to the regulator of enforcement
- how you can support the delivery of wider government priorities.

The HSW Act is focused on the outcome of securing health and safety. It has broad-based duties and is designed for the detail of how to comply to be set in regulations or other legislative tools. Work to modernise the regulations was started at the same time as the HSW Act was developed but is not yet complete. There are three broad groupings of requirements that have not yet been modernised:

- **plant** (ie machinery and other equipment), **structures**, and **hazardous work at height** (including a review of the requirements for installation and use of scaffolding) and **on excavations** – under review since 2019, referred to as the ‘plant and structures project’
- **hazardous substances** – not yet started

- **hazardous work and high-risk work licencing** – some elements are contained in the plant and structures project and licencing of refrigerants technicians (including developing a modernised and standardised process for any future licencing regimes), but remaining components have not yet started.

In addition to larger pieces of reform work, your work programme is likely to include a handful of more discrete projects. These often arise from outside drivers (eg licencing of refrigerant technicians to meet international obligations), events (eg the review of the Adventure Activities regulations following the Whakaari/White Island volcanic eruption), or are necessary to support wider government priorities (eg interest in using hydrogen as part of New Zealand's energy sector). This is alongside MBIE's work on the work health and safety system, including supporting WorkSafe and improving our understanding of system performance and issues, and allowing room for discrete projects as they arise.

MBIE places a strong emphasis on regulatory quality. Regulatory design choices are an important part of the regulatory analysis process when considering health and safety requirements. Substantial stakeholder input is often required, particularly when developing regulatory proposals on technical areas of risk. The process can take from 18 months for straightforward changes, to many years for substantial pieces of reform.

## Recommended action

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The Ministry of Business, Innovation and Employment (MBIE) recommends that you:

- a **Discuss** your priorities for reform of health and safety law and regulations with officials.

*Discuss / Not discuss*



Hayden Fenwick  
**Manager, Health and Safety Policy**  
Labour, Science and Enterprise, MBIE

18 / 01 / 2024

Hon Brooke van Velden  
**Minister for Workplace Relations and Safety**

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## **The key underpinning concepts of the *Health and Safety at Work Act* are sound**

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### **The HSW Act was the response to regulatory failure leading up to Pike River**

1. The Government's response to the Pike River Coal Mine tragedy included adopting the recommendation of the Independent Taskforce on Workplace Health and Safety to introduce new health and safety legislation based on the Australian Model Law and the underpinning regulations (collectively the Australian Model Regulations), with adjustments made to reflect New Zealand's circumstances [CAB Min (13) 24/11 refers].
2. The *Health and Safety at Work Act 2015* (HSW Act) came into force in 2016. Ten sets of regulations sit underneath it, as well as seven sets of pre-existing regulations carried over from the previous *Health and Safety in Employment Act 1992* and earlier legislation.
3. The HSW Act (and the Australian Model Law it is based off) follows the Robens Model – the person (usually a business entity) that is responsible for creating the risk is best placed to manage the risk, and therefore should be the one to do so.
4. Since the 1990s New Zealand's health and safety law has been a single law (consolidating what was previously a series of industry-specific legislation) that imposes a duty to ensure health and safety. These laws have had limited specific requirements contained within the primary legislation, with the detail delegated to secondary instruments.

### **The HSW Act is flexible and adaptable to changes and circumstances, and MBIE considers the core underpinning concepts of the law are sound**

5. Key underpinning concepts of the HSW Act are outlined below:
  - a. Placing the primary duty on the person conducting a business or undertaking (PCBU) regardless of contractual relationship, along with the duties placed on officers – the PCBU is best placed to understand and therefore best able to manage the risk, and the officers are best placed to ensure the business has the appropriate focus and resources to do so.
  - b. The flexibility of the outcomes-focus of the duties framework – the focus is on securing health and safety, and the duties are focused on work and what the PCBU can control in relation to its work. This allows for different approaches to different or new circumstances, giving the PCBU flexibility in how they discharge their duties.
  - c. The use of legislative instruments to provide detail on how to comply with the duties – these tools range from mandatory (regulations) to voluntary (guidance by the regulator), are faster to update than primary legislation and are better suited to containing detailed requirements.
6. The HSW Act is relatively new, and these components have not all been comprehensively tested. Relative to the employment relations and employment standards regime, case law under the HSW Act is slower to develop.
7. While we have not undertaken a review of the HSW Act, MBIE considers the principles behind these core underpinning concepts within the law are sound. A 2018 review of the Australian Model Law confirmed this, with recommendations that focused on other supporting aspects of the Model Law. Stakeholder engagement for various projects over the last few years has also not brought to light any fundamental issues with the core foundational concepts.

8. The trade-off with the flexibility of the HSW Act is that it does not provide certainty, and this is more difficult for businesses to manage. The intention of the HSW Act is that this necessary certainty is provided via regulations and other legislative tools.
9. The biggest area of opportunity for improving health and safety outcomes and ensuring a quality regulatory system is via ensuring the regulations and supporting documents are fit-for-purpose. This will also help to improve the effectiveness of the regulator.

**The HSW Act is designed to be supported by regulations and other legislative tools**

10. The HSW Act is based on the principle that the person in charge of the work is best placed to manage the risks arising from that work. The HSW Act places the primary duty of care on this person, who is usually a business or legal entity.
11. While the HSW Act requires businesses to do what is reasonably practicable to keep workers and others affected by the work safe, it does not contain any detail to explain how the business should do this. The role of regulations and other legislative tools is to provide any necessary additional detail on how duty holders can meet their duties under the HSW Act.
12. Regulations are aimed at addressing the most critical risks, and can be made in respect of particular risks, actions or industries. As well as providing clarity to duty holders, regulations provide for a consistent standard of care for workers across organisations and industries.

**For example:** The mining industry has a number of critical risks and hazards capable of causing catastrophic harm and these are common across different sites, so it is regulated as an **industry**. Mobile plant is commonly used across all industries, so is regulated as a **risk**. Hazardous work at height is regulated as an **activity**.

13. The HSW Act has other legislative tools that set out detail and provide clarity:

Tool	Purpose	Legal status	Process
Safe work instruments (SWI)	SWIs provide additional detail to regulations by containing technical detail that may need to be updated on a relatively frequent basis; for example, by listing standards or competency requirements (including unit standards), both of which update on a more regular frequency than regulations	Mandatory if declared to be in regulations <sup>1</sup>	Developed by the regulator, which must consult with relevant stakeholders  Approved by the Minister
Approved Codes of Practice (ACOPs)	These offer a legislative 'safe harbour' by providing an approved and standardised way of compliance that can be used in court as evidence of compliance, but are not mandatory in the way that regulations or safe work instruments are	Evidentiary rather than mandatory, and strongly encouraged	Developed by the regulator in a process involving representatives of the relevant industry (business and workers)  Approved by the Minister

<sup>1</sup> WorkSafe may make safe work instruments that do not have legal effect, but has an internal policy that it will not do so.

Regulator guidance	Guidance creates a common understanding of how the regulations apply in different circumstances. Guidance can be of a general or a specific nature. It supports businesses to understand how they can comply with the HSW Act and its regulations	Guidance does not set legal requirements	Developed by the regulator, usually in consultation with relevant parties
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14. Standards (developed or adopted by Standards New Zealand), where these are referenced in regulation, SWI or ACOPs, can also provide further detail on technical matters.
15. As outlined above, the broad nature of the duties in the HSW Act means that businesses do not always have clarity on what they should do in certain situations. With absent or outdated legal requirements, it falls to regulator guidance and regulator action to support businesses to understand and comply with their duties. Absent or outdated regulations have resulted in both:
  - a. over-compliance, where PCBUs think they need to do more than required
  - b. under-compliance, where the controls applied do not adequately address the risks and therefore increase the risk of worker harm.

**For example:** The *Health and Safety in Employment Regulations 1995* require fall prevention measures for work above three metres, eg a scaffold or a harness, but lack specific requirements on how to manage the risk of falls when working below three metres (which can still cause significant harm). The regulations are also out of step with industry best practice, which has evolved since the regulations were put in place. These inconsistencies lead to both under-compliance and over-compliance:

- some businesses only focus on risks from work at height that is over three metres, resulting in insufficient protection at lower height, eg ladders for higher risk work
- conversely, for work at lower heights, some stakeholders have indicated that they feel compelled to provide a higher level of protection than they considered necessary, eg scaffolding for simple gutter repairs or minor electrical maintenance.

## There is an opportunity to make significant improvements to how regulations are working

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### Good quality work health and safety regulations can support economic efficiency

16. Some regulations under the HSW Act are working well. Feedback from stakeholders is often that they welcome the clarity provided by regulations. Of the regulations under the HSW Act that are working well, they have the following features in common:
  - a. They are targeted to address risk, and aim to reduce resulting harm from that risk.
  - b. They layer the controls proportionate to the nature of the risk, with the strictest controls on the areas of highest risk, activity or industry. This includes a focus on addressing critical risks and the potential for a catastrophic harm event (ie multiple fatalities caused by a single event).
  - c. They provide clarity to duty holders, while being flexible enough to respond to different circumstances.

- d. They reflect carefully considered regulatory design choices – regulations can be performance based, prescriptive, or process-based (including licencing options), and the best option will depend on factors such as the nature and seriousness of the risk, and the availability of methods to manage it. Modernised regulations have often replaced prescriptive requirements.
- e. They are developed with input from members of the regulated industry/industries, and codify best-practice for those industries, reflecting that businesses and workers know how best to manage risks in their industry.
- f. They are based on evidence of effectiveness at addressing harm, and/or on international best practice.
- g. They do not stand alone – they are well enforced by the regulator and supported by other legislative tools (SWIs, ACOPs, and regulator guidance).

**For example:** The requirements for the mining industry were reformed in 2013, following the Pike River Coal Mine Tragedy. This process involved extensive consultation with a group of industry experts at all stages of the process.

The regulations were then reviewed in 2018, with input from the industry experts group in developing regulatory proposals, and then the wider industry was invited to comment on the proposals for change to the regulations. The review concluded that, while some technical changes to improve the working of the regulations were needed, the regulations were still fit for purpose. The industry experts group was consulted on the resulting drafting changes via an exposure draft. The regulations came into force from July 2021.

### **Other regulations are not working well – they are creating compliance costs and not adequately addressing harm**

- 17. In contrast, there are some regulatory requirements that are not working well. These regulations are outdated, contain gaps, are complex and confusing, and do not adequately protect against harm. Stakeholders and WorkSafe have indicated that these regulations are causing issues. The topics are:
  - a. **plant** (ie machinery and other equipment), **structures**, and **hazardous work at height** (including a review of the requirements for installation and use of scaffolding) and **on excavations** – these regulations are outdated, contain gaps and are not adequately addressing harm. These requirements have been under review since 2019, referred to as the ‘plant and structures project’. More information is provided from paragraph 32.
  - b. **hazardous substances** – the requirements in these regulations date from at least the early 2000s, are complex and confusing and are causing significant compliance costs. In 2017 the requirements were ‘lifted and shifted’ from the *Hazardous Substances and New Organisms Act 1996* to be under the HSW Act, and some minor technical changes have been made since. More information is provided from paragraph 42.
- 18. The requirements for **hazardous work** and **high-risk work licencing**, which date from the mid-1990s or earlier, also need updating. Some relevant elements are contained in the plant and structures project, including developing a modernised and standardised process for any future licencing regimes. Other than the aspects included in plant and structures project, we consider these less urgent than the two items listed above.

### **Without detail sitting in regulations or other instruments, the gaps will be filled in other ways**

- 19. Selecting the right legislative instrument allows government to be deliberate about which risk management decisions are made by Cabinet (for the case of regulations) or by the Minister

(through ACOPs and SWIs, on the recommendation of the regulator), and which are suitable for regulator guidance or left to businesses to determine how best to meet their duties.

20. In the absence of regulations, the law is developed elsewhere, with less control by the Government. This can happen via regulator guidance and operational decisions, which is then tested through case law. This is suitable sometimes, particularly for lower-risk activities, or for elaborating on performance-based duties in regulation.
21. A lack of clarity can also mean businesses turn to other sources of information, such as health and safety consultants or myths or beliefs about how the law works. These do not always match the intention of the law, and can result in both under- and over-compliance.

**For example:** If a person may fall more than three metres, the *Health and Safety in Employment Regulations 1995* require that the employer must provide a suitable means to prevent the person from falling, eg a scaffold or a harness.

Construction work at height must use a scaffold where appropriate. Where a scaffold is over five metres high, it must be erected by a qualified scaffolder.

Some people have interpreted this to mean that full scaffolding is required for work on a one-storey building. This is a higher standard than the regulations hold them to.

22. Clarity in the law can help minimise costs associated with over-compliance, and making regulations gives the control of the requirements to Ministers and Cabinet.

### **Where other regimes set rules, we do not replicate these with health and safety requirements**

23. Section 35 of the HSW Act provides that a Court may consider compliance with another enactment as evidence that a business has met its obligations under the HSW Act. When making health and safety regulations MBIE focusses on areas that are not already regulated elsewhere. This also helps to reduce the collective burden of regulations.

**For example:** The *Building Act 2004* and its secondary instruments set the rules for the construction, alteration, demolition and maintenance of new and existing buildings in New Zealand. This includes the structural soundness of buildings, and that people can escape the building in case of a fire. Section 35 of the HSW Act means that complying with *Building Act* requirements is generally sufficient to meet health and safety obligations in relation to building safety.

### **MBIE places a strong emphasis on regulatory quality**

24. Regulatory design choices are an important part of the regulatory analysis process when considering health and safety regulations. Early decisions include the need for, scope of, and design of any potential regulatory intervention. This includes considering whether a mechanism other than regulations – such as guidance or other intervention by the regulator – might be suitable.
25. Developing quality regulations takes time, especially as this is a technical area. Substantial technical input from WorkSafe and stakeholder input is often required, particularly when developing regulatory proposals on technical areas of risk. The HSW Act requires consultation with relevant stakeholders before making regulations, SWIs or ACOPs.
26. In addition, the technical nature of the drafting, the capacity of Parliamentary Counsel Office (PCO), and relative priority of this work to other Government drafting priorities add to the time taken to develop health and safety regulations. The process can take from 18 months for straightforward changes to significantly longer for substantial pieces of reform.



## We would like to discuss your goals for reforming health and safety law and regulations

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27. MBIE's core role in the system is to develop policy advice on legislation and regulations under the HSW Act. The law provides the foundations for both WorkSafe's guidance and enforcement, and for the regulated parties to understand and meet their duties.
28. MBIE recommends you focus on modernising the work health and safety regulatory system to address the regulatory failure evidenced by the Pike River tragedy. Updating and modernising the remaining components would provide certainty of legal requirements to businesses as well as support the reduction of worker harm and the costs of that harm.
29. You have choices about how you achieve the outcome you want. When deciding on areas of focus, we recommend you balance a range of factors, including:
  - a. the levels of harm or potential for harm to workers and others, including where regulations are not adequately addressing risks or harm
  - b. where the regulations are creating the most issues – compliance costs to regulated parties, a lack of clarity for regulated parties and enforcement costs to the regulator
  - c. how you can support the delivery of wider government priorities.
30. MBIE can support you to make the trade-offs and prioritise where to focus the resource available to you.
31. Since the initial sets of regulations were made in 2016, progress on regulatory reform has stalled. Projects completed to date have been shifting the hazardous substances requirements from the *Hazardous Substances and New Organisms Act 1996* (the HSNO Act) to the HSW regime, updating the mining and quarrying regulations following a post-implementation review, reviewing the adventure activities regulations following the Whakaari/White Island tragedy, and making technical fixes or minor updates to other regulations.

### *The plant and structures work is well progressed*

32. Plant (ie machinery and equipment), structures, and hazardous work at height (including a review of the requirements for installation and use of scaffolding) and on excavations was selected as the next group of regulations to be considered for modernisation because risks associated with plant and structures cause nearly 80 per cent of New Zealand's work-related deaths.
33. Coverage of these requirements is broad, affecting almost every workplace in New Zealand. 'Plant' in particular is widely defined – it includes machinery, vehicles, vessels (ships), aircraft, equipment, appliances, containers, implements, and tools. For example, cranes, conveyors, quad bikes, power tools, and boilers are plant.
34. The aim of the reform is to modernise outdated regulations, fill gaps (including those left by the revocation of the *Machinery Act 1950*) and reduce confusion around conflicting requirements. It was decided to group these areas together because they have many of the same risks, they have implications for the same people and sectors, and this approach was preferred by stakeholders.
35. MBIE undertook a comprehensive consultation and analysis process for new regulatory requirements from 2018 to 2021. In May 2021 Cabinet agreed to new regulations under the HSW Act to modernise and fill gaps in existing regulations, and to remove outdated regulations. The draft regulations are based on the Australian Model Regulations, adapted for New Zealand's circumstances, and adjusted in accordance with submitter feedback after

significant public consultation and engagement in 2019. The proposed regulations are designed to:

- a. Be **proportionate** to the presenting risk
  - b. Be **flexible**, to take into account different types of plant and different circumstances
  - c. **Layer controls**, with riskier types of plant having additional requirements and the riskiest types having the strictest additional requirements.
36. MBIE's regulatory impact analysis estimated that the regulatory proposals would reduce work-related fatalities and serious injuries by approximately 20 per cent.
37. Submitters largely supported the changes, though there were some areas where the proposals received mixed responses. After the consultation period closed MBIE met with representative groups to discuss the proposals in more detail, and some modifications were made to reflect concerns.
38. The breadth of coverage and flexible regulatory design elements make it difficult to make quantitative estimates of the costs and benefits of the proposals. MBIE's regulatory impact analysis made qualitative estimates of the costs and benefits. It estimated the total package of updated requirements would have modest costs for most businesses, with some sectors (agriculture, manufacturing, retail, warehousing, transport) and those businesses who need to upgrade capital equipment expected to face more significant costs. A cost-benefit analysis for the proposal to remove the exclusion that quad bikes currently have from regulatory requirements and require provision of operator protective devices (though not specifying what type of devices are required), estimated a 1.05-1.8 ratio of benefits to costs.

**For example:** Capital upgrades will only be required in certain specific cases, for instance where machinery is not already adequately guarded, so far as is reasonably practicable, and where warranted by the presenting risk.

Some businesses that are operating older plant that is not adequately guarded may need to upgrade their equipment if it is not safe in its design. This upgrade could be guarding a dangerous moving part that could injure a hand or other body part, or, if it cannot be adequately guarded, by replacing the equipment. Any modifications to the plant would need to be designed to be safe.

39. The plant and structures project has been our focus for several years, and there are still several steps remaining before regulations can be made. These include:
- a. four Cabinet decisions (confirming policy approach, approval to release a consultation document, policy decisions arising out of consultation, approval to make regulations)
  - b. consultation on policy changes (to meet HSW Act consultation requirements), an exposure draft of regulations (recommended due to the technical nature of the regulations) and on remaining matters such as transitional arrangements (to meet HSW Act consultation requirements)
  - c. policy analysis, drafting of regulations and writing any consultation material.
40. Completing this project is the area of quickest regulatory gain. Timing depends on the scale of changes to work completed to date, and on the available resource. With minimal changes the reform process should be complete within 14 to 18 months. More significant changes or less resource would mean it could take longer to complete.
41. If you wish to progress this work you have choices about how you do this. You could decide to progress some, but not all, of the proposed changes, or you could decide to break the

project into smaller components and phase these. For example, the proposals relating to the review of the scaffolding rules received strong support from the industry and the change is relatively self-contained, and the changes could be progressed separately.

*Work on hazardous substances has not yet started, but the regulations are creating significant regulatory burden*

42. Reforming the hazardous substances regulations would address an area of higher risk, complexity, and compliance costs for businesses. Hazardous substances are substances that are one or more of explosive, flammable, able to oxidise, corrosive, or toxic. The substances are grouped into class, based on the properties of the substance.
43. The regulations are detailed and lengthy, with 20 parts, 650 clauses, and 27 schedules. Detailed requirements for all classes of substance and for the specific classes of substance make up the majority of the content of the regulations. Other requirements include:
  - a. Labelling, signage, safety data sheets, and packaging
  - b. Emergency preparedness
  - c. Roles of and processes relating to third-party compliance certifiers
  - d. Processes relating to controlled substance licences.
44. The hazardous substances regulations were transferred to the work health and safety regime in 2017 via a 'lift and shift' of the existing requirements from the *HSNO Act*. Feedback is that the regulations are complex, confusing, inconsistent, outdated and hard for businesses to comply with. We expect this is particularly true for small businesses, and businesses that only store or use small volumes of hazardous substances. In addition, WorkSafe spends a lot of resource on working around inconsistencies or ambiguity in the regulations – most of the exemptions considered by WorkSafe relate to hazardous substances.
45. MBIE has heard that there are issues with the regulations, however we do not have a good sense of the nature, type or scale of issues. Known issues include controls that are disproportionate to the risk resulting in under or over-regulation; unclear or inconsistent definitions across the regulations; references to out-of-date standards or practises; and an inability to respond to new technology. Other issues are more to do with the design of the regulations, such as the rules around third-party certifiers, and how PCBUs access information to enable compliance.
46. As a first step, you could direct MBIE to undertake a discovery and scoping project to provide detailed information on the issues with the regulations. The process would include engagement with key stakeholders to identify the nature and magnitude of the issues with the regulations. This would help to inform advice on next steps, including whether a first principles review is needed or whether more discrete changes to different components would resolve the issues. Likely topics for exploration include:
  - a. How are duty holders engaging with the requirements and what issues do they have with compliance
  - b. The relationship between the regulations and the Hazardous Substances and New Organisms Act, and the relationship between the regulators of these regimes
  - c. The framework for duties, authorisations, and controls
  - d. International frameworks for managing hazardous substances.
47. We have previously signalled to you via the Briefing to the Incoming Minister that this is a priority for MBIE. This is a significant piece of reform, and we expect a first principles review

would involve a majority of the team over the course of several years. We would like to discuss whether you wish to include it in your work programme.

*Discrete projects often arise from new and emerging risks, or wider government priorities*

48. Getting the regulatory settings right also means responding to the changing context and emerging risks. There are a handful of other projects underway that we need your direction on. For instance MBIE has been reviewing regulatory settings considering the prevalence of working with engineered stone, and also looking at whether changes are needed to respond to anticipated greater use of hydrogen.
49. We would like to discuss how you would like to approach this work. A summary of the projects is below, and you will receive a separate briefing on each of these in the coming months.

<b>Project</b>	<b>Driver</b>	<b>Stage</b>
Licencing of technicians for work involving highly hazardous refrigerant gases	International commitments	9(2)(f)(iv)
Engineered stone benchtops with high volumes of quartz/silica	Growing body of evidence of harm	9(2)(f)(iv)
Hydrogen ( <i>joint with the Minister for Energy</i> )	Other government priorities	9(2)(f)(iv)
Minor or technical amendments to legislation via MBIE's Regulatory System Amendment Bill process	Regulatory stewardship	We are working with PCO on the drafting of these amendments, which are almost ready for introduction