



COVERSHEET

Minister	Hon Iain Lees-Galloway	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Implementing the Health and Safety at Work Act 2015: Better Regulation – Plant, Structures and Heights	Date to be published	15 July 2019

List of documents that have been proactively released

Date	Title	Author
Considered by CAB on 10 June 2019	<i>Implementing the Health and Safety at Work Act 2015: Better Regulation – Plant, Structures and Heights</i>	Office of the Minister for Workplace Relations and Safety
10 June 2019	<i>CAB-19-MIN-0275</i>	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.

In Confidence

Office of the Minister for Workplace Relations and Safety

Chair, Cabinet

Implementing the Health and Safety at Work Act 2015: Better Regulation – Plant, Structures and Heights: Release of Discussion Paper

Proposal

1. This paper seeks approval to release the discussion paper *Implementing the Health and Safety at Work Act 2015: Better Regulation – Plant, Structures and Heights* for public consultation. The paper covers risks arising from **plant** (machinery, equipment, vehicles, tools), **structures** (buildings, frameworks, etc), work at **height**, **scaffolding**, and **excavation** work.

Executive Summary

2. Every New Zealander should arrive home from work healthy and safe. Where work involves plant, structures, heights, scaffolding or excavations, this is sadly often not the case. Seventy-six per cent of work-related fatal injuries involve plant or structures. A significant number of people die from illnesses associated with dusts, fumes, particles and gas from plant. These risks are prevalent in a wide range of sectors, including forestry, agriculture, construction, manufacturing, transport and fisheries.
3. A better regulatory framework will help businesses manage these risks more efficiently and protect workers from harm. The current regulations are hard to understand, have gaps and are out of date. I want to give greater clarity to businesses to reduce over-compliance and unnecessary costs. I want to ensure the regulations reflect good practice and are future-proof to support changing practices and technology while ensuring workers' health and safety.
4. These areas are my first priority in the ongoing regulatory reform programme under the Health and Safety at Work Act 2015 because they will make the biggest difference for the most people. Together this is a big and complex package of reforms that shows this Government's commitment to protecting workers from death, serious injury and illness. We need to continue the reform programme to avoid complacency in our performance and address the issues identified by the Royal Commission of Inquiry on the Pike River Coal Mine tragedy and the Independent Taskforce on Workplace Health and Safety.
5. I seek agreement to release the attached discussion paper that invites feedback on a range of options to address the harm occurring. The options would create a clear, comprehensive, proportionate and future-proof regulatory framework. I want to know whether stakeholders think we have identified the right issues, what options will most effectively reduce harm at work, and what impacts the options would have on them as workers and businesses.
6. I am proposing a two-stage approach to consultation. This balances the need to progress important work for all sectors while ensuring there is enough time for meaningful engagement with particular sectors that have significant consultation demands on areas that have specific impacts for them.

7. The attached discussion paper is the first stage of consultation. It sets out known issues identified through early engagement with stakeholders and options that are relevant to all sectors. It asks whether there are any specific issues that are not addressed by the generic options. The second stage of consultation will look at options for specific issues identified in the first round of feedback. I expect sectors will raise any specific issues in the first round of consultation. This allows for a more meaningful conversation about options later and gives stakeholders more time to develop fully formed views, particularly about costs and impacts.
8. I will report back to Cabinet in early 2020 with policy options that can proceed to drafting and seek approval to consult further on any specific issues that require further consultation. My intention is to seek final policy decisions by mid-2020.
9. Cabinet Business Committee considered this paper on 4 June 2019 and discussed taking an alternative approach to the chapter on young people in hazardous work. Cabinet Business Committee referred the paper to this Cabinet meeting for further consideration and invited me to submit a revised paper reflecting the discussion [refer CBC-19-MIN-0023].
10. I acknowledge the Cabinet Business Committee's concerns that the chapter on young people in hazardous work is one of the more complicated areas for stakeholders. In light of this, I am proposing to carve off young people in hazardous work and progress it as a separate consultation in early 2020. I intend to seek approval to this at the same time as further decisions are required for plant, structures and heights.

Background

This is part of wider regulatory reform under the Health and Safety at Work Act 2015

11. The Health and Safety at Work Act 2015 (**HSWA**) came into effect in April 2016 with nine sets of newly-made regulations and seven sets of pre-existing regulations carried over from the Health and Safety in Employment Act 1992.
12. The HSWA and regulatory reform is part of the work to address the issues identified in the health and safety at work system in New Zealand by the Royal Commission on the Pike River Coal Mine tragedy and the Independent Taskforce on Workplace Health and Safety. The Taskforce found that the performance-based Health and Safety in Employment Act 1992 was never comprehensively implemented, without the supporting regulations, approved codes of practice and other guidance. This left a regulatory framework that was confusing, full of gaps and lacking clarity for businesses and workers. The Taskforce recommended a new Act based on the Australian Model Workplace Health and Safety Laws and associated regulations.
13. The HSWA, new regulations and efforts by industry, workers and regulators have done a lot to improve our health and safety performance. However, data indicates that complacency about health and safety may be setting in.
 - The Serious Injury Outcome Indicators released by Statistics New Zealand for the 2017 calendar year tells us that:
 - the average rate of **work-related fatal injuries** has ceased to improve, remaining at 2.1 per 100,000 FTEs in 2015-2017
 - the rate of **work-related serious non-fatal injuries** increased to 16.9 per 100,000 FTEs in 2017, from 14.3 in 2016.

- Work-related fatalities and injuries resulting in more than a week away from work are plateauing or increasing for some of the highest risk sectors, for example, forestry and logging.¹

14. While recent trends have been positive, these results are concerning. We need to ensure the 2017 results are not repeated. The new Health and Safety at Work Strategy sets an ambitious vision for the system over the next ten years. We need to continue the reform under the HSWA to avoid the mistakes of the past and ensure our health and safety at work framework is effective at reducing harm, is targeted to the critical risks, provides clarity for duty holders to reduce compliance costs, and is working as intended. I am reforming the pre-existing regulations carried over from the previous Act. The attached discussion paper is the first package in a series of topics that are part of my multi-year regulatory reform programme. **Annex One** provides an overview of the discussion paper. **Annex Two** provides the discussion paper in full. Future work includes hazardous work and hazardous substances. **Annex Three** provides an overview of the regulatory reform programme.

This package of topics is my first priority because it will make the biggest difference for the most people

15. I have prioritised this package of reforms because it is where significant harm is occurring and will make the biggest difference for the most people. It will provide a strong regulatory foundation for some of the most pervasive risks for New Zealanders at work.

- On average, 58 people die every year at work from injuries involving plant or structures. That is 76 per cent of all fatal injuries at work between 2008 and 2017.²
- Four people died and 27 were seriously injured³ from fall of ground/collapse (excavations) between 2008 and 2017.
- The construction sector has high serious injury rates for falls from heights – more than three times that of the manufacturing sector for example.

16. These risks are prevalent in a wide range of sectors including forestry, agriculture, construction, manufacturing, transport and fisheries. Between 2008 and 2017, plant and structures made up a significant proportion of fatalities in those sectors:

- Agriculture – 84 per cent (77 deaths)
- Construction – 82 per cent (73 deaths)
- Fishing and shearing services – 93 per cent (95 deaths)
- Forestry – 39 per cent (19 deaths)
- Manufacturing – 69 per cent (32 deaths)
- Transport, postal and warehousing – 95 per cent (108 deaths).

¹ WorkSafe data estimates that the rate of work-related fatal injuries in forestry and logging increased to 60.6 per 100,000 FTEs in 2015-2017, from 41.6 in 2014-2016 (WorkSafe SWIFT data, not age-standardised). The rate of work-related non-fatal injuries resulting in more than a week away from work in forestry and logging is estimated to have increased to 18.6 per 100,000 FTEs in 2017, from 16.7 in 2016 (WorkSafe SWIFT data, not age-standardised).

² Unless otherwise indicated, data is sourced using WorkSafe's System for Work-related Injury Forecasting and Targeting (SWIFT). It combines WorkSafe fatality notifications and approved ACC claims for fatal injury to workers. It excludes fatalities involving bystanders, people under the age of 15, gradual process injuries and work-related disease.

³ Injuries resulting in more than a week away from work.

17. The current regulatory framework does not provide clarity and comprehensive support for the performance-based HSWA and is hard to understand, out of date and full of gaps.

The discussion paper sets out the main issues, a range of options and questions for consultation

18. Officials have worked with key stakeholders in the agriculture, construction, forestry, transport and manufacturing sectors, and relevant agencies to identify and test issues. The discussion paper sets out a range of options and questions for discussion. I want to know whether stakeholders think we have identified the right issues, what options will most effectively reduce harm, and what impacts the options would have on them as workers and businesses. Feedback will inform policy options which can progress to drafting immediately and identify other specific issues that require further consultation.
19. The Australian Model Workplace Health and Safety Laws have been used as a starting point for options in the discussion paper. The HSWA and new regulations are based on the Model Laws, which were developed by the federal health and safety policy agency as a model for Australian state legislation.
20. Australia has similar practices, problems and performance in health and safety. The Model Laws provide a developed basis for managing them. The Model Regulations have been designed to work with the Model Act and using them as a basis means we can learn from developments in Australia and their case law. MBIE officials are connecting with Australian colleagues to ensure we learn from their experiences. Public consultation will help identify any areas where the Australian approach should be adapted to address differences in New Zealand.
21. I acknowledge that this is a big and complex package of reforms to consult on together. I consider that the similar risks and relevant sectors make it a sensible package. It also enables MBIE to consult with stakeholders in a streamlined way, rather than multiple consultations that rely on input from the same stakeholders and exacerbate the consultation demands on sectors across government.

Other risks in highest risk sectors are part of the wider regulatory reform programme

22. I am looking at sector-specific issues beyond this discussion paper as part of the wider regulatory reform programme. This includes risks for some of the highest risk sectors such as forestry, agriculture and construction.
23. The attached discussion paper addresses many of the biggest risks in those sectors. Some of the other key risks in those sectors relate to ways of working, operators and relationships within the sectors. I will consider these during the rest of the regulatory reform programme.

Overview of the discussion paper for public consultation

Most of the risks are well-known but are still not always managed well, or we need to ensure that they keep being managed well

24. Many of these risks are not new and are a persistent and longstanding source of harm at work. And yet the harm data suggests there could be significant improvements in how they are managed. For example, machines are often poorly guarded despite this being a fundamental aspect of machinery safety since the early twentieth century.
25. Some other longstanding risks are generally well managed. We need to continue supporting businesses to manage these by ensuring the regulatory framework is sound, up to date and

reflects best practice, especially for things that have the potential to cause catastrophic harm, such as fairground rides, cranes and boilers.

A lack of clarity creates confusion, over-compliance and increased costs to businesses

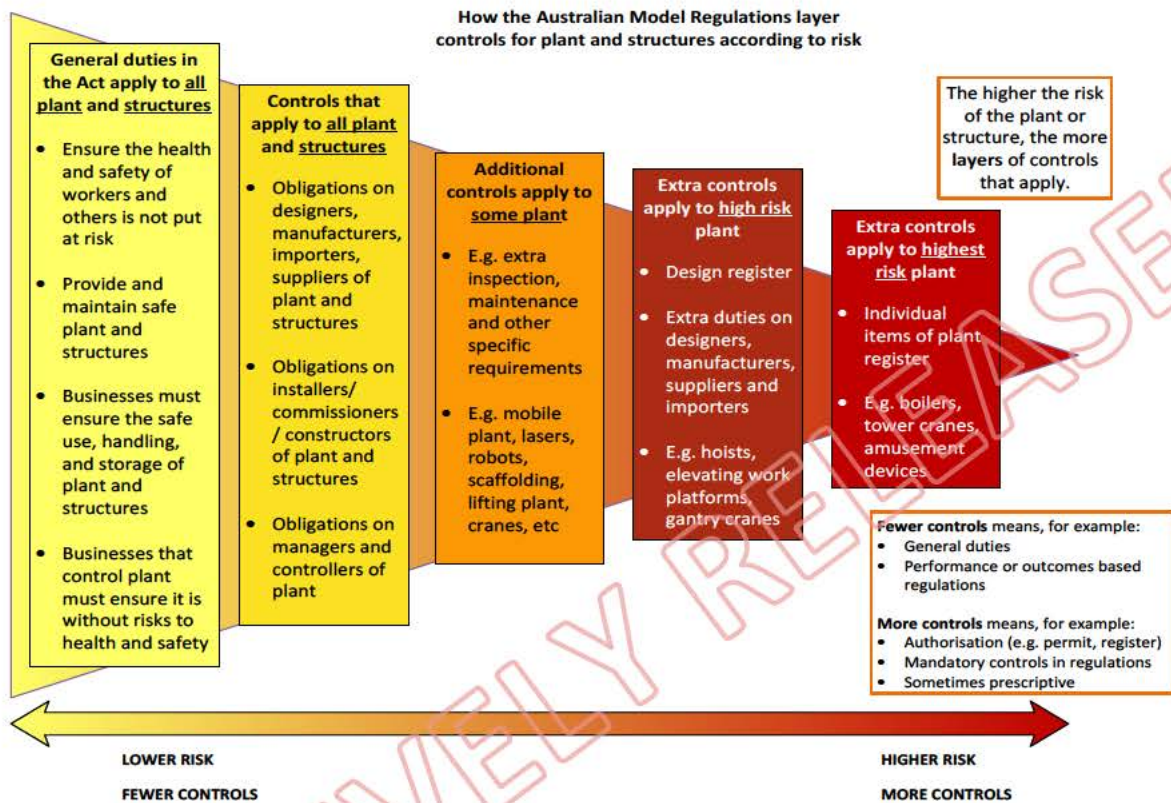
26. Some of the rules are unclear or businesses are confused about how to fulfil their duties. This can lead to over-compliance and increased costs to businesses. For example, stakeholders identified inconsistency in interpretations of the regulations and guidance about work at heights and scaffolding, and in variations in practice between regions and subsectors.

Changes in practice and emerging technology have improved health and safety outcomes but have some risks that are not addressed in regulations

27. We need to ensure the regulatory framework allows for the health and safety benefits of changing technology and practices to be realised and supports innovation, whilst managing new risks.
28. Examples of changes include the increased use of industrial robots in manufacturing and the mechanisation of forestry work. Robots have removed some of the traditional risks for people working with machinery, and mechanical harvesting equipment means forestry workers have to undertake dangerous chainsaw felling less often. However, this equipment can create risks to health and safety from errors, ejection of materials, automated movement in unexpected directions and at high speeds, and risks that come with mobile equipment.

Options to improve the framework

29. The discussion document includes a range of options to address these concerns by:
- making the rules clear while retaining flexibility to do what is best in each case
 - improving risk management
 - making sure people have the right information to ensure health and safety at work
 - improving oversight and transparency of very high risk things.
30. What this looks like for each area is summarised in **Annex One**.
31. Following the Australian Model Workplace Health and Safety Laws, this results in a risk-based approach – that is, layered controls to focus on the highest risk things and interventions that are proportionate to the risks. The diagram below shows how these controls are layered for plant and structures. A similar approach is taken in relation to heights, scaffolding and excavations.



People who will be most interested in the discussion paper

32. I expect the discussion paper will be relevant to a wide range of people and sectors because of the prevalence of plant, structures, work at heights, scaffolding and excavation work.
33. The options in the discussion paper would place obligations on businesses that expand on and provide more detail to enable them to meet their duties under the HSWA. This means that:
- costs are likely to be limited for those businesses already complying with their duties under the HSWA. Furthermore, the options will create a level playing field and reduce compliance costs by providing clearer requirements
 - there will be costs for businesses who are not complying with their duties under the HSWA and not managing these risks well. I am comfortable that the options in the paper take a proportionate approach to costs and are targeted at those who need to lift their performance.
34. The main implications and interests for key sectors are set out below.

Agriculture, forestry and fisheries

35. The agriculture sector will be interested in the sections of the paper dealing with mobile plant and fixed equipment like irrigation and milking equipment (**Sections 2 and 3**).
36. The options for mobile plant at work would create explicit obligations on businesses. I want to test the implications of these options including impacts on how vehicles are used in

different work places. I want to make sure any interventions are aimed at the activities that cause the most harm.

37. The discussion paper identifies issues for mobile plant and sets out generic options and questions that are relevant to all sectors, including agriculture. In response to any specific issues raised in the first round of consultation, officials will frame more specific options and questions for particular sectors and consult further before developing proposals which I will bring back to Cabinet.
38. The forestry and fisheries sectors will be interested in the sections of the paper looking at machinery, equipment, tools and vehicle use at work (**Sections 2 and 3**). The options for machinery, equipment and tools would place explicit obligations on businesses. These should mostly be familiar to businesses because there has been longstanding regulation in these areas through the Machinery Act 1950, which was repealed in 2016 with the intention that it would be replaced by modernised regulations.
39. The forestry sector will be particularly interested in whether some forestry equipment like cable loggers and other mechanical harvesting equipment should be included as 'high-risk' equipment and require central registration (**Section 5**). This equipment is not covered by the existing regime for high-risk equipment.
40. The increased forestry workforce required for the increasing volume of timber coming up for harvest in the next decade and the Billion Trees Programme will mean there is potential for increased incidence of harm to workers. The options in this discussion paper would ensure a sound regulatory framework to support the forestry sector to effectively manage its biggest risks.

Construction and manufacturing

41. The construction sector will be interested in the sections of the paper looking at powder powered tools, hoists, trucks, and other equipment and vehicles used in construction (**Sections 2 and 3**). They will also have interest in the section on managing risks from 'high-risk' plant which covers some dangerous construction equipment, for example, cranes, building maintenance units, concrete pump booms and materials handling equipment (**Section 5**). As noted, most of the options for machinery, equipment and tools will place explicit obligations on businesses, but many of these will be familiar to businesses because of longstanding requirements in the Machinery Act 1950.
42. The construction sector will be interested in the sections on work at heights and scaffolding (**Section 6**), and excavation and trenching work (**Section 7**) because there are construction-specific options. Existing heights and scaffolding requirements have been subject to debate and inconsistent interpretation amongst industry. The options in the discussion paper will create explicit obligations and should reduce compliance costs for businesses arising from the confusion and lack of clarity in guidance and existing regulations.
43. The manufacturing sector will be interested in the sections of the paper dealing with machinery, particularly guarding, cleaning and maintenance of machinery. The options will not be new to businesses, because similar requirements are longstanding. Manufacturing will also have an interest in the proposals for controls on forklifts (**Section 3**), gantry cranes (**Section 5**) and other machinery and vehicles used in manufacturing. Options for forklifts would create explicit obligations for businesses.
44. The increased construction workforce required for KiwiBuild will mean there is potential for increased incidence of harm to workers. The options in this discussion paper would ensure a

sound regulatory framework to support the construction sector and KiwiBuild to effectively manage their biggest risks.

Transport, postal and warehousing

45. The transport, postal and warehousing sector will be interested in sections of the paper dealing with forklifts, trucks, access equipment and other vehicles at work (**Section 3**). They will be interested in the section on high-risk equipment which proposes to include cranes, hydraulic hoists and other relevant equipment in a central register (**Section 5**). Much of this equipment is covered by existing requirements for high-risk equipment, so is unlikely to be entirely new to businesses while improving oversight and transparency.
46. The Ministry of Transport is also developing a new road safety strategy that considers interventions across the road safety system to reduce deaths and serious injuries on our roads, including driving at work.

Engineering, theme parks and amusements

47. Engineers will have an interest in most aspects of the discussion paper. Engineers are the gatekeepers of the existing regime for 'high-risk' equipment so have a large interest in the proposals and options for design verification and central registration of this equipment (**Section 5**). The options in the paper retain engineers' involvement in verifying high-risk equipment but formalise the process through a central register.
48. Engineers will be particularly interested in the section about making plant and structures inherently safe by design (**Section 4**). The options in that section make designers the starting point of information flow and build on their general duties under the HSWA. Maintenance engineers will be interested in the section on maintaining, inspecting and repairing machinery and equipment as they are often engaged in this work for businesses (**Section 2**).
49. The discussion paper proposes options for recasting the current regime for amusement devices (including fairground and theme park equipment) into a central register regime for 'high-risk' equipment. Businesses and workers involved in amusements have a significant interest in this part of the paper (**Section 5**).

Consultation approach and timeframes

50. Subject to Cabinet's approval, MBIE will publish the attached discussion paper in mid- July 2019. I want to ensure stakeholders have enough time to consider the issues. Submissions will be open for three months, closing in mid-October 2019. MBIE is planning workshops with key sectors during the consultation period to support feedback and conversations with a range of audiences. Recognising the high proportion of Māori and Pasifika workers in high-risk sectors such as forestry and manufacturing, MBIE will work with unions and industry organisations to ensure their views are represented through consultation. **Annex Four** provides an overview of the proposed consultation engagement plan.
51. MBIE has met with key stakeholders in the agriculture, construction, forestry and manufacturing sectors to identify and test issues and the approach to consultation. Industry bodies indicated support for a broad and open consultation on the issues in the discussion paper. They supported a three-month consultation period and an aligned approach across government consultations for relevant sectors. Agriculture bodies were keen to support MBIE's engagement with businesses and workers through their networks and events.

52. I will report back to Cabinet in early 2020 with policy options that can proceed to drafting and seek approval to consult further on specific issues that require further consultation. My intention is to seek final policy decisions by mid-2020.
53. I consider a three month consultation period and a two-stage approach to consultation is the best way to progress this important work for all sectors and allow enough time for meaningful engagement with particular sectors on areas that have specific impacts for them.
54. The chapter on young people in hazardous work that was originally part of this package of work will be progressed in a separate consultation in early 2020. I intend to seek approval to this at the same time as further decisions are required for plant, structures and heights.

Consultation to date

55. The following agencies have been consulted on this paper: Ministries of Education, Social Development, Defence, Transport, Justice, and Health; Ministries for Women, Culture and Heritage, Primary Industries, Environment, Pacific Peoples; Departments of Prime Minister and Cabinet, Internal Affairs, and Corrections; Treasury; Te Puni Kōkiri; Office of Ethnic Communities; Oranga Tamariki–Ministry for Children; NZ Police; Crown Law; New Zealand Customs Service; WorkSafe New Zealand; Civil Aviation Authority; Maritime NZ; Accident Compensation Corporation; Tertiary Education Commission; Fire and Emergency New Zealand; New Zealand Transport Agency; and Environmental Protection Authority.

Financial Implications

56. There are no financial implications expected from releasing the discussion paper. The discussion paper seeks specific comment on potential cost implications of the proposals.

Legislative Implications

57. An Order in Council will be required to make the new regulations. Public consultation on the discussion paper will assist the Government in deciding what to include in regulation and will inform the regulatory impact assessment process.

Impact Analysis

58. The Regulatory Quality Team at the Treasury has determined that no separate Regulatory Impact Assessment is required in support of the proposal to release the discussion document as the analysis necessary at this stage is covered in the discussion document. MBIE's Regulatory Impact Analysis Review Panel has reviewed the discussion document and notes that while there is little description of potential costs and benefits of the proposals, and some of the problem definitions are unclear, the information gathered through the consultation process will address these gaps and inform the analysis of final policy proposals.
59. Relevant proposals will be reviewed using the Rural Proofing assessment tool.

Human Rights

60. The options contained in the discussion paper do not appear at this stage to be inconsistent with the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. Further analysis of human rights issues will be undertaken following public consultation and prior to final policy decisions

Gender implications and disability perspective

61. The release of the discussion paper has no gender or disability implications.

Publicity

62. This discussion document may attract media and public attention because it covers a broad range of topics that affect businesses and workers across a range of sectors. A press statement will be made when the discussion paper is released.
63. To ensure a broad audience – and elicit the information needed to support final policy decisions – MBIE is targeting both technical and non-technical stakeholders. This will be supported through a range of submission formats and options, a high-level overview at the start of the document geared towards non-technical readers, a two-page overview of the key issues and options, visual summaries at the start of each section and plain English descriptions of issues and options.
64. The discussion paper will be published on MBIE's website.

Proactive Release

65. I propose to release this Cabinet paper and relevant Minute proactively, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister for Workplace Relations and Safety recommends that Cabinet:

1. **note** that regulatory reform under the Health and Safety at Work Act 2015 is a multi-year programme that continues the work to address the issues identified by the Royal Commission of Inquiry on the Pike River Coal Mine tragedy and the Independent Taskforce on Workplace Health and Safety;
2. **note** that plant and structures, work at heights, scaffolding and excavation work are being progressed first because they are a significant source of harm and affect a wide range of sectors, especially agriculture, construction, forestry, fishing, transport and manufacturing;
3. **note** that the attached discussion paper includes a range of options to address the harm by making the rules clear while retaining flexibility, improving risk management, making sure people have the right information to ensure health and safety at work, and improving oversight and transparency of very high risk equipment used at work;
4. **note** that the discussion paper and consultation material has been prepared to target a wide audience and an engagement plan has been developed to reach businesses and workers;
5. **agree** to the release of the discussion paper entitled *Implementing the Health and Safety at Work Act 2015: Better Regulation – Plant, Structures and Heights*;
6. **note** the Minister for Workplace Relations and Safety will seek approval from Cabinet in early 2020 to consult on young people in hazardous work; and
7. **authorise** the Minister for Workplace Relations and Safety to make editorial changes to the discussion paper before release.

Authorised for lodgement

Hon Iain Lees-Galloway

Minister for Workplace Relations and Safety

PROACTIVELY RELEASED

Annex One: Overview of discussion paper



Implementing the Health and Safety at Work Act 2015: Better Regulation – Plant, Structures and Heights

We're looking at how risks involving **plant (machines, equipment, vehicles, tools), structures, heights and excavations** are managed at work because ...

They're everywhere and affect everyone – they are used in lots of different sectors and types of work, from agriculture and construction to education and health. They affect workers, businesses, and other people interacting with that work

Businesses and workers need a better framework to manage these risks well – The regulatory framework is weak, ad hoc, out of date, full of gaps, and is hard to understand

They kill and severely injure lots of people everyday – plant or structures are involved in **76%** of work related deaths

- Do you work with these risks?
- Do you run a business that involves these risks?
- Tell us what you think.

The problems include ...

Some of the rules **aren't clear** or there is **confusion** – so there is over-compliance and increased costs

E.g. work at heights, scaffolding, and excavation work

Most of these risks have been around forever and **they're still not being done well, or we need to ensure that they keep being done well**

E.g. badly guarded machines, good design of structures and machines, high-risk plant

We need to keep up with **changes in practice and emerging technology** to ensure benefits are realised and any risks are managed

E.g. automated machines and industrial robots

Our ideas to make the framework better include ...

Making the rules **clear**, while retaining **flexibility** to do what's best in each case

E.g. across all areas

Improving **risk assessment** and management

E.g. across all areas

Making sure people have the **right information** to ensure health and safety at work

E.g. designers, manufacturers etc providing information

Improving **oversight** and **transparency** of very high risk things

E.g. register of high-risk plant items and designs

Details about options for each area of the discussion paper are over the page

You'll be interested in the discussion paper if you work in or run a business that involves plant, structures, heights or excavations. Local bodies, members of Māori, Pasifika and ethnic communities, health and safety specialists, and schools and training providers will also be interested.

Tell us what you think about the more detailed options set out below.

How can we support businesses to keep workers and others healthy and safe around plant in the workplace?

Options include:

- applying the Prescribed Risk Management process to all plant and specific risks from mobile plant
- ensuring guarding and safety features are used properly on machines
- improving risk management throughout the lifecycle of plant
- ensuring alterations and modifications don't increase risks
- operator protection, passenger safety, and traffic requirements for all mobile plant (e.g. vehicles, quad bikes, tractors, forklifts)

How do we make sure plant and structures are designed, manufactured, etc without risks to health and safety?

Options include:

- improving information sharing and hazard/risk identification throughout the supply chain
- requiring people requesting designs of plant and structures to give information to help eliminate and minimise risks
- making requirements for designing and manufacturing guarding and safety features of plant clearer

Should there be a central register for the riskiest equipment with potential for catastrophic harm?

Options include:

- registering plant designs for specified types of plant (e.g. tower cranes, pressure equipment, amusement devices, boilers)
- registering individual items of high-risk plant (e.g. boilers, tower cranes, passenger ropeways)
- including a broader range of plant – hoists, boom elevating work platforms, forestry plant, concrete booms
- retaining current accreditation and inspection requirements for individual items of plant
- reviewing territorial authorities' involvement in permitting amusement devices

How do we make work at heights and scaffolding requirements clearer to reduce compliance costs?

Options include:

- applying the Prescribed Risk Management process to all work at heights
- Introducing a mandatory hierarchy of controls for work at heights in construction
- excluding work under a certain height and of short duration from some or all of the hierarchy of control
- requiring a competent person to construct scaffolding over 4m, and monthly inspections
- retaining notifications for scaffolding

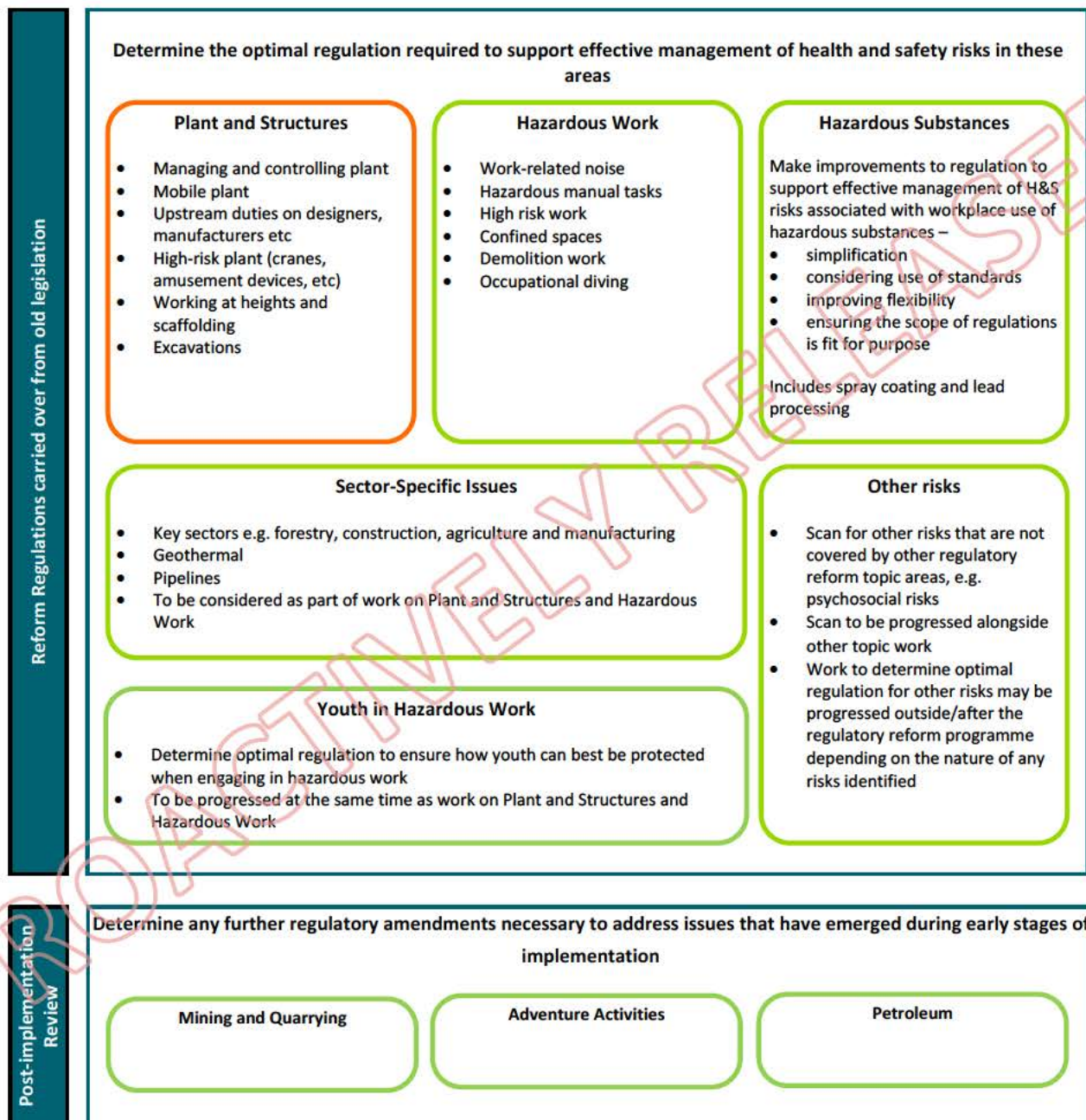
How do we make excavation work requirements clearer and consistent with good practice?

Options include:

- applying the Prescribed Risk Management process
- managing specific risks from falling in, collapse, falling objects, and airborne contaminants
- preventing unauthorised access
- minimising risks of collapse for trenches deeper than 1.5m
- requiring checking for underground services

PROACTIVELY RELEASED

Annex Three: Overview of health and safety at work regulatory reform programme



Annex Four: Proposed consultation engagement plan

Purpose and objective of engaging stakeholders

- To enable stakeholders to give feedback on the options and questions in the discussion paper *Implementing the Health and Safety at Work Act 2015: Better Regulation - Plant, Structures and Heights*.
- To deliver a meaningful, transparent and inclusive consultation process that leverages existing stakeholder relationships and enables delivery of:
 - final policy proposals to Cabinet
 - regulations that are effective, proportionate, clear, certain, cost effective, flexible and durable.

Approach to engagement

- We engage with workers (through unions) and businesses
- We seek out the views of vulnerable people and minority groups
- Targeted forums can be held where the issue requires broad social conversation, the sector has a specific isolated interest, or the sector is challenging to reach
- We follow government good practice guidelines for engagement with young people, Māori and Pasifika, and the agriculture sector (e.g. MPI Rural Proofing Guide and MSD Child Impact Assessment Tool).
- Regular monitoring and evaluating our effectiveness to review approach.

	Digital delivery	Forum with key stakeholders	Attending events, conferences and meetings of key stakeholders	Ad hoc forums based on interest
Agriculture	✓	✓	✓	✓
Forestry	✓	✓	✓	✓
Construction	✓	✓	✓	✓
Manufacturing	✓	✓	✓	✓
Engineering/design	✓	✓		✓
Amusements	✓	✓		✓
Transport	✓	✓		✓
Other sectors	✓			✓

Digital delivery

- Includes issue and sector-specific summary material on the Ministry of Business, Innovation and Employment (MBIE) website, email, sharing content with key stakeholders to deliver through email and online forums.

Forums with key stakeholders

- Meeting with key stakeholders to help disseminate messages and identify key questions, issues and impacts for sectors, e.g. Federated Farmers, Site Safe, Horticulture NZ, Dairy NZ, Civil Contractors NZ.

Attending events, conferences and meetings of key stakeholders

- Using events, meetings, and sector conferences, e.g. Engineering NZ, Forestry Industry Safety Council, Construction Health and Safety NZ.