



# Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Act 2023

Public Act 2023 No 30  
Date of assent 12 June 2023  
Commencement see section 2

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**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Act 2023.

**2 Commencement**

This Act comes into force on the day after the day on which it receives the Royal assent.

**Part 1****Amendments to Health and Safety at Work Act 2015****3 Principal Act**

This Part amends the Health and Safety at Work Act 2015.

**4 Section 62 replaced (Election of health and safety representatives)**

Replace section 62 with:

**62 Election of health and safety representatives**

- (1) A worker who carries out work for a business or undertaking may request the PCBU to initiate the election of 1 or more health and safety representatives to represent workers who carry out work for that business or undertaking.
- (2) If a PCBU receives a request under subsection (1), the PCBU must, within the time prescribed by regulations, initiate the election of 1 or more health and safety representatives to represent workers who carry out work for that business or undertaking.
- (3) The PCBU's obligation to initiate an election in response to a worker's request applies only in relation to an election for the work group to which the worker belongs.
- (4) A PCBU may, on the PCBU's own initiative, initiate the election of 1 or more health and safety representatives to represent workers who carry out work for that business or undertaking.
- (5) A person who contravenes subsection (2) commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$5,000;
  - (b) for any other person, to a fine not exceeding \$25,000.

**5 Section 66 replaced (Health and safety committees)**

Replace section 66 with:

**66 Health and safety committees**

- (1) The following persons may request the PCBU at a workplace to establish a health and safety committee for the business or undertaking or part of the business or undertaking:
  - (a) a health and safety representative for a work group of workers carrying out work at that workplace; or
  - (b) 5 or more workers at that workplace.
- (2) The PCBU must, as soon as practicable after receiving a request under subsection (1), establish a health and safety committee for the business or undertaking or part of the business or undertaking.
- (3) A PCBU at a workplace may establish a health and safety committee for the workplace or part of the workplace on the PCBU's own initiative.
- (4) A person who contravenes subsection (2) commits an offence and is liable on conviction,—
  - (a) for an individual, to a fine not exceeding \$5,000;
  - (b) for any other person, to a fine not exceeding \$25,000.

**6 Section 214 amended (Regulations relating to worker engagement, participation, and representation)**

Repeal section 214(1)(b)(v).

**Part 2****Consequential amendments to Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016****7 Principal regulations**

This Part amends the Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016.

**8 Regulation 3 amended (Interpretation)**

In regulation 3(1), revoke the definition of **ANZSIC classification code**.

**9 Subpart 1 of Part 2 revoked**

Revoke subpart 1 of Part 2.

**10 Regulation 13 amended (Elections)**

In regulation 13(2)(b), replace “held” with “conducted”.

**11 Regulation 16 amended (Duty in relation to election)**

In regulation 16(2), replace “section 62(2) or (3)” with “section 62(2) or (4)”.

**12 Regulation 27 revoked (Duty to give notice of decision on health and safety committee)**

Revoke regulation 27.

**13 Schedules 2 and 3 revoked**

Revoke Schedules 2 and 3.

**Legislative history**

22 November 2022	Introduction (Bill 194–1), first reading and referral to Education and Workforce Committee
5 May 2023	Reported from Education and Workforce Committee (Bill 194–2)
17 May 2023	Second reading
31 May 2023	Committee of the whole House
8 June 2023	Third reading
12 June 2023	Royal assent

This Act is administered by the Ministry of Business, Innovation, and Employment.