



COVERSHEET

Minister	Hon Michael Wood	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Bill: Approval for Introduction	Date to be published	9 February 2023

List of documents that have been proactively released

Date	Title	Author
3 November 2022	Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Bill: Approval for Introduction	Office of the Minister of Workplace Relations and Safety
17 November 2022	Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Bill: Approval for Introduction LEG-22-MIN-0202 Minute	Cabinet Office

Information redacted

YES / 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.

Some information has been withheld under confidential advice to Government.



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Bill: Approval for Introduction

Portfolio Workplace Relations and Safety

On 17 November 2022, the Cabinet Legislation Committee:

- 1 Confidential advice to Government
 [REDACTED]
- 2 **noted** that the Bill amends the Health and Safety at Work Act 2015 (the Act) to provide that all Persons Conducting a Business or Undertaking (PCBUs):
 - 2.1 must initiate a health and safety representative (HSR) election if requested by a worker;
 - 2.2 must establish a health and safety committee (HSC) if requested by an HSR or by five or more workers;
- 3 **noted** that the Bill repeals the following provisions which are now redundant due to the amendments in paragraph 2:
 - 3.1 the empowering provision in the Act that enables regulations to be made designating high-risk sectors or industries, for the purpose of determining whether a PCBU must initiate an HSR election or decide on a request to form an HSC, and;
 - 3.2 provisions in the Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016 which designate high-risk sectors or industries and provide the time within which a PCBU must give written notice of its decision on whether to establish an HSC;
- 4 **agreed** that the Bill provides that a PCBU must establish an HSC “as soon as practicable” after receiving a request to establish an HSC;
- 5 **approved** the Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Bill [PCO 23521/9.0] for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 6 **authorised** the Parliamentary Counsel Office to make minor and technical amendments to the Bill that may arise before introduction;

- 7 **agreed** that the Bill be introduced on 21 November 2022;
- 8 **agreed** that the government propose that the Bill be:
- 8.1 referred to the Education and Workforce Committee for a consideration period of four months, and;
- 8.2 enacted by 30 June 2023.

Rebecca Davies
Committee Secretary

Present:

Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Poto Williams
Hon Michael Wood (Chair)
Hon Kiri Allan
Hon Dr David Clark
Hon Meka Whaitiri
Hon Kieran McAnulty
Dr Duncan Webb, MP

Officials present from:

Officials Committee for LEG