



Private Health & Safety Prosecutions

Your essential guide to understanding private prosecutions under NZ health and safety law



What Are Private Prosecutions?

Beyond WorkSafe

Any person can prosecute health and safety breaches, not just regulators.

Same Standards

Identical burdens and proof standards apply as WorkSafe prosecutions.

Strict Requirements

Regulator must not have taken enforcement action on the matter.

When Can You Prosecute?

01

No Regulator Action

Regulator hasn't taken enforcement against any defendant.

02


No Alternative Prosecution

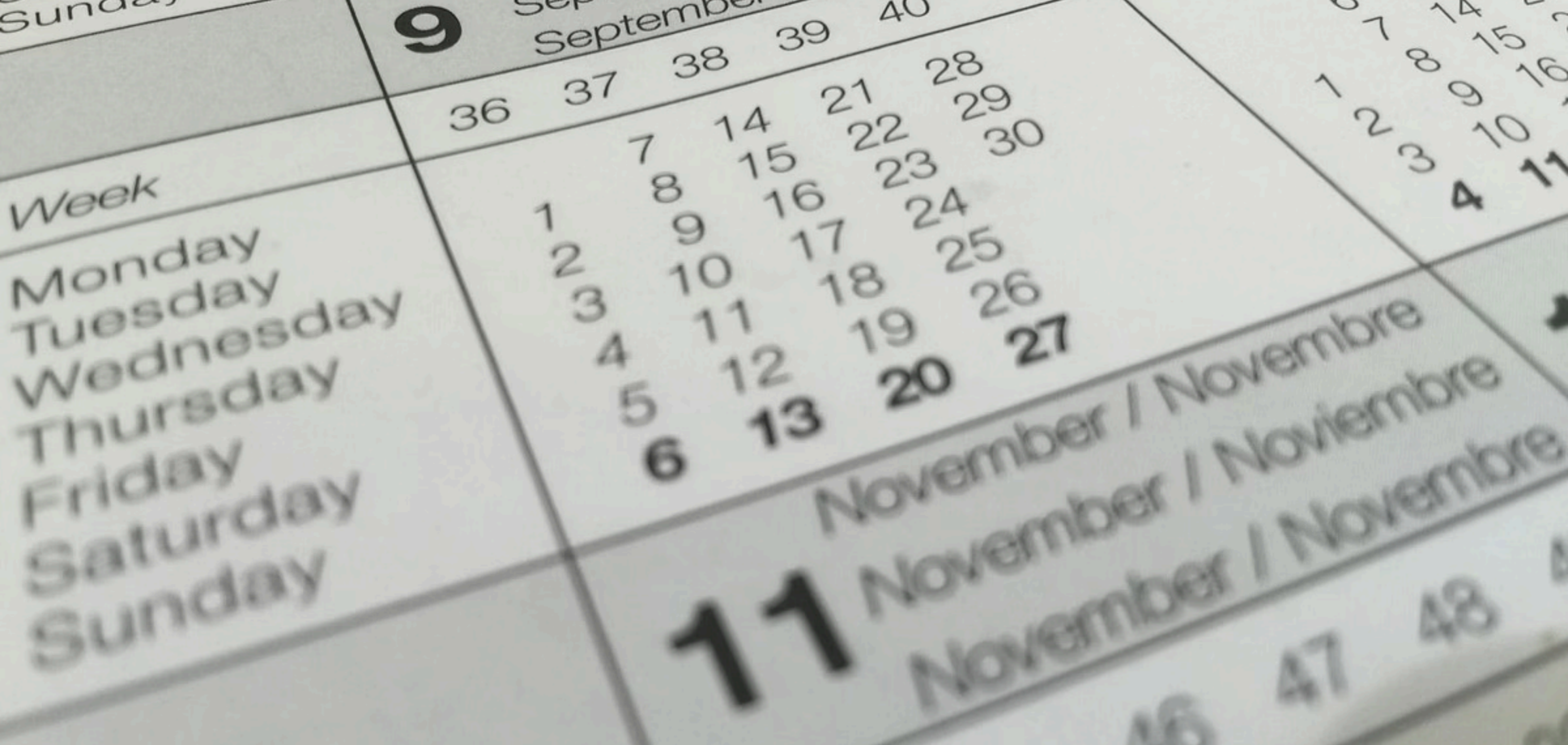
No prosecution under other Acts for same incident.

03

Written Notification

Received confirmation regulator won't take action.

-  Court leave required if enforcement action already taken.



Critical Time Limits

1

2 Years

From when incident became known to regulator.

2

6 Months

After coroner completes certificate of findings.

3

3 Months

From expiry of any regulator extension granted.

Three Prosecution Offences

1

Reckless Conduct

Exposing individuals to death/serious harm risk recklessly.

Max fine: £3M

2

Duty Failure with Exposure

Failing duty that exposes to death/serious harm risk.

Max fine: £1.5M

3

General Duty Failure

Failing to comply with health and safety duty.

Max fine: £500K



Protect Your Business



Know Your Rights

Strict time limits and formal requirements protect you.



Seek Specialist Advice

Professional guidance essential when facing prosecution.



Burden of Proof

Prosecution must meet high standards to succeed.

Need Expert Support?

Don't navigate private prosecutions alone. Get specialist advice tailored to your situation.

[Contact HR Unlocked](#)

Remember: This guide isn't comprehensive. Always seek professional advice for your specific circumstances.