

Work Health and Safety and Other Legislation Amendment Bill 2023

Statement of Compatibility

For

Amendments to be moved during consideration in detail by the Honourable Grace Grace MP, Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Grace Grace MP, Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing, make this statement of compatibility with respect to amendments to be moved during consideration in detail of the Work Health and Safety and Other Legislation Bill 2023 (the Bill).

In my opinion, the amendments to be moved during consideration in detail are compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the amendments

The amendments to be moved during consideration in detail of the Bill propose to:

- omit clause 8 which had sought to amend section 21 (Reckless conduct – category 1) of the *Safety in Recreational Water Activities Act 2011* (SRWA Act) to include negligence as a fault element in the Category 1 offence, in addition to reckless conduct; and
- omit clause 16 which had sought to amend section 31 (Reckless conduct – category 1) of the *Work Health and Safety Act 2011* (WHS Act) to include negligence as a fault element in the Category 1 offence, in addition to reckless conduct.

In February 2024, the independent Work Health and Safety Prosecutor completed the *Review to examine the scope and application of the industrial manslaughter provisions in the Work Health and Safety Act 2011* (the Industrial Manslaughter Review). The Industrial Manslaughter Review recommended amendments to the WHS Act to improve and strengthen the industrial manslaughter offence and provide alternative verdicts in the WHS Act. The amendments to remove these clauses from the Bill will enable the government to consider implementation of

recommendations from the Industrial Manslaughter Review and amendments to the Category 1 offence in the WHS Act and SRWA Act in a comprehensive manner.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

There are no human rights implications related to these amendments to be moved during consideration in detail due to their technical nature.

Conclusion

In my opinion, the amendments to be moved during consideration in detail for the Bill are compatible with human rights under the *Human Rights Act 2019* as they do not limit a human right.

GRACE GRACE MP
MINISTER FOR STATE DEVELOPMENT AND INFRASTRUCTURE
MINISTER FOR INDUSTRIAL RELATIONS AND
MINISTER FOR RACING

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