

Work Health and Safety and Other Legislation Amendment Act 2017

Explanatory notes for Subordinate Legislation 2017 No. 225

made under the

Work Health and Safety and Other Legislation Amendment Act 2017

General Outline

Short title

Proclamation commencing provisions in the *Work Health and Safety and Other Legislation Amendment Act 2017* (WHSOLA Act).

Authorising law

Section 2(2) of the WHSOLA Act.

Policy objectives and the reasons for them

Section 2(2) of the WHSOLA Act provides that Part 2, division 4 commences on a day to be fixed by proclamation. This section applies to a number of provisions that relate to dispute resolution, right of entry, and the Work Health and Safety Prosecutor. The sections being proclaimed only apply to provisions relating to dispute resolution and right of entry. These provisions are to commence on proclamation following the preparation of policies, procedures and training materials for inspectors. These materials will be available by 13 November 2017.

The policy objective of matters contained in the WHSOLA Act are provided for in the Explanatory Notes accompanying the Work Health and Safety and Other Legislation Amendment Bill 2017. The policy objective of this Proclamation is to commence the provisions of the WHSOLA Act relating to dispute resolution and right of entry on 13 November 2017.

Achievement of policy objectives

The policy objectives of the Proclamation will be achieved by commencement of the section 2(2) of the WHSOLA Act as it applies to sections 28-36, 38, 41, 46-47, 50 (new sections 312, 319, and 320), 52, and 53 (definitions for dispute, relevant union and WHS matter).

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the WHSOLA Act.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with any policy objectives of other legislation.

Benefits and costs of implementation

As indicated in the Explanatory Notes that accompanied the Work Health and Safety and Other Legislation Amendment Bill 2017, there will be minimal costs to Government associated with the amendments, as these will be met within existing resources of the department.

Consistency with fundamental legislative principles

Issues in relation to the WHSOLA Act which may infringe fundamental legislative principles were raised in the Explanatory Notes accompanying the Work Health and Safety and Other Legislation Amendment Bill 2017. The Proclamation raises no issues with regard to fundamental legislative principles.

Consultation

Extensive consultation occurred with all relevant stakeholders in the preparation of the WHSOLA Act and prior to its passage. Further consultation in relation to the making of the Proclamation is not necessary.

The Office of Best Practice Regulation within the Queensland Productivity Commission was consulted on the WHSOLA Act. Under the Queensland Government Guide to Better Regulation, Queensland Treasury self-assessed the Proclamation as falling within the agency-assessed exclusion category (g), 'regulatory proposals that are of a machinery nature'.