

Proclamation – Work Health and Safety and Other Legislation Amendment Act 2024

Explanatory notes for SL 2024 No. 50

Made under the

Work Health and Safety and Other Legislation Amendment Act 2024

General outline

Short title

Proclamation commencing certain provisions of the *Work Health and Safety and Other Legislation Amendment Act 2024*.

Authorising law

Section 2 of the *Work Health and Safety and Other Legislation Amendment Act 2024*.

Policy objectives and the reasons for them

The *Work Health and Safety and Other Legislation Amendment Act 2024* (WHSOLA Act) was assented to on 28 March 2024. The objective of the Proclamation is to commence certain provisions of the WHSOLA Act. The provisions commenced by Proclamation amend the *Work Health and Safety Act 2011* (WHS Act) and the *Safety in Recreational Water Activities Act 2011* (SRWA Act) to give effect to recommendations of the *Review of the Work Health and Safety Act 2011- Final Report 2022* (WHS Act Review) and recommendations of the national *2018 Review of the Model Work Health and Safety Laws* (Boland Review). In particular, the provisions commenced by Proclamation:

- amend the WHS Act to:
 - clarify the suitable entities which may represent and assist workers and health and safety representatives;
 - clarify WHS entry permit holder rights that may be exercised;
 - enable the Work Health and Safety Prosecutor to authorise an appropriately qualified member of staff to bring proceedings;
 - provide for reviews of approved codes of practice at least every five years;
 - provide a new method for the establishment of industry sector standing committees under the WHS Act;

- re-name the Work-related Fatalities and Serious Incidents Consultative Committee to become the Consultative Committee for Work-related Fatalities and Serious Incidents;
 - extend the 12 month deadline, to 18 months, for a person to request the Work Health and Safety Prosecutor bring a prosecution for a Category 1 or 2 offence; and
 - make minor technical amendments to enhance operation and administration of the WHS Act.
- make a minor amendment to section 41 (Confidentiality of information) of the SRWA Act to enhance the operation and administration of the SRWA Act.

Other provisions in the WHSOLA Act will commence by Proclamation at a later date.

Achievement of policy objectives

The policy objective is achieved by fixing 20 May 2024 as the commencement date for the relevant provisions in the WHSOLA Act.

Consistency with policy objectives of authorising law

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

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

The Proclamation is the only effective means of achieving the policy objective.

Benefits and costs of implementation

The benefit of implementation of the Proclamation is to commence the specified provisions of the WHSOLA Act to clarify and enhance the work health and safety legislative framework. The commencement of the provisions is not expected to present any additional costs to government.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

A Summary Impact Analysis Statement has been completed that identifies that the Proclamation is not subject to regulatory impact assessment requirements under the *Queensland Government Better Regulation Policy* as it is a regulatory proposal that is machinery in nature commencing particular provisions of the WHSOLA Act.