

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

Explanatory notes for SL 2024 No. 118

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 objective of the proclamation is to commence certain provisions of the *Work Health and Safety and Other Legislation Amendment Act 2024* (WHSOLA Act). The provisions commenced by the proclamation amend the *Work Health and Safety Act 2011* (WHS Act) and the *Safety and 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* (the WHS Act Review) and recommendations of the national *2018 Review of the Model Work Health and Safety Laws* (the Boland Review).

In particular, the provisions commenced by the proclamation will amend the WHS Act to:

- strengthen and promote the role of health and safety representatives (HSRs), including to clarify their powers and functions;
- enable HSRs to choose their training provider;
- clarify and streamline issue and dispute resolution processes;
- clarify the establishment of a health and safety committee (HSC) and an inspector's role if the constitution of a HSC cannot be agreed;

- extend the definition of “discriminatory conduct” to include treating a worker less favourably than other workers of the person;
- change the jurisdiction from the Magistrates Court to the Queensland Industrial Relations Commission (the Commission) for certain work health and safety disputes;
- give standing to certain entities, such as relevant unions, to apply for an order for a contravention of a work health and safety civil penalty provision; and
- change the types of decisions that may be reviewed, and clarifying the costs that can be ordered by the Commission in reviewing decisions.

A further provision commenced by proclamation will make a minor consequential amendment to the SRWA Act to reflect changes made to the WHS Act under the WHSOLA 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 29 July 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**

Commencing the specified provisions of the WHSOLA Act will 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 provisions of the WHSOLA Act.