

Work Health and Safety (Codes of Practice) (Amusement Devices and Concrete Pumping) Amendment Notice 2023

Human Rights Certificate

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

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, Grace Grace, Minister for Education, Minister for Industrial Relations and Minister for Racing, provide this human rights certificate with respect to the *Work Health and Safety (Codes of Practice) (Amusement Devices and Concrete Pumping) Amendment Notice* (the WHS Amendment Notice) made under the *Work Health and Safety Act 2011* (WHS Act).

In my opinion, the WHS Amendment Notice is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Making the WHS Amendment Notice fulfils a requirement under section 274 of the WHS Act for the Minister to give notice of the approval, variation or revocation of a code of practice.

The WHS Amendment Notice amends the *Work Health and Safety (Codes of Practice) Notice 2022* (WHS Notice) by:

- amending the entry for the Concrete Pumping Code of Practice 2019 (Concrete Pumping Code) to provide notice of a variation to the code taking effect on 1 September 2023; and
- including a new entry for the Amusement Devices Code of Practice 2023 (the Amusement Devices Code) to provide notice the code has been approved to take effect on 1 February 2024.

The variation to the Concrete Pumping Code is a minor amendment to correct a technical error and restore consistency with the *Work Health and Safety Regulation 2011*.

The Amusement Devices Code provides clarity and certainty for duty holders about their obligations to eliminate or minimise risks associated with amusement devices at workplaces. The code is consistent with the object of the WHS Act to protect workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work or from particular types of plant.

Human Rights Issues

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

Human rights considerations have been assessed under the HR Act. The WHS Amendment Notice is consistent with the object of the WHS Act to protect workers and other persons from

harm to their health, safety and welfare (section 3, WHS Act), and protects human rights, specifically the right to life and the right not to be arbitrarily deprived of life (section 16, HR Act).

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

The WHS Amendment Notice does not limit human rights under the HR Act. Therefore, it is not necessary to consider section 13 of the HR Act.

Conclusion

I consider that the WHS Amendment Notice is compatible with the HR Act.

GRACE GRACE MP
MINISTER FOR EDUCATION
MINISTER FOR INDUSTRIAL RELATIONS AND
MINISTER FOR RACING

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