

Work Health and Safety (Codes of Practice) (Respirable Dust in Coal Fired Power Stations) 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) (Respirable Dust in Coal Fired Power Stations) Amendment Notice 2023* (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 public notice of the approval, variation or revocation of a code of practice. The Notice serves as a public record of decisions the Minister is authorised to make in relation to codes of practice.

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

1. revokes the *Managing respirable dust hazards in coal-fired power stations Code of Practice 2018*
2. approves the *Managing respirable dust hazards in coal-fired power stations Code of Practice 2023*

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 provides for improved health and safety standards for workers and supports 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 introduction of 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 as it does not raise a human rights issue.

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

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