

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

## 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*, I, Grace Grace MP, Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing, provide this human rights certificate with respect to the proclamation made under section 2 of the *Work Health and Safety and Other Legislation Amendment Act 2024* (the WHSOLA Act).

In my opinion, the proclamation as tabled in the Legislative Assembly, 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

The Proclamation fixes 20 May 2024 as the commencement day for certain provisions of the WHSOLA Act. The provisions commenced by the Proclamation:

- amend the *Work Health and Safety Act 2011* (WHS Act) to:
  - clarify the suitable entities which may represent and assist workers;
  - 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 *Safety in Recreational Water Activities Act 2011* (SRWA Act) to enhance operation and administration of the SRWA Act.

### Human Rights Issues

#### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3, HR Act)

I have considered each of the rights protected by part 2 of the HR Act. In my opinion, the Proclamation does not engage or limit human rights.

A full assessment of the amendments was undertaken in the Human Rights Statement of Compatibility for the WHSOLA Act.

## **Conclusion**

I consider that the Proclamation of the *Work Health and Safety and Other Legislation Amendment Act 2024* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**GRACE GRACE MP**  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing

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