

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* (the HR Act), 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* (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

This proclamation commences 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.

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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