

# Work Health and Safety and Other Legislation Amendment (Postponement) Regulation 2025

## 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, Jarrod Bleijie, Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations, provide this human rights certificate with respect to the *Work Health and Safety and Other Legislation Amendment (Postponement) Regulation 2025* (Postponement Regulation) made under the *Acts Interpretation Act 1954* and the *Work Health and Safety and Other Legislation Amendment Act 2024* (WHSOLA Act).

In my opinion, the Postponement Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The Postponement Regulation postpones commencement of certain provisions of the WHSOLA Act to 29 March 2026.

The WHSOLA Act received Royal Assent on 28 March 2024. A staged commencement was planned to allow industry representatives, businesses and the Government a reasonable timeframe for implementation given the scale of the reforms. Provisions in the WHSOLA Act commenced either on assent or by the following proclamation:

- on 20 May 2024 by the *Proclamation No. 1—Work Health and Safety and Other Legislation Amendment Act 2024*, and
- on 29 July 2024 by the *Proclamation No. 2—Work Health and Safety and Other Legislation Amendment Act 2024*.

Sections 9, 52, 64(1), 68 and the schedule 1, item 1 of the WHSOLA Act 2024 have not yet commenced.

Section 2 of WHSOLA Act states these provisions are to commence on a day to be fixed by proclamation.

Under section 15DA(2) of the *Acts Interpretation Act 1954*, these provisions will automatically commence on 29 March 2025 unless the Postponement Regulation is made.

Sections 9, 52 and 64(1) of the WHSOLA Act are related to a new section 155A (Power of the regulator to give particular information to particular persons) of the *Work Health and Safety Act 2011* (WHS Act) which, if commenced, would allow a health and safety representative or work health and safety entry permit holder to request information contained in an enforcement notice from the regulator.

Section 68 of the WHSOLA Act amends the definition of *high risk plant* in schedule 1, part 1 (Dangerous goods and high risk plant) of the WHS Act to enable *high risk plant* to be prescribed by regulation. Schedule 1, item 1 of the WHSOLA Act is a related consequential amendment to the definition of *cooling tower* in the *Public Health Act 2005*.

The Postponement Regulation postpones the automatic commencement of these provisions to allow further time for the Office of Industrial Relations to consider the most effective means of implementing these changes.

## Human Rights Issues

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

No human rights have been identified as being engaged or limited by the Postponement Regulation.

## Conclusion

I consider the *Work Health and Safety and Other Legislation Amendment (Postponement) Regulation 2025* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**Jarrold Bleijie MP**  
Deputy Premier  
Minister for State Development, Infrastructure and Planning  
Minister for Industrial Relations