



Queensland

Work Health and Safety (Postponement) Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 62

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Postponement) Amendment Regulation (No. 1) 2012.

Authorising law

Section 15DA of the *Acts Interpretation Act 1954*

Section 2 of the *Work Health and Safety Act 2011*

Policy objectives and the reasons for them of the legislation

The harmonisation of work health and safety laws is part of the Council of Australian Governments' National Reform Agenda aimed at reducing the regulatory burden and creating a seamless national economy. Under the 'Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety', the *Work Health and Safety Act 2011* (WHS Act), regulations and supporting codes of practice (other than electrical) commenced on 1 January 2012.

The WHS Act received assent on 6 June 2011, to commence on a day fixed by proclamation. Consequently, a Proclamation made on 24 November 2011, fixed the date of 1 January 2012 for the commencement of this Act, other than provisions of the Act stated in the schedule of the Proclamation. These excluded provisions included -

- schedule 4, Part 1, under heading '*Transport (Rail Safety) Act 2010*, and
- schedule 4, part 1, under heading '*Transport (Rail Safety) Act 2010*', item 6 to the extent that it amends *Transport (Rail Safety) Act 2010*, section 6(3) example.

The uncommenced provisions are consequential amendments to the *Transport (Rail Safety) Act 2010* of a minor nature. The amendments relate to terms used in the *Electrical Safety Act 2002* and would replace the terms 'obligation' and 'electrical safety obligation' with 'duty' and 'electrical safety duty' respectively.

These provisions did not commence as they are contingent on the *Electrical Safety Act 2002* being amended to be consistent with the harmonised national model work health and safety legislation. Under the *Acts Interpretation Act 1954* (AIA), these uncommenced provisions of the WHS Act would commence automatically on 7 June 2012. However, the *Electrical Safety Act 2002* has not yet been amended to be consistent with the harmonised national model work health and safety legislation. Consequently, a regulation extending the date for automatic commencement by one year, as provided for under section 15DA(3) of the AIA, is required.

Achievement of policy objectives

The postponement of the commencement of the provisions in the WHS Act which make minor consequential amendments to the *Transport (Rail Safety) Act 2010* will ensure consistency in terms used in that Act and the *Electrical Safety Act 2002*. The postponement regulation would provide for the provisions to commence on 7 June 2013.

Consistency with policy objectives of authorising law

The postponement regulation is consistent with the main objectives of the WHS Act, section 3(g) which is to provide a framework for continuous improvement and progressively higher standards of work health and safety.

Inconsistency with policy objectives of other legislation

None have been identified.

Benefits and costs of implementation

There will be no identified impacts on the community as a result of the postponement regulation.

Consistency with fundamental legislative principles

The postponement regulation does not conflict with any fundamental legislative principles.

Consultation

Queensland Treasury and Trade was consulted regarding the postponement regulation being excluded from Regulatory Assessment Statement system on the basis that the regulation is of a machinery nature and relates to uncommenced consequential amendments. Queensland Treasury supports this approach which is consistent with the Queensland *Regulatory Assessment Statement System Guidelines*.

The Department of Transport and Main Roads supports the postponed commencement of the minor consequential amendments to the *Transport (Rail Safety) Act 2010*.

Notes on provisions

Clause 1 provides the short title of the regulation.

Clause 2 provides that this regulation amends the *Work Health and Safety (Postponement) Regulation 2012*.

Clause 3 amends section 2 which references the *Act Interpretation Act 1954*, section 15DA(2) and provides that the period before automatic commencement of the postponed laws is extended to the end of 6 June 2013.

The clause inserts additional parts of Schedule 4 of the WHS Act which relate to amendments to the *Transport (Rail Safety) Act 2010* into the definition of 'postponed law'. This means these parts will not commence until 7 June 2013.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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