

Work Health and Safety (Codes of Practice) Notice 2022

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) Notice 2022* (the Notice) made under the *Work Health and Safety Act 2011* (WHS Act).

In my opinion, the 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 Notice fulfils a requirement under section 274 of the WHS Act for the Minister to give notice of approving, varying or revoking 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 Work Health and Safety (Codes of Practice) Notice 2011 (the existing notice) automatically expires on 1 September 2022 under section 54 of the *Statutory Instruments Act 1992*. The existing notice is being repealed and replaced to retain a record of notification of approved codes of practice under the WHS Act. Repealing the existing notice prior to its expiry on 1 September 2022 enables the Notice to commence on 1 August 2022.

Varying the Work Health and Safety Consultation, Cooperation and Coordination Code of Practice 2021

The Notice also provides notification of the Minister varying the Work Health and Safety Consultation Cooperation and Coordination Code of Practice 2021 (the Consultation Code) under section 274 of the *Work Health and Safety Act 2011*.

The Consultation Code is one of several model codes of practice adopted in Queensland. Model codes of practice are developed by Safe Work Australia (SWA) in consultation with jurisdictions, which are invited to adopt model codes under their legislation to contribute to the national harmonisation of work health and safety (WHS) laws.

In 2018, SWA engaged Marie Boland to conduct a review of the model WHS laws. The Boland Review examined how the model WHS laws were operating in practice and made a number of recommendations to provide clarity and to drive greater consistency in their application and enforcement across jurisdictions. Recommendations 6, 7a and 11 required amendments to the model Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice (model Consultation Code) to provide practical examples and greater clarity about how

businesses can meet their duties under the WHS Act in relation to consultation on work health and safety issues.

SWA has updated the model code of practice to implement the recommendations and the variations to the Consultation Code are consistent with the updated model code of practice.

For the varied Consultation Code to take effect in Queensland, the Notice must be amended to record the variation to the Consultation Code.

Human Rights Issues

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

The Notice does not engage or limit any human rights.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

The Notice does not limit any human rights protected under the HR Act. Therefore, it is not necessary to consider section 13 of the HR Act.

Conclusion

I consider that the 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