



Education, Employment and Small Business Committee

Report No. 11, 56th Parliament

Subordinate legislation tabled between 19 September and 30 October 2018

1 Aim of this report

This report summarises the committee's examination of subordinate legislation tabled from 19 September to 30 October 2018. It reports on any issues identified by the committee in relation to the policy to be given effect by the legislation, its consistency with fundamental legislative principles (FLPs), and its lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
157	Work Health and Safety and Other Legislation Amendment (Postponement) Regulation 2018	30 October 2018	28 March 2019

3 Committee consideration of the subordinate legislation

The committee has examined the policy to be given effect by the subordinate legislation, the application of FLPs, and its lawfulness. No issues regarding consistency with FLPs or the lawfulness of the subordinate legislation were identified in respect of subordinate legislation (SL) No. 157.

3.1 Work Health and Safety and Other Legislation Amendment (Postponement) Regulation 2018– SL No. 157

The Work Health and Safety and Other Legislation Amendment (Postponement) Regulation 2018 (the Regulation) was tabled on 30 October 2018, with a disallowance date of 28 March 2019.

The objective of the Regulation is to postpone the automatic commencement of the uncommenced provisions of the *Work Health and Safety and Other Legislation Amendment Act 2017* (WHSOLA Act) to the end of 23 October 2019.¹

The *Acts Interpretation Act 1954* provides for the automatic commencement of uncommenced provisions of an Act within one year of the assent day unless extended by regulation.²

The uncommenced provisions of the WHSOLA Act are to establish the office and role of the Work Health and Safety Prosecutor (WHS prosecutor) and were to commence by proclamation.

Commencing these provisions prior to the appointment of the WHS prosecutor would remove the ability for the Work Health and Safety Regulator (WHS regulator) to prosecute breaches of the *Work*

¹ Explanatory notes, p 1.

² For further details see sections 15DA(2) and 15DA(3) of the *Acts Interpretation Act 1954*.

Health and Safety Act 2011.³ The explanatory notes state that the postponement of the provisions will ensure breaches are still able to be prosecuted by the WHS regulator until a WHS prosecutor is appointed.⁴

The postponed law will automatically commence on 24 October 2019.⁵ The Regulation will expire on 25 October 2019.⁶

Explanatory notes

The Queensland Productivity Commission's Office of Best Practice Regulation (OBPR) was consulted on the Regulation and agreed with the Office of Industrial Relations self-assessment that the Regulation was machinery in nature and consultation was not considered necessary.⁷

The explanatory notes tabled with the Regulation comply with section 24 of the LSA.

4 Recommendation

The committee recommends that the Legislative Assembly notes this report.



Leanne Linard MP

Chair

February 2019

Education, Employment and Small Business Committee

Chair	Ms Leanne Linard MP, Member for Nudgee
Deputy Chair	Mrs Jann Stuckey MP, Member for Currumbin
Members	Mr Bruce Saunders MP, Member for Maryborough
	Mrs Simone Wilson MP, Member for Pumicestone
	Mr Michael Healy MP, Member for Cairns
	Mr Nick Dametto, Member for Hinchinbrook

³ Explanatory notes, p 1.

⁴ Explanatory notes, p 2.

⁵ Work Health and Safety and Other Legislation Amendment (Postponement) Regulation, s 2(2).

⁶ Work Health and Safety and Other Legislation Amendment (Postponement) Regulation, s 3.

⁷ Explanatory notes, p 2.