

Education, Employment and Training Committee

Report No. 30, 57th Parliament

Subordinate legislation tabled between 13 October and 10 November 2022

1 Aim of this report

This report summarises the findings of the Education, Employment and Training Committee (the committee) following its examination of subordinate legislation within its portfolio areas.

It reports on any issues identified by the committee relating to:

- the policy to be given effect by the legislation
- its consistency with fundamental legislative principles
- its compatibility with human rights
- its lawfulness.

It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA), and the human rights certificates with the *Human Rights Act 2019* (HRA).

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
141	Work Health and Safety (Psychosocial Risks) Amendment Regulation 2022	25 October 2022	14 March 2023
154	Work Health and Safety (Codes of Practice) Amendment Notice 2022	10 November 2022	18 April 2023

*Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

3 Committee consideration of the subordinate legislation



The committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, human rights compatibility, or lawfulness of the subordinate legislation covered by this report.

The committee considers that:

- the explanatory notes tabled with the subordinate legislation comply with the requirements of part 4 of the LSA
- the human rights certificates tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with the HRA.

The following sections provide a brief overview of the subordinate legislation.

4 SL No. 141 – Work Health and Safety (Psychosocial Risks) Amendment Regulation 2022

The objective of the Work Health and Safety (Psychosocial Risks) Amendment Regulation 2022 (SL No. 141) is to give effect to the Model Work Health and Safety Regulations (model WHS regulations) for psychological risks in Queensland.



In 2018, Safe Work Australia conducted a review of the model health and safety laws. That review recommended amending the model WHS regulations to deal with how to identify the psychosocial risks associated with psychological injury and the appropriate control measures to manage those risks.¹ In June 2022, the model WHS regulations were amended to implement this recommendation.

SL No. 141 achieves its objective by inserting new division 11 in part 3.2 of the Work Health and Safety Regulation 2011. This will:

- define psychosocial hazard and psychosocial risk (new sections 55A and 55B)
- impose a duty on a person conducting a business or undertaking to manage psychosocial risks under part 3.1 (new section 55C)
- specify matters that a person conducting the business or undertaking must have regard to in determining the control measures to implement (new section 55D).

5 SL No. 154 – Work Health and Safety (Codes of Practice) Amendment Notice 2022

The Work Health and Safety (Codes of Practice) Amendment Notice 2022 (SL No. 154) approves 2 new codes of practice under the *Work Health and Safety Act 2011* (WHS Act):

- Managing respirable crystalline silica dust exposure in construction and manufacturing of construction elements Code of Practice 2022 (Silica code)
- Managing the risk of psychosocial hazards at work Code of Practice 2022 (Psychosocial hazards code).

SL No. 154 also amends the Work Health and Safety (Codes of Practice) Notice 2022 to include the Silica code and Psychosocial hazards code as approved codes of practice.



An approved code of practice is admissible in a proceeding for an offence under the WHS Act as evidence of whether or not a duty or obligation under that Act has been complied with.²

Under the WHS Act, the Minister must publicise the approval of new codes of practice and the regulator must make copies freely available to the public.³

6 Recommendation

The committee recommends that the Legislative Assembly notes this report.

Kim Richards MP
Chair

January 2023

¹ Safe Work Australia, *Review of the model WHS laws – Final report*, 20 March 2020.

² WHS Act, s 275.

³ WHS Act, s 274(5), (6).

Education, Employment and Training Committee

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