1. The harmonisation of work health and safety (WHS) laws is part of the Council of Australian Governments’ National Reform Agenda aimed at reducing the regulatory burden and creating a seamless national economy. The objects of harmonising WHS laws through a model framework are to protect the health and safety of workers, improve safety outcomes, reduce compliance costs for business, and improve efficiency for safety regulators.
2. The national model Workplace Health and Safety Act (model WHS Act) was developed in consultation with all jurisdictions, industry and union representatives. In addition to being released for public comment nationally, the Department of Justice and Attorney General has conducted extensive consultation with Queensland stakeholders.
3. The Work Health and Safety Bill 2011 (WHS Bill) will give effect to the model WHS Act developed and agreed under the Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety. In accordance with the national Partnership Agreement, jurisdictions must enact the model WHS Act by 1 January 2012.
4. In summary the WHS Bill will:
* repeal the *Workplace Health and Safety Act 1995*;
* repeal the *Dangerous Goods Safety Management Act 2001* as dangerous chemicals and major hazard facilities will be regulated under the model WHS regulations; and
* amend the *Electrical Safety Act 2002* to ensure consistency with the WHS Bill.
1. The WHS Bill also gives effect to a number of amendments including:
* a technical amendment to the definition of ‘asbestos’ to clarify that only asbestiform mineral silicates are considered ‘asbestos’ for the purposes of the above legislation; and
* transfer of the provisions for the building and construction fee from the current Workplace Health and Safety Regulation 2008 to the *Building and Construction Industry (Portable Long Service Leave) Act 1991* to maintain this revenue stream and support workplace health and safety compliance and awareness initiatives in this industry; and
* amending the *Workers’ Compensation and Rehabilitation Act 2003* to implement the recommendation of the *Report of the Structural Review of Institutional and Working Arrangements in Queensland’s Workers’ Compensation Scheme* to provide for a review of the workers’ compensation scheme every five years, to strengthen insurance and data collection arrangements in the construction industry, and to protect workers’ entitlements to accrue leave while on workers’ compensation.
1. In addition, it was decided nationally that the model WHS Act would not include specific regulations or codes of practice for recreational diving and snorkelling as the majority of jurisdictions were of the view to include such regulations would shift the focus of the laws further in favour of regulating public safety than those jurisdictions currently do.
2. As a result, it is necessary in Queensland to establish stand alone recreational underwater diving and snorkelling legislation to maintain the high standards in this industry. Currently, recreational underwater diving and snorkelling activities are regulated under the *Workplace Health and Safety Act 1995*. No other State or Territory regulates this industry under their WHS laws.
3. Cabinet approved that the Work Health and Safety Bill 2011 and the Safety in Recreational Water Activities Bill 2011 be introduced into the Legislative Assembly.
4. *Attachments*
* [Work Health and Safety Bill 2011](Attachments/WorkHealthSaB11.pdf) and [Explanatory notes](Attachments/WorkHealthSaB11Exp.pdf).
* [Safety in Recreational Water Activities Bill 2011](Attachments/SafeRecWAB11.pdf) and [Explanatory notes](Attachments/SafeRecWAB11Exp.pdf).