

40TH PARLIAMENT



Report 125

STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

*Work Health and Safety Bill 2019 and Safety Levies Amendment Bill 2019
- Extension of time*

Presented by
Hon Michael Mischin MLC (Chairman)
April 2020

Standing Committee on Uniform Legislation and Statutes Review

Members as at the time of this inquiry:

Hon Michael Mischin MLC (Chairman)

Hon Pierre Yang MLC (Deputy Chair)

Hon Laurie Graham MLC

Hon Robin Scott MLC

Staff as at the time of this inquiry:

Felicity Mackie (Advisory Officer (Legal))

David Graham (Committee Clerk)

Address:

Parliament House

4 Harvest Terrace, West Perth WA 6005

Telephone: 08 9222 7300

Email: lcco@parliament.wa.gov.au

Website: www.parliament.wa.gov.au

ISBN 978-1-925578-92-8



Work Health and Safety Bill 2019 and Safety Levies Amendment Bill 2019

Extension of time

On 20 February 2020, the Legislative Council referred the:

- Work Health and Safety Bill 2019 (WHS Bill)
- Safety Levies Amendment Bill 2019 (SLA Bill)

to the Standing Committee on Uniform Legislation and Statutes Review (Committee) for consideration and report. The original reporting date was 12 May 2020, the next sitting day after the 45 day period mandated by Standing Order 126. The WHS Bill and the SLA Bill are intended to be debated cognately in the Legislative Council.¹ The Committee intends to consider both bills in its report.

The WHS Bill seeks to introduce a single legislative framework for work health and safety (WHS) in Western Australia covering both general industry and the resources sector. It is based on model WHS legislation with modifications for Western Australia.

The SLA Bill amends the *Mines Safety and Inspection Act 1994* and the *Petroleum and Geothermal Energy Safety Levies Act 2011* to ensure the levies raised in those Acts are correctly imposed after amendments made as a consequence of the WHS Bill. The SLA Bill preserves the power to impose the safety levies.

The Committee has identified Parliamentary sovereignty issues raised by the WHS Bill. These include:

- commencement by proclamation
- the use of Henry VIII clauses
- provision for codes of practice to apply, adopt or incorporate anything in a document formulated, issued or published by a person or body other than Parliament as in force from time to time
- possible sub-delegation of legislation-making power.

On 3 April 2020, the Committee resolved that in the event the Legislative Council is recalled prior to 12 May 2020, the Committee is to seek an extension of time in which it is to report on the bills to the Legislative Council. On 6 April 2020, the President recalled the Legislative Council to meet on 16 April 2020. The extension of time is requested due to the Legislative Council being recalled prior to the Committee's original reporting date of 12 May 2020.

The Committee therefore seeks an extension of time in which to report on the WHS Bill and the SLA Bill from 16 April 2020 to 19 May 2020 or the first sitting date thereafter.

Hon Michael Mischin MLC
Chairman

¹ Hon Sue Ellery MLC, Leader of the House, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 20 February 2020, p 914.

Standing Committee on Uniform Legislation and Statutes Review

Date first appointed:

17 August 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

'6. Uniform Legislation and Statutes Review Committee

- 6.1 *A Uniform Legislation and Statutes Review Committee is established.*
- 6.2 The Committee consists of 4 Members.
- 6.3 The functions of the Committee are –
 - (a) to consider and report on Bills referred under Standing Order 126;
 - (b) on reference from the Council, to consider or review the development and formulation of any proposal or agreement whose implementation would require the enactment of legislation made subject to Standing Order 126;
 - (c) to review the form and content of the statute book; and
 - (d) to consider and report on any matter referred by the Council.
- 6.4 In relation to function 6.3(a) and (b), the Committee is to confine any inquiry and report to an investigation as to whether a Bill or proposal may impact upon the sovereignty and law-making powers of the Parliament of Western Australia.'



Parliament House,
4 Harvest Terrace, West Perth WA 6005
Telephone: +61 8 9222 7300
Email: lcco@parliament.wa.gov.au
Website: <http://www.parliament.wa.gov.au>