



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Elizabeth Kikkert MLA (Chair), Michael Pettersson MLA (Deputy Chair),
Andrew Braddock MLA

Submission Cover Sheet

Inquiry into Work Health and Safety Amendment Bill 2022

Submission Number: 02

Date Authorised for Publication: 20 January 2023



Speaker

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Work Health and Safety Act Amendment Bill 2022

Dear Secretary,

Thank you for your letter of 18 January 2022 inviting me to make a submission to the committee's inquiry into the Work Health and Safety Act Amendment Bill 2022.

I support the intention of the Bill to make clear that the *Work Health and Safety Act 2011* applies to MLAs, and those workers who support MLAs in the exercise of their functions. It has been my consistent view that the Act does apply in such a way but the intention to add additional clarity is welcomed.

As Speaker, I also wish to ensure that there is no diminution or abrogation of the powers, privileges and immunities of the Assembly, its committees, and its members. To that end I have prepared amendments to the bill (see attached). The amendments are designed to make clear that nothing in the WHS Act abrogates parliamentary privilege and nor does the Act confer any power to prohibit or interrupt Assembly proceedings.

I believe that both policy objectives—the need to provide clarity about the operation of the Act and the need to provide clarity about the effective and independent operation of parliamentary proceedings—can, and ought to, operate harmoniously.

Many of the relevant matters associated with the committee's inquiry have been canvassed extensively both in the Assembly and in the proceedings of the Privileges Committee 2022. I refer you to the submissions I, and the Office of the Legislative Assembly, made to that committee about the importance of parliamentary privilege in protecting the independent functioning of the legislative branch of government. I also note that the bill and my amendments have been considered by the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role).

I wish the committee all the best with its inquiry.

[Redacted]

Joy Burch MLA
Speaker of the Legislative Assembly
19 January 2022

**Australian Capital Territory
Legislative Assembly**

Work Health and Safety Amendment Bill 2022

Amendments to be moved by the Speaker

1
Clause 4
Proposed new section 273A heading
Page 2, line 10—

omit the heading, substitute

273A Relationship with Legislative Assembly

2
Clause 4
Proposed new section 273A (2) and (3)
Page 2, line 15—

insert

- (2) Nothing in this Act limits any power, privilege or immunity given under the Self-Government Act, section 24 to—
 - (a) the Legislative Assembly; or
 - (b) a committee of the Legislative Assembly; or
 - (c) a member of the Legislative Assembly.
- (3) Without limiting subsection (2), nothing in this Act gives the regulator or anyone else exercising a function under this Act the power to prohibit or otherwise interrupt a proceeding of the Legislative Assembly or any of its committees.