

2011

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Amanda Bresnan)

Work Health and Safety (Bullying) Amendment Bill 2011

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Work Health and Safety (Bullying) Amendment Bill 2011

A Bill for

An Act to amend the *Work Health and Safety Act 2011*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Work Health and Safety (Bullying) Amendment*
3 *Act 2011*.

4 **2 Commencement**

5 (1) This Act commences on a day fixed by the Minister by written
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on
8 the notification day (see Legislation Act, s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be
10 fixed, for the commencement of different provisions (see
11 Legislation Act, s 77 (1)).

12 (2) If this Act has not commenced within 9 months beginning on its
13 notification day, it automatically commences on the first day after
14 that period.

15 (3) The Legislation Act, section 79 (Automatic commencement of
16 postponed law) does not apply to this Act.

17 **3 Legislation amended**

18 This Act amends the *Work Health and Safety Act 2011*.

19 **4 Appointment of inspectors**
20 **New section 156 (1)**

21 *after the heading, insert*

22 (1) The regulator—

23 (a) must appoint at least 3 inspectors with specialist experience or
24 expertise in dealing with bullying in the workplace and other
25 workplace psychosocial issues; and

1 (b) may appoint 1 or more other inspectors.

2 **Examples—par (a)—other workplace psychosocial issues**

3 1 workplace violence and aggression, including verbal and emotional abuse

4 2 work-related stress and burnout

5 *Note* An example is part of the Act, is not exhaustive and may extend, but
6 does not limit, the meaning of the provision in which it appears (see
7 Legislation Act, s 126 and s 132).

8 **5 Section 156**

9 *omit*

10 The regulator

11 *substitute*

12 (2) For subsection (1), the regulator

13 **6 Schedule 2, new sections 2.16A and 2.16B**

14 *in division 2.1.3, insert*

15 **2.16A Advisory committee on workplace bullying etc**

16 (1) The council must establish an advisory committee in relation to
17 bullying in the workplace and other workplace psychosocial issues
18 (the *workplace bullying advisory committee*).

19 (2) The council must appoint the following members to the workplace
20 bullying advisory committee:

21 (a) 1 member nominated by the territory agency responsible for
22 implementing and enforcing territory laws relating to work,
23 health and safety;

24 (b) 1 member nominated by an entity the council considers
25 represents unions in the ACT;

- 1 (c) 1 member who is an academic with research skills and
2 expertise in a field relevant to workplace bullying and other
3 workplace psychosocial issues;
- 4 (d) 1 member with professional or clinical knowledge and
5 experience in relation to workplace bullying and other
6 workplace psychosocial issues.
- 7 *Note 1* For the making of appointments (including acting appointments), see
8 the Legislation Act, pt 19.3.
- 9 *Note 2* In particular, an appointment may be made by naming a person or
10 nominating the occupant of a position (see Legislation Act, s 207).
- 11 (3) The council may appoint any other member to the workplace
12 bullying advisory committee that the council considers has
13 qualifications or expertise relevant to the functions of the
14 committee.

15 **2.16B Functions of workplace bullying advisory committee**

16 The workplace bullying advisory committee has the following
17 functions:

- 18 (a) to monitor the development and operation of territory laws and
19 procedures in relation to the management of workplace
20 bullying and other workplace psychosocial issues;
- 21 (b) to monitor developments in other jurisdictions in relation to
22 laws and procedures dealing with workplace bullying and other
23 workplace psychosocial issues;
- 24 (c) to recommend amendments to territory laws and procedures
25 relevant to workplace bullying and other workplace
26 psychosocial issues;

1 (d) to prepare a report for the council at least twice a year on the
2 matters mentioned in paragraphs (a) to (c).

3 *Note 1* An advisory committee may decide how it is to exercise its functions,
4 subject to any council direction (see s 2.16 (3)).

5 *Note 2* A provision of a law that gives an entity (including a person) a function
6 also gives the entity powers necessary and convenient to exercise the
7 function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

8 **7 Dictionary, note 2**

9 *insert*

- 10
 - territory law

11 **8 Dictionary, new definition of *workplace bullying advisory***
12 ***committee***

13 *insert*

14 *workplace bullying advisory committee*—see schedule 2 (The
15 regulator and local tripartite consultation arrangements and other
16 local arrangements), section 2.16A.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 December 2011.

2 Notification

Notified under the Legislation Act on 2011.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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