



Queensland

Work Health and Safety Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 116

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety Amendment Regulation (No. 1) 2013.

Policy objectives and the reasons for them

On 1 July 2007, Queensland adopted the *National Standard for the Licensing of Persons Performing High Risk Work*. One of the key elements of the National Standard was for high risk work licences to be issued in a photographic and renewable format. Queensland implemented the new licence format on 1 July 2008.

Under section 92 of the *Work Health and Safety Regulation 2011*, the duration of a high risk work licence is five years from date of issue. The first tranche of high risk work licences issued are now due for renewal from 13 July 2013. Due to unforeseen circumstances, the information technology system used to administer the licence process does not currently have licence renewal functionality and the enhancement needed to allow renewals to be processed will not be available until 31 August 2013.

It is therefore necessary to extend all high risk work licences that fall due for renewal, on or after 1 July 2013 but before 1 October 2013, by six months from their date of expiry. This will ensure that these licence holders continue to be authorised to undertake the high risk work specified by their licence. Affected licence holders will be provided with a replacement high risk work licence with the new licence expiry date, at no cost.

Achievement of policy objectives

Amendment of the regulation to extend the duration of certain high risk work licences will achieve the policy objective, of ensuring these licence holders will continue to be authorised to undertake the high risk work specified by their licence until the renewal functionality is available, by inserting a new transitional provision that extends these licences by six months from their date of expiry.

Alternative ways of achieving policy objectives

The policy objective can only be achieved by regulatory amendment.

Estimated cost for government implementation

There will be no financial cost to affected licence holders who will be provided with a replacement licence which extends their expiry date by six months. There will be a minimum, one-off cost to the Queensland Government of issuing 2,280 replacement licences.

Consistency with fundamental legislative principles

The regulation raises no fundamental legislative principle issues. The regulation has been drafted with regard to the fundamental legislative principles and is considered to comply with these principles.

Consultation

As the amendment will confer a benefit on affected licence holders, in that they will receive at no cost a six month extension of their licence, stakeholders have not been consulted on the proposed amendment.

However all affected licence holders will be sent a letter advising them of the extension and a replacement licence with the new expiry date.

Notes on provisions

Clause 1 provides the short title of the regulation.

Clause 2 states that this regulation amends the *Work Health and Safety Regulation 2011*.

Clause 3 inserts a new section 786 (Transitional provision for particular high risk work licences) which sets out that those high risk work licences that are due to expire, on or after 1 July 2013 but before 1 October 2013, will now expire five years and six months after the day the licence took effect, unless cancelled earlier.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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