

Work Health and Safety (Codes of Practice) Amendment Notice (No. 1) 2013

Explanatory Notes for SL 2013 No. 259

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Codes of Practice) Amendment Notice (No. 1) 2013

Authorising law

Section 274(4) of the *Work Health and Safety Act 2011*

Policy objectives and the reason for them

Under the national harmonisation of work health and safety (WHS) laws, eleven first stage model codes of practice have been adopted in Queensland, commencing on 1 January 2012. A further twelve second stage codes of practice have been approved by the Select Council for Workplace Relations but not yet adopted in Queensland.

The notice provides that the Attorney-General and Minister for Justice has approved the following codes of practice under section 274(4) of the *Work Health and Safety Act 2011*:

- *Abrasive Blasting Code of Practice 2013*
- *Demolition Work Code of Practice 2013*
- *Excavation Work Code of Practice 2013*
- *Managing Risks of Hazardous Chemicals in the Workplace Code of Practice 2013*
- *Managing Risks of Plant in the Workplace Code of Practice 2013*
- *Safe Design of Structures Code of Practice 2013*
- *Spray Painting and Powder Coating Code of Practice 2013*
- *Welding Processes Code of Practice 2013*

These codes are considered critical as they provide guidance on areas of high risk.

Adoption of the above model codes means the repeal of existing Queensland codes or regulatory provisions transitioned from the repealed *Workplace Health and Safety Regulation 2008*, including:

- *Abrasive Blasting Industry Code of Practice 2004*
- *Hazardous Chemicals Advisory Standard 2003*
- *Plant Code of Practice 2005*
- provisions relating to spray painting in the *Work Health and Safety Regulation 2011* (WHS Regulation) ; and
- provisions relating to excavation work in the WHS Regulation.

In addition replacing the existing Queensland codes with the model codes will reduce the red tape burden as the model codes are far less prescriptive in nature.

There are no existing codes of practice or regulatory provisions for demolition work, the safe design of structures or welding but adopting the model codes is not expected to result in any additional red tape or regulatory burden as they are consistent with standards and guides currently applied in Queensland.

This notice revokes Queensland's preserved *Tunnelling Code of Practice 2007* which is replaced by a nationally agreed guide developed by Safe Work Australia (SWA).

Achievement of policy objectives

The notice achieves its objectives by approving eight second stage model codes of practice and revoking four existing codes of practice.

Repealing the regulatory provisions relating to excavation work and spray painting is given effect by the *Work Health and Safety and Another Regulation Amendment Regulation (No. 1) 2013*.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved by regulatory amendment.

Estimated cost of government implementation

The amendments will not impose any additional costs on industry or the government. Replacing the existing codes of practice with national model codes of practice will reduce the red tape burden for industry as the model codes are less prescriptive.

Consistency with fundamental legislative principles

The notice does not conflict with fundamental legislative principles.

Consultation

The new model codes of practice have been developed through a tripartite process (including employer and worker representatives) managed by SWA. The second stage model codes were released by SWA for public comment in late 2011 and some were subject to a Consultation Regulatory Assessment Statement.

Consultation with industry in Queensland on adopting the second stage codes of practice occurred as a part of the Government's review of the impact of the model WHS laws, including two industry roundtable meetings chaired by the Attorney-General and Minister for Justice held on 29 August 2012 and 11 July 2013.

The industry roundtables were attended by representatives from AiGroup, Agforce, Civil Contractors Federation, Australian Workers Union, Chamber of Commerce and Industry Queensland, Growcom, Housing Industry Association, Local Government Association of Queensland, Master Builders Queensland, National Retailers Association, Queensland Council of Unions, the Construction Forestry Mining and Energy Union of Queensland, Queensland Farmers Federation, Queensland Law Society, Queensland Major Contractors' Association, Timber Queensland, the Queensland Trucking Association, the Australian Sugar Milling Council and Canegrowers Queensland.

Roundtable representatives supported the adoption of these eight of the twelve second stage model codes of practice and SWA's guide on tunnelling and repealing the four existing Queensland codes of practice.

Notes on Provisions

Clause 1 provides the short title of the notice.

Clause 2 states that this notice amends the *Work Health and Safety (Codes of Practice) Notice 2011*.

Clause 3 amends Schedule 1 (Codes of Practice) by omitting entries 1, 10, 23 and 34 and inserting the following new codes of practice that have been approved by MI 2013 No. 2:

- Abrasive Blasting Code of Practice 2013 (entry 1)
- Demolition Work Code of Practice 2013 (entry 5A)
- Excavation Work Code of Practice 2013 (entry 5B)
- Managing Risks of Hazardous Chemicals in the Workplace Code of Practice 2013 (entry 18A)
- Managing Risks of Plant in the Workplace Code of Practice 2013 (entry 18B)
- Safe Design of Structures Code of Practice 2013 (entry 27A)
- Spray Painting and Powder Coating Code of Practice 2013 (entry 28A)
- Welding Processes Code of Practice (entry 34)

Clause 4 amends Schedule 2 (Revoked codes of practice) by inserting the following codes of practice that have been revoked by MI 2013 No. 1:

- Abrasive Blasting Industry Code of Practice 2004
- Hazardous Chemicals Advisory Standard 2003
- Plant Code of Practice 2005
- Tunnelling Code of Practice 2007

Clause 5 amends Schedule 3 (Dictionary) to insert a definition of MI 2013 No. 1 and MI 2013 No. 2.