

Explanatory Notes for SL 2014 No. 80

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Codes of Practice) Amendment Notice (No. 2) 2014

Authorising law

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

Policy objectives and the reasons for them

The Queensland Government has reviewed the national model Work Health and Safety (WHS) laws which commenced in Queensland on 1 January 2012. The review considered the impact of the WHS laws on business, including unanticipated or inequitable compliance costs.

The *Work Health and Safety and Another Regulation Amendment Regulation (No. 1) 2014* (amendment regulation) implements the findings of the Government review of WHS laws, including amendments to regulations relating to the management, control and removal of asbestos at the workplace and the removal of the mandatory requirement for audiometric testing for certain workers. Consequential amendments have been made to the relevant codes of practice to support the amendment regulation.

At the industry round table, stakeholders supported the adoption of the national model code, *First Aid in the Workplace Code of Practice*, with some minor variations. For example, as the contents of a first aid kit should be based on a risk assessment, the minimum contents set out in the existing Queensland *First Aid Advisory Standard 2004* were considered adequate, rather the more prescriptive contents set out in the national model code. The adoption of the national model code means the repeal of the existing Queensland *First Aid Advisory Standard 2004*.

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

- Revoked the *First Aid Advisory Standard 2004*;
- Approved the *First Aid in the Workplace Code of Practice 2014*;
- Varied the *How To Manage and Control Asbestos in the Workplace Code of Practice 2011*;
- Varied the *How to Safely Remove Asbestos Code of Practice 2011*;
- Varied the *Managing Noise and Preventing Hearing Loss at Work Code of Practice 2011*; and

- Varied the *Foundry Industry Code of Practice 2004*.

Achievement of policy objectives

The notice achieves its objectives by revoking the Queensland code of practice for first aid and approving the national model first aid code of practice and varying four current codes of practice to support the amendment regulation.

Consistency with policy objectives of authorising law

Under section 274 of the *Work Health and Safety Act 2011* the Minister may approve a code of practice and may vary or revoke an approved code of practice.

Inconsistency with policy objectives of other legislation

Not applicable.

Benefits and costs of implementation

The amendments will not impose any additional costs on industry or the government. The variations to the asbestos, noise and foundry codes of practice support the amendment regulation which reduces red tape and costs on business by removing and amending certain requirements considered to be disproportionate to the risk to be managed or where safety can be achieved through less prescriptive measures.

Consistency with fundamental legislative principles

The notice does not conflict with fundamental legislative principles.

Consultation

There has been extensive consultation with key stakeholders throughout the review of the WHS laws, including industry roundtables held by the Attorney-General on 29 August 2012 and 11 July 2013, which sought the views of key industry stakeholders on the workability of the national model WHS laws.

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 8, 11, 13, 16 and 19 and inserting the new code of practice *First Aid in the Workplace Code of Practice 2014* (entry 8) that has been approved by MI 2014 No. 3 to commence on 30 May 2014. In addition the following four codes of practice, which have been varied as of 30 May 2014 by MI 2014 No.4, are inserted:

- *Foundry Industry Code of Practice 2004* (entry 11)
- *How To Manage and Control Asbestos in the Workplace Code of Practice 2011* (entry 13)
- *How to Safely remove Asbestos Code of Practice 2011* (entry 16)
- *Managing Noise and Preventing Hearing Loss at Work Code of Practice 2011* (entry 19)

Clause 4 amends Schedule 2 (Revoked Codes of Practice) by inserting the following code of practice that has been revoked by MI 2014 No. 2 as of the end of 29 May 2014:

- *First Aid Advisory Standard 2004*

Clause 5 amends Schedule 3 (Dictionary) to insert a definition for MI 2014 No. 2, MI 2014 No. 3 and MI 2014 No. 4.