

# **Work Health and Safety (Codes of Practice) Amendment Notice (No. 1) 2016**

## **Explanatory Notes for SL 2016 No. 9**

made under the

*Work Health and Safety Act 2011*

## **General outline**

### **Short title**

*Work Health and Safety (Codes of Practice) Amendment Notice (No. 1) 2016*

### **Authorising law**

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

### **Policy objectives and the reason for them**

In June 2015 employer and worker representatives made a joint submission to the then Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships requesting a review of the *Formwork Code of Practice 2006*. The rationale for this proposal was based on concerns about disparity in formwork safety management. In particular, concerns were raised about structural failures due to improper implementation of formwork, use of non-conforming building products, use of ladders as a primary means of access and improper perimeter screening to prevent falling objects.

In addition, the *Formwork Code of Practice 2006* is 10 years old and it was considered timely for it to be reviewed to ensure it is responsive to industry needs, reflects current best practice and is consistent with the model Work Health and Safety laws implemented in Queensland in 2012.

### **Achievement of policy objectives**

The notice achieves the policy objectives by revoking the *Formwork Code of Practice 2006* and approving the *Formwork Code of Practice 2016*.

### **Consistency with policy objectives of authorising laws**

Making the *Formwork Code of Practice 2016* is consistent with the object in the *Work Health and Safety Act 2011* to provide a framework for continuous improvement and progressively higher standards in work health and safety.

### **Inconsistency with policy objectives of other legislation**

No inconsistencies with policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

The policy objectives can only be achieved by notice.

## **Benefits and costs on implementation**

The majority of the updates to the Formwork Code of Practice are considered minor and technical in nature, or otherwise reflective of current best practice already being undertaken, and are not expected to increase regulatory burden or go beyond existing regulatory requirements. It is expected that employers and workers will need to familiarise themselves with the updated Code of Practice, however it is anticipated that this will have minimal impact.

Changes to formwork inspection requirements are anticipated to result in additional costs of up to \$1.2 million per annum. This additional cost is not considered to be significant as it only impacts a small proportion of the construction industry not currently using engineers for pre-pour inspections, does not capture the majority of the housing construction industry, and represents less than 0.01 per cent of the total value of building approvals in Queensland (around \$18 billion in the 12 months to August 2015).

The benefits of requiring an engineer to perform certain formwork inspections is significant as it may materially reduce the probability of structural failures which are currently estimated to cost industry over \$1 million for a single failure.

## **Consistency with fundamental legislative principles**

The notice does not conflict with fundamental legislative principles.

## **Consultation**

A Formwork Industry Steering Committee, which includes worker representatives, employer representatives and government representatives, was established in August 2015 to review and update the Formwork Code of Practice. Consultation was undertaken with representatives from following organisations as part of their participation on the Committee:

- Multiplex;
- Land Lease;
- Watpac;
- Superform;
- Wideform;
- Heinrich Construction;
- Construc Pty Ltd;
- the Construction, Forestry, Mining and Energy Union; and
- the Master Builders Association.

Targeted consultation was also undertaken with a number of tier 2, 3 and 4 formwork and construction companies to determine whether changes to formwork design and certification requirement would result in any significant impacts to smaller businesses.

## Notes on Provisions

**Clause 1** provides the short title of the notice.

**Clause 2** states that this notice commences on 30 March 2016.

**Clause 3** states that this notice amends the *Work Health and Safety (Codes of Practice) Notice 2011*.

**Clause 4** amends Schedule 1 (Codes of Practice) to omit entry 10 (Formwork Code of Practice 2006) and insert a new entry 10 (Formwork Code of Practice 2016) which was approved as a code of practice by Ministerial Instrument 2016 No. 2. The new entry 10 will commence on 31 March 2016.

**Clause 5** amends Schedule 2 by inserting the Formwork Code of Practice 2006 into the list of revoked codes of practice. The new entry states that the Formwork Code of Practice 2006 is to be revoked as a code of practice on 30 March 2016 by Ministerial Instrument 2016 No.1.

**Clause 6** amends Schedule 3 (Dictionary) to insert a definition of Ministerial Instrument 2016 No.1 and Ministerial Instrument 2016 No. 2.