

Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2021

Explanatory Notes for SL 2021 No. 12

made under the

Electrical Safety Act 2002

Work Health and Safety Act 2011

General outline

Short title

Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2021

Authorising law

Section 44(2) of the *Electrical Safety Act 2002*

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

Policy objectives and the reason for them

On 24 April 2015, Safe Work Australia (SWA) members, agreed that model codes of practice should be reviewed every five years. During 2018, SWA undertook its first review of the model codes of practice. The scope of the first review was limited to examining the technical accuracy, readability and useability of the codes. All national model codes with the exception of the *Managing Risks in Stevedoring Code of Practice*, were subject to the review.

Queensland has adopted 21 of the model codes of practice that were subject to the review. It is proposed that these 21 codes of practice be updated in line with the outcomes of SWA's review. In adopting the revised model codes of practice in Queensland, additional modifications were made to ensure Queensland-specific requirements are reflected and there is consistency with Queensland's regulatory framework.

Under section 274 of the *Work Health and Safety Act 2011* and section 44 of the *Electrical Safety Act 2002*, the Minister has the power to approve, revoke or vary a code of practice.

Achievement of policy objectives

The *Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2021* achieves the policy objective of approving new versions of each of the following model codes of practice under the *Work Health and Safety Act 2011*:

1. Abrasive Blasting Code of Practice
2. Confined Spaces Code of Practice
3. Demolition work Code of Practice

4. Excavation Work Code of Practice
5. First Aid in the Workplace Code of Practice
6. Hazardous Manual Tasks Code of Practice
7. How to Manage and Control Asbestos in the Workplace Code of Practice
8. How to Manage Work Health and Safety Risks Code of Practice
9. How to Safely Remove Asbestos Code of Practice
10. Labelling of Workplace Hazardous Chemicals Code of Practice
11. Managing Noise and Preventing Hearing Loss Code of Practice
12. Managing Risks of Hazardous Chemicals in the Workplace Code of Practice
13. Managing Risks of Plant in the Workplace Code of Practice
14. Managing the Risks of Falls at Workplaces Code of Practice
15. Managing the Work Environment and Facilities Code of Practice
16. Preparation of Safety Data Sheets for Hazardous Chemicals Code of Practice
17. Safe Design of Structures Code of Practice
18. Spray Painting and Powder Coating Code of Practice
19. Welding Processes Code of Practice
20. Work Health and Safety Consultation, Coordination Code of Practice

The *Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2021*

Also achieves the policy objective of approving a new version of the following model code of practice under the *Electrical Safety Act 2002*:

1. Managing Electrical Risks in Workplace Code of Practice

Consistency with policy objectives of authorising laws

Revoking the current model codes of practice and approving new codes of practice under the *Work Health and Safety Act 2011* is consistent with the policy objectives to provide a framework for continuous improvement and progressively higher work health and safety standards.

Revoking the current model code of practice and approving a new code of practice under the *Electrical Safety Act 2002* is also consistent with the policy objectives of establishing benchmarks for industry and the community and achieving electrical 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 the *Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2021*.

Benefits and costs on implementation

Revoking the current codes of practice and approving new versions of the codes will provide some consistency between model codes of practice across harmonised WHS jurisdictions.

Given the scope of the review was limited to examining the technical accuracy, useability and readability of the codes of practice, no substantial impacts are anticipated by approving the new versions of the codes.

Consistency with fundamental legislative principles

The *Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2021* does not conflict with fundamental legislative principles.

Consultation

Consultation has been undertaken with all Industry Sector Standing Committees (ISSCs) which are comprised of industry and union representatives. All ISSC members have practical experience and competence in the management of work health and safety issues.

Additionally, the Electrical Safety Board was consulted on the new *Managing Electrical Risks in the Workplace Code of Practice*.

During the consultation process, stakeholders were invited to provide feedback in regard to the technical accuracy of the codes of practice, instances where the Queensland regulatory environment was not reflected or any significant concerns for industry in transitioning from the current codes to the revised codes. No significant issues were raised in relation to the changes to the codes of practice.

Some stakeholders identified more substantive content changes required for the model codes of practice to ensure they reflect contemporary industry practice. This feedback has been recorded and will be considered when Safe Work Australia next undertakes full content reviews of the model codes of practice.

Notes on Provisions

Part 1 – Preliminary

Short title

Clause 1 provides the short title of the notice is the *Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2021*.

Commencement

Clause 2 provides the notice will commence on 1 March 2021.

Part 2 – Amendment of Electrical Safety (Codes of Practice) Notice 2013

Notice amended

Clause 3 provides for the amendment of the *Electrical Safety (Codes of Practice) Notice 2013*.

Amendment of s 4 (Notice of making of code of practice—Act, s44(2))

Clause 4 replaces s 44(2) with s 44 in the heading of section 4 and omits a note to be consistent with current drafting practice.

Amendment of sch 1 (Codes of practice)

Clause 5 inserts “Electrical Safety Code of Practice 2021 – Managing Electrical Risks in the Workplace” as an entry as an approved code of practice commencing on 1 March 2021.

Amendment of sch 2 (Repealed codes of practice)

Clause 6 inserts “Electrical Safety Code of Practice 2013 – Managing Electrical Risks in the Workplace” as an entry as a repealed code of practice commencing on 1 March 2021.

Amendment of sch 3 (Dictionary)

Clause 7 amends the dictionary to insert definitions for the Ministerial Instruments.

Part 3 – Amendment of Work Health and Safety (Codes of Practice) Notice 2011

Notice amended

Clause 8 provides for the amendment of the *Work Health and Safety (Codes of Practice) Notice 2011*.

Amendment of s 4 (Notice of approval of codes of practice—Act s 274(4))

Clause 9 replaces s 274(4) with s 274 in the heading and inserts a note providing an explanation of the expiry date for codes of practice listed under new part 1 and part 2 under schedule 1.

Amendment of sch 1 (Codes of practice)

Clause 10 inserts new 'part 1' and 'part 2' into schedule 1 to provide distinction between codes of practice that were approved before 23 October 2017 and those approved on or after 23 October 2017.

Amendment of sch 2 (Revoked codes of practice)

Clause 11 inserts entries for each of the codes being revoked with a commencement date of 1 March 2021.

Amendment of sch 3 (Dictionary)

Clause 12 amends the dictionary to insert definitions for the Ministerial Instruments.