

# Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice (No. 2) 2024

## Explanatory Notes for SL 2024 No. 253

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 (No. 2) 2024

### Authorising law

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

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

### Policy objectives and the reason for them

The Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice (No. 2) 2024 (the Amendment Notice) fulfils requirements for the Minister to give public notice of the amending (section 44(2), ES Act) or varying (section 274(4), WHS Act) of a code of practice.

The Amendment Notice amends the Electrical Safety (Codes of Practice) Notice 2024 to notify of amendments to the:

- Construction and Operation of Solar Farms Code of Practice 2024
- Electrical Safety Code of Practice 2020 - Electrical Equipment Rural Industry
- Electrical Safety Code of Practice 2020 – Working Near Overhead and Underground Electrical Lines
- Electrical Safety Code of Practice 2021 - Managing Electrical Risks in the Workplace

The Amendment Notice also amends the Work Health and Safety (Codes of Practice) Notice 2022 to notify of variations to the Construction and Operation of Solar Farms Code of Practice 2024.

### Achievement of policy objectives

The Amendment Notice achieves the policy objective of making subordinate legislation to enable the Minister to give notice in relation to amending codes of practice under the ES Act; and varying codes of practice under the WHS Act.

On 1 January 2025, further provisions from the Electrical Safety and Other Legislation Amendment Regulation 2024 came into effect. Notably, provisions strengthen protections for electrical workers by extending requirements in the Electrical Safety Regulation 2013 for electrical work on energised electrical equipment to electrical work near energised electrical equipment. These extended requirements seek to minimise the risk of arc flash associated with working near exposed energised parts of electrical equipment.

Amendments are subsequently required to the codes of practice to ensure that they continue to provide practical guidance on how to meet legislative duties under the electrical safety framework. Minor changes to spelling, punctuation, and out of date references and terminology are also required to maintain the accuracy and readability of the codes of practice.

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

The Amendment Notice gives notice in relation to Minister's amendment and variation of codes of practice as required under the ES Act and WHS Act. This is consistent with the objects of the ES Act and the WHS Act.

The purpose of the ES Act is directed at eliminating the human cost to individuals, families and the community of death, injury and destruction that can be caused by electricity. This can be achieved by establishing benchmarks for industry and the community including through the making of codes of practice.

The main purpose of the WHS Act is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces. This can be achieved by:

- protecting workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work or particular types of plant.
- providing a framework for continuous improvement and progressively higher standards of work health and safety.

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

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

## **Benefits and costs on implementation**

The Amendment Notice does not impose costs on industry, business or the community. There are minimal costs to government associated with drafting and making the Amendment Notice.

An Impact Analysis Statement was prepared in relation to the amended and varied codes of practice as required under the *Queensland Government Better Regulation Policy*. The Impact Analysis Statement is published on the department's website.

## **Consistency with fundamental legislative principles**

The Amendment Notice is consistent with fundamental legislative principles.

## Consultation

In accordance with *The Queensland Government Better Regulation Policy*, the Office of Best Practice Regulation was notified and consulted on the preparation of the Impact Analysis Statement.

## Notes on Provisions

### Part 1 Preliminary

*Clause 1* sets out the short title of the notice, being the Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice (No. 2) 2024.

*Clause 2* provides that the notice commences on 1 January 2025.

### Part 2 Amendment of the Electrical Safety (Codes of Practice) Notice 2024

*Clause 3* states that the notice amends the Electrical Safety (Codes of Practice) Notice 2024.

*Clause 4* amends Schedule 1 (Codes of practice) items:

- 1 to insert a reference that the code of practice was amended by MI 2024 No.3 on 1 January 2025; and
- 2, 3 and 5 to insert a reference that the relevant code of practice was amended by MI 2024 No. 4. on 1 January 2025.

*Clause 5* amends Schedule 2 (Dictionary) to insert new definitions for MI 2024 No.3 and MI 2024 No.4.

### Part 3 Amendment of the Work Health and Safety (Codes of Practice) Notice 2022

*Clause 6* states that the notice amends the Work Health and Safety (Codes of Practice) Notice 2022.

*Clause 7* amends Schedule 1, Part 2 (Codes of practice approved on or after 23 October 2017) entry 4 to insert a reference that the code of practice was varied by MI 2024 No. 8 on 1 January 2025.

*Clause 8* amends Schedule 2 (Dictionary) to insert a definition for MI 2024 No.8.