



Queensland

Work Health and Safety (Postponement) Regulation 2012

Explanatory Notes for SL 2012 No. 21

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Postponement) Regulation 2012.

Authorising law

Section 15DA of the *Acts Interpretation Act 1954*.

Section 2 of the *Work Health and Safety Act 2011*.

Policy objectives

The *Work Health and Safety Act 2011* (WHS Act), regulations and supporting codes of practice (other than electrical) commenced on 1 January 2012. As well as giving effect to the national model Work Health and Safety Act, the WHS Act provides for harmonised changes to the *Electrical Safety Act 2002*.

The WHS Act received assent on 6 June 2011, to commence on a day fixed by proclamation. Consequently, a Proclamation made on 24 November 2011, fixed the date of 1 January 2012 for the commencement of this Act, other than provisions of the Act stated in the schedule of the Proclamation.

These excepted provisions include Part 18, divisions 2 and 3, and Schedule 4, part 1, under the heading '*Electrical Safety Act 2002*', section 1.

These uncommenced provisions of the WHS Act will automatically commence on 7 June 2012. However, the relevant supporting codes of practice (electrical) are not likely to be finalised before this date. As the timeline for this process is uncertain, a regulation extending the date for automatic commencement by one year, as provided for under section 15DA(3) of the AIA, is required.

Achievement of policy objectives

The postponement of the commencement of the electrical safety provisions will facilitate the finalisation of the codes and allow their commencement on a date to be fixed prior to 7 June 2013.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the *Work Health and Safety Act 2011*, section 3(g) which is to provide a framework for continuous improvement and progressively higher standards of work health and safety.

Inconsistency with policy objectives of other legislation

None have been identified.

Benefits and costs of implementation

There will be no identified impacts on the community as the result of the postponement

Consistency with fundamental legislative principles

The amendment does not breach any fundamental legislative principles.

Consultation

At the national level, the development of the model *Work Health and Safety Act 2011*, regulations (including electrical safety regulations) and codes of practice is being progressed by the Strategic Issues Group OHS of Safe Work Australia. This group is composed of representatives of all nine jurisdictions, the Australian Industry Group (AiG), the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions. At state level there has been ongoing consultation on the changes to the *Electrical Safety Act 2002*, regulations and codes of practice with representatives of the Electrical Trades Union, Master Electricians, the Commissioner for Electrical Safety, and the Electrical Safety Board and its three Committees.

The Queensland Electrical Safety Office and Workplace Health and Safety Queensland agreed to the postponement of commencement of the electrical safety provisions, to ensure prior finalisation of the national model electrical codes.

Notes on provisions

- Clause 1 provides the short title of the regulation.
- Clause 2 references the Act Interpretation Act 1954, section 15DA(2) and provides that the period before automatic commencement of the postponed laws is extended to the end of 6 June 2013. Subsection (b) clarifies that the postponed law means the specified provisions of Part 18 and Schedule 4 of the *Work Health and Safety Act 2011*.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.