

Work Health and Safety (Codes of Practice Amendment Notice (No. 1)) 2014

Explanatory notes for SL 2014 No. 17.

made under the

Work Health and Safety Act 2011

General Outline

Short title

Work Health and Safety (Codes of Practice) Amendment Notice (No 1) 2014

Authorising law

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

Policy objectives and the reasons for them

In 2011, Safe Work Australia (SWA) began developing a code of practice addressing workplace bullying. In June 2013, a national regulatory impact statement for the draft model Code of Practice on Preventing and Responding to Workplace Bullying was released. Following extensive consultation, it was agreed at a national level that the code of practice should instead be published as a guide, and an additional guide be developed for workers.

A guide helps duty holders comply with the law but differs from the authoritative advice of a code of practice by allowing duty holders wider discretion to choose the options that best suit their circumstances. Guidance material contributes to the overall state of knowledge regarding hazards, risks and controls and may be tendered as evidence in court proceedings, while reducing the regulatory burden on duty holders.

The Attorney-General and Minister for Justice has approved the adoption of following guides to assist business and workers:

- *Guide For Preventing And Responding To Workplace Bullying*
- *Dealing With Workplace Bullying – A Worker’s Guide*

Adoption of the workplace bullying guides requires the revocation of the existing Queensland *Prevention of Workplace Harassment Code of Practice 2004*.

Achievement of policy objectives

The notice achieves its objectives by revoking an existing code of practice.

Consistency with policy objectives of authorising law

The amendment notice is consistent with the main objects of the *Work Health and Safety Act 2011*, that is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces.

Inconsistency with policy objectives of other legislation

The amendment notice is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved by regulatory amendment.

Benefits and costs of implementation

The amendment notice will not impose any additional costs on industry or the government. Replacing the existing code of practice with national model guides will reduce the red tape burden for industry as the model guides are less prescriptive.

Consistency with fundamental legislative principles

The amendment notice does not conflict with fundamental legislative principles.

Consultation

The new model guides have been developed through a tripartite process (including employer and worker representatives) managed by SWA. The guides were released by SWA for public comment in June 2013 and were subject to a national Consultation Regulation Impact Statement.

Consultation with industry in Queensland on adopting these guides occurred as a part of the Government's review of the impact of the model WHS laws, including two industry roundtable meetings chaired by the Attorney-General and Minister for Justice held on 29 August 2012 and 11 July 2013.

The industry roundtables were attended by representatives from AiGroup, Agforce, Civil Contractors Federation, Australian Workers Union, Chamber of Commerce and Industry Queensland, Growcom, Housing Industry Association, Local Government Association of Queensland, Master Builders Queensland, National Retailers Association, Queensland Council of Unions, the Construction Forestry Mining and Energy Union of Queensland, Queensland Farmers Federation, Queensland Law Society, Queensland Major

Contractors' Association, Timber Queensland, the Queensland Trucking Association, the Australian Sugar Milling Council and Canegrowers Queensland.

Roundtable representatives supported the adoption of the model guides and repealing the existing Queensland code of practice.

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 entry 25.

Clause 4 amends Schedule 2 (Revoked codes of practice) by inserting that the Prevention of Workplace Harassment Advisory Standard 2004 has been revoked by MI 2014 No. 1.

Clause 5 amends Schedule 3 (Dictionary) to insert a definition of MI 2014 No. 1.