

# Work Health and Safety (Codes of Practice) (Tower Cranes) Amendment Notice 2017

## Explanatory Notes for SL 2017 No. 94

made under the

*Work Health and Safety Act 2011*

## General outline

### Short title

*Work Health and Safety (Codes of Practice) (Tower Cranes) Amendment Notice 2017*

### 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 construction-related codes of practice including the *Tower Crane Code of Practice 2006*. The rationale for the review was to ensure the codes of practice are responsive to industry needs and safety concerns, and reflect best practice in the construction industry.

In addition, the *Tower Crane Code of Practice 2006* is over ten years old and it was considered timely for it to be reviewed to ensure it 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 *Tower Crane Code of Practice 2006* and approving the *Tower Crane Code of Practice 2017*.

### Consistency with policy objectives of authorising laws

Making the *Tower Crane Code of Practice 2017* 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 Tower Crane Code of Practice are considered minor 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.

A recommendation has been introduced to the Code of Practice for independent third party inspections of tower cranes to be undertaken at the commissioning stage. The annual compliance cost associated with this change is expected to be approximately \$75,000 across the industry. This additional cost is not considered to be significant as there is already very high incidence of third party inspections being undertaken at commissioning.

It is expected that third party inspections would significantly reduce the risk of incidents and injuries associated with tower cranes, as they ensure that cranes are in good condition and correctly configured before they become operational.

Changes to the design criteria for first aid boxes will have some minor cost implications for tower crane owners and industry. However, these are not expected to be burdensome and will eliminate the risk of workers falling from first aid boxes in emergency retrieval situations.

## Consistency with fundamental legislative principles

The notice does not conflict with fundamental legislative principles.

## Consultation

A Tower Crane Industry Steering Committee, which included worker representatives, employer representatives and government representatives, was established in October 2015 to review and update the *Tower Crane Code of Practice 2006*. Consultation was undertaken with representatives from the following organisations as part of their participation on the Committee:

- the Construction, Forestry, Mining and Energy Union;
- the Master Builders Association;
- Morrow Cranes;
- Brookfield Multiplex;
- Watpac;
- Hanson Yuncken;
- Hutchinsons;
- Lindores Construction Logistics;
- VTS Cranes; and
- AusSafe Consulting.

Targeted consultation was also undertaken with Engineers Australia and the Crane Industry Council of Australia.

## Notes on Provisions

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

**Clause 2** states that this notice commences on 30 June 2017.

**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 35 (Tower Crane Code of Practice 2006) and insert a new entry 35 (Tower Crane Code of Practice 2017) which was approved as a code of practice by Ministerial Instrument 2017 No. 2. The new entry 35 will commence on 1 July 2017.

**Clause 5** amends Schedule 2 (Revoked codes of practice) by inserting the Tower Crane Code of Practice 2006 into the list of revoked codes of practice. The new entry 8 states that the Tower Crane Code of Practice 2006 is to be revoked as a code of practice on 30 June 2017 by Ministerial Instrument 2017 No. 1.

**Clause 6** amends Schedule 3 (Dictionary) to insert a definition of Ministerial Instrument 2017 No. 1 and Ministerial Instrument 2017 No. 2.