

Work Health and Safety (Codes of Practice) (Stevedoring) Amendment Notice 2018

Explanatory Notes for SL 2018 No. 33

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Codes of Practice) (Stevedoring) Amendment Notice 2018

Authorising law

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

Policy objectives and the reason for them

The *Managing Risks in Stevedoring Code of Practice* was developed to address the high rate of serious workplace injuries in the stevedoring industry. While there has been a decline in the overall rate of serious claims in the stevedoring industry over the period 2003-04 to 2012-13, the national rate of serious injury in the stevedoring industry is more than three times the average rate for all industries and more than twice the rate of the transport, postal and warehousing or construction industry. The *Managing Risks in Stevedoring Code of Practice* was approved by Work Health and Safety Ministers as a model code under harmonised work health and safety legislation.

On 23 March 2017 the Queensland Parliament extended the terms of reference of the Coal Workers' Pneumoconiosis (CWP) Select Committee (the Committee) from coal mine workers to include other cohorts of workers, including coal port terminal workers involved in the handling and transportation of coal.

On 29 September 2017 the Committee tabled *Report No. 4, 55th Parliament – Inquiry into occupational respirable dust issues*. The report recommended (Recommendation 2) that the Minister approve the model code of practice for Managing Risks in Stevedoring as a code of practice under section 274 of the *Work Health and Safety Act 2011*. Adoption of the model *Managing Risks in Stevedoring Code of Practice* from 31 March 2018 was supported in the Government's response to the committee's recommendations tabled in Parliament on 9 March 2018.

Achievement of policy objectives

The notice achieves the policy objectives by approving the *Managing Risks in Stevedoring Code of Practice 2018*.

Consistency with policy objectives of authorising laws

Making the *Managing Risks in Stevedoring Code of Practice 2018* 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 national *Decision Regulation Impact Statement - Model Code of Practice: Managing Risks in Stevedoring* (Decision RIS) identified that the stevedoring industry in Queensland has an average of 57 workers' compensation claims for serious injuries each year, at a total cost to employers, workers and the community of \$4,296,660 per year.

The adoption of a code of practice for the stevedoring industry in Queensland was estimated to provide a Net Present Value (NPV) of \$3,483,492; NPV savings to employers of \$201,024; NPV savings to workers of \$2,401,197; NPV savings to community and government of \$881,271.

Consistency with fundamental legislative principles

The notice does not conflict with fundamental legislative principles.

Consultation

The model *Managing Risks in Stevedoring* code of practice has been developed in consultation with the Stevedoring Technical Advisory Group, which included representatives from Safe Work Australia's Members and Australian Maritime Safety Authority, QUBE Ports, DP World Australia, Patrick, Shipping Australia and the Maritime Union of Australia.

Two rounds of public consultation were undertaken during the development of the draft *Managing Risks in Stevedoring* code of practice and a Consultation Regulatory Impact Statement (RIS) was released with the draft model Code for public comment.

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) to insert a new entry 19A (Managing Risks in Stevedoring Code of Practice 2018) which was approved as a code of practice by Ministerial Instrument 2018 No. 1. The new entry 19A will commence on 31 March 2018.

Clause 4 amends Schedule 3 (Dictionary) to insert a definition of Ministerial Instrument 2018 No.1.