

Work Health and Safety (Codes of Practice) Amendment Notice (No. 1) 2018

Explanatory Notes for SL 2018 No. 99

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Codes of Practice) Amendment Notice (No. 1) 2018

Authorising law

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

Policy objectives and the reason for them

The Best Practice Review of Workplace Health and Safety Queensland recommended that the status of codes of practice be clarified by restoring provisions that existed in the repealed *Workplace Health and Safety Act 1995*. From 1 July 2018 the *Work Health and Safety Act 2011* (WHS Act) (section 26A) will require duty holders to either comply with an approved code of practice under the WHS Act or manage hazards and risks in a different way as long as it provides an equivalent or higher standard of work health and safety to the standard required under the code.

Thirty eight approved codes of practice under the WHS Act have been the subject of a limited internal review to support their status as the minimum standard from 1 July 2018. The codes are to be varied to make a number of minor amendments to correct legislative inconsistencies and technical inaccuracies that have been identified through the review process. The *Managing the risk of falls at workplaces Code of Practice 2018* is to be approved rather than varied to make a correction to the title of the code.

Under section 274 of the *Work Health and Safety Act 2011*, the Minister has the power to approve, revoke or vary a code of practice.

Achievement of policy objectives

The notice achieves the policy objectives by varying the following codes of practice:

- Abrasive Blasting Code of Practice 2011
- Cash in Transit Code of Practice 2011
- Children and Young Workers Code of Practice 2006
- Concrete Pumping Code of Practice 2005
- Confined Spaces Code of Practice 2011

- Demolition Work Code of Practice 2013
- Excavation Work Code of Practice 2013
- First Aid in the Workplace Code of Practice 2014
- Forest Harvesting Code of Practice 2007
- Formwork Code of Practice 2016
- Foundry Industry Code of Practice 2004
- Hazardous Manual Tasks Code of Practice 2011
- How to Manage and Control Asbestos in the Workplace Code of Practice 2011
- How to Manage Work Health and Safety Risks Code of Practice 2011
- How to Safely Remove Asbestos Code of Practice 2011
- Industry Code of Practice for Horse Riding Schools, Trail Riding Establishments and Horse Hiring Establishments 2002
- Labelling of Workplace Hazardous Chemicals Code of Practice 2011
- Managing Noise and Preventing Hearing Loss at Work Code of Practice 2011
- Managing Risks of Hazardous Chemicals in the Workplace Code of Practice 2013
- Managing Risks of Plant in the Workplace Code of Practice 2013
- Managing the Work Environment and Facilities Code of Practice 2011
- Manual Tasks Involving the Handling of People Advisory Standard 2001
- Mobile Crane Code of Practice 2006
- Occupational Diving Work Code of Practice 2005
- Preparation of Safety Data Sheets for Hazardous Chemicals Code of Practice 2011
- Rural Plant Industry Code of Practice 2004
- Safe Design and Operation of Tractors Code of Practice 2005
- Safe Design of Structures Code of Practice 2013
- Scaffolding Code of Practice 2009
- Spray Painting and Powder Coating Code of Practice 2013
- Steel Construction Advisory Standard 2004
- Sugar Industry Code of Practice 2005
- Tilt-up Pre-Cast Concrete Construction Code of Practice 2003
- Tower Crane Code of Practice 2017
- Traffic Management for Construction or Maintenance Work Code of Practice 2008
- Welding Processes Code of Practice 2013
- Work Health and Safety Consultation, Coordination Code of Practice 2011

Consistency with policy objectives of authorising laws

Varying the codes of practice 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

There are no costs to industry due to the minor nature of the variations to the codes.

Consistency with fundamental legislative principles

The notice does not conflict with fundamental legislative principles.

Consultation

No consultation has been undertaken as the variations to the codes are limited to minor amendments that correct legislative inconsistencies and technical inaccuracies that have been identified through an internal review process.

Notes on Provisions

Clause 1 provides the short title of the notice.

Clause 2 provides that this notice commences on 1 July 2018.

Clause 3 states that this notice amends the *Work Health and Safety (Codes of Practice) Notice 2011*.

Clause 4 omits and inserts a new Schedule 1 (Codes of Practice) to include the variation of thirty seven codes of practice by Ministerial Instrument 2018 No. 2 and the approval of the *Managing the risk of falls at workplaces Code of Practice 2018* by Ministerial Instrument 2018 No. 3.

Clause 5 amends Schedule 3 (Dictionary) to insert definitions of Ministerial Instrument 2018 No.2 and Ministerial Instrument 2018 No. 3.