

Work Health and Safety (Codes of Practice) (Respirable Coal Dust Hazards) Amendment Notice 2018

Explanatory Notes for SL 2018 No. 208

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Codes of Practice) (Respirable Coal Dust Hazards) 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 respirable dust hazards in coal-fired power stations Code of Practice 2018* was recommended by the Coal Workers' Pneumoconiosis (CWP) Select Committee (the Committee) in its Report No. 4, *Inquiry into occupational respirable dust issues* in response to concerns regarding inconsistent practices among power generators and shortcomings in the implementation of controls at some coal-fired power plants.

In March 2018, the Queensland Government tabled its response to the Committee's report which supported the Committee's recommendation. The code will achieve consistent work health and safety standards across the coal-fired power generation industry and prevent exposure to respirable dust in coal-fired power stations (such as coal dust, fly ash and silica) that can lead to the development of lung dust diseases such as Coal Workers' Pneumoconiosis or silicosis.

The code also implements the recommendations of the Committee in its earlier report, *Report No. 2, Black Lung, White Lies* for consistent safety standards for all coal workers across Queensland by adopting the same personal air monitoring standards that apply in coal mines and elements of the *Coal Mine Workers' Health Scheme Clinical Pathways Guideline* to ensure consistency in health monitoring requirements.

Achievement of policy objectives

The notice achieves the policy objectives by approving the *Managing respirable dust hazards in coal-fired power stations Code of Practice 2018*.

Consistency with policy objectives of authorising laws

Making the *Managing respirable dust hazards in coal-fired power stations 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 requirements of the *Managing respirable dust hazards in coal-fired power stations Code of Practice* does not go beyond the scope of existing regulatory requirements and assists in providing clarity on how these requirements should be implemented in practice. The code provides for consistency in safety standards for power station workers involved in the transportation and handling of coal outside of a coal mine.

There will be no significant change in costs incurred as a result of clarifying regulatory requirements in the code as existing power generators all have systems in place for air monitoring, health monitoring and controlling respirable dust hazards, although not in a consistent manner.

Consistency with fundamental legislative principles

The notice does not conflict with fundamental legislative principles.

Consultation

A tripartite stakeholder working group consisting of all six coal-fired power generators, associated maintenance and cleaning contractors, representatives of workers (Australian Manufacturing Workers' Union, Electrical Trades Union, CFMMEU - Mining & Energy Division Qld District, and the Queensland Council of Unions), the Department of Natural Resources, Mines and Energy and the Office of Industrial Relations was established to develop the code.

Members of the working are supportive of code.

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 18A (Managing respirable dust hazards in coal-fired power stations Code of Practice 2018) which was approved as a code of practice by Ministerial Instrument 2018 No. 4. The new entry 18A will commence on 3 December 2018.

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