

Electrical Safety (Codes of Practice) and Other Legislation (Solar Farms) Amendment Notice 2019

Explanatory notes for SL 2019 No. 47

made under the

Electrical Safety Act 2002
Work Health and Safety Act 2011

General Outline

Short title

Electrical Safety (Codes of Practice) and Other Legislation (Solar Farms) Amendment Notice 2019

Authorising law

Section 44(2) of the *Electrical Safety Act 2002* and section 274(4) of the *Work Health and Safety Act 2011*

Policy objectives and the reasons for them

Significant reductions in the cost of PV module technology combined with government policy and investment in renewable energies has resulted in the rapid emergence of the large-scale solar farm industry in Queensland. In turn, this has resulted in new entrants to the Queensland electricity generation market often 'learning on the go' in some circumstances, with a lack of awareness causing a failure to comply with existing electrical safety and work health and safety requirements.

Outcomes of compliance audits undertaken by the Office of Industrial Relations provide evidence of this problem. In particular, enforcement action has been required in relation to several safety breaches including unlicensed electrical work, non-compliant electrical installations, inadequate safe work method statements and emergency plans, failing to implement safe systems of work, failing to provide personal protective equipment for labour hire workers, inadequate amenities, uncontrolled traffic management risks, unsecured trenches, poor housekeeping and poor plant maintenance.

To address this issue, in June 2018 the Government agreed to develop a code of practice to provide guidance to the solar farm industry on their work health and safety and electrical safety duties and obligations. Implementation of a code of practice will ensure robust safety standards are in place to help industry achieve positive safety outcomes as the sector develops and to avoid loss of life and serious work-related injury from the construction and operation of a solar farm in Queensland.

Achievement of policy objectives

The Amendment Notice achieves the policy objectives by making the *Construction and operation of solar farms Code of Practice 2019*.

Consistency with policy objectives of authorising law

Making the *Construction and operation of solar farms Code of Practice 2019* is consistent with the purpose of the *Electrical Safety Act 2002* to prevent persons and property from being killed, injured, damaged or destroyed by electricity. It is also consistent with the object of the *Work Health and Safety Act 2011* to provide a framework for continuous improvement and progressively higher standards of work health and safety.

Inconsistency with policy objectives of other legislation

No inconsistencies with policy objectives other legislation have been identified.

Alternative ways of achieving policy objectives

The policy objective can only be achieved by notice.

Benefits and costs of implementation

The *Construction and operation of solar farms Code of Practice 2019* will provide practical guidance to industry on their health and safety duties and how to comply with these duties. It will also provide clarity and certainty on what is, and is not, electrical work that must be performed by licensed electricians. This will ensure inadvertent performance of electrical work by unlicensed workers is avoided.

Information provided in a code of practice can be followed or equal to or better than safety measures can be implemented. This enables duty holders to continue to tailor their compliance approach to their businesses needs and industry best practice.

As the code of practice provides guidance on existing safety duties and requirements, no costs have been identified with implementation of the code of practice.

Consistency with fundamental legislative principles

The Amendment Notice does not conflict with the fundamental legislative principles.

Consultation

An industry working group, which included worker representatives, industry representatives and government representatives, was established in June 2018 to assist with the development of the *Construction and operation of solar farms Code of Practice*. Consultation was undertaken with representatives from following organisations as part of their participation on the working group:

- Powerlink
- National Electrical and Communication Association
- Master Electricians Australia
- Department of Natural Resources, Mines and Energy
- Energy Queensland
- the Electrical Trades Union
- the Construction Forestry Maritime Mining Energy Union.

The Electrical Safety Commissioner also participated on the working group.

Targeted consultation was also undertaken with the following organisations:

- Australian Industry Group
- Clean Energy Council
- Smart Energy Council
- Services Union
- Queensland Board of Professional Engineers
- Professionals Australia.

Notes on Provisions

Short Title

Clause 1 provides the short title of the regulation.

Commencement

Clause 2 provides that the notice commences on 13 May 2019.

Amendment of the Electrical Safety (Codes of Practice) Notice 2013

Clause 3 provides that Part 2 of the notice amends the *Electrical Safety (Codes of Practice) Notice 2013*.

Clause 4 renumbers section 4(2) of the *Electrical Safety (Codes of Practice) Notice 2013*.

Clause 5 inserts a new item into Schedule 1 of the *Electrical Safety (Codes of Practice) Notice 2013*. The new item lists the *Construction and operation of solar farms Code of Practice* as an approved code of practice under the *Electrical Safety Act 2002* with a commencement date of 13 May 2019. Clause 5 also renumbers the item entries in Schedule 1.

Clause 6 inserts a definition for MI 2019 No.1, meaning the ministerial instrument called 'Work Health and Safety and Electrical Safety Approval of Codes of Practice (No.1) 2019'.

Amendment of the Work Health and Safety (Codes of Practice) Notice 2011

Clause 7 provides that Part 3 of the notice amends the *Work Health and Safety (Codes of Practice) Notice 2011*.

Clause 8 inserts a new item into Schedule 1 of the *Work Health and Safety (Codes of Practice) Notice 2011*. The new item lists the *Construction and operation of solar farms Code of Practice* as an approved code of practice under the *Work Health and Safety Act 2011* with a commencement date of 13 May 2019. Clause 8 also renumbers the item entries in Schedule 1.

Clause 9 inserts a definition for MI 2019 No.1, meaning the ministerial instrument called 'Work Health and Safety and Electrical Safety Approval of Codes of Practice (No.1) 2019'.