

Electrical Safety (Codes of Practice) and Other Legislation (Solar Farms) Amendment Notice (No.2) 2019

Explanatory notes for SL 2019 No. 192

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 (No. 2) 2019

Authorising law

Section 44 of the *Electrical Safety Act 2002* and section 274 of the *Work Health and Safety Act 2011*

Policy objectives and the reasons for them

On 29 May 2019, the Supreme Court of Queensland declared section 73A (Work involving PV modules at solar farms) of the *Electrical Safety Regulation 2013* (the ES Regulation) invalid: *Maryrorough Solar Pty Ltd v The State of Queensland* [2019] QSC 135. This decision was affirmed by the Court of Appeal on 25 June 2019: *State of Queensland v Maryrorough Solar Pty Ltd* [2019] QCA 129.

The *Electrical Safety Amendment Regulation (No. 1) 2019*, which commenced on 19 July 2019, removed section 73A from the ES Regulation. As a consequence, the Minister for Education and Minister for Industrial Relations has varied the *Construction and Operation of Solar farms Code of Practice 2019* to remove references to section 73A of the ES Regulation which are redundant.

Achievement of policy objectives

The notice achieves the policy objectives by notifying the *Construction and Operation of Solar Farms Code of Practice 2019* has been varied.

Consistency with policy objectives of authorising law

Removing the reference to the now repealed section 73A of the ES Regulation in the *Construction and Operation of Solar Farms Code of Practice 2019* is consistent with the authorising law.

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 objective can only be achieved by this notice.

Benefits and costs of implementation

There are no costs to industry and minimal costs for government associated with implementing the variation to the code of practice.

Consistency with fundamental legislative principles

The notice does not conflict with fundamental legislative principles.

Consultation

No consultation has been undertaken as the variation to the code of practice is removing a reference to a redundant regulatory provision.

Notes on Provisions

Short Title

Clause 1 provides the short title of the notice.

Commencement

Clause 2 provides the notice commences on 30 September 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 inserts a new dot point for item 1 in Schedule 1 of the *Electrical Safety (Codes of Practice) Notice 2013* notifying the *Construction and Operation of Solar Farms Code of Practice 2019* is amended by MI 2019 No.2 on 30 September 2019.

Clause 5 inserts a definition for MI 2019 No. 2, meaning the ministerial instrument called 'Work Health and Safety and Electrical Safety Variation of Code of Practice (No. 1) 2019.'

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

Clause 6 provides that Part 3 of the notice amends the *Work Health and Safety (Codes of Practice) Notice 2011*.

Clause 7 inserts a new dot point for entry 6 in Schedule 1 of the *Work Health and Safety (Codes of Practice) Notice 2011* notifying the *Construction and Operation of Solar Farms Code of Practice 2019* is amended by MI 2019 No.3 on 30 September 2019.

Clause 8 inserts a definition for MI 2019 No. 3, meaning the ministerial instrument called 'Work Health and Safety and Electrical Safety Variation of Code of Practice (No. 1) 2019'.