

Work Health and Safety (Codes of Practice) (Concrete Pumping) Amendment Notice 2019

Explanatory Notes for SL 2019 No. 214

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Codes of Practice) (Concrete Pumping) Amendment Notice 2019

Authorising law

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

Policy objectives and the reason for them

In June 2015 employer and worker representatives made a joint submission to the then Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships requesting a review of construction-related codes of practice including the *Concrete pumping Code of Practice 2005*. The rationale for the review was to ensure the codes of practice are responsive to industry needs and safety concerns, and reflect best practice in the construction industry.

The Queensland Government made an election commitment to restore the role played by codes of practice in preventing workplace injuries and in prosecuting unscrupulous employers. It was agreed that where Queensland has an existing code it will be retained and updated as necessary to achieve the Government's policy commitment.

The *Concrete pumping Code of Practice 2005* is over 10 years old, and it is considered timely for it be updated and remade to ensure it is responsive to industry needs and reflects current best practice and consistent with the model WHS laws implemented in Queensland in 2012.

Achievement of policy objectives

The notice achieves the policy objectives by revoking the *Concrete pumping Code of Practice 2005* and approving the *Concrete pumping Code of Practice 2019*.

Consistency with policy objectives of authorising laws

Making the *Concrete pumping Code of Practice 2019* 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 this notice.

Benefits and costs on implementation

The majority of the updates to the *Concrete pumping Code of Practice 2005* are considered minor in nature or otherwise reflective of current best practice already being undertaken, and are not expected to increase regulatory burden or go beyond existing regulatory requirements.

It is expected that employers and workers will need to familiarise themselves with the updated *Concrete pumping Code of Practice 2019*, however it is anticipated this will have minimal impact.

There are some anticipated increased costs associated with:

- the enhanced annual and major inspection requirements; and
- the requirement for a minimum of two workers to operate a mobile concrete pump unit.

These are considered minimal and are outweighed by the safety benefits of these changes. Industry members of the Steering Committee are supportive of these proposed changes.

It is expected the changes to annual and major inspection requirements will not impose any additional regulatory burden on the industry and provide clearer guidance on what should be covered in annual and major inspections. It is expected the enhanced guidelines will ensure the ongoing safe operation of concrete pump plant through regular maintenance or repair.

The changes to require a minimum of two workers to operate a mobile concrete pump unit only affects mobile concrete pump units and is expected to reduce the serious risk of a pump unit overturning and the risk of 'hose whip' (the uncontrolled and rapid motion of the flexible rubber hose on the end of a concrete placing boom and has resulted in the death and serious injury of workers).

Consistency with fundamental legislative principles

The notice does not conflict with fundamental legislative principles.

Consultation

A Concrete Pumping Industry Steering Committee, which included worker representatives, employer representatives and government representatives, was established in April 2017 to review and update the *Concrete pumping Code of Practice 2005*. Consultation was undertaken with representatives from the following organisations as part of their participation on the Committee:

- Bignell Engineering;
- Classic Concrete Pumping;
- Concrete Pumping Sales & Equipment;
- Construction, Forestry, Maritime Mining and Energy Union;
- Hanson Yuncken;
- Master Builders Association Queensland;

- Paynter and Dixon;
- Pro-Crete Pumping; and
- Watpac.

Notes on Provisions

Clause 1 provides the short title of the notice.

Clause 2 states the notice commences on 2 December 2019.

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

Clause 4 amends Schedule 1 (Codes of Practice) to omit entry 4 (Concrete Pumping Code of Practice 2005) and inserts under a new entry numbered 4 (Concrete Pumping Code of Practice 2019) which was approved as a code of practice by Ministerial Instrument 2019 No. 5.

Clause 5 amends schedule 2 (Revoked codes of practice) by inserting Concrete Pumping Code of Practice 2005 into the list of revoked codes of practice. This is given effect on 2 December 2019 by Ministerial Instrument 2019 No. 4.

Clause 6 amends Schedule 3 (Dictionary) to insert definitions of the relevant Ministerial Instruments.