

Electrical Safety (Codes of Practice) Amendment Notice 2019

Explanatory Notes for SL 2019 No. 270

made under the

Electrical Safety Act 2002

General outline

Short title

Electrical Safety (Codes of Practice) Amendment Notice 2019

Authorising law

Section 44(1) of the *Electrical Safety Act 2002*

Policy objectives and the reason for them

As at December 2019, there are five codes of practice made under the *Electrical Safety Act 2002* (ES Act). Three of these codes are due to expire on 1 January 2020 following 10 years of operation, namely:

- the *Electrical Equipment Rural Industry Code of Practice 2010*
- the *Working Near Overhead and Underground Electrical Lines Code of Practice 2010*
- the *Works Code of Practice 2010*.

These three codes of practice all commenced on 1 January 2010. Under section 44(5) of the ES Act, codes of practice expire automatically 10 years after commencement.

In September and October 2019, the Office of Industrial Relations (OIR) conducted a limited review of the expiring codes of practice, examining them for technical accuracy, useability and readability, including targeted consultation with key stakeholders.

This process identified a number of minor changes that have been included in the updated codes of practice. Examples of minor changes proposed include:

- updating information for consistency with other codes of practice that have been reviewed and updated since 2010 (e.g. incorporating greater detail about operating plant near overhead electric lines to align with updated content in the Tower crane Code of Practice that was remade in 2017);
- updating examples used in the codes to be contemporary and specific to the codes' focus areas (e.g. specific examples from the rural industry); and
- editorial changes including improving formatting.

Overall, the results of the limited review indicate it is desirable to continue the operation of the codes with minor changes. Key stakeholders supported this approach.

OIR also consulted with the Office of Best Practice Regulation by way of a detailed Sunset Review, with a focus on the continued need for the codes.

Achievement of policy objectives

The notice achieves the policy objectives by approving the:

- Electrical Safety Code of Practice 2020—Electrical Equipment Rural Industry
- Electrical Safety Code of Practice 2020—Working Near Overhead and Underground Electric Lines
- Electrical Safety Code of Practice 2020—Works.

Consistency with policy objectives of authorising laws

Making the above three codes of practice is consistent with the objects of the ES Act to eliminate the human cost to individuals, families and the community of death, injury and destruction that can be caused by electricity.

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

Implementation involves preserving the status quo, by continuing the operation of three codes of practice that have been in operation for the past 10 years.

Relevant businesses and workers should already be familiar with the guidance provided in the codes of practice. All changes to the codes are minor in nature with negligible impact expected. No increased costs are anticipated. Minor increased benefits are possible, insofar as minor changes made to the codes of practice could facilitate clearer understanding of recommended courses of action.

The alternative approach would be to allow the codes of practice to expire without replacement. It is considered the costs of this option outweigh the benefits, as in the absence of the codes, stakeholders would face increased search costs in determining how to best discharge their electrical safety duties and reduced guidance on the discharge of electrical safety duties would degrade electrical safety. OIR would also be without a clear method of providing advice and guidance on the discharge of electrical safety duties in the relevant contexts.

Consistency with fundamental legislative principles

The notice does not conflict with fundamental legislative principles.

Consultation

Consultations included input from the Commissioner for Electrical Safety, members of the Electrical Safety Board, the Electrical Trades Union, Master Electricians Queensland, and the Construction, Forestry, Maritime, Mining and Energy Union.

In addition to the minor changes suggested by stakeholders that were incorporated into the codes of practice, issues raised by stakeholders suited to a major review have been recorded in an issues register for future consideration.

Notes on Provisions

Clause 1 provides the short title of the notice.

Clause 2 states that the notice commences on 2 January 2020.

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

Clause 4 amends section 4 to renumber the sub-sections.

Clause 5 amends Schedule 1 (Codes of Practice) to omit items 2 to 4 (the codes of practice as made in 2010) and insert new items 2 to 4 and their commencement dates as follows:

- | | | |
|---|---|----------------|
| 2 | Electrical Safety Code of Practice 2020—
Electrical Equipment Rural Industry | 2 January 2020 |
| 3 | Electrical Safety Code of Practice 2020—
Working Near Overhead and
Underground Electric Lines | 2 January 2020 |
| 4 | Electrical Safety Code of Practice 2020—
Works | 2 January 2020 |

Clause 6 amends Schedule 3 (Dictionary) to omit a no longer relevant definition concerning a previous Ministerial Instrument.