

Work Health and Safety (Codes of Practice) (Stone Benchtop Industry and Coal-fired Power Stations) Amendment Notice 2020

Explanatory Notes for SL 2020 No. 132

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Codes of Practice) (Stone Benchtop Industry and Coal-fired Power Stations) Amendment Notice 2020

Authorising law

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

Policy objectives and the reason for them

On 31 October 2019, the Chair of Safe Work Australia (SWA) advised Work Health and Safety (WHS) ministers that a majority decision had been reached to halve the national workplace exposure standard for respirable crystalline silica, reducing it from a time-weighted-average (TWA) of 0.1 milligrams per cubic metre (mg/m^3) to a TWA of $0.05\text{mg}/\text{m}^3$.

Given the increase in the number of workers diagnosed with silicosis, it was Queensland's position that the reduction should be implemented with immediate effect.

Following the decision to reduce the workplace exposure standard for respirable crystalline silica, Queensland nominated a commencement date of 1 July 2020 for the revised standard, for workplaces covered by Queensland's WHS legislative framework.

The *Managing respirable crystalline silica in the stone benchtop industry Code of Practice 2019* (the Stone Benchtop Code) and the *Managing respirable dust hazards in coal-fired power stations Code of Practice 2018* (the Coal-Fired Power Stations Code), both approved codes under the *Work Health and Safety Act 2011* (Qld) (WHS Act), are to be varied to make a number of minor amendments to reflect the revised workplace exposure standard for respirable crystalline silica and thus to maintain consistency with the *Work Health and Safety Regulation 2011* (the WHS Regulation).

Under section 274 of the WHS Act, the Minister has the power to approve, revoke or vary a code of practice.

Achievement of policy objectives

The notice achieves the policy objectives by varying the following codes of practice:

- The *Managing respirable crystalline silica dust exposure in the stone benchtop industry Code of Practice 2019*.
- The *Managing respirable dust hazards in coal-fired power stations Code of Practice 2018*.

Consistency with policy objectives of authorising laws

Varying the codes of practice is consistent with the object in the WHS Act to provide a framework for continuous improvement and progressively higher WHS standards.

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 amendments will update the existing reference to the workplace exposure standard for respirable crystalline silica to accurately reflect the revised standard of 0.05mg/m³.

The amendments will ensure consistency with the Work Health and Safety Regulation and thus prevent confusion for industry. No significant adverse impacts are expected. No adverse human rights impacts have been identified in relation to the amendments.

Consistency with fundamental legislative principles

The notice does not conflict with fundamental legislative principles.

Consultation

Detailed consultation on the effects of the national change to the workplace exposure standard for respirable crystalline silica has been undertaken by SWA. In 2018, SWA published a consultation regulation impact statement (consultation RIS) that outlined and tested the current state of knowledge regarding the costs and benefits of the status quo and presented potential options to address the problems identified with the current workplace exposure standard framework. The consultation RIS was supported by a six-week public consultation period. Over 30 submissions were received with feedback from a range of stakeholders including, regulators, government, industry and industry groups, unions, professionals and others.

The consultation RIS informed the development of a decision RIS that formed the basis of the SWA WHS ministers' decision to halve the national workplace exposure standard for respirable crystalline silica from 0.1 mg/m³ to 0.05mg/m³.

The Office of Industrial Relations has launched a communications campaign to raise industry awareness of the new exposure standard, including through an information film, brochure, and toolbox talks for industry.

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 inserts two new entries at Schedule 1 (Codes of Practice) to include the variation of two codes of practice by Ministerial Instrument 2020 No.1 on 1 July 2020.

Clause 4 amends Schedule 3 (Dictionary) to insert definitions of Ministerial Instrument 2020 No.1.