

Work Health and Safety (Codes of Practice) Amendment Notice 2022

Explanatory Notes for SL 2022 No. 154

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Codes of Practice) Amendment Notice 2022

Authorising law

Section 274 of the *Work Health and Safety Act 2011*

Policy objectives and the reason for them

The Work Health and Safety (Codes of Practice) Amendment Notice 2022 (WHS Amendment Notice) is the Ministerial Instrument that approves two new codes of practice under the *Work Health and Safety Act 2011* (WHS Act), specifically, the:

1. *Managing respirable crystalline silica dust exposure in construction and manufacturing of construction elements Code of Practice 2022* (Silica code); and
2. *Managing the risk of psychosocial hazards at work Code of Practice 2022* (Psychosocial hazards code).

The WHS Amendment Notice amends the *Work Health and Safety (Codes of Practice) Notice 2022* (WHS Notice) by including the Silica code and Psychosocial hazards code as approved codes of practice.

Achievement of policy objectives

The WHS Amendment Notice achieves the policy objective of making new subordinate legislation that enables the Minister to give notice of the approval, variation, or revocation of codes of practice under section 274 of the WHS Act.

Consistency with policy objectives of authorising laws

The WHS Amendment Notice gives effect to the Silica code and Psychosocial hazards code, which are consistent with the policy objectives of the WHS Act to protect workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work.

Inconsistency with policy objectives of other legislation

No inconsistencies with policy objectives of other legislation have been identified.

Benefits and costs on implementation

The WHS Amendment Notice does not impose costs on industry or the community. There are minimal costs to government associated with drafting and making the WHS Amendment Notice.

The Silica code and Psychosocial hazards code are not expected to impose a significant financial burden on industry or the community. Possible financial implications of the Silica code and Psychosocial hazards code were considered by the Office of Best Practice Regulation (OBPR) when they considered the Preliminary Impact Assessment application for each code. OBPR concluded that the introduction of the Silica code and Psychosocial hazards code were unlikely to result in significant adverse impacts.

Consistency with fundamental legislative principles

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

Consultation

OBPR was consulted about the Silica code and Psychosocial hazards code. OBPR agreed that no further regulatory impact analysis was required under the *Queensland Government Guide to Better Regulation* (the guide).

In accordance with the guide, OBPR was not consulted in relation to the WHS Amendment Notice. As the WHS Amendment Notice is merely the legislative mechanism to record codes of practice approved by the Minister, the department applied a self-assessable exclusion from undertaking further regulatory impact analysis as it falls into the agency-assessed exclusion category (g): *Regulatory proposals that are of a machinery nature*.

Notes on Provisions

Short title

Clause 1 sets out the short title of the notice.

Commencement

Clause 2 states that Part 2 of the notice commences on 1 April 2023 and Part 3 of the notice commences on 1 May 2023.

Notice amended

Clause 3 states that the notice amends the *Work Health and Safety (Codes of Practice) Notice 2022*.

Amendment of schedule 1 (Codes of practice)

Clause 4 explains that schedule 1 of the notice is amended to include the *Managing the risk of psychosocial hazards at work Code of Practice 2022*. The clause notes that the code has been approved as code of practice by a ministerial instrument as stated in the entry. Clause 4 specifies that the code commences on 1 April 2023.

Amendment of Schedule 2 (Dictionary)

Clause 5 amends Schedule 2 of the Dictionary to include the ministerial instrument stated in the entry.

Amendment of schedule 1 (Codes of practice)

Clause 6 explains that schedule 1 of the notice is amended to include the *Managing respirable crystalline silica dust exposure in the construction and manufacturing of construction elements Code of Practice 2022*. The clause notes that the code has been approved as code of practice by a ministerial instrument as stated in the entry. Clause 6 specifies that the code commences on 1 May 2023.