

# **Work Health and Safety (Codes of Practice) (Amusement Devices and Concrete Pumping) Amendment Notice 2023**

Explanatory Notes for SL 2023 No. 128

made under the

*Work Health and Safety Act 2011*

## **General outline**

### **Short title**

Work Health and Safety (Codes of Practice) (Amusement Devices and Concrete Pumping) Amendment Notice 2023

### **Authorising law**

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

### **Policy objectives and the reason for them**

The *Work Health and Safety (Codes of Practice) (Amusement Devices and Concrete Pumping) Amendment Notice 2023* (the WHS Amendment Notice) fulfils a requirement under section 274 of the WHS Act for the Minister to give notice of the approval, variation or revocation of a code of practice.

The WHS Amendment Notice amends the *Work Health and Safety (Codes of Practice) Notice 2022* by:

- amending the entry for the Concrete Pumping Code of Practice 2019 (Concrete Pumping Code) to provide notice of a variation to the code taking effect on 1 September 2023; and
- including a new entry for the Amusement Devices Code of Practice 2023 (the Amusement Devices Code) to provide notice the code has been approved to take effect on 1 February 2024.

The variation to the Concrete Pumping Code is a minor amendment to correct a technical error and restore consistency with the *Work Health and Safety Regulation 2011*.

The Amusement Devices Code provides clarity and certainty for duty holders about their obligations to eliminate or minimise risks associated with amusement devices at workplaces. The code is consistent with the object 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 or from particular types of plant.

### **Achievement of policy objectives**

The WHS Amendment Notice achieves the policy objective of making new subordinate legislation to enable the Minister to give notice in relation to approving, varying or revoking an approved code of practice under the WHS Act.

## **Consistency with policy objectives of authorising laws**

The WHS Amendment Notice gives notice in relation to a variation to the Concrete Pumping Code and the approval of the Amusement Devices Code. This is consistent with the object of the WHS Act which includes:

- protecting workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work or particular types of plant; and
- providing a framework for continuous improvement and progressively higher standards of work health and safety.

## **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 amendment to the Concrete Pumping Code will restore legislative consistency with the WHS Regulation and provide clarity to industry with respect to the current design registration requirements for concrete placing booms. There is no expected financial burden on industry or the community as a result of varying the code.

The Amusement Devices Code is not expected to impose a significant financial burden on industry or the community. The Office of Best Practice Regulation (OBPR) has considered a Preliminary Impact Assessment for the code and considers the code will not unduly add to the burden of regulation and is unlikely to result in significant adverse impacts.

## **Consistency with fundamental legislative principles**

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

## **Consultation**

The OBPR was consulted about the Amusement Devices Code and advised that no further regulatory impact analysis was required under the *Queensland Government Guide to Better Regulation* (the guide).

In accordance with the guide, the OBPR was not consulted in relation to the WHS Amendment Notice. As the WHS Amendment Notice is merely the legislative mechanism to record notification of codes of practice approved or varied 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

### Part 1 Preliminary

#### Short title

*Clause 1* sets out the short title of the notice.

#### Commencement

*Clause 2* provides that Part 2 commences on 1 September 2023 and Part 3 commences on 1 February 2024.

#### Notice amended

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

### Part 2 Amendments commencing on 1 September 2023

#### Amendment of sch 1 (Approved codes of practice)

*Clause 4* amends Schedule 1 of the *Work Health and Safety (Codes of Practice) Notice 2022* to provide notice of a variation to the Concrete Pumping Code of Practice 2019 by a ministerial instrument taking effect on 1 September 2023.

#### Amendment of sch 2 (Dictionary)

*Clause 5* amends Schedule 2 (Dictionary) to include the ministerial instrument varying the Concrete Pumping Code of Practice 2019.

### Part 3 Amendments commencing on 1 February 2024

#### Amendment of sch 1 (Approved codes of practice)

*Clause 6* amends schedule 1 of the *Work Health and Safety (Codes of Practice) Notice 2022* to include a new entry which provides notice of the approval of the Amusement Devices Code of Practice 2023 by a ministerial instrument taking effect on 1 February 2024.

#### Amendment of sch 2 (Dictionary)

*Clause 7* amends Schedule 2 (Dictionary) to include the ministerial instrument approving the Amusement Devices Code of Practice 2023.