

Work Health and Safety (Codes of Practice) (Respirable Dust in Coal Fired Power Stations) Amendment Notice 2023

Explanatory Notes for SL 2023 No. 174

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Codes of Practice) (Respirable Dust in Coal Fired Power Stations) 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) (Respirable Dust in Coal Fired Power Stations) Amendment Notice 2023* (WHS Amendment Notice) fulfils a requirement under section 274 of the WHS Act for the Minister to give public 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* (WHS Notice) as follows:

1. amending the entry for the *Managing respirable dust hazards in coal-fired power stations Code of Practice 2018* to provide notice of the revocation of the code on 3 December 2023 (Coal Fired Power Stations Code 2018); and
2. including a new entry for the *Managing respirable dust hazards in coal-fired power stations Code of Practice 2023* to provide notice the code has been approved to take effect on 3 December 2023 (Coal Fired Power Stations Code 2023)

The Coal Fired Power Stations Code 2018 is an approved code of practice that provides practical guidance in relation to the management of respirable dust hazards at coal-fired power stations. Under section 274 (4c) of the WHS Act, the code is due to expire on 3 December 2023, five years after it was made. The Coal Fired Power Stations Code 2023, which will commence on 3 December 2023, will maintain the current health and safety standards and ensure the coal fired power station industry continue to have clear, enforceable guidance on how to meet their duties relating to dust exposure in the workplace.

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 approved code of practice under the WHS Act.

Consistency with policy objectives of authorising laws

The WHS Amendment Notice gives notice in relation to the remaking the Coal Fired Power Stations 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.
- 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 amendments in the new Coal Fired Power Stations Code 2023 are administrative in nature and not anticipated to impose financial burden on industry of the community.

Consistency with fundamental legislative principles

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

Consultation

In accordance with *The Queensland Government Better Regulation Policy* (the Policy), the Office of Best Practice Regulation has been notified of the regulatory proposal and a summary impact analysis statement will be published on the department's website. Under the Policy, no further regulatory impact analysis was not required given that the remade Coal Fired Power Stations Code 2023 contains only minor amendments and technical clarifications.

Notes on Provisions

Short title

Clause 1 sets out the short title of the notice.

Notice amended

Clause 2 states that the notice amends the *Work Health and Safety (Codes of Practice) Notice 2022*.

Amendment of schedule 1 (Codes of practice)

Clause 4 amends Schedule 1 of the *Work Health and Safety (Codes of Practice) Notice* to insert the *Managing respirable dust hazards in coal-fired power stations Code of Practice 2023* by a ministerial instrument as stated in the entry.

Amendment of schedule 1A (Revoked code of practice)

Clause 5 inserts the *Managing respirable dust hazards in coal-fired power stations Code of Practice 2018*.

Amendment of Schedule 2 (Dictionary)

Clause 6 amends Schedule 2 of the Dictionary to include additional items in the dictionary.