

Work Health and Safety (Codes of Practice) (Solar Farms) and Other Legislation Amendment Notice 2024

Explanatory Notes for SL 2024 No. 35

made under the

Electrical Safety Act 2002

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Codes of Practice) (Solar Farms) and Other Legislation Amendment Notice 2024

Authorising law

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

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) (Solar Farms) and Other Legislation Amendment Notice 2024* (Amendment Notice) fulfils a requirement under section 44(2) of the ES Act for the Minister to give public notice of the making, amending or repealing of a code of practice.

The Amendment Notice similarly, fulfils a requirement under section 274(4) of the WHS Act for the Minister to give public notice of the approval, variation or revocation of a code of practice.

The Amendment Notice amends the *Electrical Safety (Codes of Practice) Notice 2013* (ES Notice) as follows:

- repeals the *Construction and Operation of Solar Farms Code of Practice 2019* (Solar Farm Code 2019)
- makes the *Construction and Operation of Solar Farms Code of Practice 2024* (Solar Farm Code 2024).

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

- revokes the Solar Farm Code 2019
- approves the Solar Farm Code 2024.

The Solar Farm Code 2019 provides practical guidance to industry on their health and safety duties and how to comply with existing safety requirements. It also provides guidance on what is, and is not, electrical work that must be performed by licensed electricians. This will provide clarity and certainty to industry and avoid unlicensed workers inadvertently performing electrical work. The Solar Farm Code 2019 covers the life cycle of a solar farm from design, construction and commissioning to operation, maintenance and end of life management.

Under section 274(4C) of the WHS Act, the Solar Farm Code 2019 is due to expire on 7 April 2024, five years after it was approved. The Solar Farm Code 2024, which will commence on 5 April 2024, will maintain the current health and safety standards and ensure the solar farm industry continue to have clear, enforceable guidance on how to meet their duties relating under both the electrical safety, and work health and safety frameworks.

Achievement of policy objectives

The Amendment Notice achieves the policy objective of making subordinate legislation to enable the Minister to give notice in relation to making, amending or repealing codes of practice under the ES Act; and approving, varying or revoking approved code of practice under the WHS Act.

Consistency with policy objectives of authorising laws

The Amendment Notice gives notice in relation to the revoking/repealing of the Solar Farm Code 2019 and the approving/making of the Solar Farm Code 2024. This is consistent with the objects of both the ES Act and WHS Act.

The purpose of the ES Act is directed at eliminating the human cost to individuals, families and the community of death, injury and destruction that can be caused by electricity. This can be achieved by establishing benchmarks for industry and the community generally through making codes of practice about achieving electrical safety.

The main of the WHS Act is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces. This can be achieved by:

- 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 Solar Farm Code 2024 continues to provide guidance on existing safety duties and requirements under Queensland's safety legislation. The Amendment Notice does not impose costs on industry, business or the community.

There are minimal costs to government associated with drafting and making the Amendment Notice.

Consistency with fundamental legislative principles

The 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 required given that the Solar Farm Code 2024 contains only minor amendments and technical clarifications compared to the Solar Farm Code 2019.

Notes on Provisions

Short title

Clause 1 sets out the short title of the notice, being the *Work Health and Safety (Codes of Practice) (Solar Farms) and Other Legislation Amendment Notice 2024*.

Commencement

Clause 2 provides that the notice commences on 5 April 2024.

Amendment of the Electrical Safety (Codes of Practice) Notice 2013

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

Clause 4 amends Schedule 1, item 1 to omit reference to the *Construction and Operation of Solar Farms Code of Practice 2019* (Solar Farm Code 2019). *Clause 4* also amends Schedule 1, item 1 to insert reference to the *Construction and Operation of Solar Farms Code of Practice 2024* (Solar Farm Code 2024).

Clause 5 inserts new item 4 in Schedule 2 to list the repealed Solar Farm Code 2019.

Clause 6 inserts a new definition in Schedule 3 for the ministerial instrument repealing the Solar Farm Code 2019. *Clause 6* also omits reference to the ministerial instruments which made and amended the Solar Farm Code 2019.

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

Clause 7 states that the notice amends the *Work Health and Safety (Codes of Practice) Notice 2022*.

Clause 8 amends Schedule 1, part 2, entry 4 to omit reference to the Solar Farm Code 2019 and insert reference to the Solar Farm Code 2024.

Clause 9 inserts new item 3 in Schedule 1A to list the revoked Solar Farm Code 2019.

Clause 10 amends Schedule 2 to insert new definitions for the ministerial instruments revoking the Solar Farm Code 2019 and approving the Solar Farm Code 2024. *Clause 10* also

omits reference to the ministerial instruments which approved and varied the Solar Farm Code 2019.