

Work Health and Safety (Codes of Practice) Amendment Notice 2024

Explanatory Notes for SL 2024 No. 157

made under the

Work Health and Safety Act 2011

General outline

Short title

Work Health and Safety (Codes of Practice) Amendment Notice 2024

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) Amendment Notice 2024* (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* to give notice that the Minister has:

- revoked the *Managing Respirable Crystalline Silica Dust Exposure in the Stone Benchtop Industry Code of Practice 2019* on 16 August 2024;
- revoked the *Mobile Crane Code of Practice 2006* on 23 September 2024 and approved the *Mobile Crane Code of Practice 2024* to commence on 23 September 2024;
- revoked the *Rural Plant Industry Code of Practice 2004* and the *Safe Design and Operation of Tractors Code of Practice 2005* on 23 September 2024 and approved the *Rural Plant Code of Practice 2024* to commence on 23 September 2024; and
- revoked the *Sugar Industry Code of Practice 2005* on 23 September 2024 and approved the *Sugar Mill Safety Code of Practice 2024* to commence on 23 September 2024.

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 revoking and approving codes of practice under the WHS Act.

Managing Respirable Crystalline Silica Dust Exposure in the Stone Benchtop Industry Code of Practice 2019

The *Managing Respirable Crystalline Silica Dust Exposure in the Stone Benchtop Industry Code of Practice 2019* was developed by Queensland when there was a regulatory gap in the national model work health and safety regulatory framework in relation to this matter. In December 2023, Work Health and Safety Ministers agreed to a prohibition on engineered stone from 1 July 2024. The Queensland Government has implemented the prohibition on engineered stone through an amendment to the *Work Health and Safety Regulation 2011*. In addition to national model regulations to ban engineered stone, Safe Work Australia is developing supporting guidance. Revoking the code is necessary to maintain national consistency and avoid confusion for industry in relation to complying with the ban on engineered stone. This Code is revoked from 16 August 2024.

Mobile Crane Code of Practice 2024

The *Mobile Crane Code of Practice 2024* replaces the revoked *Mobile Crane Code of Practice 2006*. This follows a review to ensure the code is relevant and applicable to current work health and safety risks associated with mobile cranes. The review of the code was undertaken in consultation with a steering group comprised of industry, worker representatives, technical experts and engineering and inspectorate representatives from the Office of Industrial Relations (OIR).

Rural Plant Code of Practice 2024

The *Rural Plant Code of Practice 2024* replaces the revoked *Rural Plant Industry Code of Practice 2004* and the revoked *Safe Design and Operation of Tractors Code of Practice 2005*. This follows a review of the codes supported by a steering group comprised of agricultural industry representatives, worker representatives, external health and safety experts and technical experts within OIR. The *Rural Plant Code of Practice 2024* has been updated to reflect contemporary practices to eliminate and minimise work health and safety risks in the agricultural context. In addition to content on rural plant and tractors, the new code includes guidance on quad bikes and side-by-side vehicles.

Sugar Mill Safety Code of Practice 2024

The *Sugar Mill Safety Code of Practice 2024* replaces the revoked *Sugar Industry Code of Practice 2005*. The new code was reviewed in consultation with two separate steering groups, one for milling and another for cane rail transport, in recognition of the specialised hazards in these respective areas of the industry. Both groups were comprised of industry representatives, worker representatives, technical experts, and engineering and inspectorate representatives from OIR. The *Sugar Mill Safety Code of Practice 2024* has been updated to reflect contemporary practices to eliminate and minimise work health and safety risks associated with sugar mills, including specific guidance on the use perimeter fencing to manage the risks of cane bin collisions with workers or other mobile plant. The *Sugar Mill Safety Code of Practice 2024* includes the *Cane Rail Safety Supplement*.

Consistency with policy objectives of authorising laws

The WHS Amendment Notice gives notice in relation to the Minister's revocation and approval of codes of practice as required under the WHS Act.

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.

Impact assessment statements were prepared in relation to the codes of practice as required under the *Queensland Government Better Regulation Policy*. The impact assessment statements are published on the department's website.

Consistency with fundamental legislative principles

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

Consultation

The WHS Amendment Notice is the legislative mechanism to record notification of codes of practice approved, varied or revoked by the Minister. As the WHS Amendment Notice is minor and machinery in nature, regulatory impact analysis was not required under the *Queensland Government Better Regulation Policy*. However, as outlined above, consultation with stakeholders occurred separately in relation to developing the new approved codes.

Notes on Provisions

Part 1 Preliminary

Short title

Section 1 sets out the short title of the notice.

Commencement

Section 2 provides that Part 2 of the WHS Amendment Notice commences on 16 August 2024 and Part 3 commences on 23 September 2024.

Notice amended

Section 3 provides that the WHS Amendment Notice amends the *Work Health and Safety (Codes of Practice) Notice 2022*.

Part 2 Amendments commencing on 16 August 2024

Amendment of sch 1 (Approved codes of practice)

Section 4 amends schedule 1, Part 2 of the *Work Health and Safety (Codes of Practice) Notice 2022* to omit the reference to the *Managing Respirable Crystalline Silica Dust Exposure in the Stone Benchtop Industry Code of Practice 2019*.

Amendment of sch 1A (Revoked codes of practice)

Section 5 amends schedule 1A of the *Work Health and Safety (Codes of Practice) Notice 2022* to include a reference to the revoked *Managing Respirable Crystalline Silica Dust Exposure in the Stone Benchtop Industry Code of Practice 2019*.

Amendment of sch 2 (Dictionary)

Section 6 amends Schedule 2 (Dictionary) to include a definition for the ministerial instrument which revokes the *Managing Respirable Crystalline Silica Dust Exposure in the Stone Benchtop Industry Code of Practice 2019*.

Part 3 Amendments commencing on 23 September 2024

Amendment of sch 1 (Approved codes of practice)

Section 7 amends Schedule 1 of the *Work Health and Safety (Codes of Practice) Notice 2022* to omit the references to revoked codes of practice and include the following new approved codes or practice:

- *Mobile Crane Code of Practice 2024*
- *Rural Plant Code of Practice 2024*
- *Sugar Mill Safety Code of Practice 2024*

Amendment of sch 1A (Revoked codes of practice)

Section 8 amends Schedule 1A of the *Work Health and Safety (Codes of Practice) Notice 2022* to include references to the following revoked codes of practice:

- *Mobile Crane Code of Practice 2006*
- *Rural Plant Industry Code of Practice 2004*
- *Safe Design and Operation of Tractors Code of Practice 2005*
- *Sugar Industry Code of Practice 2005*

Amendment of sch 2 (Dictionary)

Section 9 amends Schedule 2 (Dictionary) to include definitions for the ministerial instruments revoking and approving codes referred to in Part 3 of the WHS Amendment Notice.