

Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2024

Explanatory Notes for SL 2024 No. 235

made under the

Electrical Safety Act 2002

Work Health and Safety Act 2011

General outline

Short title

Electrical Safety (Codes of Practice) 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 *Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2024* (the 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 2024* (ES Notice) to notify amendments to the:

- *Construction and Operation of Solar Farms Code of Practice 2024*;
- *Electrical Safety Code of Practice 2020 - Electrical Equipment Rural Industry*; and
- *Electrical Safety Code of Practice 2021 - Managing Electrical Risks in the Workplace*

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

- *Electrical Safety Code of Practice 2024 - Construction and Operation of Solar Farms Code of Practice*;
- *Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice 2021*; and
- *Sugar Mill Safety Code of Practice 2024*

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 amending codes of practice under the ES Act; and varying approved codes of practice under the WHS Act.

Electrical Safety Code of Practice 2021 - Managing Electrical Risks in the Workplace, Electrical Safety Code of Practice 2020 - Electrical Equipment Rural Industry, Construction and Operation of Solar Farms Code of Practice 2024 (Electrical Safety Codes of Practice)

Following the Review of Queensland's *Electrical Safety Act 2002*, a number of recommendations have been implemented through the Electrical Safety and Other Legislation Amendment Act 2024 and the Electrical Safety and Other Legislation Amendment Regulation 2024. Amendments to the Electrical Safety Codes of Practice are subsequently required to ensure accurate and consistent guidance in line with the amended ES Act and the *Electrical Safety Regulation 2013*. Key changes to the Electrical Safety Codes of Practice include amendments to the definition of *electrical equipment*, *electrical installation* and *electrical work*, in addition to amendments relating to electrical work on energised electrical equipment.

Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice 2021

The *Work Health and Safety and Other Legislation Amendment Act 2024* was passed by Queensland Parliament on 21 March 2024 and implemented recommendations from the *2022 Review of the Work Health and Safety Act 2011* (WHS Act). This included amendments to the WHS Act to clarify who can represent workers, timeframes and processes for negotiations about work groups and health and safety committees and procedures for when negotiations fail. These amendments commenced by proclamation on 20 May 2024 and 29 July 2024.

Consequential amendments are required to the *Work Health and Safety Consultation, Cooperation and Coordination Code of Practice 2021* to ensure the code remains consistent with the consultation requirements in the WHS Act.

Sugar Mill Safety Code of Practice 2024

The variation to the *Sugar Mill Safety Code of Practice 2024* (Sugar Mill Code) is a minor amendment to correct an incorrect workplace exposure standard (WES) for welding fumes.

Consistency with policy objectives of authorising laws

The Amendment Notice gives notice in relation to the Minister's amendment and variation of codes of practice as required under the WHS Act and ES Act. This is consistent with the objects of the ES Act and the 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 including 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; 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 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.

Impact Analysis Statements were prepared in relation to the amended and varied codes of practice as required under the *Queensland Government Better Regulation Policy*. The Impact Analysis Statements are published on the department's website.

Consistency with fundamental legislative principles

The Amendment Notice is consistent with fundamental legislative principles.

Consultation

In accordance with *The Queensland Government Better Regulation Policy*, the Office of Best Practice Regulation has been notified of the regulatory proposal and were consulted on the preparation of Impact Analysis Statements.

Notes on Provisions

Part 1 Preliminary

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

Clause 2 provides that the notice commences on 27 September 2024.

Part 2 Amendment of Electrical Safety (Codes of Practice) Notice 2024

Clause 3 states that the notice amends the *Electrical Safety (Codes of Practice) Notice 2024*.

Clause 4 inserts new section 2A Definitions providing that the dictionary in schedule 2 defines the terms in the notice.

Clause 5 inserts new section 3A to provide that if the entry in schedule 1 for a code of practice states that the code of practice has been amended, the ministerial instrument stated in the entry approving the code of practice has been made by the Minister.

Clause 6 amends Schedule 1, item 1, to insert a reference that code was amended by MI 2024 No.1 on 27 September 2024 and amends Schedule 1 items 2 and 5 to insert a reference that the code was amended by MI 2024 No.2 on 27 September 2024.

Clause 7 inserts a new Schedule 2 titled Dictionary and inserts a new definition in Schedule 2 for MI 2024 No.1, MI 2024 No.2 and the term *ministerial instrument*.

Part 3 Amendment of Work Health and Safety (Codes of Practice) Notice 2022

Clause 8 states that the notice amends the *Work Health and Safety (Codes of Practice) Notice 2022*.

Clause 9 amends Schedule 1, part 2, entry 4, to insert a reference that the code was varied by MI 2024 No.6 on 27 September 2024 and Schedule 1, part 2, entry 24A and 26 to insert a reference that the code was varied by MI 2024 No.7 on 27 September 2024.

Clause 10 amends Schedule 2 to insert new definitions for MI 2024 No.6 and MI 2024 No.7.