

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of State Development and Infrastructure (Office of Industrial Relations)
Name of the proposal	Remake of the <i>Electrical Safety (Codes of Practice) Notice 2013</i>
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Electrical Safety (Codes of Practice) Notice 2013</i>
Date of issue	August 2024

What is the nature, size and scope of the problem? What are the objectives of government action?

Background

The *Electrical Safety (Codes of Practice) Notice 2013* (2013 Codes Notice) expires on 1 September 2024 under section 54 of the *Statutory Instruments Act 1992* (SI Act).

The 2013 Codes Notice is subordinate legislation that fulfils a requirement under section 44(2) of the *Electrical Safety Act 2002* (ES Act) for the Minister to give notice of the making, amending or repealing of a code of practice in order for it to have effect. A notice made under section 44(2) of the ES Act is made by the Minister rather than approved by Governor in Council, as is the case with most other subordinate legislation.

The 2013 Codes Notice serves as the 'notification' of Ministerial decisions relating to the substantive statutory instruments referred to in the 2013 Codes Notice, namely, the codes of practice. It also serves as a public record of Ministerial decisions relating to the codes of practice listed in the notice, providing clarity to regulated entities in relation to what code of practice or version of a code of practice is in force at any given time.

There are five codes of practice currently in force under the ES Act and recorded in the 2013 Codes Notice:

1. Construction and Operation of Solar Farms Code of Practice 2024
2. Electrical Safety Code of Practice 2020 – Electrical Equipment Rural Industry
3. Electrical Safety Code of Practice 2020 – Working Near Overhead and Underground Electric Lines
4. Electrical Safety Code of Practice 2020 – Works
5. Electrical Safety Code of Practice 2021 – Managing Electrical Risks in the Workplace.

Codes of practice are made under section 44(1) of the ES Act and are subject to separate regulatory impact analysis under the Queensland Government Better Regulation Policy at the time they are made. The codes of practice expire 10 years after they commence.

Problem

The individual codes of practice and the 2013 Codes Notice form an integral part of Queensland's electrical safety framework by providing guidance to duty holders about how to discharge their electrical safety duties.

If the 2013 Codes Notice is left to expire and is not remade there will be no current legal record of the codes



of practice that are in force at any given time. There will also be no statutory instrument in place for the Minister to give notice of the making, amending or repealing of codes of practice as required under s44(2) of the ES Act.

Objective

The objective of government action is to maintain the integrity of the electrical safety framework by ensuring that codes of practice are made, amended and repealed efficiently and effectively and in accordance with section 44 of the ES Act.

An additional objective is to provide clarity to regulated individuals and entities so they can easily understand what codes of practice are in effect at any given time.

What options were considered?

Two options were considered:

Option 1 – Take action to remake the 2013 Code Notice

Take action to remake the 2013 Codes Notice before it expires on 1 September 2024. This will maintain the integrity of the electrical safety framework and will ensure the preservation of the instrument for the Minister to give notice when making, amending or repealing a code of practice. It will also ensure the preservation of the record of approved codes of practice already made under the ES Act.

Option 2 – Take no action and allow the expiry of the 2013 Codes Notice

Take no action. If no action is taken, the 2013 Codes Notice will automatically expire on 1 September 2024 in accordance with section 54 of the SI Act.

What are the impacts?

Option 1 – Take action to remake the 2013 Codes Notice

The impacts of taking action to remake the 2013 Codes Notice prior to 1 September 2024 are negligible.

This option maintains the notice to allow the Minister to make future notification of making, amending or repealing a code of practice efficiently and effectively. This option also maintains a current record of existing codes of practice that form part of the electrical safety framework, so that regulated entities can easily understand what codes of practice have legal effect at any given time.

As the 2013 Codes Notice is administrative in nature, the remaking of the codes notice does not impose any costs on industry or the community. The proposal does not result in any change to the regulatory policy and does not result in any new impacts on business, government or the community.

Option 2 – Take no action and allow the expiry of the 2013 Codes Notice

If the 2013 Codes Notice expires on 1 September 2024 and is not remade, there would be no legislative instrument in place to give legal effect to the future making, amending or repealing of codes of practice as required by s44(2) of the ES Act. This may impact the ability for the Minister to make, amend or repeal codes of practice by increasing the administrative burden required to give notice, potentially duplicating effort and impacting the integrity of the electrical safety framework.

Without this statutory instrument, regulated entities would have no clear, reliable record of the codes of practice in force at any given time. This may impact regulated individuals and entities by increasing the time required to search for in force codes and understand their legal requirements. It may also decrease their confidence in the electrical safety framework.

Who was consulted?

Consultation has occurred with the Office of Parliamentary Council (OPC) and the Office of Best Practice Regulation (OBPR) to ensure that the remake of the codes notice aligns with best practice.

No external consultation has been undertaken as remaking the 2013 Codes Notice is administrative in nature and will have no impact on the community.

What is the recommended option and why?

Option 1, to remake the 2013 Codes Notice before it expires on 1 September 2024, is the recommended option. This option will ensure the preservation of the notice making instrument, which is the most efficient and effective way for the Minister to fulfil section 44(2) of the ES Act while preserving the record of existing in-force codes of practice. Maintaining the codes notice benefits the regulated community by making clear the legal status of codes of practice at any given time.

There is currently no alternative mechanism to satisfy the requirements of section 44(2) as efficiently and effectively as the codes notice.

Impact assessment

	First full year	First 10 years
Direct costs – <i>Compliance costs</i>	Nil	Nil
Direct costs – <i>Government costs</i>	Nil	Nil

Signed



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Infrastructure

Date: 2 / 8 / 2024



The Honourable Grace Grace MP
Minister for State Development and
Infrastructure
Minister for Industrial Relations and
Minister of Racing

Date 13 / 8 / 2024