

Work Health and Safety Act 2011

Section 274

**Work Health and Safety Codes of Practice
2012**

I, Bill Shorten, Minister for Employment and Workplace Relations:

1. revoke the Codes of Practice preserved by subitem 23(1) of Schedule 2 of the *Work Health and Safety (Transitional and Consequential Provisions) Act 2011* that are specified in item 4 of this instrument; and
2. approve the Codes of Practice under subsection 274(1) of the *Work Health and Safety Act 2011* attached as appendices to this instrument.

Dated: 3 December 2012

Signed

Bill Shorten

Minister for Employment and Workplace Relations

ARRANGEMENT

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Arrangement

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Appendix 1 - Code of Practice: First Aid in the Workplace

Appendix 2 - Code of Practice: Construction Work

Appendix 3 - Code of Practice: Preventing Falls In Housing Construction

Appendix 4 - Code of Practice: Managing Electrical Risks in the Workplace

Appendix 5 - Code of Practice: Managing Risks of Hazardous Chemicals in the Workplace

Appendix 6 - Code of Practice: Managing The Risks of Plant in the Workplace

Appendix 7 - Code of Practice: Welding Processes

Appendix 8 - Code of Practice: Excavation Work

Appendix 9 - Code of Practice: Demolition Work

Appendix 10 - Code of Practice: Safe Design of Structures

Appendix 11 – Code of Practice: Spray Painting and Powder Coating

Appendix 12 – Code of Practice: Abrasive Blasting

PRELIMINARY PROVISIONS

1. Name

This Instrument is the ***Work Health and Safety Codes of Practice 2012***.

NOTE: This Instrument is a legislative instrument within the meaning of the *Legislative Instruments Act 2003* (see paragraph 273B(1)(d) of the *Work Health and Safety Act 2011*) and, notwithstanding that Act, may apply, adopt or incorporate by reference, with or without modifications, any matter contained in any document as in force at a particular time or from time to time (see subsection 274(3) of the *Work Health and Safety Act 2011*).

2. Application

These Codes of Practice have been made for the purposes of the *Work Health and Safety Act 2011* and apply to all bodies and persons having duties under that Act or regulations made under that Act.

3. Commencement

3.1 These Codes of Practice commence on the day after registration.

4 Revocation of Preserved Codes

4.1 The preserved codes of practice, prescribed by regulation 761 of the *Work Health and Safety Regulations 2011*, revoked by this instrument are:

- Part 2 (First Aid)
- Part 21 (Spray Painting)
- Part 22 (Abrasive Blasting)
- Part 24 (Falls in Construction)

NOTES:

1. Regulation 761 of the *Work Health and Safety Regulations 2011* prescribes the following Parts of the *Occupational Health and Safety Code of Practice 2008*, namely -:
 - Part 2 (First Aid)
 - Part 5 (Vibration)
 - Part 16 (Timber Preservatives)
 - Part 20 (Occupational Diving)
 - Part 21 (Spray Painting)
 - Part 22 (Abrasive Blasting)
 - Part 23 (Construction Induction Training)
 - Part 24 (Falls in Construction)
 - Part 25 (Cash in Transit)
2. Sub item 23 of the Schedule 2 to the *Work Health and Safety (Transitional and Consequential Provisions) Act 2011* provides that each prescribed Part of the Occupational Health and Safety Code of Practice

2008, as in force on 31 December 2011, is taken, on and from 1 January 2012, to be a code of practice approved under section 274 of the *Work Health and Safety Act 2011* for the purposes of that Act.

3. The *Occupational Health and Safety Code of Practice 2008* is registered on the Federal Register of Legislative Instruments as F2008L02054.

INTRODUCTION

These Codes of Practice are based on the model Codes of Practice developed by Safe Work Australia through consultation with Commonwealth, state and territory governments, unions and employer organisations and agreed by the Workplace Relations Ministers Council.

Comcare, as the regulator for the Commonwealth jurisdiction, has modified those model Codes of Practice as and to the extent required for conformity with:

- the *Work Health and Safety Act 2011* ('the WHS Act');
- the *Work Health and Safety (Transitional and Consequential Provisions) Act 2011*;
- the *Work Health and Safety Regulations 2011* ('the WHS Regulations'); and
- the *Legislative Instruments Act 2003* and the regulations made under that Act.

These Codes of Practice:

- are to be read and construed with the WHS Act and the WHS regulations;
- provide guidance on meeting obligations under the WHS Act and Regulations;
- are admissible in proceedings under the WHS Act and Regulations as evidence of what is known about a hazard, risk or control and what is reasonably practicable.

A reference in these Codes of Practice to these Codes of Practice includes a reference to:

- the instrument of approval;
- the preliminary provisions;
- this introduction;
- each Code of Practice;
- each document adopted or applied by, or incorporated by reference (with or without modification) into, any of these Codes of Practice;
- the Parts of the *Occupational Health and Safety Code of Practice 2008* prescribed by regulation 761 of the WHS Regulations for the purposes of sub item 23 of Schedule 2 to the *Work Health and Safety (Transitional and Consequential Provisions) Act 2011* which have not been repealed by this instrument; and
- all headings and notes.

In accordance with the *Legislative Instruments Act 2003*, these Codes of Practice (including this Introduction and any documents adopted, applied or incorporated by reference to these Codes of Practice) are to be read and construed as if these Codes of Practice were an Act and each provision of these Codes of Practice were a provision of an Act.

Copies of these Codes of Practice are available for inspection, free of charge, by members of the public, at any Comcare office during normal business hours.

NOTES:

1. Comcare offices are listed on www.comcare.gov.au.
2. Copies of these Codes of Practice may be accessed online at www.comcare.gov.au and www.comlaw.gov.au.