

Impact Analysis Statement

Summary IAS

Details

Lead department	Office of Industrial Relations (OIR), Department of State Development and Infrastructure
Name of the proposal	Approval of the <i>Rural Plant Code of Practice 2024</i> (Rural Plant Code 2024)
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Work Health and Safety Act 2011</i> <i>Rural Plant Code of Practice 2004</i> (Rural Plant Code) <i>Safe design and operation of tractors Code of Practice 2005</i> (Tractor Code)
Date of issue	August 2024

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

In 2022-23, Queensland's agriculture, fisheries, forestry and food industries employed around 58,100 people¹. A well-known statistic is that less than 4% of Queenslanders work on farms, yet nearly 30% of workplace deaths happen on them. Many of these deaths involve items of rural plant.

"Rural Plant" refers to plant commonly used in the agricultural industry, such as farm machinery, equipment, appliances, containers, implements, vehicles, tools, and any components or anything fitted or connected to those things. They are essential for modern agricultural business operations and provide significant benefits including improved farming practices, boosts in productivity and commercialisation, reduced effects of labour shortages, and increased profitability.

However, there are significant work health and safety risks associated with using rural plant in a workplace. Examples of rural plant hazards include:

- amputation of limbs (such as by unguarded moving parts)
- crush injuries (such as by the rollover of tractors, quad bikes or other types of mobile plant)
- injuries from falls while accessing, operating or maintaining plant;
- electric shock from plant that is not adequately protected or isolated; and
- burns or scalds due to contact with hot surfaces, or exposure to flames or hot fluids.

Between 1 January 2012 to 31 December 2022, WHSQ has been notified of 802 events associated with rural plant activities; noting that anecdotal evidence suggests that incidents tend to be under reported in this industry. Notified events have fluctuated from 51 to 88 per year but have been generally increasing in number over the reporting period.

The events include 65 fatalities (8%), with nearly half of those involving tractors, all-terrain vehicles (i.e. quad bikes/side by side vehicles (SSVs)) and other type of mobile plant.

Like all workplaces, agricultural workplaces have legislative duties under the *Work Health and Safety Act 2011* (WHS Act) and the *Work Health and Safety Regulation 2011* (WHS Regulation) to eliminate or minimise work health and safety risks.

¹ Employment data was sourced from the Department of Agriculture and Fisheries and was current as at current April 2024.

Given the high risks associated with rural plant, the Rural Plant Code was published in 2004, followed by the Tractor Code in 2005, to provide practical guidance on minimising rural plant safety risks to people with health and safety duties.

The Rural Plant and Tractor Codes have not been substantially reviewed since their commencement, with minor desktop reviews undertaken in 2011 and 2018. However, since the two codes' commencements, the agricultural industry landscape has changed significantly from a safety and technological perspective. As such, some of the contents in the two codes have become outdated and no longer effectively guide duty holders how they should meet the requirements of WHS laws.

Furthermore, since 2018, codes of practice have become statutory instruments under the WHS Act. Codes do not go beyond the existing regulatory regime, in that the WHS Act and Regulations precede the content of Codes from a legislative compliance perspective. Rather, they are a single document that summarises WHS requirements across the relevant Acts, Regulations, industry codes, and Australian Standards, as well as providing important detail on how to best meet regulatory requirements and the nature of risk involved. Businesses are required to either comply with the Codes, or follow another method that provides the same, or better way of meeting the existing WHS regulatory responsibilities. It therefore is critical that the codes reflect current best practice of how the agricultural industry can meet their WHS duties and keep workers and others safe.

Finally, the agricultural industry has been calling for updated guidance which better reflects how to meet their duties and keep workers and others safe, including incorporating the tractor content into the Rural Plant Code, as it is a logical place and avoids unnecessary duplication.

The content of the Codes needs to change due to:

- the need to provide industry with updated guidance on high-risk rural plant such as tractors, all all-terrain vehicles, and other type of mobile plant, given the associated fatality rates;
- changes in technology and emergence of new, or more-widely used rural plant, such as drones, quad bikes, side by side vehicles, and tractor slasher attachments;
- the industry calling for the incorporation of the tractor content into the Rural Plant Code, to avoid unnecessary duplication and cross-referencing of documents;
- the need to modernise the existing content, for example – re-wording, removing outdated content such as discontinued Australian Standards, and adding more useful content like diagrams and pictures; and
- including guidance on how to meet already existing responsibilities, such as duties to consult, cooperate and coordinate activities with other duty holders, requirements for high risk work licences for certain plants and quad bike and SSV safety.

What options were considered?

Given that existing WHS legislation will continue to apply, the policy options considered are related to Codes of Practice. Any other options would be inconsistent with existing WHS legislation.

Option 1: Status quo – No updates to the Rural Plant Code and Tractor Code

Under Option 1, the outdated content of the codes would remain in effect and unchanged. Participants in the agricultural industry would continue to face difficulty in comprehensively understanding and meeting their work health and safety duties using outdated code content.

Option 2: Revoke the Rural Plant Code and Tractor Code

Under this option, the two codes would be revoked, and there would be no codes guiding the agricultural industry regarding the risks of rural plant.

Option 3: Approve the Rural Plant Code 2024 encompassing both rural plant and tractor content (preferred)

Under this option, the rural plant and tractor code content would be updated and implemented via the approval of the Rural Plant Code 2024.

This includes updates such as:

- updated guidance on high-risk rural plant such as tractors, all all-terrain vehicles, and other type of mobile plant;

- changes in technology – for example, use of drones, bikes, side by side vehicles, and tractor slasher attachments;
- incorporating tractors content in the Rural Plant Code 2024;
- modernising the content – for example re-wording, removing outdated content such as superseded Australian Standards, and adding more useful content like diagrams and pictures; and
- guidance on how to meet already existing responsibilities, such as duties to consult, cooperate and coordinate activities with other duty holders, requirements for high risk work licences for certain plants and quad bike and SSV safety.

What are the impacts?

Option 1: Status quo – No updates to the Rural Plant Code and Tractor Code

Option 1 may also cause financial detriment to the agricultural industry, as businesses may invest in potentially ineffective safety methods that may result in losses in productivity, staff shortages, and increases to workers' compensation insurance premiums. From a worker perspective, there may also be a continued risk to further injuries and deaths, causing significant social and economic impacts for workers and their families.

Given the reasons above, Option 1 is not the preferred option.

Option 2: Revoke the Rural Plant Code and Tractor Code

The revoking of the two codes would mean that industry would have no clear guidance on how to minimise WHS risks and meet their WHS obligations which would have significant negative impacts on safety outcomes for workers. Although the two codes do contain some outdated content, they do remain of some use to industry and their existence is preferential over no guidance at all.

Option 2 may also cause financial detriment to the agricultural industry, as businesses may invest in potentially ineffective safety methods that may result in losses in productivity, staff shortages, and increases to workers' compensation insurance premiums. From a worker perspective, there may also be a continued risk to further injuries and deaths, causing significant social and economic impacts for workers and their families.

Given the reasons above, Option 2 is not the preferred option.

Option 3: Approve the Rural Plant Code 2024 encompassing both rural plant and tractor content (preferred)

This option would deliver an updated Rural Plant Code that incorporates the feedback of workers, key agricultural industry representative bodies and technical experts and meets the needs of the end users. As the content clarifies how existing requirements under the WHS Act apply to agricultural businesses, and ways in which these requirements can be met, it is expected that the Rural Plant Code 2024 will deliver improvements to rural plant safety at workplaces.

An updated code would deliver clear guidance to industry as to how to minimise WHS risks and therefore positive impacts on safety outcomes for workers. It is anticipated that this will have significant financial benefits on the agricultural industry, as businesses invest in effective safety methods and take up technological advancements, which will result in less injuries and therefore increased productivity. From a worker perspective, there will be less injuries and deaths which minimises negative social and economic impacts for workers and their families.

Therefore, Option 3 is the preferred option.

Who was consulted?

In late 2021, with the support of the Rural Industry Sector Standing Committee comprised of industry representatives, worker and expert members, OIR undertook a public consultation process. The public consultation process sought views on what changes are necessary to ensure the Rural Plant Code remains fit-for-purpose and supports industry to meet its WHS legislative obligations.

A wide range of stakeholders contributed valuable feedback including industry representatives, farmers, employers, health and safety experts. Feedback received overwhelmingly supported the delivery of an updated Rural Plant Code.

To deliver the updated Code, during 2022 and 2023, OIR established a Steering Group comprised of agricultural industry representatives, worker representatives, external health and safety experts and internal OIR specialists. The Steering Group worked productively and collaboratively to deliver an updated Code which is practicably applicable, accurate and ensures current best practice in meeting WHS obligations in agricultural contexts.

What is the recommended option and why?

Recommended option: Option 3

Given the existing content of the two codes does not best meet industry and worker needs, Option 3 is the preferred option. This is because:

- the contents in the new code incorporate the views and meets the needs of workers and industry;
- it is modernised, and better clarifies how existing requirements under the Act apply to agricultural businesses, and it guides the industry how to meet these requirements; and
- once approved, the Rural Plant Code 2024 is anticipated to have a significant positive impact on rural plant safety.

Implementation

To ensure fulsome understanding of the new code, OIR will support the agriculture industry with a communications and education campaign. In addition, WHSQ has a dedicated Agriculture Unit which will continue to support businesses in meeting their existing compliance requirements and will also use existing compliance processes to undertake inspections.

Impact assessment

	First full year	First 10 years
Direct costs – Compliance costs	Nil ²	Nil ²
Direct costs – Government costs	Nil ³	Nil ³

Signed



Graham Fraine
Director-General
Department of State Development and
Infrastructure

Date: 8/8/2024



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

Date: 13/8/2024

² All compliance costs are assessed as nil. Queensland’s approved codes of practice provide a minimum standard of compliance with the existing requirements of Queensland’s work health and safety, and electrical safety legislation. As such, complying with an approved code of practice does not result in an additional cost impact to industry above the existing cost of compliance with the relevant legislation.

³ All Government costs are assessed as nil. All compliance activities (e.g. industry audit campaigns, inspector visits, inspector training) related to an approved code of practice are not assessed as an additional cost to government, as the regulator does undertake similar activities in relation to the existing requirements of Queensland’s work health and safety, and electrical safety legislation.