

BULLETIN

Understanding Approved Codes of Practice

This Bulletin provides information on approved Codes of Practice under the [Work Health and Safety \(National Uniform Legislation\) Act 2011](#) (WHS Act). Please refer to Section 274 and Section 275 of the WHS Act. Further information can be found in the Bulletin [The Legislative Framework](#).

A Code of Practice is a practical guide to achieve the standards of health and safety required under the WHS Act and WHS Regulations. Codes of Practice provide duty holders with guidance on effective ways to manage work health and safety risks.

Approved Codes of Practice

The WHS Act allows for Codes of Practice to be approved by the Minister responsible for work health and safety legislation which is the Attorney General. The Attorney General can approve, vary or revoke a Code of Practice that has been developed through tripartite consultation with Commonwealth, State and Territory Governments, unions and employer organisations. This process is facilitated through Safe Work Australia.

The approval, variation or revocation of a Code of Practice must be published in the Government Gazette before it takes effect.

What is the legal effect of Codes of Practice?

Codes of Practice are admissible in court proceedings under the WHS Act and Regulations. Courts may regard a Code of Practice as evidence of what is known about a hazard, risk or control and may rely on the Code of Practice in determining what is reasonably practicable in the circumstances to which the Code of Practice relates.

Codes of Practice are designed to be used in conjunction with the WHS Act and WHS Regulations but do not have the same legal implications. A person cannot be prosecuted for failing to comply with a Code of Practice.

The WHS Act and Regulations may be complied with by following another method, such as a technical or an industry standard, if it provides an equivalent or higher standard of work health and safety than the Code of Practice.

A WorkSafe Inspector may refer to an approved Code of Practice when issuing an improvement or prohibition notice and may offer the person to whom the notice is issued a choice of ways in which to remedy the contravention.

Please refer to information to our Publication page on the NT WorkSafe website where all approved Codes of Practice can be downloaded.

Related Bulletins

- [The Legislative Framework](#)

For further information please contact NT WorkSafe on 1800 019 115 or go to www.worksafe.nt.gov.au