



Queensland

Work Health and Safety Amendment Regulation (No. 1) 2012

Subordinate Legislation 2012 No. 203

made under the

Work Health and Safety Act 2011

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1 Short title

This regulation may be cited as the *Work Health and Safety Amendment Regulation (No. 1) 2012*.

2 Regulation amended

This regulation amends the *Work Health and Safety Regulation 2011*.

3 Amendment of s 2 (Commencement)

Section 2(2)—

omit, insert—

‘(2) Section 343 commences on 1 January 2013.

‘(2A) The following provisions commence on 1 January 2014—

- (a) section 48;
- (b) section 217;
- (c) section 272;
- (d) section 279(2)(d);
- (e) sections 432 and 433;
- (f) part 8.5, division 1.’.

4 Amendment of s 44 (Provision to workers and use of personal protective equipment)

Section 44(1), ‘section 20’—

omit, insert—

‘section 36’.

5 Amendment of s 56 (Meaning of *exposure standard for noise*)

Section 56(2), definitions $L_{Aeq,8h}$ and $L_{C,peak}$, ‘emission’—

omit, insert—

‘immission’.

6 Amendment of s 71 (Specific control—atmosphere)

(1) Section 71, notes, ‘Section 28’—

omit, insert—

‘Section 44’.

(2) Section 71, notes, ‘Section 34’—

omit, insert—

‘Section 50’.

7 Amendment of s 75 (Personal protective equipment in emergencies)

Section 75, note, ‘Section 28’—

omit, insert—

‘Section 44’.

8 Amendment of s 79 (Specific requirements to minimise risk of fall)

Section 79(4), note, ‘Section 20’—

omit, insert—

‘Section 35’.

9 Amendment of s 144C (Application for licence to carry out demolition work)

Section 144C(2)(h)(ii), note—

omit, insert—

‘Note—

See sections 103 (General littering provision) and 104 (Illegal dumping of waste provision) of that Act for examples of relevant provisions.’.

10 Amendment of s 144F (Decision on application)

Section 144F(5), ‘section 149’—

omit, insert—

‘section 144E’.

11 Amendment of s 144H (Matters to be taken into account)

Section 144H(b)(ii), note—

omit, insert—

‘*Note—*

See sections 103 (General littering provision) and 104 (Illegal dumping of waste provision) of that Act for examples of relevant provisions.’.

12 Amendment of s 144ZB (Licence holder to return licence document)

Section 144ZB, ‘section 162’—

omit, insert—

‘section 144Z’.

13 Amendment of s 215 (Powered mobile plant—specific control measures)

Section 215(5), ‘subsection (5)’—

omit, insert—

‘subsection (4)’.

14 Amendment of s 241 (Annual inspection of amusement device)

Section 241(6), ‘subsection (5)(c)’—

omit, insert—

‘subsection (5), definition *competent person*, paragraph (b)’.

15 Amendment of s 272A (Duration of registration on commencement)

Section 272A(1) and (2), ‘2013’—

omit, insert—

‘2014’.

16 Amendment of s 279A (Duration of renewal on commencement)

Section 279A(1) and (2), ‘2013’—

omit, insert—

‘2014’.

17 Amendment of s 313 (Copy of WHS management plan must be kept)

Section 313(3), ‘any who’—

omit, insert—

‘any person who’.

18 Amendment of s 315F (Control measures for construction work that is not civil construction work or housing construction work)

Section 315F(3)(d)(ii), ‘section 285(3)(a)’—

omit, insert—

‘section 315G(3)(a)’.

19 Amendment of s 326 (Duties of workers)

Section 326(3)(b), ‘section 320’—

omit, insert—

‘section 321’.

20 Amendment of s 352 (Review of control measures)

Section 352(c), ‘section 34’—

omit, insert—

‘section 50’.

21 Amendment of s 433 (Review of asbestos management plan)

Section 433, example, ‘section 22’—

omit, insert—

‘section 38’.

22 Amendment of s 492 (Application for asbestos removal licence or asbestos assessor licence)

Section 492(2)(i)(ii), note—

omit, insert—

‘Note—

See sections 103 (General littering provision) and 104 (Illegal dumping of waste provision) of that Act for examples of relevant provisions.’.

23 Amendment of s 500 (Matters to be taken into account)

Section 500(b)(ii), note—

omit, insert—

‘Note—

See sections 103 (General littering provision) and 104 (Illegal dumping of waste provision) of that Act for examples of relevant provisions.’.

24 Amendment of s 557 (Emergency plan)

Section 557, note, ‘section 27’—

omit, insert—

‘section 43’.

25 Amendment of s 578 (Application for major hazard facility licence)

Section 578(2)(d), ‘division 3’—

omit, insert—

‘division 4’.

26 Amendment of s 581 (Matters to be taken into account)

(1) Section 581(1), from ‘relevant matter’ to ‘following’—

omit, insert—

‘all relevant matters, including the following’.

(2) Section 581(1)(f), ‘for responsibility’—

omit, insert—

‘with responsibility’.

27 Amendment of s 598 (Provisions relating to renewal of licence)

Section 598(a), ‘section 579’—

omit, insert—

‘section 578’.

28 Amendment of s 603 (Matters to be taken into account)

Section 603(1)(a), ‘section 603’—

omit, insert—

‘section 604’.

29 Amendment of s 606 (Immediate suspension)

Section 606(1), (3)(a) and (5), ‘section 603’—

omit, insert—

‘section 604’.

30 Amendment of s 676 (Which decisions are reviewable)

- (1) Section 676(1), table 676, item 26, ‘321’—
omit, insert—
‘322’.
- (2) Section 676(1), table 676, item 26, after ‘issue’—
insert—
‘or replace’.
- (3) Section 676(1), table 676, item 27, ‘322’—
omit, insert—
‘323’.
- (4) Section 676(1), table 676, item 82—
omit.
- (5) Section 676(1), table 676, items 83 to 107—
renumber as items 82 to 106.

31 Amendment of s 704 (Duty of officers)

Section 704(1), (2) and (3)(e), ‘(Primary duty of care)’—
omit.

32 Amendment of s 710 (Modification of applied provisions)

Section 710, ‘section 789’—
omit, insert—
‘section 709’.

33 Amendment of s 724 (Applications for high risk work licence until 31 December 2012 if no VET course available)

Section 724, '2012'—

omit, insert—

'2013'.

34 Amendment of s 726 (Particular licence classes to include other licence classes until 31 December 2012)

(1) Section 726, heading, 'until 31 December 2012'—

omit.

(2) Section 726(2) to (4) and (7), '2012'—

omit, insert—

'2013'.

35 Amendment of s 730 (Existing licence issued before 1 July 2008—high risk work)

Section 730(4), '2012'—

omit, insert—

'2013'.

36 Amendment of s 748 (Existing provisions about certificate process continue to apply for a transitional class A asbestos removal licence.)

Section 748(5), from 'a part' to 'do not'—

omit, insert—

'part 8.10, divisions 3 to 6 does not'.

37 Amendment of s 758 (No need for asbestos register in particular transitional circumstances)

Section 758(2), '30 June'—

omit, insert—

‘31 December’.

38 Amendment of s 759 (No need for asbestos management plan in particular transitional circumstances)

Section 759(2), ‘30 June’—

omit, insert—

‘31 December’.

39 Amendment of s 777 (Particular provision for audiometric testing)

Section 777(3), ‘12 months’—

omit, insert—

‘2 years’.

40 Amendment of s 779 (Registration of design of particular item of plant not needed until end of 31 December 2012)

Section 779, ‘2012’—

omit, insert—

‘2013’.

41 Omission of s 780 (Introductory period for registration of domestic lifts)

Section 780—

omit.

42 Amendment of sch 2 (Fees)

Schedule 2, table 2.1, item 5, ‘s 144U(2)’—

omit, insert—

‘s 144U(4)(c)’.

43 Amendment of sch 5 (Registration of plant and plant designs)

- (1) Schedule 5, part 2, section 3.4, after ‘walkways’—
insert—
‘, except lifts stated in section 4(2)’.
- (2) Schedule 5, part 2, section 3.6, ‘section 4(2)’—
omit, insert—
‘section 4(3)’.
- (3) Schedule 5, part 2, section 4(2)—
renumber as section 4(3).
- (4) Schedule 5, part 2, section 4—
insert—
‘(2) Lifts installed in a private residence within the meaning of AS 1735.1:2003 (Lifts, escalators and moving walks—General requirements) are excluded from section 3.4.’.

44 Amendment of sch 19 (Dictionary)

- (1) Schedule 19, heading—
omit, insert—

‘Schedule 19 Dictionary

section 5’.

- (2) Schedule 19, definitions *commencement* and *duty holder*—
omit.
- (3) Schedule 19—
insert—
‘*commencement*—

(a) for part 13.1—means the commencement of the section in which the term is used; or

(b) for part 13.2—see section 768.

duty holder, for part 3.1, means a person mentioned in section 32.

fall protection cover, for part 6.3, division 4, see section 306A.

permitted work, for part 6.3, division 4, see section 306A.’.

- (4) Schedule 19, definitions *asbestos management code*, *bonded asbestos removal certificate*, *competent person*, paragraph (fa), *former NOHSC*, *friable asbestos certificate*, *Information paper AR1*, *Information paper AR2*, *transitional class A asbestos removal licence* and *transitional class B asbestos removal licence*, ‘division 7’—

omit, insert—

‘division 9’.

- (5) Schedule 19, definition *asbestos removal work*, paragraph (b), before ‘part’—

insert—

‘for’.

- (6) Schedule 19, definitions *dangerous goods*, *high risk plant*, *notifiable incident*, *occupier*, *owner*, *public health and safety duty*, *relevant activity*, *relevant person* and *relevant premises*, ‘section 789’—

omit, insert—

‘section 702’.

- (7) Schedule 19, definition *housing construction work*, ‘chapter 6’—

omit, insert—

‘part 6.3, division 4’.

- (8) Schedule 19, definition *repealed DGSM Act*, ‘division 1,’—

omit.

[s 44]

- (9) Schedule 19, definition *table*, from ‘division 2’—
omit, insert—
‘division 4, see section 721.’.
- (10) Schedule 19, definition *transitional demolition work licence*,
‘section 789(4)’—
omit, insert—
‘section 732(4)’.
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ENDNOTES

- 1 Made by the Governor in Council on 15 November 2012.
- 2 Notified in the gazette on 16 November 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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