



Queensland

Work Health and Safety and Another Regulation Amendment Regulation (No. 1) 2014

Subordinate Legislation 2014 No. 60

made under the

Electrical Safety Act 2002

Work Health and Safety Act 2011

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Work Health and Safety and Another Regulation Amendment Regulation (No. 1) 2014*.

2 Commencement

This regulation commences immediately after the commencement of the *Work Health and Safety and Other Legislation Amendment Act 2014*.

Part 2 Amendment of Electrical Safety Regulation 2013

3 Regulation amended

This part amends the *Electrical Safety Regulation 2013*.

4 Amendment of s 14 (Electrical work on energised electrical equipment is prohibited)

Section 14, penalty, '40'—

omit, insert—

60

5 Amendment of s 15 (Duty to determine whether equipment is energised)

Section 15(1) and (2), penalty, '40'—

omit, insert—

60

6 Amendment of s 16 (De-energised equipment must not be inadvertently re-energised)

Section 16, penalty, '40'—

omit, insert—

60

7 Amendment of s 18 (Electrical work on energised electrical equipment permitted in particular circumstances)

Section 18(1), penalty, '40'—

omit, insert—

60

8 Amendment of s 19 (Preliminary steps)

Section 19(1), penalty, '40'—

omit, insert—

60

9 Amendment of s 20 (Unauthorised access to equipment being worked on)

Section 20, penalty, '40'—

omit, insert—

60

10 Amendment of s 21 (Contact with equipment being worked on)

Section 21, penalty, '40'—

omit, insert—

60

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11 Amendment of s 22 (How work is to be carried out)

Section 22(1) and (2), penalty, '40'—

omit, insert—

60

12 Amendment of s 23 (Record keeping)

Section 23(2), (3) and (5), penalty—

omit, insert—

Maximum penalty—

(a) for an individual—12½ penalty units; or

(b) for a body corporate—60 penalty units.

13 Amendment of s 68 (Duty of person conducting a business or undertaking)

Section 68(1) and (2), penalty, '40'—

omit, insert—

60

14 Amendment of s 265 (Duty of person conducting a business or undertaking to notify of serious electrical incident or dangerous electrical event)

(1) Section 265(1), penalty, '40'—

omit, insert—

100

(2) Section 265(6), penalty, '40'—

omit, insert—

50

15 Amendment of s 269 (Duty to preserve incident or event sites)

Section 269(2), penalty, '40'—

omit, insert—

100

Part 3 Amendment of Work Health and Safety Regulation 2011

16 Regulation amended

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

17 Amendment of s 2 (Commencement)

Section 2(2B)(a)—

omit.

18 Insertion of new s 20A

After section 20—

insert—

20A Notice of entry for person assisting health and safety representative—Act, s 68

- (1) A notice of entry given under section 68(3B) of the Act must—
 - (a) be written; and
 - (b) include the following—
 - (i) the full name of the health and safety representative giving the notice;

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- (ii) the full name of the assistant whose entry is proposed;
 - (iii) the name and address of the workplace proposed to be entered;
 - (iv) the date of proposed entry;
 - (v) a statement of the reasons why the health and safety representative considers it is necessary for the assistant to enter the workplace to assist.
- (2) If the assistant is a WHS entry permit holder, the notice must also include—
- (a) the name of the union the assistant represents; and
 - (b) a declaration stating that the assistant's WHS entry permit is not revoked or suspended.

19 Omission of s 58 (Audiometric testing)

Section 58—

omit.

20 Amendment of s 96 (Notice of change of address)

Section 96, 'give written notice to'—

omit, insert—

notify

21 Amendment of s 98 (Replacement licence document)

Section 98(1), 'give written notice to'—

omit, insert—

notify

22 Amendment of s 127 (Replacement accreditation document)

Section 127(1), ‘give written notice to’—

omit, insert—

notify

23 Insertion of new pt 4.5, div 3

Part 4.5—

insert—

Division 3 Licence and accreditation register

141A Regulator may keep register

- (1) The regulator may keep a register containing information about—
 - (a) high risk work licences; and
 - (b) accreditations under division 2 to conduct assessments.
- (2) The regulator may include in the register information about high risk work licences or accreditations the regulator considers appropriate, including, for example, the following—
 - (a) the full name of the licence holder or accredited assessor;
 - (b) an identifying number for the licence or the accreditation;
 - (c) the class or classes of high risk work for which the licence is granted or to which the accreditation relates;
 - (d) the day the licence or accreditation expires;

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- (e) whether the licence or accreditation has been cancelled or suspended;
 - (f) the conditions or restrictions on the licence or accreditation.
- (3) The regulator may—
- (a) keep the register in a form the regulator considers appropriate to ensure the information in the register can be efficiently recorded and accessed; and
 - (b) publish the information, or part of it, contained in the register in the way the regulator considers appropriate including, for example, by publishing the information on the internet.

24 Amendment of s 144U (Replacement licence document)

Section 144U(1), ‘give written notice to’—

omit, insert—

notify

25 Omission of s 217 (Protective structures on earthmoving machinery)

Section 217—

omit.

26 Amendment of s 288 (Replacement registration document)

Section 288(1), ‘give written notice to’—

omit, insert—

notify

27 Amendment of s 421 (Application of pt 8.3)

Section 421—

insert—

- (2) Sections 425 to 430 do not apply to a workplace that is domestic premises.

28 Amendment of s 425 (Asbestos register)

(1) Section 425(1)—

insert—

Note—

Section 425 does not apply to a workplace that is domestic premises—see section 421(2).

(2) Section 425(6)(a), ‘2003’—

omit, insert—

1989

29 Amendment of s 447 (Application of pt 8.6)

Section 447(1)—

omit, insert—

- (1) This part applies to the demolition or refurbishment of any of the following—
- (a) a building constructed before 31 December 1989;
 - (b) a structure, other than a building, constructed or installed before 31 December 2003 if there are reasonable grounds to believe asbestos or ACM is installed in the structure;
 - (c) plant constructed or installed before 31 December 2003 if there are reasonable grounds to believe asbestos or ACM is installed in the plant.

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30 Amendment of s 459 (Asbestos removal supervisor must be present or readily available)

- (1) Section 459, ‘nominated asbestos removal supervisor for asbestos removal work’—

omit, insert—

person supervising asbestos removal work under section 529

- (2) Section 459(a), after ‘class A’—

insert—

asbestos removal

- (3) Section 459(b)—

omit, insert—

- (b) if the asbestos removal work requires a class B asbestos removal licence and is carried out by more than 1 person—readily available to a worker carrying out asbestos removal work whenever the work is being carried out.

31 Amendment of s 466 (Regulator must be notified of asbestos removal)

Section 466(4)(b)—

omit, insert—

- (b) if the asbestos removal work is class A asbestos removal work, or class B asbestos removal work being carried out by more than 1 person—the name and business contact details of the person supervising the licensed asbestos removal work under section 529;

32 Insertion of new s 474A

After section 474—

insert—

**474A Obligations of licensed asbestos removalist
in particular circumstances**

- (1) This section applies if—
 - (a) a competent person has issued a clearance certificate (the *first clearance certificate*) under section 474 for an asbestos removal area; and
 - (b) the asbestos removal area, or the area immediately surrounding it, was not free from visible asbestos contamination when the person issued the first clearance certificate; and
 - (c) an inspector issues an improvement notice or prohibition notice to the licensed asbestos removalist who carried out the asbestos removal work (the *original removal work*) to which the first clearance certificate relates; and
 - (d) the improvement notice requires, or the prohibition notice directs, the licensed asbestos removalist to take steps necessary to ensure the asbestos removal area, and the area immediately surrounding it, are free from visible asbestos contamination.
- (2) The licensed asbestos removalist must ensure that a clearance inspection of the asbestos removal area is carried out by an independent competent person who—
 - (a) is not the independent competent person who issued the first clearance certificate; and
 - (b) was not involved in the original removal work; and

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- (c) is not, and has not previously been, involved in a business or undertaking involved in the original removal work.

Maximum penalty—60 penalty units.

- (3) The licensed asbestos removalist must not seek to recover from the owner or occupier of the asbestos removal area the costs of—
 - (a) carrying out work required under the improvement notice, or directed under the prohibition notice; or
 - (b) the clearance inspection mentioned in subsection (2).

33 Replacement of s 494 (Content of application—class B asbestos removal licence)

Section 494—

omit, insert—

494 Content of application—class B asbestos removal licence

- (1) For section 492(2)(o), an application for a class B asbestos removal licence must include—
 - (a) if the applicant is an individual who proposes personally to carry out the asbestos removal work to be authorised by the licence—the applicant’s name and a copy of a relevant certification issued to the applicant; or
 - (b) otherwise—the name of a person whom the applicant proposes to carry out the asbestos removal work and a copy of a relevant certification issued to the person.
- (2) In this section—

relevant certification means a certification for the specified VET course for either class A

asbestos removal work or class B asbestos removal work.

34 Amendment of s 499 (Class B asbestos removal licence—regulator to be satisfied about additional matters)

Section 499, from ‘that each supervisor’—

omit, insert—

a person named by the applicant as a person to carry out asbestos removal work under the licence holds a certification for the specified VET course for either class A asbestos removal work or class B asbestos removal work.

35 Amendment of s 502 (Conditions of licence)

Section 502(2)(c), ‘or a nominated supervisor of the licence holder,’—

omit, insert—

or, for a class A asbestos removal licence, a nominated supervisor of the licence holder,

36 Amendment of s 507 (Change to nominated supervisor)

(1) Section 507(1), ‘an asbestos’—

omit, insert—

a class A asbestos

(2) Section 507(1)(b), ‘or 499’—

omit.

37 Amendment of s 513 (Replacement licence document)

Section 513(1), ‘give written notice to’—

omit, insert—

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notify

38 Replacement of s 518 (Renewal of asbestos removal licence—regulator to be satisfied about particular matters)

Section 518—

omit, insert—

518 Renewal of asbestos removal licence—regulator to be satisfied about particular matters

For section 517, the regulator must not renew an asbestos removal licence unless satisfied that—

- (a) asbestos removal work of the type authorised by the licence has been carried out by or on behalf of the applicant during the term of the licence; and
- (b) for a class A asbestos removal licence—each supervisor named by the applicant—
 - (i) holds a certification for the specified VET course for supervision of class A asbestos removal work; and
 - (ii) has appropriate experience in class A asbestos removal work.

39 Amendment of s 520 (Suspension or cancellation of licence)

(1) Section 520(1)(b)—

omit, insert—

- (b) the licence holder has failed to ensure compliance with a condition of the licence, including a condition requiring the following persons to undergo retraining or

reassessment during the term of the licence—

- (i) the licence holder;
- (ii) for a class A asbestos removal licence—a nominated supervisor of the licence holder;

(2) Section 520(2), ‘an asbestos’—

omit, insert—

a class A asbestos

(3) Section 520(2), note, ‘licence holder’—

omit, insert—

holder of a class A asbestos removal licence

(4) Section 520(3), ‘the licence holder or a nominated supervisor of the licence holder’—

omit, insert—

a person

40 Amendment of s 527 (Asbestos removal licence register)

Section 527(b), ‘an asbestos’—

omit, insert—

a class A asbestos

41 Replacement of s 529 (Work must be supervised by named supervisor)

Section 529—

omit, insert—

529 Asbestos removal work must be supervised

A person who holds an asbestos removal licence must ensure that asbestos removal work authorised by the licence is supervised by—

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- (a) for class A asbestos removal work—a nominated supervisor of the licence holder; or
- (b) for class B asbestos removal work carried out by more than 1 person—a person the licence holder is satisfied—
 - (i) is at least 18 years of age; and
 - (ii) holds a certification for the specified VET course for either class A asbestos removal work or class B asbestos removal work; and
 - (iii) has at least 1 year of relevant industry experience.

Maximum penalty—36 penalty units.

42 Omission of s 754 (Application of references to nominated asbestos removal supervisor to transitional class B asbestos removal licence holders for particular sections)

Section 754—

omit.

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

Section 777(1)—

insert—

Note—

Section 58 was repealed by the *Work Health and Safety and Another Regulation Amendment Regulation (No. 1) 2014*.

44 Amendment of s 779 (Registration of design of particular item of plant not needed until end of 31 December 2014)

Section 779(b)—

insert—

Note for paragraph (b)—

The requirement to register the design of prefabricated formwork was repealed by the *Work Health and Safety and Another Regulation Amendment Regulation (No. 1) 2013*.

45 Insertion of new ss 786A and 786B

Chapter 13, part 13.3—

insert—

786A Applications for class B asbestos removal licence

- (1) This section applies if an application for a class B asbestos removal licence has not been decided immediately before the commencement of this section.
- (2) The regulation as in force immediately before the commencement continues to apply for the application as if the *Work Health and Safety and Another Regulation Amendment Regulation (No. 1) 2014* had not been made.

786B Transitional class B asbestos removal licence holders—supervision of asbestos removal work

- (1) Despite section 529, the holder of a transitional class B asbestos removal licence may supervise class B asbestos removal work carried out under the licence by more than 1 person.
- (2) A reference in this regulation to the person supervising licensed asbestos removal work under section 529 includes a reference to the

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holder of a transitional class B asbestos removal licence supervising licensed asbestos removal work under subsection (1).

46 Amendment of sch 19 (Dictionary)

(1) Schedule 19, definition *competent person*, paragraph (f)—
omit, insert—

(f) for a clearance inspection under section 473—a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds—

(i) a certification for the specified VET course of asbestos assessor work; or

(ii) a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health; or

(iii) a certification for the specified VET course for class A asbestos removal work or class B asbestos removal work; or

(2) Schedule 19, definition *independent*—
omit, insert—

independent, for clearance inspections and air monitoring under chapter 8, means—

(a) for a competent person for a clearance inspection under section 473—not involved in the removal of the asbestos in relation to which the inspection is to be conducted; or

(b) otherwise—not involved in the removal of the asbestos or a business or undertaking involved in the removal of the asbestos.

(3) Schedule 19, definition *specified VET course*, paragraph (d)—
omit, insert—

(d) for the supervision of class A asbestos
removal work—the VET course *Supervise
asbestos removal*; or

ENDNOTES

- 1 Made by the Governor in Council on 15 May 2014.
- 2 Notified on the Queensland legislation website on 16 May 2014.
- 3 The administering agency is the Department of Justice and Attorney-General.

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