



Queensland

# Work Health and Safety Amendment Regulation (No. 1) 2015

## Subordinate Legislation 2015 No. 169

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) 2015*.

**2 Regulation amended**

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

**3 Amendment of s 2 (Commencement)**

(1) Section 2(2B)(b) and (c)—

*omit.*

(2) Section 2—

*insert—*

(2C) The following provisions commence on 1 January 2017—

(a) section 272;

(b) section 279(2)(d).

**4 Omission of s 20A (Notice of entry for person assisting health and safety representative—Act, s 68)**

Section 20A—

*omit.*

**5 Amendment of s 98 (Replacement licence document)**

Section 98(3)—

*omit, insert—*

(3) The application must be made in the way and in the form approved by the regulator.

**6 Amendment of s 110 (Immediate suspension)**

(1) Section 110(1), ‘109’—

*omit, insert—*

108

(2) Section 110(3) and (5), ‘107’—

*omit, insert—*

108

**7 Amendment of s 127 (Replacement accreditation document)**

Section 127(3)—

*omit, insert—*

(3) The application must be made in the way and in the form approved by the regulator.

**8 Insertion of new ch 4, pt 4.6, div 4A**

Chapter 4, part 4.6—

*insert—*

**Division 4A Renewal of licence**

**144VA Regulator may renew licence**

The regulator may renew a licence to carry out demolition work on application by the licence holder.

**144VB Application for renewal**

- (1) An application for renewal of a licence to carry out demolition work must be made in the way and in the form approved by the regulator.
- (2) The application must include the following information—

- (a) the name and address of the applicant;
  - (b) if required by the regulator of an applicant who is an individual, a photograph of the applicant in the form required by the regulator;
  - (c) any other evidence of the applicant's identity required by the regulator;
  - (d) written evidence that the applicant has undertaken any training and instruction, obtained any information or taken any other action required under section 144J;
  - (e) a declaration by the applicant that the applicant or a supervisor named by the applicant, as applicable, has maintained the competency required to carry out the work covered by the licence.
- (3) The application must be accompanied by the relevant fee.
  - (4) The application must be made before the expiry of the licence.

### **144VC Provisions relating to renewal of licence**

- (1) For this division—
  - (a) section 144E applies as if a reference in that section to an application for a licence were a reference to an application to renew a licence; and
  - (b) sections 144F (except subsection (5)) and 144K apply as if a reference in those sections to the grant of a licence were a reference to the renewal of a licence; and
  - (c) section 144H applies as if a reference in section 144F to the grant of a licence were a reference to the renewal of a licence; and

- (d) section 144I applies as if a reference in that section to a refusal to grant a licence were a reference to a refusal to renew a licence.
- (2) The regulator must not renew a licence to carry out demolition work unless the regulator is satisfied about the matters mentioned in section 144VD.
- (3) If a licence holder applies under section 144VB for the renewal of a licence to carry out demolition work, the licence is taken to continue in force from the day it would, apart from this subsection, have expired until the licence holder is given notice of the decision on the application.

*Note—*

A refusal to renew a licence is a reviewable decision, see section 676.

#### **144VD Renewal of licence—regulator to be satisfied about particular matters**

For section 144VC, the regulator must not renew a licence to carry out demolition work unless satisfied—

- (a) that demolition 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) about the matters mentioned in section 144D.

#### **144VE Status of licence during review**

- (1) This section applies if the regulator gives a licence holder written notice of its decision to refuse to renew the licence.
- (2) If the licence holder does not apply for internal review of the decision, the licence continues to have effect until the last of the following events—

- (a) the expiry of the licence;
  - (b) the end of the time for applying for an internal review.
- (3) If the licence holder applies for an internal review of the decision, the licence continues to have effect until the earlier of the following events—
- (a) the licence holder withdraws the application for review;
  - (b) the regulator makes a decision on the review.
- (4) If the licence holder does not apply for an external review, the licence continues to have effect until the end of the time for applying for an external review.
- (5) If the licence holder applies for an external review, the licence continues to have effect until the earlier of the following events—
- (a) the licence holder withdraws the application for review; or
  - (b) QCAT makes a decision on the review.
- (6) The licence continues to have effect under this section even if its expiry date passes.

**9 Amendment of s 272A (Duration of registration on commencement)**

Section 272A, '2016'—

*omit, insert—*

2017

**10 Amendment of s 279A (Duration of renewal on commencement)**

Section 279A, '2016'—

*omit, insert—*

2017

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

Section 466—

*insert—*

(1A) The notice must be given in the way and in the form approved by the regulator.

**12 Amendment of section 508 (Amendment imposed by regulator)**

Section 508(1), ‘regulators’—

*omit, insert—*

regulator’s

**13 Amendment of s 676 (Which decisions are reviewable)**

Section 676(1), table—

*insert—*

16EA	144VC—Refusal to renew licence	Applicant
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**14 Amendment of s 726 (Particular licence classes to include other licence classes)**

Section 726(2), ‘2015’—

*omit, insert—*

2016

**15 Amendment of ch 14 (Amendment of State Penalties Enforcement Regulation 2000)**

Chapter 14, heading, ‘2000’—

*omit, insert—*



*2014*

**16 Amendment of s 787 (Regulation amended)**

Section 787, ‘2000’—

*omit, insert—*

*2014*

**17 Amendment of s 788 (Amendment of sch 5 (Other legislation))**

(1) Section 788, heading—

*omit, insert—*

**Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

(2) Section 788, ‘Schedule 5’—

*omit, insert—*

Schedule 1

**18 Amendment of sch 2 (Fees)**

Schedule 2, clause 1, table 2.1—

*insert—*

5A Application for renewal of licence to carry out demolition work (s 144VB(3)) .....	85.40
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**19 Amendment of sch 19 (Dictionary)**

(1) Schedule 19, definition *registered training organisation (RTO)*—

*omit, insert—*

*registered training organisation (RTO)* means a training organisation listed as a registered training organisation on the National Register under the *National Vocational Education and Training*

*Regulator Act 2011 (Cwlth).*

(2) Schedule 19, definition *licence holder*—

*insert—*

(aa) for a licence to carry out demolition work—the person who is licensed to carry out the work; or

ENDNOTES

- 1 Made by the Governor in Council on 3 December 2015.
- 2 Notified on the Queensland legislation website on 4 December 2015.
- 3 The administering agency is Queensland Treasury.

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Authorised by the Parliamentary Counsel