



Queensland

Work Health and Safety and Other Legislation Amendment Regulation (No. 1) 2016

Subordinate Legislation 2016 No. 229

made under the

Electrical Safety Act 2002

Safety in Recreational Water Activities Act 2011

State Penalties Enforcement Act 1999

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 Other Legislation Amendment Regulation (No. 1) 2016*.

Part 2 Amendment of Electrical Safety Regulation 2013

2 Regulation amended

This part amends the *Electrical Safety Regulation 2013*.

3 Amendment of s 24 (Performance of high voltage live line work)

Section 24(4), definition *high voltage live line work management plan*, paragraph (a), ‘guidelines’—

omit, insert—

standards

4 Amendment of s 25 (Testing of electrical equipment after electrical work)

Section 25(3) and (4)—

omit, insert—

(3) If a training person performs the work mentioned in subsection (2) under the supervision of a licensed electrical worker, subsection (2) applies to the licensed electrical worker and not the training person as if the licensed electrical worker were performing the work.

(4) A licensed electrical contractor or electricity entity who performs the electrical work of

connecting the electrical equipment to a source of electricity for use for its intended purpose must ensure the electrical equipment is tested as required under subsections (6) and (7).

Maximum penalty—40 penalty units.

5 Amendment of s 64 (Operation of trade contractor’s licence)

Section 64(2), definition *trade contractor’s licence*, ‘*Queensland Building Services Authority Regulation 2003*’—
omit, insert—

Queensland Building and Construction Commission Regulation 2003

6 Amendment of s 69 (Meaning of *unsafe distance* for persons, operating plant and vehicles for overhead electric lines)

Section 69(4), second mention—
renumber as section 69(5).

7 Insertion of new s 285A

Part 15, division 3—
insert—

285A Prescribed Act—Act, s 193

Each Act stated in schedule 8A is prescribed for section 193(3)(c)(ii) of the Act.

8 Insertion of new sch 8A

After schedule 8—
insert—

[s 8]

Schedule 8A Prescribed Acts—Act, section 193

section 285A

Building Act 1975

Coal Mining Safety and Health Act 1999

Coroners Act 2003

Electricity Act 1994

Fair Trading Act 1989

Fire and Emergency Services Act 1990

Further Education and Training Act 2014

*Mining and Quarrying Safety and Health
Act 1999*

*Petroleum and Gas (Production and Safety)
Act 2004*

Police Powers and Responsibilities Act 2000

*Queensland Building and Construction
Commission Act 1991*

*Queensland Civil and Administrative
Tribunal Act 2009*

*Workers' Compensation and Rehabilitation
Act 2003*

Part 3 **Amendment of Safety in Recreational Water Activities Regulation 2011**

9 **Regulation amended**

This part amends the *Safety in Recreational Water Activities Regulation 2011*.

10 **Amendment of s 6 (Count of all persons on board to be made and recorded)**

Section 6(6), penalty, ‘for subsection (6)’—
omit.

11 **Amendment of s 12 (Count of all persons on board to be made and recorded)**

Section 12(6), penalty, ‘for subsection (6)’—
omit.

12 **Insertion of new pt 4**

Part 4—
insert—

Part 4 **Miscellaneous**

15 **Prescribed Act—Act, s 41**

Each Act stated in schedule 1A is prescribed for section 41(3)(c)(ii) of the Act.

13 **Insertion of new sch 1A**

Before schedule—

[s 14]

insert—

Schedule 1A Prescribed Acts—Act, section 41

section 15

Coroners Act 2003

Police Powers and Responsibilities Act 2000

*Queensland Civil and Administrative
Tribunal Act 2009*

*Transport Operations (Marine Safety) Act
1994*

14 Amendment of schedule (Dictionary)

- (1) Schedule, definition *recreational dive training organisation*, ‘AS4005.1, part 1’—

omit, insert—

AS 4005.1 ‘Training and certification of recreational divers’, part 1 (Minimum entry-level SCUBA diving)

- (2) Schedule, definition *recreational dive training organisation*, editor’s note—

omit.

Part 4 Amendment of State Penalties Enforcement Regulation 2014

15 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

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

Schedule 1, entry for *Work Health and Safety Regulation 2011*—

insert—

s 42(1)	7 ¹ / ₅	36
s 299(1)	7 ¹ / ₅	36
s 300(1)	7 ¹ / ₅	36
s 300(2)	7 ¹ / ₅	36
s 306(1)	7 ¹ / ₅	36
s 306L(5)	7 ¹ / ₅	36
s 306Q(2)	7 ¹ / ₅	36
s 317(1)	4 ⁸ / ₂₅	21 ³ / ₅
s 330(1)	7 ¹ / ₅	36
s 339(1)	7 ¹ / ₅	36
s 339(3)	7 ¹ / ₅	36
s 346(1)	7 ¹ / ₅	36
s 346(3)	4 ⁸ / ₂₅	21 ³ / ₅
s 419(1)	7 ¹ / ₅	36
s 446(1)	4 ⁸ / ₂₅	21 ³ / ₅
s 446(3)	4 ⁸ / ₂₅	21 ³ / ₅
s 466(1)	4 ⁸ / ₂₅	21 ³ / ₅
s 466(3)	4 ⁸ / ₂₅	21 ³ / ₅

[s 17]

Part 5 **Amendment of Work Health and Safety Regulation 2011**

17 **Regulation amended**

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

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

Section 2(2C), ‘1 January 2017’—

omit, insert—

1 January 2019

19 **Amendment of s 55 (Minimising risk associated with falling objects)**

Section 55(1), ‘section 38’—

omit, insert—

section 54

20 **Amendment of s 101 (Application for renewal)**

Section 101(2)—

insert—

- (e) if the applicant was directed by the regulator to obtain a reassessment of competency under section 95, a declaration by the applicant that he or she has obtained the reassessment of competency.

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

- (1) Section 272A(1), ‘1 January 2017’—

omit, insert—

1 January 2019

- (2) Section 272A(2), ‘31 January 2017’—

omit, insert—

31 January 2019

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

- (1) Section 279A(1), ‘1 January 2017’—

omit, insert—

1 January 2019

- (2) Section 279A(2), ‘31 January 2017’—

omit, insert—

31 January 2019

23 Amendment of s 328 (Application of pt 7.1)

Section 328(5) after ‘categorised’—

insert—

only

24 Amendment of s 335 (Labelling hazardous chemicals)

- (1) Section 335(2)—

omit, insert—

- (2) A hazardous chemical is *correctly labelled* if—

- (a) the selection and use of label elements is in accordance with the GHS and the hazardous chemical is labelled as stated in schedule 9, part 3; or
- (b) the hazardous chemical is—

[s 24]

- (i) labelled under a law of the Commonwealth relating to the labelling of hazardous chemicals; and
 - (ii) labelled in a way that corresponds, or substantially corresponds, to the way a hazardous chemical is labelled as stated in schedule 9, part 3.
- (2) Section 335(3)(a), from ‘Standard’ to ‘time’, second mention—

omit, insert—

Poisons Standard

- (3) Section 335—

insert—

- (7) This section does not apply to a veterinary chemical if—
- (a) the veterinary chemical is—
 - (i) included in the Poisons Standard, schedule 4; and
 - (ii) in a form intended for direct administration to an animal for therapeutic purposes; or
 - (b) the veterinary chemical is included in the Poisons Standard, schedule 8.

- (8) In this section—

Poisons Standard means the current Poisons Standard within the meaning of the *Therapeutic Goods Act 1989* (Cwlth).

veterinary chemical means a veterinary chemical product within the meaning of the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth).

25 Amendment of s 341 (Labelling hazardous chemicals—general requirement)

Section 341—

insert—

- (2) However, subsection (1) does not apply if the hazardous chemical is—
- (a) supplied to the workplace before 1 January 2017; and
 - (b) labelled according to the national labelling code.

26 Amendment of s 342 (Labelling hazardous chemicals—containers)

(1) Section 342—

insert—

- (1A) However, subsection (1) does not apply to a hazardous chemical if the chemical is—
- (a) either—
 - (i) manufactured at the workplace before 1 January 2017; or
 - (ii) transferred or decanted from its original container at the workplace before 1 January 2017; and
 - (b) labelled according to the national labelling code; and
 - (c) not supplied to another workplace.

Note—

See section 338 for provisions about labelling a hazardous chemical supplied to another workplace.

(2) Section 342—

insert—

[s 27]

(2A) However, subsection (2) does not apply if the hazardous chemical is—

- (a) stored in the container at the workplace before 1 January 2017; and
- (b) labelled according to the national labelling code.

27 Amendment of s 435 (Duty to provide health monitoring)

Section 435(1)(b) ‘is’, first mention—

omit.

28 Amendment of ch 8, pt 8.8, hdg (Asbestos removal requiring class A licence)

Chapter 8, part 8.8, heading, before ‘licence’—

insert—

asbestos removal

29 Amendment of s 475 (Air monitoring—asbestos removal requiring class A licence)

Section 475, heading, before ‘licence’—

insert—

asbestos removal

30 Amendment of s 589 (Amendment imposed by regulator)

(1) Section 589(3)(c), ‘28 days’—

omit, insert—

14 days

(2) Section 589(3)(c)(iii), ‘28 days’—

omit, insert—

14 days

31 Amendment of s 689 (Major hazard facility—regulator to be satisfied about particular matters)

Section 689(2), ‘subsection (1)(c)’—

omit, insert—

subsection (1)(d)

32 Insertion of new s 701A

Chapter 11, part 11.3—

insert—

701A Prescribed Act—Act, s 271

Each Act stated in schedule 18A is prescribed for section 271(3)(c)(ii) of the Act.

33 Amendment of sch 3 (High risk work licences and classes of high risk work)

(1) Schedule 3, item 20—

omit, insert—

- | | | |
|----|-------------------------------|--|
| 20 | Personnel and materials hoist | (1) Use of a personnel and materials hoist
(2) Use of a materials hoist |
|----|-------------------------------|--|

(2) Schedule 3, item 28—

omit, insert—

- | | | |
|----|-------------------------|---|
| 28 | Steam turbine operation | Operation of a steam turbine that has an output of 500 kilowatts or more and—

(a) is multi-wheeled; or
(b) is capable of a speed greater than 3600 revolutions per minute; or
(c) has attached condensers; or
(d) has a multi-staged heat exchange extraction process |
|----|-------------------------|---|

[s 34]

34 Amendment of sch 4 (High risk work licences—competency requirements)

(1) Schedule 4, item 22—

omit, insert—

22 Concrete placing boom Licence to operate a concrete placing boom boom

(2) Schedule 4, item 28—

omit, insert—

28 Steam turbine operation Licence to operate a steam turbine operation

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

(1) Schedule 5, part 1, section 1, item 1.4—

omit, insert—

1.4 Lifts, escalators and moving walkways

(2) Schedule 5, part 1, section 1, item 1.8, ‘covered’—

omit, insert—

classified

(3) Schedule 5, part 2, section 3, item 3.4—

omit, insert—

3.4 Lifts, escalators and moving walkways, except lifts stated in section 4(2)

(4) Schedule 5, part 2, section 3, item 3.6, ‘covered’—

omit, insert—

classified

36 Amendment of sch 13, s 3 (Outer warning placards—requirements)

Schedule 13, section 3(3), definition *red*, ‘2007S’—
omit, insert—
2700S

37 Insertion of new sch 18A

After schedule 18—
insert—

**Schedule 18A Prescribed Acts—Act,
section 271**

section 701A

Anti-Discrimination Act 1991

Building Act 1975

Coal Mining Safety and Health Act 1999

Coroners Act 2003

Disaster Management Act 2003

Education (General Provisions) Act 2006

Electricity Act 1994

Environmental Protection Act 1994

Explosives Act 1999

Fair Trading Act 1989

Fire and Emergency Services Act 1990

Further Education and Training Act 2014

Heavy Vehicle National Law Act 2012

Hospital and Health Boards Act 2011

[s 38]

Local Government Act 2009

Mining and Quarrying Safety and Health Act 1999

Petroleum and Gas (Production and Safety) Act 2004

Police Powers and Responsibilities Act 2000

Private Health Facilities Act 1999

Public Health Act 2005

Queensland Building and Construction Commission Act 1991

Queensland Civil and Administrative Tribunal Act 2009

Sustainable Planning Act 2009

Transport (Rail Safety) Act 2010

Transport Operations (Marine Safety) Act 1994

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Road Use Management) Act 1995

Waste Reduction and Recycling Act 2011

Workers' Compensation and Rehabilitation Act 2003

38 Amendment of sch 19 (Dictionary)

(1) Schedule 19—

insert—

national labelling code means the document titled 'National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)]', declared by the National Occupational

Health and Safety Commission in March 1994.

- (2) Schedule 19, definition *concrete placing boom*, ‘a knuckle’—
omit, insert—
an articulating
- (3) Schedule 19, definition *pressure piping*, paragraph (a),
‘liquid’—
omit, insert—
fluid
- (4) Schedule 19, definition *tower crane*, paragraph (a)—
omit, insert—
(a) a crane that has a boom or jib mounted on a
tower structure; and

ENDNOTES

- 1 Made by the Governor in Council on 7 December 2016.
- 2 Notified on the Queensland legislation website on 9 December 2016.
- 3 The administering agency is the Queensland Treasury.

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