



Queensland

Work Health and Safety and Other Legislation Amendment Regulation 2018

Subordinate Legislation 2018 No. 216

made under the

Electrical Safety Act 2002

Work Health and Safety Act 2011

Contents

| | | Page |
|---------------|--|------|
| Part 1 | Preliminary | |
| 1 | Short title | 3 |
| 2 | Commencement | 3 |
| Part 2 | Amendment of Electrical Safety Regulation 2013 | |
| 3 | Regulation amended | 3 |
| 4 | Amendment of s 7 (Meaning of qualified business person and qualified technical person) | 3 |
| 5 | Amendment of s 89 (Installation must comply with wiring rules, cl 4.5.2.3) | 4 |
| 6 | Amendment of s 273 (Definitions for div 1) | 4 |
| 7 | Insertion of new pt 16, div 3 | 4 |
| | Division 3 Transitional provisions for Work Health and Safety and Other Legislation Amendment Regulation 2018 | |
| | 302 Applications for issue of electrical contractor licences | 5 |
| | 303 Applications for renewal or reinstatement of electrical contractor licences | 5 |
| Part 3 | Amendment of Work Health and Safety Regulation 2011 | |
| 8 | Regulation amended | 6 |
| 9 | Amendment of s 2 (Commencement) | 6 |
| 10 | Amendment of s 21 (Prescribed health and safety representative training) | 6 |

Contents

| | | |
|----|--|---|
| 11 | Amendment of s 144W (Suspension or cancellation of licence) . | 6 |
| 12 | Amendment of s 183 (Duties of person conducting business or undertaking) | 7 |
| 13 | Amendment of s 184 (Duty of worker—competence) | 7 |
| 14 | Amendment of s 272A (Duration of registration on commencement) | 7 |
| 15 | Amendment of s 279A (Duration of renewal on commencement) | 7 |
| 16 | Amendment of s 288B (Regulator may cancel registration) | 8 |
| 17 | Amendment s 590 (Amendment on application by operator) . . . | 8 |
| 18 | Insertion of new ch 13, pt 13.6 | 8 |
| | Part 13.6 Transitional provision for Work Health and Safety and Other Legislation Amendment Regulation 2018 | |
| | 791 Training requirements for health and safety representatives | 8 |
| 19 | Amendment of sch 18A (Prescribed Acts—Act, section 271) . . . | 9 |
| 20 | Amendment of sch 19 (Dictionary) | 9 |

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Work Health and Safety and Other Legislation Amendment Regulation 2018*.

2 Commencement

- (1) Part 2 and section 16 commence on 1 January 2019.
- (2) Section 10 commences on 1 February 2019.

Part 2 Amendment of Electrical Safety Regulation 2013

3 Regulation amended

This part amends the *Electrical Safety Regulation 2013*.

4 Amendment of s 7 (Meaning of *qualified business person* and *qualified technical person*)

- (1) Section 7(1)(c)—
omit, insert—
 - (c) has satisfactorily finished a course of instruction, or an examination required by the regulator, on business aspects of performing electrical work; and
 - (d) is someone who—
 - (i) has satisfactorily finished a course of instruction, or an examination required by the regulator, on business aspects of performing electrical work in addition to a course or examination mentioned in paragraph (c); or

[s 5]

- (ii) holds a qualification in business approved by the regulator and published on the department's website; or
 - (iii) has been operating a business for a period of, or periods totalling, 5 years.
- (2) Section 7(2)(b)(i) and (ii), 'a year'—
omit, insert—
2 years

5 Amendment of s 89 (Installation must comply with wiring rules, cl 4.5.2.3)

Section 89, note 2, 'at www.justice.qld.gov.au'—

omit.

6 Amendment of s 273 (Definitions for div 1)

Section 273, definition *total contribution amount*, note, 'at www.justice.qld.gov.au'—

omit.

7 Insertion of new pt 16, div 3

Part 16—

insert—

Division 3

**Transitional provisions for
Work Health and Safety
and Other Legislation
Amendment Regulation
2018**

302 Applications for issue of electrical contractor licences

- (1) This section applies if—
 - (a) a person applied, before the commencement, for an electrical contractor licence under section 59 of the Act; and
 - (b) on the commencement, the application has not been decided.
- (2) For sections 42 and 48, section 7 as in force immediately before the commencement applies in relation to the application.

303 Applications for renewal or reinstatement of electrical contractor licences

- (1) This section applies if—
 - (a) either—
 - (i) a person held an electrical contractor licence before the commencement; or
 - (ii) a person mentioned in section 302 who applied for an electrical contractor licence is granted the licence; and
 - (b) the person applies, whether before or after the commencement, for—
 - (i) renewal of the licence under section 60 of the Act; or
 - (ii) reinstatement of the licence under section 61 of the Act.
- (2) For sections 48 and 55, section 7 as in force immediately before the commencement applies in relation to the application.

[s 8]

Part 3 **Amendment of Work Health and Safety Regulation 2011**

8 **Regulation amended**

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

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

Section 2(2C), ‘2019’—
omit, insert—
2021

10 **Amendment of s 21 (Prescribed health and safety representative training)**

Section 21(2), from ‘within’—
omit, insert—

within—

- (a) 3 months after the day the representative is elected as a health and safety representative for the work group; or
- (b) if an initial 5 day course is not reasonably available to the representative—as soon as practicable after the period mentioned in paragraph (a).

11 **Amendment of s 144W (Suspension or cancellation of licence)**

Section 144W(1), from ‘is satisfied’ to ‘the following’—
omit, insert—

if the regulator is satisfied 1 or more of the following apply

12 Amendment of s 183 (Duties of person conducting business or undertaking)

Section 183, from ‘AS/NZS 2299.1:2007’ to ‘practice’—
omit, insert—

AS/NZS 2299.1 (Occupational diving operations
Part 1: Standard operational practice)

13 Amendment of s 184 (Duty of worker—competence)

Section 184, from ‘AS/NZS 2299.1:2007’ to ‘practice’—
omit, insert—

AS/NZS 2299.1 (Occupational diving operations
Part 1: Standard operational practice)

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

(1) Section 272A(1), ‘1 January 2019’—
omit, insert—

31 January 2021

(2) Section 272A(2), ‘2019’—
omit, insert—

2021

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

(1) Section 279A(1), ‘1 January 2019’—
omit, insert—

31 January 2021

(2) Section 279A(2), ‘2019’—
omit, insert—

2021

[s 16]

16 Amendment of s 288B (Regulator may cancel registration)

Section 288B—

insert—

- (c) the registration holder has failed to comply with a condition of the registration.

17 Amendment s 590 (Amendment on application by operator)

Section 590(5)(b)(ii), ‘he’—

omit, insert—

the

18 Insertion of new ch 13, pt 13.6

Chapter 13—

insert—

**Part 13.6 Transitional provision
for Work Health and
Safety and Other
Legislation
Amendment Regulation
2018**

**791 Training requirements for health and safety
representatives**

Section 21(2) as in force immediately before the commencement continues to apply to a health and safety representative who held office immediately before the commencement until the representative completes the initial training under that section.

19 Amendment of sch 18A (Prescribed Acts—Act, section 271)

(1) Schedule 18A, entry for *Sustainable Planning Act 2009*—
omit.

(2) Schedule 18A—
insert—

Biosecurity Act 2014

Exhibited Animals Act 2015

Labour Hire Licensing Act 2017

Planning Act 2016

Professional Engineers Act 2002

20 Amendment of sch 19 (Dictionary)

Schedule 19, definition *fitness criteria*, from ‘AS/NZS 2299.1:2007’ to ‘practice’—

omit, insert—

AS/NZS 2299.1 (Occupational diving operations
Part 1: Standard operational practice)

ENDNOTES

- 1 Made by the Governor in Council on 13 December 2018.
- 2 Notified on the Queensland legislation website on 14 December 2018.
- 3 The administering agency is the Department of Education.

© State of Queensland 2018