

# Electrical Safety and Other Legislation Amendment Bill 2009

## Explanatory Notes

### General Outline

### Policy Objectives

To amend the *Electrical Safety Act 2002* to:

- introduce the legislative authority to enable the Minister to make a recall order to compel a stated designer, manufacturer or importer to recall and make-safe electrical equipment, the Minister believes is placing or will place persons or property at electrical risk; and
- include 'Airtrain Citylink Limited' (Airtrain) as an 'electricity entity'.

To amend the *Electrical Safety Regulation 2002* to:

- list Airtrain as a 'prescribed electricity entity'.

To amend the *Industrial Relations Act 1999* to:

- enable the Queensland Industrial Relations Commission (QIRC) website to become the official publisher of decisions, awards, agreements, orders and other documents of the Industrial Court of Queensland (ICQ), the QIRC and the Industrial Registrar. This proposal will result in the abolition of the Queensland Government Industrial Gazette (QGIG) which is presently the official publisher for these and other documents.

To amend the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* to:

- improve the fairness and equity of the Contract Cleaning Industry (Portable Long Service Leave) Scheme (the Scheme) for workers and employers in the industry through alterations to the eligibility provisions and through improvements to the efficiency of administrative processes.

## Reasons for the Bill

Since the development of *Electrical Safety Act 2002* (the ES Act), it has been understood by the Electrical Safety Office and industry generally that the chief executive had the authority to mandate a recall of unsafe electrical equipment by issuing an appropriately worded electrical safety notification (ESN). In late 2008, that use of an ESN for recall of electrical equipment was tested in the Industrial Court of Queensland, which established that an ESN did not extend to requiring a recall and other related action to be undertaken.

Queensland is the only jurisdiction within Australia and New Zealand without the power to recall unsafe electrical equipment either under state fair trading or electrical safety laws. This potentially places the electrical safety of Queenslanders at risk. The proposed amendments to the ES Act will introduce the legislative authority to enable the Minister to require a mandatory recall and make-safe of electrical equipment, if the Minister believes the electrical equipment is placing, or will place, persons or property at electrical risk.

Also in relation to electrical safety; the recent restructure of Queensland Rail identified a gap in the coverage of 'entity' obligations. Queensland Rail (now QR Network Pty Ltd) has been deemed an 'electricity entity' and 'prescribed electricity entity' since 2002. Airtrain Citylink Limited (Airtrain) is a privately owned and operated railway that owns 8.5 kilometres of elevated railway and two stations at Brisbane Airport. The operation of both QR Network Pty Ltd and Airtrain produce similar electrical safety risks, albeit on different scales. The proposed amendments to the ES Act and consequential amendments to the *Electrical Safety Regulation 2002* (ES Regulation) will ensure consistency of electrical safety obligations, listing Airtrain as an 'electricity entity' in the ES Act and a 'prescribed electricity entity' in the ES Regulation.

As a separate issue; presently the decisions, awards, agreements, orders and other documents of the ICQ, the QIRC and the Industrial Registrar are published by SDS Publications and printed by the Government printer (Goprint) and made available in the form of the official QGIG.

The present practice is to compile the previous week's worth of decisions into one document and publish it in the QGIG. Several associated practices have been identified, including compiling and formatting the QGIG, dismantling and re-formatting it into individual extracts and then forwarding both sets of documents to Goprint for publication and sale.

Every quarter there are also various steps involved in binding and indexing the QGIG.

Publication of these documents, decisions, awards and notices on the QIRC website would speed up their availability to the public while reducing staff administrative procedures and associated costs.

The *Industrial Relations Act 1999* is amended in this Bill to provide for the publication of decisions, awards, agreements, orders and other documents of the ICQ, the QIRC and the Industrial Registrar on the QIRC website. Further amendments are also made to ensure that a document, decision etc. published on the QIRC website is admissible as evidence of the document in Court proceedings.

The QGIG is currently used by various agencies and entities to publish industrial and employment related notices. These agencies and bodies (for example WorkCover) have stated that they will publish their notices in the Queensland Government Gazette (QGG) should the QGIG be abolished. Consequential amendments to various Acts, Regulations and Rules have been included in this Bill to enable many of these notices to be published in the QGG.

A review of the operation of the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* since its commencement resulted in the identification of several areas where legislative amendment will result in effectiveness and/or efficiency improvements.

## **Achievement of the Objectives**

The Bill achieves the policy objectives set out above by–

Amending the *Electrical Safety Act 2002* to:

- provide a Ministerial power under the *Electrical Safety Act 2002* to make a recall order to compel the recall and ‘make-safe’ of electrical equipment, which the Minister believes is placing, or will place, persons or property at electrical risk; and
- list Airtrain as an ‘electricity entity’ in Schedule 2 of the ES Act.

Amending the *Electrical Safety Regulation 2002* to:

- list Airtrain as a ‘prescribed electricity entity’ in Schedule 6 of the ES Regulation.

Amending the *Industrial Relations Act 1999* to:

- ensure that decisions, awards, agreements, orders and other documents of the ICQ, the QIRC and the Industrial Registrar are quickly and freely available by providing for their publication on the QIRC website.

Amending the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* to:

- increase the fairness of the Scheme through ensuring that individuals who clean outdoor areas are eligible but that only workers who are engaged mainly or only to perform cleaning work benefit from the Scheme. The amendments also preclude trustees and company directors from eligibility; and
- increase the Scheme's efficiency through both removing the obligation of employers to provide worker information and levy payments for individuals engaged for less than 5 days and, by increasing the late submission and payment fees prescribed for employers who are repeat offenders.

## **Alternatives to the Bill**

The policy objectives can only be achieved by legislative enactment.

## **Estimated Cost for Government Implementation**

There will be no increase in costs for the Government in implementing the amendments contained in the proposed Bill.

The costs of implementation to amendments to the Scheme will be minimal and will not involve a cost to government but rather will be met through existing budget allocations of the Contract Cleaning Industry (Portable Long Service Leave) Authority's funds.

## **Consistency with Fundamental Legislative Principles**

There are no fundamental legislative principle issues with the amendments. The Bill has been drafted in accordance with the fundamental legislative principles prescribed by the *Legislative Standards Act 1992*.

While the amendments to the *Electrical Safety Act 2002* (ES Act) seek the compulsory recall of electrical equipment, compulsory acquisition of

property is not proposed by these amendments. This recall power is modelled on section 85 of the *Fair Trading Act 1989*, which gives the responsible Minister the power to make orders prohibiting or restricting supply of dangerous or undesirable goods or services.

The *Fair Trading Act 1989* is silent on right of appeal in relation to section 85. Persons affected by the proposed amendment to the ES Act in respect of the decision of the Minister to make a recall order have a right of reply (seven days to show cause) prior to the Minister making an order and right of review under the *Judicial Review Act 1991* after the Minister has made an order.

In relation to amendments to the *Industrial Relations Act 1999*; Electronic service delivery is a key focus of the Queensland Government to enable users to access information, conduct business, or otherwise interact with government agencies online. Adoption of electronic service delivery will increase the availability, accessibility, efficiency and effectiveness of the QIRC and ICQ's services. There are currently just 175 subscribers to the QGIG, members of the public wishing to access the QGIG must do so at libraries or receive access directly from a subscriber or the Industrial Registrar. While publication on the QIRC website will restrict access to those with access to an internet connection, it is considered, on balance, that members of the public will have greater access to decisions, awards, orders and other documents when published on the QIRC website.

In relation to amendments to the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*; the doubling of penalties for non-lodgement of returns and non-payment of levies is proposed to apply only to repeat offender employers, and is not intended to be used as a punitive measure against employers for a first offence. Feedback from the industry indicates that the current penalties are insufficient to deter repeat offenders from non-compliance with their legislative obligations. The imposition of harsher penalties for these employers is intended to create a more equitable environment for all employers in the industry to fulfil their obligations and compete for business.

## **Consultation**

Consultation has occurred with key government departments and key non-government groups that may have an interest in the Bill.

For amendments to the ES Act and the ES Regulation, consultation was undertaken with members of the Electrical Safety Board who represent

employers, workers and the community; and with members of the Electrical Equipment Committee which has representatives from organisations including the Electrical Trades Union, Electrical and Communications Association, Sharp Corporation of Australia, Energy Development Association Australia Inc, Fisher and Paykel Appliances and ENERGEX Limited. Consultation was also undertaken with representatives of Australian Industry Group, Lighting Council of Australia, Consumer Electronics Suppliers Association, National Retail Association and Queensland Retail Traders and Shopkeepers Association. Airtrain was also consulted about being listed as an electricity entity in the ES Act and as a prescribed electricity entity in the ES Regulation.

For amendments to the *Industrial Relations Act 1999* and related consequential amendments, comprehensive consultation regarding the amendments to abolish the QGIG was undertaken with all relevant stakeholders including SDS, Goprint, unions, employer organisations, subscribers to the QGIG and legal stakeholders.

For amendments to the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*, consultation was undertaken with the Contract Cleaning Industry (Portable Long Service Leave) Authority's Board members who represent major industry stakeholders.

## **Notes on Provisions**

### **Part 1                      Preliminary**

Clause 1 cites the short title of the Bill.

Clause 2 states the commencement details for the various parts of the Bill. Parts 2 and 3 take effect from the date of assent, Part 6 commences on 1 January 2010, with all other Parts to commence on a day to be fixed by proclamation.

## **Part 2                      Amendment of Electrical Safety Act 2002**

Clause 3 states that Part 2 of the Bill amends the *Electrical Safety Act 2002*.

Clause 4 amends section 35 to–

- Amend the heading to replace ‘obligation’ with ‘obligations’ to clarify that there are more than one.
- Insert a new subsection 35(2) which places an additional obligation on a designer, manufacturer or importer to comply with the requirements of a recall order which applies to the designer, manufacturer or importer. As this imposes an additional obligation, maximum penalties for failing to discharge an electrical safety obligation as outlined in section 27 of the Act apply.

Clause 5 inserts a new Part 2, Division 2A ‘Ministerial recall orders’ after section 40.

- New Part 2, Division 2A heading ‘Division 2A - Ministerial recall orders’.
- New section 40A provides the Minister with the legislative authority to make an order (a recall order) if the Minister believes the electrical equipment identified in the order is or will become an electrical risk for either persons or property. Subclause (2) establishes that the Minister may direct the order at a designer, manufacturer or importer as identified in the order, whom is deemed to be the ‘responsible person’ and whom must action the requirements of the order; and clarifies that the order requires electrical equipment (as defined in section 14 of the Act), or a type of electrical equipment (for example a model range or ranges of a certain brand or brands) be recalled from use as stated in the order. Subclause (3) clarifies that the order may relate to any electrical equipment, even if a recall relating to the electrical equipment subject of the order has previously been undertaken (either voluntarily or by a previous order), or if the electrical equipment subject of the order has been installed by an end user.
- New section 40B provides the ‘responsible person’ is advised of the Minister’s intention to make a recall order and provided an opportunity to show cause before a decision regarding whether or not

to make the order is made by the Minister. Subclause (1) outlines the process to be followed before the making of an order. Specifically, the Minister must advise the 'responsible person' in writing that he intends to issue an order, provide the reasons underpinning the intention, include a draft of the proposed order and provide the 'responsible person' with an opportunity to respond to the Minister (show cause).

Subclause (2) provides that should the 'responsible person' wish to show cause why the order should not be made, that this must be done in writing to the Minister within 7 days of receipt of the Ministers correspondence providing the opportunity to show cause. Subclause (3) states that the Minister must take any written show cause response by the 'responsible person' into consideration when making a decision regarding whether or not to proceed with the making of the recall order. Subclause (3) does not limit the Minister, after taking the show cause submission into consideration, from making a recall order that imposes lesser requirements on the 'responsible person' than originally proposed.

- New section 40C states that if the Minister decides to make a recall order, the order must be given to the 'responsible person' to whom the order relates and information about the recall order published in the gazette and a newspaper that has state-wide distribution. The information referred to in subclause (3) is intended to alert the public about the electrical risk identified in the recall order.
- New section 40D provides details about the contents, scope and duration of a recall order. Subclause (1) states that the order must include the reasons for the recall and outlines the minimum requirements the 'responsible person' must meet to comply with the recall order to recall the electrical equipment from use. These relate to—
  - The way (including method and medium) the responsible person must provide information to other persons about the electrical risk and for how long (including specifying intervals or frequency) this information is to be provided. For example the recall order may specify the type and frequency of advertising to be undertaken to inform consumers about the recall.
  - The information to be provided to other persons about the electrical risk surrounding the electrical equipment subject of the

recall, including what the other person should do to reduce the risk. Other persons may include suppliers, consumers and the general public.

- The action to be undertaken by the responsible person to eliminate the electrical risk to persons and property. For example the recall order may provide for options to repair, replace or otherwise make the equipment electrically safe, or may direct a particular course of action.
- The information to be provided to the chief executive by the responsible person to enable effective monitoring of the progress of the recall. The information will also assist in monitoring the responsible person's compliance with, and reporting against the requirements of the recall order.

Subclause (2) clarifies that the costs for complying with and implementing the requirements of a recall order and associated actions are to be borne by the 'responsible person'. This includes costs incurred by a supplier who provides reasonable help to the 'responsible person' as part of a recall. In the case of electrical equipment that is installed at a place, costs associated with the repair, replacement or making safe (including uninstalling and reinstalling) the electrical equipment subject of a recall, is also intended to be covered by subclause (2). Subclause (2) is concerned with the costs incurred but does not make provision for compensation.

Subclause (3) clarifies that a recall order expires after two years unless revoked earlier. This is consistent with section 24AA of the *Acts Interpretation Act 1954*. Subclause (4) clarifies that another recall order may be made (a new recall order) relating to the same electrical equipment after a previous recall has ceased. For example if after a recall has expired after two years, the Minister believes there are still sufficient grounds to mandate a new recall order being made, then the Minister may make the new order.

- New section 40E requires that a supplier of electrical equipment the subject of a recall order must, if asked by the responsible person and provided with a copy of the recall order, give the responsible person reasonable help in relation to the recall order. Examples of reasonable help are provided as guidance. A maximum penalty of 50 penalty units is provided for non-compliance with this section. This section does not prevent a supplier voluntarily giving a responsible person reasonable help in relation to a recall order.

Clause 6 amends section 121(5) to provide that notices previously published in the industrial gazette be published in the gazette.

Clause 7 inserts new part 18 ‘Transitional provision for Electrical Safety and Other Legislation Amendment Act 2009’ after section 243.

- New Part 18 heading ‘Part 18 - Transitional provision for Electrical Safety and Other Legislation Amendment Act 2009’.
- New section 244 inserts a definition to clarify that ‘amending act’ for Part 18 means the *Electrical Safety and Other Legislation Amendment Act 2009*.
- New section 245 inserts a new transitional provision to ensure that notifications previously published in the industrial gazette under section 121(5) continue to have effect.
- New section 246 clarifies that the amendments to the *Electrical Safety Regulation 2002* by the Act do not limit the power of the Governor in Council in respect of making further amendments to the regulation or to repeal it.

Clause 8 amends Schedule 2 (Dictionary) to insert references for ‘recall order’ and ‘responsible person’ in relation to a recall order, and includes ‘Airtrain Citylink Limited 066543315’ in the definition of ‘electricity entity’.

## **Part 3                      Amendment of Electrical Safety Regulation 2002**

Clause 9 states that Part 3 of the Bill amends the *Electrical Safety Regulation 2002*.

Clause 10 amends section 211AA(2) to replace ‘Tenancy’ with ‘Tenancies’ to correct the definitional reference to the *Residential Tenancies Authority* in that section.

Clause 11 amends Schedule 6, part 2 (Prescribed electricity entities) to insert ‘Airtrain Citylink Limited 066543315’.

## **Part 4**                      **Amendment of Acts Interpretation Act 1954**

Clause 12 provides that Part 4 amends the *Acts Interpretation Act 1954*.

Clause 13 amends section 36 by deleting the definitions of *industrial gazette* and *industrial gazette notice* and inserts a definition for *QIRC website*.

## **Part 5**                      **Amendment of Building And Construction Industry (Portable Long Service Leave) Act 1991**

Clause 14 provides that Part 5 amends the *Building And Construction Industry (Portable Long Service Leave) Act 1991*.

Clause 15 amends section 16(2) by providing that notices be published in the Queensland Government Gazette.

Clause 16 inserts a new Part 11 Division 6, which provides transitional provisions for the Electrical Safety and Other Legislation Amendment Act 2009 in relation to the publication of notices in the industrial gazette.

## **Part 6**                      **Amendment of Contract Cleaning Industry (Portable Long Service Leave) Act 2005**

Clause 17 provides that Part 6 amends the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*.

Clause 18 amends section 6 by omitting the existing clause and inserting a new clause expanding the definition of ‘cleaning work’ to include public open spaces such as Southbank Parklands.

Clause 19 amends section 9 to:

- provide a declaration that if a worker performs cleaning work for more than half of the time worked by the worker, then the worker is taken to perform cleaning work in the contract cleaning industry;
- provide that persons employed as working directors are not eligible for membership of the Scheme; and
- provide that persons employed as trustees of trusts are not eligible for membership of the Scheme.

Clause 20 amends section 18 to omit the words ‘industrial gazette notice’ and replace them with the words ‘gazette notice’.

Clause 21 amends section 62 by inserting a new clause (5) providing that an employer is not required to include a worker on the Return or pay the related levy if the worker was not a registered worker, was not recorded on the employer’s previous return and was engaged for less than five days during the return period.

Clause 22 amends section 63 by inserting a new section 6 providing that the definition of worker does not include a worker who is not a registered worker, was not recorded on the employer’s previous return and who was engaged for less than five days during the return period.

Clause 23 amends section 65 by adding a provision doubling the civil penalty applicable to an employer for both failure to submit a Return and pay the levy if the employer failed to do either by the due date once in the 12 months previous to the due date applicable to the current failure.

Clause 24 inserts into Part 12 a new heading of Division 1 – Transitional provisions for Act No 21 of 2005.

Clause 25 inserts into Part 12 a new Division 2 – Transitional provisions for *Electrical Safety and Other Legislation Amendment Act 2009*, amending section 155 to clarify the amending Act as being the Electrical Safety and Other Legislation Amendment Act 2009, amending section 156 in relation the publication of notices in the industrial gazette; amending section 157 to provide that the amendments only apply in relation to return periods commencing on or after the commencement of these sections; amending section 158 to clarify that the increased civil penalties only apply after commencement, and amending section 159 by clarifying retrospective service credits for workers included in the new definition of cleaning work.

Clause 26 amends Schedule 2 Dictionary for the definition of premises.

## **Part 7                      Amendment of Evidence Act 1977**

Clause 27 provides that Part 7 amends the *Evidence Act 1977*.

Clause 28 amends schedule 3 to make the Queensland Government Gazette an example of a Gazette.

## **Part 8                      Amendment of Holidays Act 1983**

Clause 29 provides that Part 8 amends the *Holidays Act 1983*.

Clause 30 amends section 4(1) to remove reference to the industrial gazette

Clause 31 inserts a new transitional provision to ensure that notifications previously published in the industrial gazette under section 4(1) continue to have effect.

## **Part 9                      Amendment of Industrial Relations Act 1999**

Clause 32 provides that Part 9 amends the *Industrial Relations Act 1999*.

Clause 33 amends sections 133 and 287 to provide that awards and general rulings be published on the QIRC website.

Clause 34 inserts a new division 3 in Chapter 8, Part 4.

- A new section 304A is inserted to provide a definition for QIRC website.
- A new section 304B is inserted to provide that a matter is published on the QIRC website when it is made accessible in full, or where notice

of its making, issue or other production is made accessible on the website and it is made accessible separately in another identified location. Subclause (3) allows the Registrar to publish a matter in another way where, for technical reasons, a matter is unable to be published on the QIRC website. Subclause (4) ensures that, where a notice is published in another location under subsection 3, adequate notice of its publication is made available to the public.

Clause 35 amends section 680 to provide that decisions, awards, agreements, orders and other documents or matters published on the QIRC website are admissible as evidence of those decisions, awards, agreements, orders and other documents or matters in legal proceedings. A new subclause (3)(g) is inserted to allow the Industrial Registrar to certify several matters relating to the publication and presentation of information or documents on the QIRC website. In particular, it will allow the Industrial Registrar to certify that a decision, record or other action was in force at a particular time or period of time, and how a document appeared on a certain date, where it may have subsequently been updated or altered.

Clause 36 amends section 699 to provide that notices for obsolete orders be published on the QIRC website.

Clause 37 inserts a new Chapter 20, Part 9 to deal with transitional provisions for this amendment.

- A new section 758 is inserted to ensure that notices, decisions and all other matters published in the QGIG prior to the commencement of the *Electrical Safety and Other Legislation Amendment Act 2009* continue to have effect.
- A new section 759 is inserted to provide that the *Electrical Safety and Other Legislation Amendment Act 2009* does not affect the power of the Governor in Council to amend or appeal regulations or rules of the *Industrial Relations Regulation 2000*, or *Industrial Relations (Tribunals) Rules 2000*.

Clause 38 amends schedule 5 to insert a new definition of QIRC website.

## **Part 10**                      **Amendment of Industrial Relations Regulation 2000**

Clause 39 provides that Part 10 amends the *Industrial Relations Regulation 2000*.

Clause 40 amends sections 20(3)(b)(ii) and 26(3) to provide that notices be published on the QIRC website.

Clause 41 amends section 81 to provide that notices required to be published under subclauses (3) and (5) be published on the QIRC website and in a newspaper circulating throughout the State.

Clause 42 amends section 138 to provide that notices be published on the QIRC website.

## **Part 11**                      **Amendment of Industrial Relations (Tribunals) Rules 2000**

Clause 43 provides that Part 11 amends the *Industrial Relations (Tribunals) Rules 2000*.

Clause 44 amends rule 80 to provide that practice notes be published on the QIRC website.

Clause 45 amends rule 87 to allow decisions of the QIRC, Industrial Court of Queensland and Industrial Registrar to be published on the QIRC website.

## **Part 12**                      **Amendment of Parliamentary Service Act 1988**

Clause 46 provides that Part 12 amends the *Parliamentary Service Act 1988*.

Clause 47 inserts a new Division 1 in Part 7 of the Act.

Clause 48 inserts a new Division 2 in Part 7 of the Act with a new section 59 to ensure that the *Electrical Safety and Other Legislation Amendment Act 2009* does not affect the power of the speaker to amend the Parliamentary Rules.

## **Part 13                      Amendment of Parliamentary Service Rule 2000**

Clause 49 provides that Part 13 amends the *Parliamentary Service Rule 2000*.

Clause 50 amends section 2 to replace the obsolete reference to ‘industrial gazette’ with the Queensland Government Industrial Gazette.

## **Part 14                      Amendment of Trading (Allowable Hours) Act 1990**

Clause 51 provides that Part 14 amends the *Trading (Allowable Hours) Act 1990*.

Clause 52 amends section 23 and 31 to provide that notices be published on the QIRC website.

Clause 53 amends section 46 to allow a copy of, or a document purporting to be an extract from the QIRC website to be used in legal proceedings.

Clause 54 inserts a new Division 1 into Part 8 of the Act.

Clause 55 inserts a new Division 2 into Part 8 of the Act and inserts a section 49 to provide that any notices published in the industrial gazette prior to the *Electrical Safety and Other Legislation Amendment Act 2009* continue to have effect.

## **Part 15**                      **Amendment of Workers' Compensation and Rehabilitation Act 2003**

Clause 56 provides that Part 15 amends the *Workers' Compensation And Rehabilitation Act 2003*.

Clause 57 amends section 54 to provide that notices be published in the Queensland Government Gazette.

Clause 58 amends section 81 to provide that notices be published in the Queensland Government Gazette.

Clause 59 amends sections 205, 217 and 218A to provide that notices under these sections be published in the Queensland Government Gazette.

Clause 60 amends sections 393, 397, 400, 406, 408, 460, 476 and 477 to provide that notices required to be published under these sections be published in the Queensland Government Gazette.

Clause 61 amends section 479 to provide that notices be published in the Queensland Government Gazette.

Clause 62 amends sections 480, 481, 482 and 483 to provide that notices required to be published under these sections be published in the Queensland Government Gazette.

Clause 63 inserts a new Chapter 25 and new transitional provisions:

- A new section 661 provides that any matters published in the Queensland Government Industrial Gazette prior to the commencement of the *Electrical Safety and Other Legislation Amendment Act 2009* continue to have effect.
- A new section 662 which states that the *Electrical Safety and Other Legislation Amendment Act 2009* does not affect the power of the Governor in Council to amend or appeal the regulation.

Clause 64 amends schedule 6 to replace the reference to Queensland Government Industrial Gazette with a reference to the Queensland Government Gazette.

## **Part 16**                      **Amendment of Workers’ Compensation and Rehabilitation Regulation 2003**

Clause 65 provides that Part 16 amends the *Workers’ Compensation And Rehabilitation Regulation 2003*.

Clause 66 amends sections 11, 20, 21 and 23 to provide that notices required to be published under these sections be published in the Queensland Government Gazette.

Clause 67 amends section 23A to provide that notices be published in the Queensland Government Gazette.

Clause 68 amends sections 24, 99C, 99D and 122 to provide that notices required to be published under these sections be published in the Queensland Government Gazette.

## **Part 17**                      **Amendment of Workplace Health and Safety Act 1995**

Clause 69 provides that Part 17 amends the *Workplace Health And Safety Act 1995*.

Clause 70 inserts a new Part 17, Division 6 and section 196 to the Act to provide that the *Electrical Safety and Other Legislation Amendment Act 2009* does not affect the power of the Governor in Council to amend or repeal the regulation.

## **Part 18**                      **Amendment of Workplace Health and Safety Regulation 2008**

Clause 71 provides that Part 18 amends the *Workplace Health And Safety Regulation 2008*.

Clause 72 amends section 352(2) to provide that notices be published in the Queensland Government Gazette.

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