

Work Health and Safety (Amusement Devices—Public Safety) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 27

made under the

Work Health and Safety Act 2011

General Outline

Short title

Work Health and Safety (Amusement Devices—Public Safety) Amendment Regulation 2019

Authorising law

Section 276 *Work Health and Safety Act 2011*

Policy objectives and the reasons for them

In October 2016, the Queensland Government announced a best practice review of work health and safety (the Best Practice Review) as a result of fatalities at Dreamworld and an Eagle Farm construction site. In particular, the incident at Dreamworld where four passengers tragically died on the Thunder River Rapids Ride raised concerns about the regulation of public safety matters in Queensland.

On 3 July 2017, the final report for the Best Practice Review was provided to the Government and proposed a number of legislative amendments to the *Work Health and Safety Act 2011*. Most of the recommendations relating to legislative amendments were given effect through the *Work Health and Safety and Other Legislation Amendment Act 2017* passed by the Queensland Parliament on 16 October 2017 and assented to on 23 October 2017.

The Best Practice Review report made three recommendations to introduce regulatory amendments to improve amusement device safety including:

- mandatory major inspections for amusement devices;
- that competent persons be nominated to operate specified amusement devices and details of statutory notices be recorded in amusement device logbooks; and
- a requirement for theme parks to prepare a safety case and the application of a licensing regime similar to the safety case regulatory model that applies to major hazard facilities.

Achievement of policy objectives

The *Work Health and Safety (Amusement Devices—Public Safety) Amendment Regulation 2019* (amendment regulation) will achieve its policy objectives by amending the *Work Health and Safety Regulation 2011* to:

- Require major inspections of amusement devices by a competent person at specified intervals, generally every 10 years unless otherwise specified by the manufacturer or a competent person who has previously inspected the device;
- Introduce mandatory elements that must be covered in instruction and training of amusement device operators and require operators to be determined as competent before operating any amusement device;
- Require additional information to be included in log books for amusement devices including details about the competent operators for the device, past inspections, and enforcement notices issued in relation to the device by inspectors under relevant legislation; and
- Introduce a safety case and licence regime for major amusement parks, requiring a comprehensive and integrated approach for managing safety of amusement devices at the parks.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the policy objectives of the *Work Health and Safety Act 2011*.

Inconsistency with policy objectives of other legislation

No inconsistencies with policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

The amendment regulation is considered the best way of achieving the policy objectives.

Benefits and costs of implementation

Restoring and maintaining public confidence in theme parks and the operation of amusement rides is critical for the community and will have positive benefits for the economy.

The amendment regulation is primarily intended to prevent fatalities and serious injuries in the future as a result of improved safety standards. It is also likely to increase patronage at theme parks as a result of improved public confidence.

The proposed regulation is estimated to cost the industry \$31.8M over 10 years (present value of costs over 10 years at 4% discount rate). Based on the same discount rate, the estimated costs over 10 years are as follows: major inspections (\$6.9M); competent operator requirements (\$0.6M); log book requirements (\$7.1M); safety case requirements (\$17.2M).

Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles.

Consultation

The following organisations were consulted during the development of the amendment regulation and given the opportunity to provide feedback:

- Australian Amusement, Leisure and Recreation Association (AALARA)
- Showmen's Guild of Australasia
- Village Roadshow Theme Parks (Movie World, Sea World, Wet n Wild)
- Dreamworld
- Aussie World
- Queensland Agricultural Shows
- Royal National Agricultural and Industrial Association of Queensland
- Australian Workers' Union
- Engineers Australia
- Engineers with amusement ride industry experience
- Brisbane Catholic Education
- Board of Professional Engineers Queensland

There is broad general support among stakeholders for the proposed changes although there are concerns about the capacity of the engineering industry to meet the new major inspection requirement, as there is currently only a small number of competent engineers undertaking inspections of amusement rides and engineers have experienced difficulties in obtaining professional indemnity insurance. To address these concerns, there will be a phasing in of the major inspection requirement, to enable an appropriate period of time for the industry to engage suitably qualified engineers to carry out inspections.

The Office of Best Practice Regulation (OBPR) within the Queensland Productivity Commission was consulted on the amendment regulation. OBPR considered that a Regulatory Impact Statement was not required on the basis that extensive consultation with affected stakeholders had occurred and an independent assessment of the costs and benefits of the regulatory proposals had been carried out.

Notes on Provisions

Short title

Clause 1 provides the short title of the amendment regulation.

Commencement

Clause 2 provides that the amendment regulation commences on 1 May 2019.

Regulation amended

Clause 3 states that the regulation amends the *Work Health and Safety Regulation 2011*.

Amendment of s 227 (Application of pt 5.2)

Clause 4 amends the application of part 5.2 of the *Work Health and Safety Regulation 2011* to ensure that specific provisions which apply to registrable amusement devices will apply to all amusement devices located at a licensed major amusement park. Until such time as a major amusement park is granted a licence under new chapter 9A, the provisions in part 5.2 will continue to apply to registered amusement devices at the park. Once granted a licence under chapter 9A, the licensed major amusement park will no longer be required to register amusement devices located at the park to avoid duplication of authorisation requirements. However, all amusement devices at the major amusement park, including water slides and wave generators, will be required to comply with section 237(2) to (5) and division 4, subdivision 2 of part 5.2. These provisions state requirements in relation to records of plant, and specific additional regulatory requirements for amusement devices including: operator training; log books and manuals; and inspection, testing and maintenance of amusement devices.

Amendment of s 238 (Operation of amusement devices)

Clause 5 amends section 238 of the *Work Health and Safety Regulation 2011*, which places a requirement on the person with management or control of an amusement device to ensure the device is operated only by a person who has been provided with instruction and training in the proper operation of the device. The amendment to section 238 includes an additional requirement that the person with management or control of the amusement device ensures that the device is operated only by a 'competent person', which is defined in schedule 19 to mean a person who has acquired through training, qualification or experience the knowledge and skills to carry out the task. The section also provides that the person operating the amusement device is clearly identified.

In addition, a new subsection specifies that instruction and training in the operation of the device must include certain things such as starting, operating and stopping the device under normal conditions; stopping the device in an emergency; and providing for safe access of passengers onto the device and safe exit off or out of the device.

Amendment of s241 (Annual inspection of amusement device)

Clause 6 amends section 241 to include a definition for 'critical component' which is consistent with the definition of 'critical component' included in new section 241A.

Insertion of new s 241A

241A Major inspection of amusement device

Clause 7 inserts a new section which introduces a requirement for persons with management or control of an amusement device to ensure a major inspection is carried out by or under the supervision of a 'competent person'. For this provision, a 'competent person' is defined specifically to mean –

- for an inflatable device with a platform height less than 9m – a person who has the knowledge and skills to carry out the major inspection for the device; or
- for any other amusement device – a person who has the knowledge and skills to carry out a major inspection of the device and is a registered professional engineer under a law that provides for registration of professional engineers. In Queensland, this refers to the *Professional Engineers Act 2002*.

New section 241A specifies the intervals at which major inspections must be carried out, which are:

- At the end of any period for a major inspection recommended by the manufacturer of the device; or
- If, following an annual inspection under section 241 or an earlier major inspection a competent person recommends a shorter period than the manufacturer's recommendation – the period recommended by the competent person; or
- If there is no recommendation by the manufacturer or competent person, the major inspection is required every 10 years.

A 'major inspection' is defined to mean:

- A thorough examination of all critical components of the device including, if necessary, stripping down the device and removing paint, grease and corrosion; and
- A check of the effective and safe operation of the device.

It is intended that the competent person carrying out the major inspection will determine the extent to which the device needs to be stripped down as part of the major inspection.

A 'critical component' is defined to mean a component of the amusement device that would, if the component failed to function properly, be likely to cause a risk to the health or safety of a person.

Transitional provisions to deal with the major inspection requirements for amusement devices in place at the time of new section 241A coming into effect are provided in clause 13.

Amendment of s 242 (Log book and manuals for amusement device)

Clause 8 amends section 242 of the *Work Health and Safety Regulation 2011*, which places requirements on the person with management or control of an amusement device in relation to the log book and manual for the device. The amendment to section 242 specifies the log book must be kept in a way that complies with new section 242A, which requires additional information to be included in the log book. The amendment to section 242 also requires the log book to be available for inspection by the competent person carrying out a major inspection under new section 241A. If an event organiser, such as the organiser of a fete or community event, requests information about the amusement device, the person with management or control of the device must give the event organiser information about the most recent annual inspection for the device and details to confirm that each person who will be operating the device at the event has completed proper instruction and training and is competent to operate the device.

Insertion of new s 242A

242A Requirements of log book

Clause 9 inserts a new section which specifies additional information that must be recorded in the log book for an amusement device, including:

- Whether each person who operates the device has completed the instruction and training under section 238 and is a competent person to operate the device;
- Whether persons who install, assemble, construct, commission, decommission or dismantle or store the device are competent persons as required under section 204(3) and 239(2);
- Specific details about the most recent annual inspection and each major inspection of the device;
- Specific details of any improvement notice or prohibition notice issued under the *Work Health and Safety Act 2011* or a corresponding WHS law, an improvement notice, electrical safety notice or unsafe equipment notice under the *Electrical Safety Act 2002* or an infringement notice under the *State Penalties Enforcement Act 1999*.

Amendment of s246 (Items of plant to be registered)

Clause 10 amends section 246 of the *Work Health and Safety Regulation 2011*, which specifies the registration of certain items of plant. The amendment to section 246 provides for registered amusement devices to no longer be registered or require registration in future where they are located at a licensed major amusement park. The registration of amusement devices at major amusement parks is removed to avoid duplication of authorisation requirements as the provisions in new chapter 9A will apply to major amusement parks and require a licence in relation to the amusement devices at the park.

Insertion of new ch 9A

Chapter 9A Major amusement parks

Clause 11 inserts a new chapter 9A in the *Work Health and Safety Regulation 2011* to introduce new provisions for major amusement parks to adopt an integrated safety case approach to managing risks associated with amusement devices.

Part 9A.1 Preliminary

608A Meaning of *major amusement park*

New section 608A defines a 'major amusement park' for the purpose of new chapter 9A to be a workplace where there are at least 4 amusement devices and at least one of them is either a class 3, class 4 or class 5 amusement device as classified under AS 3533 – *Amusement Rides and Devices*, or a 'high structure water slide'. Major amusement parks do not include workplaces where amusement devices are assembled, installed, operated or disassembled for a temporary event, such as a school fete or agricultural show. The definition includes the term 'relevant day' for a major amusement park, which is used elsewhere in new chapter 9A to determine when the operator of the park is required to provide the regulator with a safety case outline, safety case and application for a licence. For major amusement parks in existence at the commencement of new chapter 9A, the relevant day is the same as the commencement date. New chapter 9A will apply to any

new theme parks developed in the future when it is determined they meet the criteria for the definition in section 608A.

608B Meaning of *amusement device incident*

New section 608B defines the term ‘amusement device incident’ as an occurrence involving an amusement device at the park which exposes, or potentially exposes, a person to a serious risk to health or safety emanating from an exposure, or potential exposure to the occurrence. Examples of an occurrence include a collapse, failure, malfunction, mechanical breakdown or overturing of the amusement device, or plant or structure related to the device.

608C Meaning of *operator of a major amusement park*

New section 608C defines the operator of a major amusement park as the person conducting the business or undertaking of operating the park who has management or control of the park and the power to direct the whole park be shut down. The new section describes the process for nominating one person to be the operator if there is more than one person regarded as the operator of the park.

Part 9A.2 Requirement to be licensed

608D Major amusement park must be licensed

New section 608D requires a workplace that is a major amusement park to be licensed under new part 9A.7 and the operator of the park must hold the licence. This section also provides for an ‘exemption period’ where the licence is not required, which is the period beginning on the relevant day for the park and ending when the first of the following occurs:

- The end of the period for applying for a licence, unless an application has been made within that period;
- The licence has been granted; or
- The end of the period linked to any external review if the regulator decides to refuse to grant the licence.

608E Time in which major amusement park licence must be applied for

New section 608E requires the operator of a major amusement park to apply for a major amusement park licence within 2 years after the relevant day for the park, or at a later day if the regulator extends the time on the grounds that the regulator is satisfied there has not been sufficient time for the operator to comply with part 9A.3.

Part 9A.3 Duties of operators of major amusement parks

Division 1 Application of part

608F Application of part

New section 608F clarifies that part 9A.3 stops applying to a major amusement park at the end of the exemption period for the park.

Division 2 Safety case outline

608G Safety case outline must be given

New section 608G requires the operator of a major amusement park to give the regulator a safety case outline within 6 months of the relevant day for the park. The safety case outline must meet the requirements outlined in new section 608H.

608H Content

New section 608H specifies what must be included in the safety case outline.

608I Alteration

New section 608I allows the regulator to require the operator to alter the safety case outline if the regulator is not satisfied the safety case outline will lead to an amusement device safety case that meets the requirements of new section 608R. This section outlines the process for requiring the operator to alter the safety case outline.

608J Notice of material change

New section 608J requires the operator of a major amusement park to give the regulator written notice of any change to a material particular after the safety case outline has been provided to the regulator. Notice of the change must be given within 14 days after the operator becomes aware of the change. A material change could relate to any of the elements included in the safety case outline but is not intended to include changes of minimal impact. Examples of material changes that would need to be notified include: the operator of the park deciding to decrease the number of persons involved in preparing the safety case; a change in how device operators are being trained or determined as competent; a decision to commission a new amusement device for the park. The purpose of this provision is to ensure the regulator has current information about the matters of substance that have been included in the major amusement park's safety case outline.

Division 3 Management of risk

608K Identification of amusement device incidents and amusement device hazards

New section 608K requires the operator of a major amusement park to identify, so far as is reasonably practicable, all amusement device incidents that could occur in relation the park and all amusement device hazards for the park. In complying with this requirement, the operator must have regard to any advice and recommendations provided by emergency service organisations with responsibility for the area in which the park is located and any department with a regulatory role in relation to major amusement parks.

The terms 'amusement device incident' and 'amusement device hazard' are defined in clause 16 of the Amendment Regulation.

The term 'emergency service organisation' is defined in schedule 19 of the *Work Health and Safety Regulation 2011* and means the Queensland Ambulance Service and the Queensland Fire and Emergency Service.

Departments with a regulatory role in relation to major amusement parks include departments with responsibility for administering legislation for work health and safety, electrical safety and explosives.

The operator of the major amusement park is required to document all identified amusement device incidents and hazards; the criteria and methods used in the identification; and any external conditions under which amusement device hazards might give rise to the amusement device incidents.

608L Safety assessment

New section 608L requires the operator of a major amusement park to conduct a safety assessment for all amusement devices at the park, having regard to the amusement device incidents and amusement device hazards that have been identified for the park. The safety assessment must include the likelihood of each amusement device hazard causing an amusement device incident; the potential magnitude and severity of health and safety consequences should any amusement device incident occur; the range of control measures considered and those measures the operator decides to implement. The safety assessment must be documented and a copy kept at the park.

608M Control of risk

New section 608M requires the operator of a major amusement park to implement control measures that eliminate, so far as is reasonably practicable, the risk of an amusement device incident occurring. If it is not reasonably practicable to eliminate that risk, the operator of the major amusement park must minimise that risk so far as is reasonably practicable.

This section further provides that the operator of a major amusement park must implement risk control measures designed to minimise, in the event of an amusement device incident occurring, its magnitude and the severity of its consequences to persons at the park.

608N Amusement device emergency plan

New section 608N sets out requirements for preparing, testing and implementing an amusement device emergency plan. This requirement is in addition to emergency plan requirements provided in section 43 of the *Work Health and Safety Regulation 2011*. New section 608N requires the operator of major amusement park to prepare an amusement device emergency plan that:

- Addresses all health and safety consequences of an amusement device incident occurring; and
- Includes specific matters outlined in new schedule 18B; and
- Provides for testing of the emergency procedures, including the frequency of testing.

In addition, the relevant emergency service organisations for the area must be consulted and the plan must address any recommendations they make in relation to testing the plan, notifying them about amusement device incidents and what other incidents or events at the park should also be notified.

The operator of the major amusement park is required to keep a copy of the plan at the park and give a copy to relevant emergency service organisations. Before applying for a major amusement park licence, the operator is also obliged to test the plan in accordance with the recommendations made by the emergency service organisations consulted in developing the plan.

In addition, this section requires the operator of the major amusement park to implement, as soon as possible, the emergency plan if an amusement device incident occurs at the park. Further, the operator must notify the regulator and the emergency services organisations that have been consulted if an amusement device incident occurs, or any other incident or event that has been flagged by the emergency service organisations.

608O Safety management system

New section 608O requires the operator of a major amusement park to establish a safety management system for all amusement devices at the park. The safety management system must provide a comprehensive and integrated system for managing all aspects of risk control in relation to the occurrence of amusement device incidents at the park. It must be designed to be used as the primary means of ensuring that amusement devices at the park do not expose a person to a serious risk to their health or safety. The safety management system must be documented, include specific information including the requirements outlined in new schedule 18C, and be readily accessible to the persons who use it.

608P Review of risk management

New section 608P requires the operator of a major amusement park to review and as necessary revise:

- the safety assessment, for the purpose of ensuring the adequacy of the control measures to be implemented by the operator;
- the park's amusement device emergency plan; and
- the park's safety management system.

This section specifies a range of circumstances which will trigger the need for a review and revision if a change at the workplace occurs that is likely to give rise to a new risk or vary an existing risk to health or safety. This includes matters such as a change to any amusement device at the park, a change to training given to workers who operate the devices, or a change to arrangements for the maintenance, inspection and testing of amusement devices at the park. In addition to these matters, section 608P(3) specifies a range of other circumstances which automatically trigger review and revision, including a new amusement device at the park, a control measure that does not control the risk of an amusement device incident occurring, a new amusement device hazard is identified, or a health and safety representative requires a review under section 608P(5).

The relevant emergency service organisations must be consulted in the review and any revision of the amusement device emergency plan.

Division 4 Safety case

608Q Amusement device safety case must be given

New section 608Q requires the operator of a major amusement park to give the regulator an amusement device safety case within 2 years after the relevant day for the park, or any extended period that has been granted by the regulator. The safety case must meet the requirements outlined in new section 608R.

608R Content

New section 608R requires the operator of a major amusement park to prepare an amusement device safety case in accordance with the safety case outline prepared or altered and provided to the regulator. This section specifies what must be included in the safety case. The amusement device safety case is required to demonstrate the park's safety management system will, so far as is reasonably practicable, control risks arising from amusement device incidents and amusement device hazards at the park. The safety case must also demonstrate the adequacy of the measures to be implemented by the operator to control risks associated with the occurrence of amusement device incidents.

608S Coordination for multiple major amusement parks

New section 608S provides for circumstances where the regulator may require the operators of two or more major amusement parks to coordinate the preparation of amusement device safety cases if it is considered necessary in the interests of the safe operation and effective safety management of one or more the major amusement parks.

608T Review

New section 608T requires the operator of a major amusement park to review and as necessary revise the park's safety case after any review is conducted under new section 608P.

Part 9A.4 Licensed major amusement parks – risk management

Division 1 Continued risk management

608U Identification of amusement device incidents and amusement device hazards

New Part 9A.4 places requirements on the operator of a major amusement park after it has been granted a licence by the regulator. New section 608U requires ongoing identification, so far as is reasonably practicable, of all amusement device incidents and amusement device hazards for the park. It is the equivalent of new section 608K which applied to the major amusement park operator during the exemption period before a licence was granted by the regulator.

608V Safety assessment

New section 608V requires the operator of a licensed major amusement park to keep a copy of the revised safety assessment documented at the park.

608W Control of risk

New section 608W requires the operator of a licensed major amusement park to continue implementing control measures to eliminate or minimise the risk of an amusement device incident occurring, so far as is reasonably practicable. It is the equivalent of new section 608M which applied to the major amusement park operator during the exemption period before a licence was granted by the regulator.

608X Amusement device emergency plan

New section 608X requires the operator of a licensed major amusement park to keep a copy of the revised amusement device emergency plan at the park and also requires testing of the emergency plan.

Further, the operator must notify the regulator and the emergency services organisations that have been consulted if an amusement device incident occurs, or any other incident or event that has been flagged by the emergency service organisations. This is similar to requirements included in new section 608N which applied to the major amusement park operator during the exemption period before a licence was granted by the regulator.

608Y Safety management system

New section 608Y requires the operator of a licensed major amusement park to implement the park's safety management system as revised. The safety management system is intended to be the primary means of managing all aspects of risk control in relation to the occurrence of an amusement device incident at the park, and ensuring that amusement devices at the park do not expose a person to a serious risk to the person's health or safety. This is similar to requirements included in new section 608O which applied to the major amusement park operator during the exemption period before a licence was granted by the regulator.

Division 2 Review of risk management

608Z Obligations to review

New section 608Z requires the operator of a licensed major amusement park to review and as necessary revise:

- The safety assessment for the park to ensure the adequacy of the control measures to be implemented by the operator;
- The amusement device emergency plan; and
- The park's safety management system.

The review and revision must occur if the changes or circumstances mentioned in new section 608P occur. Further, the operator of a licensed major amusement park must review and as necessary revise the park's safety case after a review under this section.

Part 9A.5 Consultation and worker's safety role

608ZA Safety role for workers

New section 608ZA requires the operator of a major amusement park to implement a safety role for workers at the park that enables the workers to contribute to –

- identifying amusement device incidents and amusement device hazards under new section 608K;
- considering control measures in the safety assessment conducted under new section 608L; and
- the review conducted under new section 608P.

Once a licence has been granted for the major amusement park, the operator must implement a safety role for workers to enable them to contribute the conduct of a review under new section 608Z.

608ZB Operator of major amusement park must consult with workers – Act, s 49

New section 608ZB provides that for section 49(f) of the Act, the operator of a major amusement park must consult with workers in relation to:

- Preparing the safety case outline for the park;
- Preparing, testing and implementing the amusement device emergency plan for the park;
- Establishing and implementing the park's safety management system;
- Conducting a review under section 608P;
- Implementing the workers' safety role under section 608ZA(1); and
- Preparing and reviewing the park's amusement device safety case.

Similarly, once a licence has been granted, the operator of a licensed major amusement park must consult with workers at the park in relation to specific matters outlined in new section 608ZB.

Part 9A.6 Duties of workers at licensed major amusement parks

608ZC Duties

New section 608ZC sets out specific requirements for workers at licensed major amusement parks regarding matters such as complying with procedures relating to amusement device incidents and emergency plans, informing the major amusement park operators of any circumstances the worker believes may cause an amusement device incident, and informing supervisors about any corrective action taken.

Part 9A.7 Licensing of major amusement parks

Division 1 Licensing process

608ZD Who may apply for a licence

New section 608ZD provides that only the operator of a major amusement park may apply for a major amusement park licence for the park. ‘Operator’ is defined in new section 608C.

608ZE Application for major amusement park licence

New section 608ZE sets out how the application for a major amusement park licence is to be made and the information that must be included in the application.

608ZF Additional information

New section 608ZF enables the regulator to ask the operator of the major amusement park for additional information relating to the application for a licence.

608ZG Decision on application

New section 608ZG sets out how the regulator may grant or refuse a licence for a major amusement park. A refusal to grant a major amusement park licence is a reviewable decision.

608ZH Matters to be taken into account

New section 608ZH specifies the matters the regulator must have regard for when considering a major amusement park licence application, with provisions made for when the operator is either an individual or a body corporate.

608ZI When decision is to be made

New section 608ZI provides the timeframe for the regulator to make a decision regarding an application for a major amusement park licence.

608ZJ Refusal to grant major amusement park licence – process

New section 608ZJ sets out the process for the regulator to follow if refusing to grant a major amusement park licence.

608ZK Conditions of licence – payment of relevant fee

New section 608ZK specifies it is a condition of the major amusement park licence that the operator of the park must pay the relevant fee. The fee is payable within 14 days of receiving notice of the regulator’s decision to grant or renew a licence, and then annually for the period the licence is granted. Clause 14 amends schedule 2 to prescribe this fee.

608ZL Conditions of licence

New section 608ZL allows the regulator to impose conditions when granting or renewing a major amusement park licence. A decision to impose a condition on a licence is a reviewable decision.

608ZM Effect and duration of licence

New section 608ZM provides that a major amusement park licence takes effect on the day it is granted and expires on the day decided by the regulator. The term of the licence must not be more than five years.

608ZN Licence document

New section 608ZN sets out what the regulator must issue and include in the licence document for a major amusement park licence.

608ZO Licence document to be available

New section 608ZO requires the operator of the major amusement park to keep the licence document available for inspection under the Act.

Division 2 Amendment of licence and licence document

608ZP Changes to information

New section 608ZP requires the operator of a licensed major amusement park to give the regulator written notice of changes to any material particular in any information given to the regulator at any time by the operator in relation the licence. The written notice must be given within 14 days after the operator becomes aware of the change.

608ZQ Amendment imposed by regulator

New section 608ZQ allows the regulator, on its own initiative, to amend a major amusement park licence, including to vary or delete an existing condition or impose a new condition on the licence. This section outlines the process for the regulator to follow when amending a major amusement park licence. A decision to amend a licence is a reviewable decision.

608ZR Amendment on application by operator

New section 608ZR allows the regulator to amend a major amusement park licence on application by the operator of the park. This section outlines the process for the regulator to follow in amending or refusing to amend the licence. A decision to refuse to amend the licence as sought by the operator, or a decision to make a different amendment, is a reviewable decision.

608ZS Minor corrections to major amusement park licence

New section 608ZS allows the regulator to make minor amendments to a major amusement park licence including correcting an obvious error, changing an address, or making a minor amendment that imposes no significant burden on the operator.

608ZT Regulator to give amended licence document

New section 608ZT provides for the regulator to issue an amended licence document within 14 days where required.

608ZU Operator to return licence

New section 608ZU requires the operator of a licensed major amusement park to return a licence document to the regulator for amendment at the written request of the regulator.

608ZV Replacement of licence document

New section 608ZV requires the operator of a licensed major amusement park to give written notice to the regulator as soon as practicable if the licence document is lost, stolen or destroyed. This section outlines the process for applying to the regulator for a replacement licence document. A decision by the regulator to refuse to issue a replacement licence document is a reviewable decision.

Division 3 Renewal of major amusement park licence

608ZW Regulator may renew licence

New section 608ZW allows the regulator to renew a major amusement park licence on application by the operator.

608ZX Application for renewal

New section 608ZX provides for the operator of a licensed major amusement park to apply to renew a major amusement park licence. This section sets out what information is required in the application for licence renewal, which must be made at least 6 months before the licence expires.

608ZY Licence continues in force until application is decided

New section 608ZY allows an existing major amusement park licence to continue in force until the operator receives notice of the regulator's decision on the application for licence renewal.

608ZZ Provisions relating to renewal of licence

New section 608ZZ allows for certain provisions that apply to an application for a major amusement park licence to also apply to renewal of a licence. A refusal to renew a licence is a reviewable decision.

608ZZA Status of major amusement park licence during review

New section 608ZZA provides for how the major amusement park licence continues to have effect if the regulator gives the operator written notice of a decision to refuse to renew the licence.

Division 4 Transfer of major amusement park licence

608ZZB Transfer of major amusement park licence

New section 608ZZB allows the regulator to transfer an amusement park licence to another person on specific grounds. A decision to refuse to transfer a major amusement park licence is a reviewable decision.

Division 5 Cancellation and suspension of major amusement park licence

608ZZC Cancellation of major amusement park licence – on operator’s application

New section 608ZZC provides for the cancellation of a major amusement park licence on application by the operator. A decision by the regulator to refuse to cancel a licence is a reviewable decision.

608ZZD Suspension or cancellation of licence – on regulator’s initiative

New section 608ZZD allows the regulator, on its own initiative, to suspend or cancel a major amusement park licence on specific grounds. This section also allows the regulator to disqualify the operator from applying for a further amusement park licence. A decision to suspend or cancel a licence or to disqualify the operator from applying for a further licence is a reviewable decision.

608ZZE Matters to be taken into account

New section 608ZZE sets out the matters to be taken into account in making a decision under new section 608ZZD.

608ZZF Notice to and submissions by operator

New section 608ZZF sets out the process for the regulator to give written notice to the operator and allow submissions to be made before suspending or cancelling a major amusement park licence or disqualifying the operator from holding another major amusement park licence.

608ZZG Notice of decision

New section 608ZZG sets out the process for the regulator when giving written notice of a decision under new section 608ZZD to suspend or cancel a licence.

608ZZH Operator to return licence document

New section 608ZZH requires the operator to return the licence document to the regulator on receiving notice under new section 608ZZG.

608ZZI Regulator to return licence document after suspension

New section 608ZZI requires the regulator to return a licence document to the operator within 14 days after the suspension ends.

Amendment of s676 (Which decisions are reviewable)

Clause 12 provides for section 676 of the *Work Health and Safety Regulation 2011* to be amended to include the reviewable decisions under new chapter 9A.

Insertion of ch 13, pt 13.7

Clause 13 inserts transitional provisions in chapter 13 of the *Work Health and Safety Regulation 2011* to clarify how the major inspection requirement in new section 241A applies to amusement devices in existence on commencement of the amendment regulation.

792 Definitions for part

New section 792 has definitions for the transitional provisions relating to major inspections which are consistent with the equivalent terms in new section 241A.

793 First major inspection of previously inspected amusement devices

New section 793 provides for the first major inspection of an amusement device that has had a relevant inspection (equivalent to a major inspection) in the ten year period before commencement of the amendment regulation. For these amusement devices, the first major inspection must be carried out –

- At the end of any period for a relevant inspection recommended by the device manufacturer; or
- Within a shorter period than recommended by the manufacturer if a competent person has previously conducted a relevant inspection or annual inspection under section 241 and recommended a shorter period; or
- If there is no recommendation by the manufacturer or competent person, no later than 10 years after the last relevant inspection.

794 First major inspection of other amusement devices

New section 794 provides for the first major inspection of an amusement device that has not had a relevant inspection (equivalent to a major inspection) in the ten year period before commencement of the amendment regulation.

For an amusement device manufactured before 1 May 2009, the first major inspection must be carried out no later than 1 May 2021, that is, there is a two year transitional period for compliance with the major inspection requirement.

For any other amusement device, the first major inspection must be carried out –

- At the end of any period for a relevant inspection recommended by the device manufacturer; or

- Within a shorter period than recommended by the manufacturer if a competent person has previously conducted an annual inspection under section 241 and recommended a shorter period; or
- If there is no recommendation by the manufacturer or competent person, no later than 10 years after the device was first commissioned or first registered, whichever is earlier.

Amendment of sch 2 (Fees)

Clause 14 prescribes the fee amount for conditions imposed on a major amusement park licence under new chapter 9A. Other provisions relating to licence applications do not have a prescribed fee, which is the approach used for major hazard facility licence fees.

Insertion of new schs 18B and 18C

Clause 15 inserts new schedules 18B and 18C. Schedule 18B outlines the matters to be included in an amusement device emergency plan for a major amusement park. Schedule 18C outlines the matters to be included in an amusement device safety management system for a major amusement park.

Amendment of sch 19 (Dictionary)

Clause 16 inserts new definitions for terms used in the amendment regulation.