

Changes to Queensland's Work Health and Safety legislation

In April 2014 the Queensland Parliament passed legislation amending a number of provisions of the Work, Health and Safety laws. These amendments became operative on 16th May 2014. These amendments implement findings from the Queensland Government's review of national model WHS laws which commenced in Queensland on 1 January 2012.

The amendments make changes to the *Work Health and Safety Act 2011* by:

- Requiring WHS entry permit holders to give at least 24 hours, but not more than 14 days, prior notice before they can enter a workplace to inquire into a suspected contravention.
- Increasing the penalty for non-compliance with WHS entry permit conditions and introducing a new penalty provision for failure to comply with the WHS entry permit holder notification requirements.
- Requiring at least 24 hours, but not more than 14 days, prior notice before any person assisting a health and safety representative can have access to the workplace
- Removing the power of health and safety representatives to direct workers to cease unsafe work. Workers will continue to have a right to cease unsafe work.
- Removing the requirement for a person conducting a business or undertaking (PCBU) to provide a list of health and safety representatives to the WHS regulator. An up-to-date list of health and safety representatives must still be displayed at the workplace.
- Allowing codes of practice adopted in Queensland to be approved, varied or revoked without requiring national consultation. Consultation about proposed codes of practice with local stakeholders will continue.

The amendment Act also amends the *Electrical Safety Act 2002* to increase the maximum penalty that can be prescribed for offences in the Electrical Safety Regulation 2013 (ES Regulation) to 300 penalty units. This is consistent with the maximum penalty for regulations made under the Work Health and Safety Regulation 2011 and ensures that nationally consistent penalties can apply to offences in the ES Regulation 2013.

New regulations

Queensland's *Work Health and Safety and Another Regulation Amendment Regulation (No. 1) 2014* also took effect from 16th May 2014.

Amendments to the Regulations include:

- removing the planned WHS Regulation requiring regular audiometric testing of workers who need to use PPE to protect their hearing, with guidance on the issue likely to be added to the relevant *Managing Noise and Preventing Hearing Loss at Work Code of Practice 2011* instead;
- confirming the removal of the requirement to fit earthmoving machinery with structures to protect operators from rollovers or falling objects;
- modifying a number of asbestos regulations, including removing the requirement to maintain asbestos registers for older buildings (those built after 31 December 1989, instead of those constructed after 31 December 2003), where no asbestos has been detected or is likely to be present;
- making it clear that asbestos registers aren't required for domestic premises; and
- allowing parties to report certain issues to the regulator by phone instead of in writing, such as the loss of theft of a high-risk work license.

Members requiring further information should contact the AMIC.