



Queensland

Mining and Quarrying Safety and Health (Lead) Amendment Regulation 2023

Subordinate Legislation 2023 No. 71

made under the

Mining and Quarrying Safety and Health Act 1999

Contents

		Page
1	Short title	5
2	Commencement	5
3	Regulation amended	5
4	Amendment of s 4 (Ways of achieving an acceptable level of risk)	5
5	Amendment of s 9 (Risk monitoring)	6
6	Insertion of new s 12C	6
	12C Giving additional information about diagnosed worker	6
7	Amendment of s 120 (Confidentiality of worker's medical record)	7
8	Amendment of s 134 (Adjusting exposure limits for hazards for workers)	7
	7
9	Amendment of s 136 (Monitoring workers' exposure)	7
10	Omission of s 139 (Removing affected worker from work environment)	8
	8
11	Insertion of new ch 2, pt 14, div 2, sdiv 1, hdg	8
12	Replacement of ch 2, pt 14, div 3 (Managing risk through health surveillance)	8
	8
	Subdivision 2 Lead	
	145A Application of subdivision	8
	145B Giving information about health risks of lead process	8
	145C Containment of lead contamination	9

Contents

	145D	Cleaning methods	9
	145E	Prohibition on eating, drinking and smoking	10
	145F	Provision of changing and washing facilities	10
	145G	Laundering, disposal and removal of personal protective equipment and other clothing	10
	145H	Review of measures to control health risks from exposure to lead	12
	145I	Identifying lead risk jobs	13
	145J	Notification of lead risk jobs	14
	145K	Changes to information in notification of lead risk jobs	15
	Division 3	Managing risk through health surveillance	
	145L	Requirements for health surveillance	15
13		Amendment of ch 4, pt 4, hdg (Transitional provisions for Mining Safety and Health Legislation (Health Surveillance) Amendment Regulation 2020)	16
14		Insertion of new ch 4, pt 6	16
	Part 6	Transitional provisions for Mining and Quarrying Safety and Health (Lead) Amendment Regulation 2023	
	177	Definition for part	16
	178	Giving information about health risks of lead process	16
	179	Review of measures to control health risks from exposure to lead	17
	180	Identifying and notifying lead risk jobs	17
	181	Application of health surveillance requirements etc. .	17
	182	Biological monitoring for existing workers in blood lead exposure monitoring program	18
	183	Lead health surveillance and biological monitoring for other existing workers	19
	184	Removal of worker etc. if worker removed from lead risk job before commencement	19
	185	Removal of worker etc. if worker not removed from lead risk job before commencement	20
15		Amendment of sch 1 (Types of high potential incidents for section 195(2)(b) of the Act)	21
16		Amendment of sch 1A (Diseases for section 195(6) of the Act) .	21
17		Amendment of sch 2C (Disclosure of ingredients in safety data sheet)	21
18		Insertion of new sch 2E	21
	Schedule 2E	Health surveillance	21

Part 1	General	
1	What is a health surveillance report	22
2	Application of health surveillance requirements	22
3	Requirements about health surveillance	23
4	Removal of worker from work environment	24
Part 2	Health surveillance for exposure to hazard	
5	Requirement to arrange health surveillance	24
6	Cost of health surveillance	25
Part 3	Respiratory health surveillance	
Division 1	Preliminary	
7	Definitions for part	25
Division 2	Respiratory health surveillance arranged by site senior executive	
8	Requirement to arrange respiratory health surveillance	28
9	General timing of respiratory health surveillance of a person who becomes a worker	28
10	General timing of respiratory health surveillance of a person who is a worker	29
11	General timing of respiratory health surveillance of a person who stops being a worker	29
12	Delaying respiratory health examination	30
13	Cost of respiratory health surveillance	31
Division 3	Respiratory health surveillance of former workers arranged by CEO	
14	Application of division	31
15	Request for respiratory health surveillance	32
16	General timing of respiratory health surveillance	32
17	Delaying respiratory health examination	32
18	Additional documents to be given to CEO	33
19	Cost of respiratory health surveillance	33
Part 4	Lead health surveillance	
Division 1	Preliminary	
20	Definitions for part	34
Division 2	Lead health surveillance	
21	Initial lead health surveillance	34
22	Additional biological monitoring for lead risk jobs	35
23	Notifying chief inspector about health surveillance report	37

Contents

	Division 3	Removal of worker from lead risk job	
	24	Removal of worker from lead risk job	37
	25	Arranging lead health surveillance if worker removed from lead risk job	38
	26	Return to lead risk job after removal	38
	27	Removal of pregnant or breastfeeding worker from lead risk job	39
	28	Return to lead risk job after pregnancy or breastfeeding	40
	Division 4	Miscellaneous	
	29	Cost of lead health surveillance	40
	Part 5	Keeping health surveillance reports	
	30	Keeping health surveillance reports	41
19		Amendment of sch 5 (General exposure limits for hazards)	41
20		Amendment of sch 5A (Civil penalties)	42
21		Amendment of sch 7 (Dictionary)	42

1 Short title

This regulation may be cited as the *Mining and Quarrying Safety and Health (Lead) Amendment Regulation 2023*.

2 Commencement

This regulation commences on 1 September 2023.

3 Regulation amended

This regulation amends the *Mining and Quarrying Safety and Health Regulation 2017*.

4 Amendment of s 4 (Ways of achieving an acceptable level of risk)

(1) Section 4(1)—

omit, insert—

(1) The relevant provisions prescribe ways of achieving an acceptable level of risk at a mine in the circumstances mentioned in the provisions.

(2) Section 4(2), ‘this chapter does’—

omit, insert—

the relevant provisions do

(3) Section 4(3), ‘this chapter’—

insert—

the relevant provisions

(4) Section 4—

insert—

(4) In this section—

relevant provisions means—

(a) this chapter other than sections 12C(2), 60B(1), 60C(2), 87(5), 120(1) and (2),

[s 5]

131(6), 145J(1) and (3) and 145K(1) and (2); and

- (b) schedule 2E other than schedule 2E, sections 6(1), 13(1), 19(1), 23(2), 24(3), 26(4) and 29(1).

5 Amendment of s 9 (Risk monitoring)

- (1) Section 9(4)(c), example, ‘testing a blood sample for lead’—

omit, insert—

biological monitoring to determine a worker’s blood lead level

- (2) Section 9(4)(d), from ‘or a’—

omit, insert—

under schedule 2E.

6 Insertion of new s 12C

After section 12B—

insert—

12C Giving additional information about diagnosed worker

- (1) This section applies if a site senior executive for a mine gives an inspector and a district workers’ representative a notice about a reportable disease under section 195(6) of the Act.

- (2) The site senior executive must give the chief inspector information about the worker who has been diagnosed with the reportable disease in the approved form.

Maximum penalty—60 penalty units.

- (3) Subsection (2) is not a safety and health obligation for the Act.

7 Amendment of s 120 (Confidentiality of worker's medical record)

- (1) Section 120(1), after 'executive'—

insert—

for a mine

- (2) Section 120(2)—

omit, insert—

- (2) The site senior executive must not disclose the contents of the worker's medical record to another person other than—

(a) the worker; or

(b) a person with the worker's written consent;
or

Example of a person who may have the worker's written consent—

the worker's representative at the workplace

(c) the chief inspector to the extent the contents of the worker's medical record are part of a notification under section 12C(2) or schedule 2E, sections 23(2), 24(3) or 26(4).

Maximum penalty—30 penalty units.

8 Amendment of s 134 (Adjusting exposure limits for hazards for workers)

- (1) Section 134(3), 'NOHSC's guidance note'—

omit, insert—

the airborne contaminants guide

- (2) Section 134(5), definition *NOHSC's guidance note*—

omit.

9 Amendment of s 136 (Monitoring workers' exposure)

- (1) Section 136(3), example 1, 'inspirable'—

[s 10]

omit, insert—

inhalable

(2) Section 136(3), example 2—

omit.

(3) Section 136(3), example 3—

renumber as example 2.

10 Omission of s 139 (Removing affected worker from work environment)

Section 139—

omit.

11 Insertion of new ch 2, pt 14, div 2, sdiv 1, hdg

After chapter 2, part 14, division 2, heading—

insert—

Subdivision 1 Hazards other than lead

12 Replacement of ch 2, pt 14, div 3 (Managing risk through health surveillance)

Chapter 2, part 14, division 3—

omit, insert—

Subdivision 2 Lead

145A Application of subdivision

This subdivision applies in relation to a mine at which a lead process is carried out.

145B Giving information about health risks of lead process

(1) A site senior executive for a mine must give

information about a lead process carried out at the mine to a worker at the mine before the worker is first exposed to the lead process.

- (2) If work is identified as a lead process after a worker is exposed to the work, the site senior executive must give information about the lead process to the worker as soon as practicable after the lead process is identified.
- (3) The information that must be given is—
 - (a) information about the health risks and toxic effects associated with exposure to lead; and
 - (b) the need for, and details of, lead health surveillance and biological monitoring under schedule 2E, part 4.

145C Containment of lead contamination

A site senior executive for a mine must ensure, in a way that achieves an acceptable level of risk, that contamination by lead is confined to lead process areas at the mine.

145D Cleaning methods

- (1) A site senior executive for a mine must ensure, in a way that achieves an acceptable level of risk, that each lead process area at the mine is kept clean.
- (2) The site senior executive must ensure that the methods used to clean a lead process area at the mine—
 - (a) do not create an unacceptable level of risk to the health of persons in the immediate vicinity of the area; and
 - (b) do not have the potential to spread the contamination of lead.

145E Prohibition on eating, drinking and smoking

- (1) A site senior executive for a mine must take all reasonable steps to ensure that a worker does not eat, drink, chew gum or smoke, or carry materials used for smoking, in a lead process area at the mine.
- (2) The site senior executive must provide workers with an eating and drinking area that can not be contaminated with lead from a lead process carried out at the mine.

145F Provision of changing and washing facilities

- (1) A site senior executive for a mine must provide and maintain in good working order changing rooms and washing, showering and toilet facilities at the mine so as to—
 - (a) minimise secondary lead exposure from contaminated clothing; and
 - (b) minimise ingestion of lead; and
 - (c) avoid the spread of lead contamination.
- (2) The site senior executive must ensure workers at the mine remove clothing and equipment that is or is likely to be contaminated with lead, and wash their hands and faces, before entering an eating or drinking area at the mine.

145G Laundering, disposal and removal of personal protective equipment and other clothing

- (1) A site senior executive for a mine must ensure that personal protective equipment that is likely to be contaminated with lead dust is not removed from a lead process area unless it is—
 - (a) decontaminated; or
 - (b) in a sealed container.

-
- (2) Also, a site senior executive for a mine must ensure that personal protective equipment that is likely to be contaminated with lead dust is—
- (a) if it is reasonably practicable to dispose of the equipment—disposed of, on the completion of work that is or is part of a lead process carried out at the mine, at a site equipped to accept lead-contaminated equipment; or
 - (b) if it is reasonably practicable to launder equipment that is clothing—laundered at a laundry, whether on-site or off-site, equipped to launder lead-contaminated clothing; or
 - (c) if it is not reasonably practicable to dispose of or launder the equipment—kept in a sealed container until it is re-used for work that is or is part of a lead process carried out at the mine.

Example of personal protective equipment to which paragraph (c) may apply—

work boots

- (3) The site senior executive must take all reasonable steps to ensure that clothing that is not personal protective equipment and is likely to be contaminated with lead dust is—
- (a) if it is reasonably practicable to launder, dispose of or decontaminate the clothing on-site—laundered, disposed of or decontaminated on-site before being removed from the mine; or
 - (b) otherwise—not removed from the mine unless it is in a sealed container and is to be—
 - (i) laundered at a laundry equipped to launder lead-contaminated clothing; or

- (ii) disposed of at a site equipped to accept lead-contaminated clothing.
- (4) The site senior executive must ensure that a sealed container mentioned in subsection (1) or (3) is decontaminated before being removed from the lead process area.

Note—

See also section 53 in relation to labelling containers containing a hazardous chemical or dangerous goods, including, for example, lead.

145H Review of measures to control health risks from exposure to lead

- (1) A site senior executive for a mine must ensure that any measures implemented to control health risks from exposure to lead at the mine are reviewed and, as necessary, revised in the following circumstances—
 - (a) a worker is removed from carrying out a lead risk job at the mine under schedule 2E, section 24;
 - (b) the site senior executive receives a copy of a health surveillance report for a worker under schedule 2E that contains—
 - (i) test results that indicate the worker's blood lead level has reached or exceeded the level mentioned in schedule 2E, section 24(1)(a) for the worker; or
 - (ii) advice that test results indicate the worker has an injury or illness that may have been caused by carrying out the work in relation to which the health surveillance report was obtained; or
 - (iii) a recommendation that the site senior executive take remedial measures, including, for example, a

recommendation that the worker be removed from carrying out a lead risk job at the mine;

- (c) 1 or more of the measures do not control the risk they were implemented to control to an acceptable level of risk;
 - (d) before a change at the mine that is likely to give rise to a new or different risk to health or safety that the measures may not effectively control;
 - (e) a new relevant hazard or risk is identified;
 - (f) the results of consultation by the site senior executive under the Act or this regulation indicate a review is necessary;
 - (g) at least once every 5 years.
- (2) Without limiting subsection (1)(d), a change at the mine includes—
- (a) a change to the mine itself or any aspect of the work environment at the mine; and
 - (b) a change to the mine's operations or a process or a procedure at the mine.

145I Identifying lead risk jobs

- (1) A site senior executive for a mine must assess each lead process carried out at the mine to determine if a lead risk job is carried out in the process.
- (2) In assessing a lead process, the site senior executive must have regard to the following—
 - (a) past biological monitoring results of workers;
 - (b) airborne lead levels;
 - (c) the form of lead used;

[s 12]

- (d) the tasks and processes required to be undertaken with lead;
 - (e) the likely duration and frequency of exposure to lead;
 - (f) possible routes of exposure to lead;
 - (g) any information about incidents, injuries or illnesses in relation to the use of lead at the mine.
- (3) In assessing a lead process, the site senior executive must not have regard to the effect of using personal protective equipment on the safety and health of workers at the mine.
- (4) If the site senior executive is unable to determine whether a lead risk job is carried out in a lead process at the mine, the process is taken to include a lead risk job until the site senior executive determines that a lead risk job is not carried out in the process.

145J Notification of lead risk jobs

- (1) If a site senior executive for a mine determines that work at the mine is a lead risk job, the site senior executive must notify the chief inspector in the approved form within 28 days that the work is a lead risk job.

Maximum penalty—30 penalty units.

- (2) An approved form under this section must include provision for the kind of lead process being carried out that includes the lead risk job to be stated.
- (3) The site senior executive must—
- (a) keep a copy of the approved form given to the chief inspector while the lead risk job is carried out at the mine; and

- (b) ensure that a copy of the approved form is readily accessible to a worker who is likely to be exposed to lead at the mine.

Maximum penalty—30 penalty units.

- (4) Subsections (1) and (3) are not safety and health obligations for the Act.

145K Changes to information in notification of lead risk jobs

- (1) A site senior executive for a mine must notify the chief inspector in the approved form of any change in the information given in an approved form under section 145J before the change or as soon as practicable after the site senior executive becomes aware of the change.

Maximum penalty—10 penalty units.

- (2) The site senior executive must—
 - (a) keep a copy of the approved form given to the chief inspector while the lead risk job is carried out at the mine; and
 - (b) ensure a copy of the approved form is readily accessible to a worker who is likely to be exposed to lead at the mine.

Maximum penalty—10 penalty units.

- (3) Subsections (1) and (2) are not safety and health obligations for the Act.

Division 3 Managing risk through health surveillance

145L Requirements for health surveillance

The requirements for health surveillance stated in schedule 2E apply in relation to a mine.

[s 13]

13 Amendment of ch 4, pt 4, hdg (Transitional provisions for Mining Safety and Health Legislation (Health Surveillance) Amendment Regulation 2020)

Chapter 4, part 4, heading—

insert—

Note—

Some provisions in this part mention provisions of this regulation that were omitted and remade (with or without modification) by the *Mining and Quarrying Safety and Health (Lead) Amendment Regulation 2023*. See section 181 in relation to the application of this part.

14 Insertion of new ch 4, pt 6

Chapter 4—

insert—

Part 6 Transitional provisions for Mining and Quarrying Safety and Health (Lead) Amendment Regulation 2023

177 Definition for part

In this part—

former, for a provision of this regulation, means the provision as in force from time to time before the commencement.

178 Giving information about health risks of lead process

- (1) This section applies if, on the commencement, a person is carrying out work in a lead process at a mine.

- (2) The site senior executive for the mine must give the information mentioned in section 145B(3) to the worker as soon as practicable after the commencement.
- (3) However, the site senior executive need not give the information mentioned in section 145B(3)(a) to the worker if the same, or substantially the same, information has already been given to the worker.

179 Review of measures to control health risks from exposure to lead

- (1) Section 145H applies in relation to circumstances mentioned in section 145H(1) that happen after the commencement.
- (2) For applying section 145H(1)(g), the first 5-year period starts on the day this section commences.

180 Identifying and notifying lead risk jobs

- (1) Sections 145I, 145J and 145K apply in relation to a lead process at a mine, even if the lead process started being carried out at the mine before the commencement.
- (2) If, on the commencement, the site senior executive for the mine knows that work carried out in the lead process is a lead risk job, section 145J applies to the site senior executive as if the site senior executive determined the work is a lead risk job on the commencement.

181 Application of health surveillance requirements etc.

- (1) A thing done or required to be done under or in relation to a former relevant provision is, from the commencement, taken to have been done or required to be done under or in relation to the

corresponding new provision for the former relevant provision.

- (2) Also, if the context permits, a reference in part 4 to a former relevant provision may be taken to be a reference to the corresponding new provision for the former relevant provision.
- (3) In this section—

corresponding new provision, for a former relevant provision, means the provision of schedule 2E that corresponds, or substantially corresponds, to the former relevant provision.

former relevant provision means former section 139(2) or a provision of former chapter 2, part 14, division 3.

182 Biological monitoring for existing workers in blood lead exposure monitoring program

- (1) This section applies in relation to a worker at a mine on the commencement if—
 - (a) the worker carries out work in a lead process at the mine; and
 - (b) health surveillance was provided for the worker, before the commencement, under a blood lead exposure monitoring program for the mine.
- (2) Schedule 2E, section 21 does not apply in relation to the worker.
- (3) However, biological monitoring of the worker after the commencement must be arranged under schedule 2E, section 22.
- (4) For subsection (3), the first biological monitoring of the worker under schedule 2E, section 22 must be carried out on or before the due date for the next biological monitoring of the worker under the blood lead exposure monitoring program for

the mine.

- (5) In this section—

blood lead exposure monitoring program, for a mine, means a program for health surveillance of workers carrying out lead risk jobs at the mine adopted in accordance with section 15 of the inorganic lead standard.

inorganic lead standard means the document declared by NOHSC called ‘National Standard for the Control of Inorganic Lead at Work [NOHSC:1012(1994)]’.

183 Lead health surveillance and biological monitoring for other existing workers

- (1) This section applies in relation to a worker at a mine on the commencement if—
- (a) the worker carries out work in a lead process at the mine; and
 - (b) section 182 does not apply in relation to the worker.
- (2) Schedule 2E, part 4, division 2 applies in relation to the worker.
- (3) For subsection (2), lead health surveillance of the worker under schedule 2E, section 21 must be arranged—
- (a) as soon as practicable after the commencement; and
 - (b) 1 month after the lead health surveillance of the worker under paragraph (a).

184 Removal of worker etc. if worker removed from lead risk job before commencement

- (1) This section applies in relation to a worker at a mine on the commencement if—

- (a) before the commencement—
 - (i) the worker carried out a lead risk job at the mine; and
 - (ii) the worker was removed from the lead risk job under former section 139(3)(a); and
 - (b) immediately before the commencement, the worker had not resumed the lead risk job under former section 139(3)(b).
- (2) Schedule 2E, section 26 applies in relation to the worker as if the worker had been removed from carrying out a lead risk job under schedule 2E, section 24.

185 Removal of worker etc. if worker not removed from lead risk job before commencement

- (1) This section applies in relation to a worker at a mine on the commencement if each of the following applied to the worker immediately before the commencement—
- (a) the worker had been carrying out a lead risk job at the mine;
 - (b) the most recent health surveillance of the worker in relation to the lead risk job resulted in a circumstance mentioned in schedule 2E, section 24(1)(a), (b) or (c);
 - (c) the worker had not been removed from the lead risk job under former section 139(3)(a) or otherwise.
- (2) Schedule 2E, part 4 applies in relation to the worker as if the health surveillance of the worker had been carried out under schedule 2E.

15 Amendment of sch 1 (Types of high potential incidents for section 195(2)(b) of the Act)

Schedule 1—

insert—

- 6 a worker's blood lead level reaching or exceeding the level mentioned in schedule 2E, section 24(1)(a) for the worker

16 Amendment of sch 1A (Diseases for section 195(6) of the Act)

Schedule 1A—

insert—

a disease (regardless of the seriousness of the disease) that test results indicate a worker may have contracted as a result of carrying out work for which lead health surveillance or biological monitoring under schedule 2E, part 4 is required

17 Amendment of sch 2C (Disclosure of ingredients in safety data sheet)

- (1) Schedule 2C, section 3(3), definition *exposure standard*, from 'the'—

omit, insert—

the airborne contaminants standards.

- (2) Schedule 2C, section 3(3), definition *Safe Work Australia*—
relocate to schedule 7.

18 Insertion of new sch 2E

After schedule 2D—

insert—

Schedule 2E Health surveillance

Part 1 General

1 **What is a *health surveillance report***

- (1) A *health surveillance report* is a document about the health surveillance or part of health surveillance of a person that includes—
 - (a) either or both of the following—
 - (i) advice about the effects on the person’s health related to the person’s exposure to a hazard at a mine;
 - (ii) recommendations about the need for remedial action, or further monitoring, arising from the health surveillance; and
 - (b) if a reportable disease is identified—
 - (i) the reportable disease identified; and
 - (ii) when the person was first diagnosed with the reportable disease, if known; and
 - (c) the name of the appropriate doctor.
- (2) A *health surveillance report* relating to a person’s exposure to lead at a mine may include, either in addition to or instead of the matters mentioned in subsection (1)(a), biological monitoring results or clinical findings relating to the person’s exposure to lead at the mine.

2 **Application of health surveillance requirements**

- (1) A health surveillance requirement applies in relation to a person in addition to a requirement for a health assessment applying in relation to the

person.

- (2) If more than 1 health surveillance requirement applies in relation to a person, each health surveillance requirement must be complied with.
- (3) In this section—

health assessment means an assessment under section 131.

health surveillance requirement means a requirement under this schedule to arrange health surveillance or a part of health surveillance of a person.

3 Requirements about health surveillance

- (1) This section applies to health surveillance or part of health surveillance of a person required under this schedule.

Examples of a part of health surveillance—

a particular type of examination, biological monitoring

- (2) The person who arranges the health surveillance or part of health surveillance must ensure the health surveillance or part of health surveillance is done by or under the supervision of an appropriate doctor.
- (3) The appropriate doctor must give—
 - (a) a copy of the health surveillance report for the health surveillance or part of health surveillance to the person who arranged the health surveillance or part of health surveillance; and
 - (b) a copy and explanation of the health surveillance report for the health surveillance or part of health surveillance to—
 - (i) the person to whom the report relates; and

- (ii) if requested by the person to whom the report relates—another person nominated by the person.

4 Removal of worker from work environment

- (1) This section applies if, following health surveillance or part of health surveillance of a worker at a mine under this schedule, test results indicate the worker has effects from a hazard at the mine exceeding the exposure limit applying to the worker for the hazard.
- (2) The site senior executive for the mine must ensure the worker is removed from, and does not resume, work involving exposure to a level of the hazard that would increase the effects or prevent the effects decreasing.

Note—

See also part 4, division 3 in relation to workers who carry out a lead risk job.

Part 2 Health surveillance for exposure to hazard

5 Requirement to arrange health surveillance

A site senior executive for a mine must arrange for health surveillance of a worker at the mine if the site senior executive reasonably believes, or ought reasonably to believe—

- (a) exposure to a hazard at the mine may cause, or result in, an adverse health effect; and
- (b) the health effect may happen under the worker's work conditions; and
- (c) either—

- (i) a valid technique capable of detecting signs of the health effect exists; or
- (ii) a valid biological monitoring procedure is available to detect changes from the current accepted values for the hazard.

Example of a change from current accepted values—

a raised biological mercury level caused by exposure to mercury vapour

6 Cost of health surveillance

- (1) The employer of a worker must pay for—
 - (a) the worker's health surveillance under section 5; and
 - (b) the documents and information required to be given under section 3(3) for the health surveillance.

Maximum penalty—30 penalty units.

- (2) Subsection (1) is not a safety and health obligation for the Act.

Part 3 Respiratory health surveillance

Division 1 Preliminary

7 Definitions for part

In this part—

additional examination means an examination mentioned in this section, definition *respiratory health examination*, paragraph (f).

chest examination means—

- (a) an examination of chest expansion; and
- (b) auscultation.

chest x-ray examination means an examination of an x-ray taken of a person's chest—

- (a) to screen for indications of pneumoconioses or other respiratory diseases; and
- (b) performed in compliance with the ILO guidelines.

comparative assessment, of a person's spirometry, means a comparison of the results of the person's spirometry with the results of the person's previous spirometries for the purpose of identifying trends.

former worker see section 14.

further reading, of an x-ray taken of a person's chest, means an examination of the x-ray—

- (a) to screen for indications of pneumoconioses or other respiratory diseases; and
- (b) performed in compliance with the ILO guidelines; and
- (c) performed for the purpose of considering the classification of the x-ray under a previous chest x-ray examination and finally deciding the classification under the ILO guidelines.

further surveillance period, for a person who becomes or is a worker at a mine, means—

- (a) within 5 years after the most recent respiratory health surveillance was carried out for the person; or
- (b) if the most recent health surveillance report for the person, or an appropriate doctor in consultation with the site senior executive

for the mine, recommends respiratory health surveillance be carried out for the person within a period of less than 5 years—

- (i) the period recommended; or
- (ii) if there are 2 or more recommendations—the shortest of the periods recommended.

ILO guidelines means the guidelines called ‘Guidelines for the use of the ILO International Classification of Radiographs of Pneumoconioses’ published by the International Labour Organization.

Note—

The ILO guidelines are available on the International Labour Organization’s website.

respiratory health examination, for a person, means each of the following—

- (a) a chest examination;
- (b) a spirometry;
- (c) a comparative assessment of the person’s spirometry if the results of 1 or more previous spirometries for the person are available;
- (d) a chest x-ray examination;
- (e) a further reading of the chest x-ray the subject of the examination under paragraph (d);
- (f) another examination the relevant appropriate doctor considers is necessary for the early detection of injury or illness to the person’s respiratory system.

respiratory health surveillance means health surveillance that includes all of the respiratory health examinations.

Division 2 Respiratory health surveillance arranged by site senior executive

8 Requirement to arrange respiratory health surveillance

- (1) A site senior executive for a mine must arrange for respiratory health surveillance of a person who becomes, is or stops being a worker at the mine at the times stated in this division.
- (2) Subsection (1) does not apply to a person whose current or previous exposure to hazards is shown by a risk assessment to create a risk to the person's respiratory system so minimal that it can be managed effectively without respiratory health surveillance being carried out for the person.

9 General timing of respiratory health surveillance of a person who becomes a worker

- (1) Respiratory health surveillance of a person who becomes a worker at a mine must be carried out—
 - (a) if respiratory health surveillance has not previously been carried out for the person—before the person becomes a worker at the mine; or
 - (b) if respiratory health surveillance has previously been carried out for the person—within the further surveillance period for the person.
- (2) However, if the respiratory health surveillance is to include an additional examination and the additional examination can not be carried out within the period stated in subsection (1), the additional examination must be carried out as soon as practicable after the end of the period.

10 General timing of respiratory health surveillance of a person who is a worker

- (1) Respiratory health surveillance of a person who is a worker must be carried out within the further surveillance period for the person.
- (2) However, if the respiratory health surveillance is to include an additional examination and the additional examination can not be carried out within the further surveillance period, the additional examination must be carried out as soon as practicable after the end of the period.
- (3) Subsection (4) applies if the most recent health surveillance report for the person, or an appropriate doctor in consultation with the site senior executive for the mine, recommends a particular respiratory health examination be carried out for the person before respiratory health surveillance is carried out for the person under subsection (1).
- (4) The respiratory health examination must be carried out within the period recommended by the report or appropriate doctor.

11 General timing of respiratory health surveillance of a person who stops being a worker

- (1) This section applies to a person who—
 - (a) permanently stops being a worker; and
 - (b) was a worker for at least 3 years; and
 - (c) during the 3 years before the person stops being a worker, did not have respiratory health surveillance.
- (2) The person may ask the person's employer or former employer for respiratory health surveillance to be carried out—

[s 18]

- (a) during the 6-month period that begins 3 months before the person stops being a worker; and
 - (b) at a time, or times, during that period when the person is available for the surveillance.
- (3) If the person asks for respiratory health surveillance under subsection (2), respiratory health surveillance of the person must be carried out—
 - (a) within the period mentioned in subsection (2)(a); and
 - (b) at the time or times mentioned in subsection (2)(b).
- (4) In this section—

former employer, of a person who stops being a worker, means the person's employer immediately before the person stops being a worker.

12 Delaying respiratory health examination

- (1) This section applies if an appropriate doctor considers the risk to any person from delaying a respiratory health examination to be lower than the risk to the person undergoing the examination of an adverse health effect of the examination.

Example—

An appropriate doctor may consider the risk to a pregnant worker from delaying a chest x-ray examination to be lower than the risk to the worker of an adverse health effect of the examination.

- (2) Despite sections 9 to 11, the respiratory health examination may be carried out up to 1 year after the period provided for in those provisions.
- (3) If a respiratory health examination is delayed under subsection (2), the last respiratory health surveillance is taken to have been carried out at

the time of the respiratory health examinations that were not delayed.

- (4) In this section—
risk, to a person, includes a risk to an unborn child of the person.

13 Cost of respiratory health surveillance

- (1) The employer of a worker or the potential employer of a person who becomes a worker must pay for—
- (a) the worker's or person's respiratory health surveillance and each respiratory health examination; and
 - (b) the documents and information required to be given under section 3(3) for the respiratory health surveillance.

Maximum penalty—30 penalty units.

- (2) Subsection (1) is not a safety and health obligation for the Act.

Division 3 Respiratory health surveillance of former workers arranged by CEO

14 Application of division

This division applies in relation to a person (a *former worker*) who—

- (a) has permanently stopped being a worker; and
- (b) was a worker for at least 3 years.

15 Request for respiratory health surveillance

- (1) A former worker may ask the CEO for respiratory health surveillance of the former worker.
- (2) However, a former worker may not ask for respiratory health surveillance until at least 5 years after the former worker's last respiratory health surveillance.
- (3) Subsection (2) does not apply if—
 - (a) the most recent health surveillance report for the former worker recommends respiratory health surveillance be carried out within a period of less than 5 years; or
 - (b) the former worker gives the CEO a medical certificate signed by a doctor stating the former worker has symptoms that may indicate injury or illness to the former worker's respiratory system caused by exposure to a hazard at a mine.

16 General timing of respiratory health surveillance

If a former worker makes a request under section 15(1), the CEO must arrange for respiratory health surveillance of the former worker as soon as practicable after receiving the request.

17 Delaying respiratory health examination

- (1) This section applies if an appropriate doctor considers the risk to a former worker of an adverse health effect from delaying a respiratory health examination to be lower than the risk to the former worker of an adverse health effect of the examination.

Example—

An appropriate doctor may consider the risk to a pregnant former worker of an adverse health effect from

delaying a chest x-ray examination to be lower than the risk to the former worker of an adverse health effect of the examination.

- (2) Despite section 16, the respiratory health examination may be carried out up to 1 year after the CEO receives the request.
- (3) If a respiratory health examination is delayed under subsection (2), the last respiratory health surveillance is taken to have been carried out at the time of the respiratory health examinations that were not delayed.
- (4) In this section—
risk, to a former worker, includes a risk to an unborn child of the former worker.

18 Additional documents to be given to CEO

If respiratory health surveillance of a former worker is carried out under this division, the appropriate doctor must give the CEO the information or other documents on which the health surveillance report about the respiratory health surveillance of the former worker was based.

19 Cost of respiratory health surveillance

- (1) If respiratory health surveillance of a former worker is carried out under this division, the CEO must pay for—
 - (a) the respiratory health surveillance; and
 - (b) the documents and information required to be given under section 3(3) for the respiratory health surveillance; and
 - (c) the documents mentioned in section 18.
- (2) Subsection (1) is not a safety and health obligation for the Act.

Part 4 Lead health surveillance

Division 1 Preliminary

20 Definitions for part

In this part—

blood lead health examination means each of the following—

- (a) biological monitoring;
- (b) a medical examination;
- (c) demographic, medical and occupational history.

lead health surveillance means health surveillance that—

- (a) includes all of the blood lead health examinations; or
- (b) is of a type that is—
 - (i) equal or better than the health surveillance mentioned in paragraph (a); and
 - (ii) recommended by an appropriate doctor.

Division 2 Lead health surveillance

21 Initial lead health surveillance

- (1) A site senior executive for a mine must arrange for lead health surveillance of a worker at the mine—

-
- (a) before the worker is first exposed to a lead process at the mine; and
 - (b) 1 month after the worker is first exposed to a lead process at the mine.
- (2) If work is identified as a lead process after a worker is exposed to the work, the site senior executive must arrange for lead health surveillance of the worker—
- (a) as soon as practicable after the lead process is identified; and
 - (b) 1 month after the lead health surveillance of the worker under paragraph (a).

22 Additional biological monitoring for lead risk jobs

- (1) A site senior executive for a mine must arrange for biological monitoring of each worker who carries out a lead risk job at the mine to be carried out at the following times—
- (a) for a person other than a female of reproductive capacity—
 - (i) if the last biological monitoring of the worker shows a blood lead level of less than 10µg/dL (0.48µmol/L)—6 months after the last biological monitoring of the worker; or
 - (ii) if the last biological monitoring of the worker shows a blood lead level of 10µg/dL (0.48µmol/L) or more but less than 20µg/dL (0.97µmol/L)—3 months after the last biological monitoring of the worker; or
 - (iii) if the last biological monitoring of the worker shows a blood lead level of 20µg/dL (0.97µmol/L) or more—6

[s 18]

- weeks after the last biological monitoring of the worker;
- (b) for a female of reproductive capacity—
- (i) if the last biological monitoring of the worker shows a blood lead level of less than 5µg/dL (0.24µmol/L)—3 months after the last biological monitoring of the worker; or
- (ii) if the last biological monitoring of the worker shows a blood lead level of 5µg/dL (0.24µmol/L) or more—6 weeks after the last biological monitoring of the worker.
- (2) The site senior executive must increase the frequency of the biological monitoring of the worker if the worker carries out work that is likely to significantly change the nature, or increase the duration or frequency, of the worker’s exposure to lead.
- (3) Despite section 3(2), biological monitoring of a worker under this section does not need to be done by, or under the supervision of, an appropriate doctor.
- (4) If biological monitoring of a worker under this section is carried out by a person who is not an appropriate doctor, and who is not carrying out the biological monitoring under the supervision of an appropriate doctor, sections 1(1)(c) and 3(3) apply to the person as if a reference in the sections to the appropriate doctor were a reference to the person.
- (5) In this section—
- last biological monitoring***, of a worker, means the last biological monitoring of the worker that included testing of the worker’s blood to determine the worker’s blood lead level.

23 Notifying chief inspector about health surveillance report

- (1) This section applies if a site senior executive for a mine receives a copy of a health surveillance report about the lead health surveillance or biological monitoring of a worker arranged under this division.
- (2) The site senior executive must notify the chief inspector about the report—
 - (a) in the approved form; and
 - (b) within 28 days after the site senior executive receives a copy of the report.

Maximum penalty—60 penalty units.

- (3) Subsection (2) is not a safety and health obligation for the Act.

Division 3 Removal of worker from lead risk job

24 Removal of worker from lead risk job

- (1) This section applies in relation to a worker who carries out a lead risk job at a mine if, following lead health surveillance or biological monitoring of the worker arranged under this part—
 - (a) test results indicate the worker's blood lead level has reached or exceeded—
 - (i) for a person other than a female of reproductive capacity—30µg/dL (1.45µmol/L); or
 - (ii) for a female of reproductive capacity—10µg/dL (0.48µmol/L); or
 - (b) an appropriate doctor recommends the worker be removed from carrying out the lead risk job; or

- (c) there is an indication that a measure implemented to control health risks from exposure to lead at the mine has failed and, as a result, the worker's blood lead level is likely to reach or exceed the level mentioned in paragraph (a).
- (2) The site senior executive for the mine must immediately remove the worker from carrying out a lead risk job.
- (3) The site senior executive must notify the chief inspector in the approved form as soon as practicable after the worker is removed from carrying out a lead risk job under subsection (2).
Maximum penalty—60 penalty units.
- (4) Subsection (3) is not a safety and health obligation for the Act.

25 Arranging lead health surveillance if worker removed from lead risk job

- (1) This section applies if a worker is removed from carrying out a lead risk job at a mine under section 24.
- (2) The site senior executive for the mine must arrange for lead health surveillance of the worker within 7 days after the day the worker is removed under section 24.

26 Return to lead risk job after removal

- (1) This section applies if—
 - (a) a worker is removed from carrying out a lead risk job at a mine under section 24; and
 - (b) the site senior executive for the mine expects the worker to return to carrying out a lead risk job at the mine.
- (2) The site senior executive must arrange for

biological monitoring of the worker at a frequency decided by an appropriate doctor to determine whether the worker's blood lead level is low enough for the worker to return to carrying out a lead risk job.

- (3) The site senior executive must ensure that the worker does not return to carrying out a lead risk job until—
 - (a) the worker's blood lead level is less than—
 - (i) for a person other than a female of reproductive capacity— $20\mu\text{g/dL}$ ($0.97\mu\text{mol/L}$); or
 - (ii) for a female of reproductive capacity— $5\mu\text{g/dL}$ ($0.24\mu\text{mol/L}$); and
 - (b) an appropriate doctor is satisfied that the worker is fit to return to carrying out a lead risk job.
- (4) The site senior executive must notify the chief inspector in the approved form as soon as practicable if a worker returns to carrying out a lead risk job under subsection (3).

Maximum penalty—60 penalty units.

- (5) Subsection (4) is not a safety and health obligation for the Act.

27 Removal of pregnant or breastfeeding worker from lead risk job

- (1) This section applies if a site senior executive for a mine is advised or otherwise knows a worker who carries out a lead risk job at the mine—
 - (a) is pregnant or may be pregnant; or
 - (b) is breastfeeding.
- (2) The site senior executive must immediately remove the worker from carrying out a lead risk job.

28 Return to lead risk job after pregnancy or breastfeeding

- (1) This section applies if—
 - (a) a worker is removed from carrying out a lead risk job at a mine under section 27; and
 - (b) the site senior executive for the mine expects the worker to return to carrying out a lead risk job at the mine.
- (2) The site senior executive must ensure that the worker does not return to carrying out a lead risk job until the worker is not pregnant or breastfeeding.

Division 4 Miscellaneous

29 Cost of lead health surveillance

- (1) The employer of a worker must pay for—
 - (a) any lead health surveillance or biological monitoring of the worker arranged under this part; and
 - (b) the documents and information required to be given under section 3(3) for lead health surveillance or biological monitoring mentioned in paragraph (a).

Maximum penalty—30 penalty units.

- (2) Subsection (1) is not a safety and health obligation for the Act.

Part 5 Keeping health surveillance reports

30 Keeping health surveillance reports

- (1) A site senior executive for a mine must ensure a copy of a health surveillance report obtained under this regulation is kept for at least the following period after the report is received—
 - (a) for a hazard with a cumulative or delayed effect—30 years;

Examples—

lead, silica, noise or vibration
 - (b) for another hazard—7 years.
- (2) If the mine ceases operations in the period the copy of the health surveillance report is required to be kept under subsection (1), the site senior executive must ask for, and comply with, the CEO's directions about the copy's storage.

19 Amendment of sch 5 (General exposure limits for hazards)

- (1) Schedule 5, entries for atmospheric contaminant, crystalline silica (cristobalite, quartz, tridymite), inspirable dust, respirable dust and respirable synthetic mineral fibre—
omit.
- (2) Schedule 5—
insert—

airborne contaminant	the exposure standard assigned to the contaminant in the airborne contaminants standards
inhalable dust to which an exposure standard is not assigned in the airborne contaminants standards	10mg/m ³

[s 20]

respirable dust to which an exposure standard is not assigned in the airborne contaminants standards $5\text{mg}/\text{m}^3$

20 Amendment of sch 5A (Civil penalties)

Schedule 5A, part 3, item 2, from ‘chapter’—

omit, insert—

schedule 2E, sections 5, 6, 8, 13, 21, 22, 25, 29 and 30 of this regulation (relating to health assessments and health surveillance)

21 Amendment of sch 7 (Dictionary)

- (1) Schedule 7, definitions *atmospheric contaminants guidance note, biological monitoring, health surveillance report, inspirable dust, respirable dust, respirable synthetic mineral fibre, respiratory health examination* and *respiratory health surveillance—*

omit.

- (2) Schedule 7—

insert—

accredited laboratory, in relation to biological monitoring, means an Australian laboratory accredited by NATA as competent to perform the biological monitoring.

airborne contaminants guide means the document called ‘Guidance on the interpretation of workplace exposure standards for airborne contaminants’ published by Safe Work Australia.

airborne contaminants standards means the document called ‘Workplace exposure standards for airborne contaminants’ published by Safe Work Australia.

biological monitoring means testing by an accredited laboratory for the presence of a hazardous chemical, its metabolites or a biochemical change in a person's body tissue, exhaled air or fluid resulting from exposure to the hazardous chemical.

Example—

testing a person's blood to determine the person's blood lead level

blood lead level means the concentration of lead in whole blood expressed in micrograms per decilitre ($\mu\text{g/dL}$) or micromoles per litre ($\mu\text{mol/L}$).

female of reproductive capacity means a female other than a female who provides information stating the female is not of reproductive capacity.

health surveillance report, for schedule 2E, see schedule 2E, section 1.

inhalable dust see the airborne contaminants guide, chapter 5.

lead means lead metal, lead alloys, inorganic lead compounds and lead salts of organic acids.

lead health surveillance, for schedule 2E, part 4, see schedule 2E, section 20.

lead process means a process that consists of any of the following processes—

- (a) work that exposes a worker to lead dust or lead fumes arising from the handling of dry lead compounds;
- (b) work in connection with the assembly, handling or repair of batteries, or parts of batteries, containing lead that involves the manipulation of dry lead compounds, or pasting or casting lead;

[s 21]

- (c) spraying molten lead metal or alloys containing more than 5% by weight of lead metal;
- (d) melting or casting lead alloys containing more than 5% by weight of lead metal in which the temperature of the molten material exceeds 450°C;
- (e) recovering lead from its ores, oxides or other compounds by thermal reduction process;
- (f) dry machine grinding, discing, buffing or cutting by power tools alloys containing more than 5% by weight of lead metal;
- (g) dry machine grinding, discing, buffing or cutting by power tools of dry lead compounds containing more than 1% by weight of lead metal;
- (h) machine sanding or buffing surfaces coated with paint containing more than 1% by dry weight of lead;
- (i) a process by which electric arc, oxyacetylene, oxy gas, plasma arc or a flame is applied for welding, cutting or cleaning to the surface of metal coated with lead or paint containing more than 1% by dry weight of lead metal;
- (j) radiator repairs that may cause exposure to lead dust or lead fumes;
- (k) fire assays if lead, lead compounds or lead alloys are used;
- (l) hand grinding and finishing lead or alloys containing more than 50% by dry weight of lead;
- (m) spray painting with lead paint containing more than 1% by dry weight of lead;

- (n) melting lead metal or alloys containing more than 50% by weight of lead metal if the exposed surface area of the molten material exceeds 0.1m² and the temperature of the molten material does not exceed 450°C;
- (o) using a power tool, including abrasive blasting and high pressure water jets, to remove a surface coated with paint containing more than 1% by dry weight of lead and handling waste containing lead resulting from the removal;
- (p) any other work that exposes a worker to lead dust or lead fumes during operations.

lead process area means a part of a mine at which a lead process is carried out.

lead risk job, for a worker, means work carried out in a lead process that causes, or is likely to cause, the worker's blood lead level to exceed—

- (a) for a person other than a female of reproductive capacity—20µg/dL (0.97µmol/L); or
- (b) for a female of reproductive capacity—5µg/dL (0.24µmol/L).

NATA means the National Association of Testing Authorities, Australia ACN 004 379 748.

respirable dust see the airborne contaminants guide, chapter 5.

respiratory health examination, for a person, for schedule 2E, part 3, see schedule 2E, section 7.

respiratory health surveillance, for schedule 2E, part 3, see schedule 2E, section 7.

- (3) Schedule 7, definitions *additional examination*, *chest examination*, *chest x-ray examination*, *comparative assessment*, *further reading*, *further surveillance period* and

[s 21]

ILO guidelines, ‘chapter 2, part 14, division 3, see section 145A’—

omit, insert—

schedule 2E, part 3, see schedule 2E, section 7

- (4) Schedule 7, definitions *former worker*, ‘chapter 2, part 14, division 3, see section 145J’—

omit, insert—

schedule 2E, part 3, see schedule 2E, section 14

- (5) Schedule 7, definition *health surveillance*, after ‘biological monitoring’—

insert—

, medical examination

ENDNOTES

- 1 Made by the Governor in Council on 29 June 2023.
- 2 Notified on the Queensland legislation website on 30 June 2023.
- 3 The administering agency is Resources Safety and Health Queensland.

© State of Queensland 2023