



Queensland

Work Health and Safety (Quad Bikes) Amendment Regulation 2024

Subordinate Legislation 2024 No. 15

made under the

Work Health and Safety Act 2011

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[s 1]

1 Short title

This regulation may be cited as the *Work Health and Safety (Quad Bikes) Amendment Regulation 2024*.

2 Regulation amended

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

Note—

See also the amendments in schedule 1.

3 Insertion of new ss 226A–226C

After section 226—

insert—

226A Quad bikes—duty of person with management or control of quad bike at workplace

- (1) This section applies to a person with management or control of a quad bike at a workplace.
- (2) The person must take all reasonable steps to ensure the quad bike is not operated by a person (the *operator*) unless the operator—
 - (a) is at least—
 - (i) 16 years; or
 - (ii) if a different minimum age for operating the quad bike is recommended by the quad bike's manufacturer—that age; and
 - (b) is wearing a crash helmet securely fitted and fastened on the operator's head.

Maximum penalty—60 penalty units.

- (3) The person must take all reasonable steps to ensure the quad bike is not ridden by a passenger unless—

- (a) the quad bike is designed to be ridden by a passenger; and
- (b) the passenger is at least—
 - (i) 16 years; or
 - (ii) if a different minimum age for a passenger on the quad bike is recommended by the quad bike's manufacturer—that age; and
- (c) the passenger is wearing a crash helmet securely fitted and fastened on the passenger's head.

Maximum penalty—60 penalty units.

226B Quad bikes—duty of worker

- (1) This section applies if a person with management or control of a quad bike at a workplace gives a worker a crash helmet to wear while the worker is—
 - (a) operating the quad bike at the workplace; or
 - (b) riding as a passenger on the quad bike at the workplace.
- (2) The worker must wear the crash helmet securely fitted and fastened on the worker's head while operating the quad bike, or riding as a passenger on the quad bike, at the workplace, if the quad bike is—
 - (a) moving; or
 - (b) stationary but not parked.

Maximum penalty—36 penalty units.

- (3) For subsection (2), if the crash helmet given to the worker under subsection (1) is not an approved motorbike helmet, the worker may wear an approved motorbike helmet instead of the crash helmet.

226C Approved motorbike helmet required if quad bike operated in particular area

(1) For sections 226A(2)(b) and (3)(c) and 226B(1), if the person with management or control of a quad bike at a workplace knows, or could reasonably be expected to know, that the quad bike may be operated, or ridden by a passenger, on or in any of the following places, the crash helmet must be an approved motorbike helmet—

(a) a road or road-related area;

Note—

See the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, section 270.

(b) a State forest or timber reserve;

Note—

See the *Forestry Regulation 2015*, section 28.

(c) a protected area, other than a nature refuge or a special wildlife reserve;

Note—

See the *Nature Conservation (Protected Areas Management) Regulation 2017*, section 123.

(d) a recreation area.

Note—

See the *Recreation Areas Management Regulation 2017*, section 18.

(2) In this section—

nature refuge see the *Nature Conservation Act 1992*, schedule.

protected area see the *Nature Conservation Act 1992*, schedule.

recreation area see the *Recreation Areas Management Act 2006*, schedule.

road see the *Transport Operations (Road Use*

Management) Act 1995, schedule 4.

road-related area see the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, section 13.

special wildlife reserve see the *Nature Conservation Act 1992*, schedule.

State forest see the *Forestry Act 1959*, schedule 3.

timber reserve see the *Forestry Act 1959*, schedule 3.

4 Amendment of sch 19 (Dictionary)

Schedule 19—

insert—

approved motorbike helmet see the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, schedule 5.

operate, a quad bike, includes—

- (a) put in motion an apparatus, device, machinery or motor in, on or attached to the quad bike; and
- (b) drive or ride the quad bike.

quad bike see the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, schedule 5.

Schedule 1 Minor amendments

section 2

1 Amendments to remove notes

Each of the following provisions is amended by omitting the note—

- section 50(2)
- section 66(3)
- section 76(2)
- section 77(2), (3) and (4)
- section 85(4)
- section 142(1)
- section 144M(1)
- section 144N
- section 144O(1)
- section 144T
- section 144U(1)
- section 144ZB
- section 170
- section 175(1), (2) and (3)
- section 176(3)
- section 180
- section 181(2), (3) and (4)
- section 182(2), (3) and (5)
- section 226(1), (3) and (4)
- section 228
- section 229(1) and (2)

- section 230(1), (2) and (3)
- section 237(2), (4) and (5)
- section 242(1), (3) and (5)
- section 254
- section 260(3), (4) and (5)
- section 262(1)
- section 273(3) and (4)
- section 275(1)
- section 282(1)
- section 287
- section 288(1)
- section 288D
- section 294(1)
- section 295(1) and (2)
- section 296
- section 301
- section 303(1), (2) and (4)
- section 304(5)
- section 313(1), (2) and (4)
- section 340(3) and (4)
- section 364
- section 378(1) and (2)
- section 390(2) and (3)
- section 391(3)
- section 404(1) and (2)
- section 418(1) and (2)
- section 423(2)
- section 444(1) and (2)

Schedule 1

- section 445(3) and (4)
- section 461(1) and (2)
- section 505(1)
- section 506(1)
- section 507(1)
- section 512
- section 513(1)
- section 525
- section 572(4)
- section 587(1)
- section 588(1)
- section 593
- section 594(1)
- section 607
- section 608J(2)
- section 608ZO(1)
- section 608ZP(1)
- section 608ZU
- section 608ZV(1)
- section 608ZZH

2 Sections 98(4), 127(4) and 144U(4)—

omit, insert—

(4) The application must—

(a) include—

- (i) a declaration describing the circumstances in which the original document was lost, stolen or destroyed; and

(ii) a declaration that the information contained in the application is, to the best of the applicant's knowledge, true and correct; and

(b) be accompanied by the relevant fee.

3 Section 242(2), first note—

omit.

4 Schedule 19, definition *plant*, 'of'—

omit, insert—

for

ENDNOTES

- 1 Made by the Governor in Council on 21 March 2024.
- 2 Notified on the Queensland legislation website on 22 March 2024.
- 3 The administering agency is the Department of State Development and Infrastructure.

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