



Queensland

Work Health and Safety Amendment Regulation 2024

Subordinate Legislation 2024 No. 174

made under the

Work Health and Safety Act 2011

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Part 1 Preliminary

1 Short title

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

2 Commencement

- (1) Part 2 commences on 1 September 2024.
- (2) Part 3 commences on 1 January 2025.

3 Regulation amended

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

Part 2 Amendments relating to crystalline silica

4 Replacement of ch 8A, hdg (Engineered stone, porcelain products and sintered stone)

Chapter 8A, heading—

omit, insert—

Chapter 8A Crystalline silica

5 Replacement of ss 529A–529C

Sections 529A to 529C—

omit, insert—

529A Definitions for chapter

In this chapter—

[s 5]

controlled, in relation to the processing of a crystalline silica substance, see section 529B.

crystalline silica—

- (a) means crystalline polymorphs of silica; and
- (b) includes the following substances—
 - (i) cristobalite;
 - (ii) quartz;
 - (iii) tridymite;
 - (iv) tripoli.

crystalline silica substance means material that contains at least 1% crystalline silica, determined as a weight/weight (w/w) concentration.

engineered stone—

- (a) means a crystalline silica substance that—
 - (i) is an artificial product; and
 - (ii) is created by combining natural stone material with other chemical constituents, including, for example, water, resins and pigments; and
 - (iii) becomes hardened; but
- (b) does not include the following—
 - (i) concrete products or cement products;
 - (ii) bricks, pavers or other similar blocks;
 - (iii) ceramic wall or floor tiles;
 - (iv) grout, mortar or render;
 - (v) plasterboard;
 - (vi) porcelain products;
 - (vii) sintered stone;
 - (viii) roof tiles.

high risk, in relation to the processing of a crystalline silica substance, see section 529BA.

processing, in relation to a crystalline silica substance, means—

- (a) the use of a power tool or mechanical plant to carry out an activity that involves the abrasive polishing, crushing, cutting, drilling, grinding, sanding or trimming of the crystalline silica substance; or
- (b) the use of a roadheader to excavate the crystalline silica substance; or
- (c) the quarrying of the crystalline silica substance; or
- (d) mechanical screening that involves the crystalline silica substance; or
- (e) tunnelling through the crystalline silica substance; or
- (f) a process that exposes, or is reasonably likely to expose, a person to respirable crystalline silica during the manufacture or handling of the crystalline silica substance.

silica risk control plan see section 529CB(1).

529B When processing of crystalline silica substance is *controlled*

- (1) The processing of a crystalline silica substance is ***controlled*** if—
 - (a) control measures are implemented, so far as is reasonably practicable, to eliminate or minimise risks arising from the processing; and
 - (b) at least 1 of the following control measures is used during the processing—

[s 5]

- (i) the isolation of a person from dust exposure;
 - (ii) a fully enclosed operator cabin, fitted with a high efficiency air filtration system;
 - (iii) an effective wet dust suppression method;
 - (iv) an effective on-tool extraction system;
 - (v) an effective local exhaust ventilation system; and
- (c) any person who is still at risk of being exposed to respirable crystalline silica, despite the use of 1 or more control measures mentioned in paragraph (b)—
- (i) is provided with respiratory protective equipment; and
 - (ii) wears the respiratory protective equipment while the processing is carried out.

Note—

See also section 351.

- (2) Despite subsection (1), if it is not reasonably practicable to use a control measure mentioned in subsection (1)(b) during the processing of a crystalline silica substance, the processing of the substance is ***controlled*** if any person who is at risk of being exposed to respirable crystalline silica during the processing—
- (a) is provided with respiratory protective equipment; and
 - (b) wears the respiratory protective equipment while the processing is carried out.
- (3) In this section—

respiratory protective equipment means personal

protective equipment that—

- (a) is designed to prevent a person wearing the equipment from inhaling airborne contaminants; and
- (b) complies with—
 - (i) AS/NZS 1716:2012 (Respiratory protective devices); and
 - (ii) AS/NZS 1715:2009 (Selection, use and maintenance of respiratory protective equipment).

Note—

See sections 44, 45 and 46 in relation to the provision and use of personal protective equipment, including respiratory protective equipment provided as mentioned in subsections (1)(c) and (2).

529BA When processing of crystalline silica substance is *high risk*

The processing of a crystalline silica substance is ***high risk*** if the processing of the substance at a workplace—

- (a) is determined, under section 529CA(1), to be reasonably likely to result in a risk to the health of a person at the workplace; or
- (b) is taken, under section 529CA(5), to be reasonably likely to result in a risk to the health of a person at the workplace.

6 Omission of pts 8A.4 and 8A.5

Parts 8A.4 and 8A.5—

omit.

[s 7]

7 Renumbering of pts 8A.2 and 8A.3

Parts 8A.2 and 8A.3—

renumber as parts 8A.3 and 8A.4.

8 Insertion of new pt 8A.2

Chapter 8A—

insert—

**Part 8A.2 Requirements for
processing crystalline
silica substances**

**529C Processing of crystalline silica substance
must be controlled**

A person conducting a business or undertaking must not carry out, or direct or allow a worker to carry out, the processing of a crystalline silica substance unless the processing is controlled.

Maximum penalty—60 penalty units.

Note—

See, however, sections 529D and 529F in relation to carrying out particular work in relation to a crystalline silica substance that is engineered stone.

**529CA Identifying processing of crystalline silica
substance that is high risk**

- (1) A person conducting a business or undertaking carrying out the processing of a crystalline silica substance must, before the processing starts, assess the processing of the crystalline silica substance, in compliance with subsections (2) and (3), to determine whether the processing of the substance at the workplace is reasonably likely to result in a risk to the health of a person at the

workplace.

Maximum penalty—60 penalty units.

- (2) The person must have regard to the following matters in making an assessment under subsection (1)—
- (a) the specific processing that will be carried out;
 - (b) the forms of crystalline silica present in the crystalline silica substance;
 - (c) the proportion of crystalline silica contained in the crystalline silica substance, determined as a weight/weight (w/w) concentration;
 - (d) the hazards associated with carrying out the processing, including the likely frequency and duration of a person's exposure to respirable crystalline silica;
 - (e) whether the airborne concentration of respirable crystalline silica that is present at the workplace is reasonably likely to be more than half the exposure standard for crystalline silica;
 - (f) the results of any relevant air and health monitoring previously conducted at the workplace;
 - (g) any previous incidents, illnesses or diseases associated with exposure to respirable crystalline silica at the workplace.
- (3) However, the person must not have regard to either of the following matters in making an assessment under subsection (1)—
- (a) the control measures implemented under section 529B(1)(b);

[s 8]

- (b) the use of personal protective equipment, or of administrative controls, to control the risks associated with respirable crystalline silica.
- (4) The person must ensure an assessment made under subsection (1) is recorded in writing.
Maximum penalty—
 - (a) for an individual—12½ penalty units; or
 - (b) for a body corporate—60 penalty units.
- (5) If the person is unable make a determination mentioned in subsection (1), the processing of the crystalline silica substance at the workplace is taken to be reasonably likely to result in a risk to the health of a person at the workplace until a determination to the contrary is made under subsection (1).

529CB Silica risk control plan must be prepared for processing that is high risk

- (1) A person conducting a business or undertaking carrying out the processing of a crystalline silica substance that is high risk must, before the processing starts, ensure a plan in compliance with subsection (2) (a *silica risk control plan*)—
 - (a) is prepared; or
 - (b) has already been prepared.Maximum penalty—60 penalty units.
- (2) A silica risk control plan must—
 - (a) identify the processing of any crystalline silica substance carried out at the workplace that is high risk; and

- (b) include the assessment made under section 529CA for the processing of any crystalline silica substance that is high risk; and
 - (c) state the control measures that will be used to control the risks associated with the processing of any crystalline silica substance that is high risk, and how the measures will be implemented, monitored and reviewed; and
 - (d) be set out and expressed in a way that is readily accessible and understandable to a person who will use the plan.
- (3) However, the person need not comply with subsection (1) in relation to the processing that is high risk if—
- (a) the processing is also high risk construction work; and
 - (b) a safe work method statement for the high risk construction work is prepared before the processing starts; and
 - (c) the safe work method statement satisfies the requirements mentioned in subsection (2).
- (4) In this section—
- high risk construction work* has the meaning given by section 291.

529CC Compliance with, and review of, silica risk control plan

- (1) A person conducting a business or undertaking carrying out the processing of a crystalline silica substance that is high risk must ensure the processing is carried out in accordance with a silica risk control plan prepared in relation to the processing, including by ensuring—

[s 8]

- (a) the plan is available to all workers at the workplace; and
- (b) the plan is provided to all workers before they start the processing.

Maximum penalty—60 penalty units.

- (2) If the processing of a crystalline silica substance that is high risk is not carried out in compliance with subsection (1), the person conducting the business or undertaking must ensure the processing—
 - (a) is stopped immediately or as soon as it is safe to do so; and
 - (b) is resumed only in accordance with the silica risk control plan prepared in relation to the processing.

Maximum penalty—60 penalty units.

- (3) The person conducting the business or undertaking must ensure the silica risk control plan prepared in relation to the processing is reviewed and, as necessary, revised if a relevant control measure in relation to the processing is revised under section 38.

Maximum penalty—36 penalty units.

- (4) In this section—

relevant control measure means a control measure in relation to the processing of a crystalline silica substance that is high risk.

529CD Duty to train workers about risks of crystalline silica

- (1) A person conducting a business or undertaking must ensure a worker receives crystalline silica training if the person reasonably believes the worker—

- (a) may be involved in the processing of a crystalline silica substance that is high risk; or
- (b) may be at risk of exposure to respirable crystalline silica because of the processing of a crystalline silica substance that is high risk.

Note—

See also part 3.2, division 1 in relation to the provision of information, training and instruction.

Maximum penalty—60 penalty units.

- (2) The person must keep a record of the training undertaken by the worker—
 - (a) while the worker is carrying out the processing; and
 - (b) for 5 years after the day the worker stops being a worker for the person.

Maximum penalty—

- (a) for an individual—12¹/₂ penalty units; or
 - (b) for a body corporate—60 penalty units.
- (3) The person must keep the record available for inspection under the Act.

Maximum penalty—

- (a) for an individual—12¹/₂ penalty units; or
 - (b) for a body corporate—60 penalty units.
- (4) In this section—

crystalline silica training means a VET accredited course, or training approved by the regulator, in relation to—

- (a) the health risks associated with exposure to respirable crystalline silica; or

[s 8]

- (b) the need for, and proper use of, control measures required under this regulation.

VET accredited course see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

529CE Duty to give results of particular air monitoring to regulator

- (1) This section applies to a person conducting a business or undertaking if—
 - (a) the business or undertaking is carrying out, or directing or allowing a worker to carry out, the processing of a crystalline silica substance that is high risk; and
 - (b) the results of air monitoring undertaken in relation to the workplace show the airborne concentration of respirable crystalline silica has exceeded the workplace exposure standard for crystalline silica.
- (2) The person must give the regulator the results of the air monitoring—
 - (a) in a form approved by the regulator; and
 - (b) as soon as reasonably practicable, but no later than 14 days, after the day the person receives the results.

Maximum penalty—60 penalty units.

Notes—

- 1 See section 50 for when the person conducting the business or undertaking must carry out air monitoring for respirable crystalline silica.
- 2 See also part 7.1, division 6 for when the person conducting the business or undertaking must provide health monitoring to workers carrying out the processing of a crystalline silica substance that is high risk.

9 Insertion of new s 689AA

Before section 689A—

insert—

689AA Definition for division

In this division—

engineered stone has the meaning given by section 529A.

10 Amendment of sch 19 (Dictionary)

(1) Schedule 19, definitions *controlled*, *engineered stone* and *processing*—

omit.

(2) Schedule 19—

insert—

controlled, in relation to the processing of a crystalline silica substance, for chapter 8A, see section 529B.

crystalline silica, for chapter 8A, see section 529A.

crystalline silica substance, for chapter 8A, see section 529A.

engineered stone—

(a) for chapter 8A—see section 529A; or

(b) for part 11.2, division 3A—see section 689AA.

high risk, in relation to the processing of a crystalline silica substance, for chapter 8A, see section 529BA.

processing, in relation to a crystalline silica substance, for chapter 8A, see section 529A.

silica risk control plan, for chapter 8A, see

[s 11]

section 529CB(1).

Part 3 Amendments relating to passenger ropeways

11 Amendment of pt 5.2, div 4, sdiv 2, hdg (Control measures for amusement devices)

Part 5.2, division 4, subdivision 2, heading, after ‘devices’—
insert—

and passenger ropeways

12 Insertion of new s 237A

Before section 238—

insert—

237A Meaning of *passenger ropeway*

- (1) A *passenger ropeway*—
 - (a) is a powered ropeway used for transporting, in a horizontal or inclined plane, passengers moved by a carrier that is—
 - (i) attached to or supported by a moving rope; or
 - (ii) attached to a moving rope but supported by a standing rope or other overhead structure; and
 - (b) includes the prime mover, any associated transmission machinery and any supporting structure and equipment for the ropeway.
- (2) However, a *passenger ropeway* does not include any of the following—
 - (a) an amusement device, including an elevating system for vehicles or boat-style

carriers associated with the amusement device;

Example of an elevating system for vehicles or boat-style carriers—

an elevating system for a log ride or boat flume ride

- (b) a cog railway;
- (c) a cable car running on rails;
- (d) a flying fox or similar device.

13 Amendment of s 238 (Operation of amusement devices)

- (1) Section 238, heading, after ‘devices’—

insert—

and passenger ropeways

- (2) Section 238(1), (1A) and (2), after ‘an amusement device’—

insert—

or passenger ropeway

- (3) Section 238(1) and (2), ‘the amusement device’—

omit, insert—

the device or ropeway

- (4) Section 238, after ‘the device’—

insert—

or ropeway

14 Amendment of s 239 (Storage of amusement devices)

- (1) Section 239, heading, after ‘devices’—

insert—

and passenger ropeways

- (2) Section 239, after ‘amusement device’—

[s 15]

insert—

or passenger ropeway

- (3) Section 239, after ‘the device’—

insert—

or ropeway

15 Amendment of s 240 (Maintenance, inspection and testing of amusement device)

- (1) Section 240, heading, ‘device’—

omit, insert—

devices and passenger ropeways

- (2) Section 240, after ‘an amusement device’—

insert—

or passenger ropeway

- (3) Section 240, ‘the amusement device’—

omit, insert—

the device or ropeway

16 Amendment of s 241 (Annual inspection of amusement device)

- (1) Section 241, heading, ‘device’—

omit, insert—

devices and passenger ropeways

- (2) Section 241(1), from ‘amusement device’ to ‘the device’—

omit, insert—

amusement device or passenger ropeway at a workplace must ensure that a detailed inspection of the device or ropeway

- (3) Section 241(2)(a), after ‘amusement device’—

insert—

or passenger ropeway

- (4) Section 241(2)(b) and (e), ‘the amusement device’—

omit, insert—

the device or ropeway

- (5) Section 241(2)—

insert—

(f) for a passenger ropeway—a check that each comprehensive inspection of a critical component that was required under section 241B to be carried out during the previous 12 months has been carried out.

- (6) Section 241(4) and (5), after ‘amusement device’—

insert—

or passenger ropeway

- (7) Section 241(5), definition *critical component*, after ‘the device’—

insert—

or ropeway

17 Insertion of new s 241B

After section 241A—

insert—

241B Comprehensive inspection of critical components of passenger ropeways

- (1) This section applies to the person with management or control of a passenger ropeway at a workplace.
- (2) The person must ensure that a comprehensive inspection of each critical component of the ropeway is carried out by, or under the

[s 17]

supervision of, a competent person—

- (a) at the end of any period, or in any circumstance, for which a comprehensive inspection of the critical component is recommended by—
- (i) the manufacturer of the ropeway; or
 - (ii) the manufacturer of the critical component; or

Examples of recommended periods or circumstances for a comprehensive inspection—

- at least once every 5 years
 - at least once every 500 hours of operation
 - at intervals of not more than 1 year, or 2,000 hours of operation, whichever is earlier
- (b) if there is a recommendation mentioned in paragraph (a) but, following an annual inspection under section 241 or a comprehensive inspection under this section, a competent person recommends a shorter period, or an earlier alternative circumstance, for a comprehensive inspection of the critical component—at the end of the period, or in the circumstance, recommended by the competent person; or
- (c) if there is no recommendation mentioned in paragraph (a) or (b)—at the end of any period, or in any circumstance, for which a comprehensive inspection of the critical component is recommended in a published technical standard relevant to the ropeway or the critical component.

Maximum penalty—60 penalty units.

Note—

For who is a competent person for conducting a comprehensive inspection of a critical component of a

passenger ropeway, see schedule 19, definition *competent person*, paragraph (g).

(3) In this section—

comprehensive inspection, of a critical component of a passenger ropeway, means an inspection of the component that involves—

- (a) a thorough examination of the component, including, if necessary, stripping down the ropeway and removing paint, grease and corrosion; and
- (b) a check of the effective and safe operation of the ropeway.

critical component, of a passenger ropeway, see section 241.

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

(1) Section 242, heading, ‘device’—

omit, insert—

devices

(2) Section 242(2), note—

omit.

(3) Section 242(3) to (5), ‘the management or control’—

omit, insert—

management or control

(4) Section 242—

insert—

- (3A) If the person with management or control of an amusement device at a workplace (the ***first person***) relinquishes the management or control of the device to another person, the first person must—

[s 19]

- (a) make the log book for the device available to the person to whom the management or control of the device is relinquished; and
- (b) take all reasonable steps to ensure any identifying information about a person who operated the device is removed from the log book for the device.

Examples of identifying information that must be removed from a log book—

- a person's photograph
- a record of a person's training or qualifications

Maximum penalty—

- (a) for an individual—12½ penalty units; or
 - (b) for a body corporate—60 penalty units.
- (6) In this section—

identifying information means information that identifies a person, or from which a person can be reasonably identified, other than the person's name or signature if that information is required to be recorded in a log book to verify that an activity has been completed.

19 Amendment of s 709 (Application of provisions)

Section 709(1), fourth dot point, after 'subdivision 2'—

insert—

, other than section 241B

20 Insertion of new pt 13.10

Chapter 13—

insert—

Part 13.10 Transitional provision for Work Health and Safety Amendment Regulation 2024

798 Application of new pts 5.2 and 5.3 to existing passenger ropeways

- (1) This section applies to a passenger ropeway built before the commencement.
- (2) Subject to subsections (3) to (7) and despite section 243, the design of the ropeway is not required to be registered under part 5.3.
- (3) Despite section 227—
 - (a) section 237 applies in relation to the ropeway as if it were required to be registered under part 5.3; and
 - (b) new sections 238 to 241 and 241B apply in relation to the ropeway.
- (4) New section 241(2)(f) does not apply until 1 year after the commencement.
- (5) For working out when the first comprehensive inspection of each critical component of the ropeway must be carried out under new section 241B, a period or circumstance mentioned in the section is taken to be calculated from the commencement.
- (6) Subsection (7) applies if the design of an item of plant in the ropeway is altered, within the meaning of section 244, before the end of the transitional period.
- (7) Part 5.2, division 2 applies to the designer of the item of plant as if the design of the item of plant were required to be registered under part 5.3.

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- (8) Section 244 applies in relation to an alteration of the design of the ropeway if the alteration is made after the end of the transitional period.
- (9) For subsection (8), section 244 applies as if the design of the ropeway were registered under part 5.3.
- (10) In this section—
new, for a provision of this regulation, means the provision as in force from the commencement.
transitional period means the period of 2 years starting on the day of the commencement.

21 Amendment of sch 5 (Registration of plant and plant designs)

Schedule 5, section 1—

insert—

1.8A Passenger ropeways

Note—

See section 798 in relation to particular ropeways the designs of which do not need to be registered.

22 Amendment of sch 19 (Dictionary)

- (1) Schedule 19—

insert—

passenger ropeway see section 237A.

- (2) Schedule 19, definition *competent person*, paragraph (d), after ‘devices’—

insert—

or passenger ropeways

- (3) Schedule 19, definition *competent person*—

insert—

- (da) for a major inspection of an amusement device under section 241A—see section 241A; or

ENDNOTES

- 1 Made by the Governor in Council on 29 August 2024.
- 2 Notified on the Queensland legislation website on 30 August 2024.
- 3 The administering agency is the Department of State Development and Infrastructure.

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