



Queensland

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

Subordinate Legislation 2019 No. 27

made under the

Work Health and Safety Act 2011

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1 Short title

This regulation may be cited as the *Work Health and Safety (Amusement Devices—Public Safety) Amendment Regulation 2019*.

2 Commencement

This regulation commences on 1 May 2019.

3 Regulation amended

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

4 Amendment of s 227 (Application of pt 5.2)

Section 227—

insert—

- (2) Also, section 237(2) to (5) and division 4, subdivision 2 of this part apply to all plant that is an amusement device located in a licensed major amusement park.

5 Amendment of s 238 (Operation of amusement devices)

- (1) Section 238(1), after ‘of the device’—

insert—

mentioned in subsection (3)

- (2) Section 238—

insert—

- (1A) In addition, the person with management or control of an amusement device at a workplace must ensure that the device is operated only by a person who is a competent person to operate the device.

Maximum penalty—60 penalty units.

(3) Section 238(2)—

insert—

- (d) the device is operated by a person who is clearly identifiable as the operator of the amusement device.

(4) Section 238—

insert—

- (3) For subsection (1), the instruction and training must include the following—
 - (a) procedures for checking the device before it is operated with passengers;
 - (b) starting, operating and stopping the device under normal conditions;
 - (c) stopping the device in an emergency;
 - (d) providing for the safe access of passengers onto or into the device, including how to place, manage and secure passengers;
 - (e) giving safety instructions about the device to passengers;
 - (f) providing for the safe exit of passengers off or out of the device, including how to exit the device—
 - (i) in an emergency; or
 - (ii) because of a power failure or malfunction of the device.

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

Section 241(5)—

insert—

critical component, of an amusement device, means a component of the device that would, if the component failed to function properly, be

likely to cause a risk to the health or safety of a person.

7 Insertion of new s 241A

After section 241—

insert—

241A Major inspection of amusement device

- (1) This section applies to the person with management or control of an amusement device at a workplace.
- (2) The person must ensure that a major inspection of the device is carried out by, or under the supervision of, a competent person—
 - (a) at the end of any period for a major inspection recommended by the manufacturer of the device; or
 - (b) if, following an inspection under section 241 or an earlier major inspection under this section, a competent person recommends a shorter period than the period mentioned in paragraph (a)—as recommended by the competent person; or
 - (c) if there is no recommendation for the device under paragraph (a) or (b)—
 - (i) if the device has not had an earlier inspection under this section—no later than 10 years after the day the device was first commissioned or first registered, whichever is earlier; or
 - (ii) if the device has had an earlier inspection under this section—no later than 10 years after the day the earlier inspection was completed.

Maximum penalty—60 penalty units.

- (3) A major inspection carried out under an equivalent provision of a corresponding WHS law is taken to be a major inspection for this section.
- (4) This section does not limit section 240 or 241.
- (5) In this section—

competent person, for a major inspection, means a person who—

- (a) for an inflatable device (continuously blown) with a platform height less than 9m—has the knowledge and skills to carry out a major inspection of the device; or
- (b) for any other amusement device—
 - (i) has the knowledge and skills to carry out a major inspection of an amusement device; and
 - (ii) is registered under a law that provides for the registration of professional engineers.

critical component, of an amusement device, means a component of the device that would, if the component failed to function properly, be likely to cause a risk to the health or safety of a person.

major inspection, of an amusement device, means—

- (a) an inspection of the device that involves—
 - (i) a thorough examination of all critical components of the device, including, if necessary, stripping down the device and removing paint, grease and corrosion; and
 - (ii) a check of the effective and safe operation of the device; or

- (b) an inspection of the device that is substantially the same as an inspection mentioned in paragraph (a).

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

- (1) Section 242(1)—

insert—

- (aa) the log book for the amusement device is kept in a way that complies with section 242A; and

- (2) Section 242—

insert—

- (3) The person with the management or control of an amusement device at a workplace must ensure that the log book for the device is available for inspection by a competent person carrying out a major inspection of the device under section 241A.

Maximum penalty—

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

Note—

In relation to the separate penalty for an individual and a body corporate, see the note to section 50(2).

- (4) Subsection (5) applies if—

- (a) an amusement device is to be operated at an event conducted by a person (the ***event organiser***) other than the person with the management or control of the device at a workplace; and

- (b) the event organiser asks the person with the management or control of the device for information about the device.
- (5) Before the device is operated at the event, the person with the management or control of the amusement device must give the event organiser the following information—
- (a) details about the most recent annual inspection of the device carried out under section 241;
 - (b) details about whether each person who will be operating the device at the event has completed the instruction and training under section 238 and is a competent person to operate the device.

Maximum penalty—

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

Note—

In relation to the separate penalty for an individual and a body corporate, see the note to section 50(2).

9 Insertion of new s 242A

After section 242—

insert—

242A Requirements of log book

- (1) For section 242(1)(aa), the log book for an amusement device must record details about the following—
 - (a) 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;

- (b) whether each person who does anything under section 204(3) or 239(2) in relation to the device is a competent person under those sections;
- (c) the most recent annual inspection carried out under section 241, including—
 - (i) the name of the competent person who carried out the inspection; and
 - (ii) the date of the inspection; and
 - (iii) the results of the inspection and any recommendations of the competent person; and
 - (iv) any components repaired or replaced during, or as a result of, the inspection;
- (d) each major inspection of the device carried out under section 241A, including—
 - (i) the name of the competent person who carried out the inspection; and
 - (ii) the date of the inspection; and
 - (iii) the results of the inspection and any recommendations of the competent person; and
 - (iv) any components repaired or replaced during, or as a result of, the inspection;
- (e) a relevant notice given for the device, including—
 - (i) the date and reasons why the notice was given; and
 - (ii) any action taken by the person for the notice; and
 - (iii) if the relevant notice was given under a corresponding WHS law—the location of the device when the notice was given.

(2) In this section—

relevant notice means any of the following—

- (a) an improvement notice or prohibition notice;
- (b) an improvement notice or prohibition notice under a corresponding WHS law;
- (c) an improvement notice, electrical safety protection notice or unsafe equipment notice under the *Electrical Safety Act 2002*;
- (d) an infringement notice under the *State Penalties Enforcement Act 1999*.

10 Amendment of s 246 (Items of plant to be registered)

(1) Section 246, heading—

omit, insert—

246 Requirements for registration of items of plant

(2) Section 246—

insert—

- (3) If the regulator grants a licence to the operator of a major amusement park under chapter 9A, part 9A.7, on the day the licence is granted—
 - (a) subsection (1) stops applying to an item of plant that is an amusement device located at the park; and
 - (b) the device is taken to no longer be registered for this chapter.

11 Insertion of new ch 9A

After chapter 9—

insert—

Chapter 9A Major amusement parks

Part 9A.1 Preliminary

608A Meaning of *major amusement park*

- (1) A workplace is a *major amusement park* if—
 - (a) at least 4 amusement devices are located at the workplace; and
 - (b) at least 1 of the devices is—
 - (i) an amusement device classified by section 2.1 of AS 3533 as a class 3 device, class 4 device or class 5 device; or
 - (ii) a high structure water slide; and
 - (c) each amusement device located at the workplace is used to conduct the business or undertaking at the workplace; and
 - (d) each amusement device located at the workplace is fixed at the workplace.
- (2) However, a *major amusement park* does not include a workplace at which all amusement devices located at the workplace are assembled, installed, operated or disassembled for a temporary event.

Example of a temporary event—
an agricultural show or school fete
- (3) The *relevant day* for a workplace that is a major amusement park is—
 - (a) if the workplace is a major amusement park under subsection (1) on the commencement of this section—the commencement; or

- (b) otherwise—the day the workplace becomes a major amusement park.
- (4) In this section—
- high structure water slide*** means an amusement device consisting of a slide—
- (a) where water facilitates patrons to slide easily, predominantly under gravity, along a static structure; and
 - (b) that is attached to a structure—
 - (i) at least 10m in height; and
 - (ii) used by patrons to access the slide.

608B Meaning of *amusement device incident*

- (1) An ***amusement device incident*** at a major amusement park is an occurrence that—
 - (a) involves an amusement device at the park; and
 - (b) exposes, or potentially exposes, a person to a serious risk to health or safety emanating from an exposure, or potential exposure, to the occurrence.
- (2) Without limiting subsection (1), an ***occurrence*** includes—
 - (a) for the whole or any part of an amusement device or any plant or structure related to the device—a collapse, failure, malfunction, mechanical breakdown or overturning of the device, plant or structure; or
 - (b) an implosion, explosion or fire at the park that involves an amusement device or any plant or structure related to the device.

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

- (1) The *operator* of a major amusement park is the person conducting the business or undertaking of operating the park who has—
 - (a) management or control of the park; and
 - (b) the power to direct that the whole park be shut down.
- (2) If more than 1 person is an operator of the park within the meaning of subsection (1)—
 - (a) the persons may nominate 1 of them as the operator of the park; and
 - (b) the nominated person must give the regulator written notice stating—
 - (i) the person is the operator; and
 - (ii) that the other persons consent to the nominated person being the operator.
- (3) The nominated person is the operator of the park for this chapter.
- (4) If more than 1 person is an operator of the park and the regulator has not been given notice under subsection (2), each of the following persons is taken to be the operator of the park for this chapter—
 - (a) each operator within the meaning of subsection (1) who is an individual;
 - (b) for an operator within the meaning of subsection (1) that is a body corporate—each officer of the body corporate.
- (5) Subsections (3) and (4) apply despite subsection (1).

Part 9A.2 Requirement to be licensed

608D Major amusement park must be licensed

- (1) A workplace that is a major amusement park must be licensed under part 9A.7.

Note—

See section 41 of the Act.

- (2) Despite subsection (1), a workplace that is a major amusement park is exempt from the requirement to be licensed during the exemption period.
- (3) The operator of a licensed major amusement park must hold the licence for the major amusement park.
- (4) In this section—

exemption period, for a major amusement park, means the period beginning on the relevant day for the park and ending on the day of the first of the following to occur—

- (a) the end of the period for applying for a licence given under section 608E, unless an application for a licence for the park is made within that period;
- (b) the grant of a licence for the park under part 9A.7;
- (c) if the regulator decides to refuse to grant a licence for the park—
 - (i) the end of the period for applying for an external review of that decision, unless an application for external review is made within that period; or
 - (ii) the making of the decision on the external review.

Notes—

- 1 The licensing process is provided for in part 9A.7
- 2 Under part 9A.3 the operator of a major amusement park is given a limited time to prepare the park to be licensed, including the preparing of a safety case.

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

- (1) Subject to subsection (2), the operator of a major amusement park must apply for a major amusement park licence within—
 - (a) 2 years after the relevant day for the park; or
 - (b) if the regulator extends the period mentioned in paragraph (a) under subsection (2)—the extended period.
- (2) The regulator may extend the time in which the operator of a major amusement park must apply for a licence if the regulator is satisfied, on application by the operator, that 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

Note—

The operator of a major amusement park is required to comply with this part for a stated period and to prepare a safety case in order to apply for a major amusement park licence.

Division 1 Application of part

608F Application of part

This part stops applying to a major amusement park at the end of the exemption period applying to the park under section 608D.

Division 2 Safety case outline

608G Safety case outline must be given

The operator of a major amusement park must give the regulator a safety case outline for the park that complies with section 608H within 6 months after the relevant day for the park.

Maximum penalty—36 penalty units.

Note—

See section 48(2) of the Act.

608H Content

- (1) A safety case outline for a major amusement park must include the following matters—
 - (a) a written plan for the preparation of a safety case for the park, including key steps and timelines, with reference to each element of the safety case;
 - (b) a description of the methods to be used in preparing the safety case, including methods for ensuring all information contained in the safety case is accurate and up-to-date when the safety case is given to the regulator;
 - (c) details of the resources that will be applied to the preparation of the safety case, including the number of persons involved, their relevant knowledge and experience and sources of technical information;

- (d) a description of the consultation with workers that—
 - (i) occurred in the preparation of the safety case outline; and
 - (ii) will occur in the preparation of the safety case;
- (e) a draft of the amusement device emergency plan prepared or to be prepared by the operator of the park;
- (f) relevant information about each amusement device at the park;
- (g) a summary of details about how the safety case under division 4 will address the following—
 - (i) annual inspections under section 241 of amusement devices at the park;
 - (ii) major inspections under section 241A of amusement devices at the park;
 - (iii) maintenance, inspection and testing of amusement devices at the park;
 - (iv) arrangements for the security of the park;
 - (v) how the operator proposes to monitor the effectiveness of the safety case;
- (h) details about the following—
 - (i) the instruction and training given, or to be given, by the operator under section 238 and the way a person is decided to be a competent person to operate the device;
 - (ii) the instruction and training given, or to be given, by the operator to a person who maintains, inspects or tests an amusement device at the park;

(iii) log books kept for amusement devices at the park under section 242.

(2) In this section—

relevant information, about an amusement device, means all of the following—

- (a) the name of the amusement device;
- (b) the manufacturer of the amusement device;
- (c) the class of the amusement device under section 2.1 of AS 3533;
- (d) the plant design registration number of the device (if any) issued by the regulator;
- (e) if known, the year the amusement device was manufactured or first commissioned.

608I Alteration

- (1) If the regulator is not satisfied that a safety case outline provided by the operator of a major amusement park will lead to the development of an amusement device safety case that complies with section 608R, the regulator may require the operator to alter the outline.
- (2) If the regulator proposes to require an operator to alter a safety case outline, the regulator must give a written notice to the operator—
 - (a) informing the operator of the proposed requirement and the reasons for it; and
 - (b) stating that the operator may make a submission to the regulator in relation to the proposed requirement; and
 - (c) stating the date (being not less than 28 days) by which the submission must be made.
- (3) The regulator must—
 - (a) if the operator has made a submission in relation to the proposed requirement to alter

- a safety case outline—consider that submission; and
- (b) regardless of whether the operator has made a submission—decide whether or not to require the operator to alter the outline; and
 - (c) within 14 days after deciding, give the operator written notice of the decision, including details of the alteration (if any) required and the reasons why it is required.
- (4) The operator must alter the outline as required.
Maximum penalty—36 penalty units.
- (5) The operator must give the regulator a copy of a safety case outline that has been altered—
- (a) under this section; or
 - (b) by the operator on the operator’s initiative.
- Maximum penalty—36 penalty units.
- (6) The safety case outline as altered becomes the safety case outline for the major amusement park.

608J Notice of material change

- (1) This section applies if, after the operator of a major amusement park gives the regulator a safety case outline, there is a change to a material particular in any information in the safety case outline.
- (2) The operator must give the regulator written notice of the change within 14 days after the operator becomes aware of the change.
Maximum penalty—
 - (a) for an individual—12¹/₂ penalty units; or
 - (b) for a body corporate—60 penalty units.

Note—

In relation to the separate penalty for an individual and a body corporate, see the note to section 50(2).

Division 3 Management of risk

608K Identification of amusement device incidents and amusement device hazards

- (1) The operator of a major amusement park must identify, so far as is reasonably practicable—
 - (a) all amusement device incidents that could occur in relation to the park; and
 - (b) all amusement device hazards for the park.

Maximum penalty—60 penalty units.

- (2) In complying with subsection (1), the operator must have regard to any advice and recommendations given by—
 - (a) the emergency service organisations with responsibility for the area in which the park is located; and
 - (b) any department with a regulatory role in relation to major amusement parks.

- (3) The operator must document—
 - (a) all identified amusement device incidents and amusement device hazards; and
 - (b) the criteria and methods used in identifying the amusement device incidents and amusement device hazards; and
 - (c) any external conditions under which the amusement device hazards might give rise to the amusement device incidents.

Maximum penalty for subsection (3)—60 penalty units.

608L Safety assessment

- (1) The operator of a major amusement park must conduct a safety assessment for all amusement devices at the park, having regard to the amusement device incidents and amusement device hazards for the park.

Maximum penalty—60 penalty units.

- (2) In conducting the safety assessment, the operator must investigate and analyse all aspects of risks to health and safety associated with all amusement device incidents that could occur at the park, including the following—

- (a) the nature of each amusement device incident and amusement device hazard;
- (b) the likelihood of each amusement device hazard causing an amusement device incident;
- (c) if an amusement device incident were to occur, its potential magnitude and the severity of its potential health and safety consequences;
- (d) the range of control measures considered;
- (e) the control measures the operator decides to implement.

- (3) The operator must document all aspects of the safety assessment, including—

- (a) the methods used in the investigation and analysis; and
- (b) the reasons for deciding which control measures to implement.

Maximum penalty—60 penalty units.

- (4) The operator must keep a copy of the safety assessment and all matters documented under subsection (3) at the park.

Maximum penalty for subsection (4)—36 penalty units.

608M Control of risk

- (1) The operator of a major amusement park must implement control measures that—
 - (a) eliminate, so far as is reasonably practicable, the risk of an amusement device incident occurring; or
 - (b) if it is not reasonably practicable to eliminate that risk—minimise that risk so far as is reasonably practicable.

Note—

WHS Act—section 20 (see section 9).

- (2) 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.

Maximum penalty—60 penalty units.

608N Amusement device emergency plan

- (1) The operator of a major amusement park must prepare an amusement device emergency plan for the park that—
 - (a) addresses all health and safety consequences of an amusement device incident occurring; and
 - (b) includes all matters stated in schedule 18B; and
 - (c) provides for testing of emergency procedures, including the frequency of testing.

Maximum penalty—60 penalty units.

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- (2) In preparing the amusement device emergency plan, the operator must consult with the emergency service organisations with responsibility for the area in which the park is located.
 - (3) The operator must ensure the amusement device emergency plan addresses any recommendation made by the emergency service organisations consulted under subsection (2) in relation to—
 - (a) the testing of the amusement device emergency plan, including the way in which it will be tested, the frequency of testing and whether the emergency service organisations will take part in the testing; and
 - (b) notifying emergency service organisations about amusement device incidents; and
 - (c) what other incidents or events at the park should be notified to the emergency service organisations.
 - (4) The operator must—
 - (a) keep a copy of the plan at the park; and
 - (b) give a copy of the plan to—
 - (i) the emergency service organisations consulted under subsection (2); and
 - (ii) any other relevant emergency service organisations.

Maximum penalty—60 penalty units.

- (5) The operator must test the amusement device emergency plan in accordance with the recommendations made by the emergency service organisations consulted under subsection (2) before applying for a licence for the park.

Maximum penalty—60 penalty units.

- (6) The operator must, as soon as possible, implement

the amusement device emergency plan if an amusement device incident occurs at the park.

Maximum penalty—60 penalty units.

- (7) The operator must notify the regulator and the emergency service organisations consulted under subsection (2) of the occurrence of an amusement device incident or other incident or event mentioned in subsection (3)(b) or (c).

Maximum penalty for subsection (7)—36 penalty units.

Note—

This section applies in addition to section 43.

6080 Safety management system

- (1) The operator of a major amusement park must establish a safety management system for all amusement devices at the park, under this section.
- (2) The operator of a park must implement the safety management system for amusement devices at the park, so far as reasonably practicable.

Maximum penalty—60 penalty units.

- (3) The safety management system must—
- (a) 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; and
- (b) be designed to be used by the operator as the primary means of ensuring that amusement devices at the park do not expose a person to a serious risk to the person's health or safety.
- (4) The safety management system must—
- (a) be documented; and

- (b) state the operator's broad aims in relation to ensuring that amusement devices at the park do not expose a person to a serious risk to the person's health or safety; and
- (c) state the operator's specific safety objectives and describe the systems and procedures that will be used to achieve the objectives; and
- (d) include the matters stated in schedule 18C; and
- (e) be readily accessible to persons who use it.

608P Review of risk management

- (1) The operator of a major amusement park must review and as necessary revise each of the following, under this section—
 - (a) the safety assessment conducted under section 608L to ensure the adequacy of the control measures to be implemented by the operator;
 - (b) the park's amusement device emergency plan;
 - (c) the park's safety management system under section 608O.

Maximum penalty—60 penalty units.

- (2) Without limiting subsection (1), the operator must conduct a review and revision if a change at the workplace occurs that is likely to give rise to a new risk, or a variation of an existing risk, to health or safety, including any of the following—
 - (a) a change to any amusement device at the park, including, for example, relocating the device;
 - (b) a change to any plant or structure relating to an amusement device at the park;

- (c) a change to the operation, or the nature of the operation, of the park;
 - (d) a change in the workers' safety role at the park;
 - (e) a change to the training given to workers who operate amusement devices at the park;
 - (f) a change to the park's safety management system;
 - (g) a change to arrangements for the maintenance, inspection and testing of amusement devices at the park;
 - (h) a change to the schedule of annual inspections under section 241 and major inspections under section 241A of amusement devices at the park;
 - (i) an organisational change at the park, including a change in senior management.
- (3) Also, without limiting subsection (1), the operator must conduct a review and revision if any of the following circumstances occur—
- (a) the installation, assembly, construction or commissioning of a new amusement device at the park;
 - (b) a control measure implemented does not control the risk of an amusement device incident occurring so far as is reasonably practicable;
 - (c) a new amusement device hazard is identified;
 - (d) the results of consultation by the operator under part 9A.5 indicate a review is necessary;
 - (e) a health and safety representative requests a review under subsection (5);

- (f) the regulator requests a review under subsection (5).
- (4) In reviewing and revising the amusement device emergency plan, the operator must consult with the emergency service organisations mentioned in section 608N(2).
- (5) For subsection (3)(e) and (f), the regulator or a health and safety representative at the workplace may request a review if the regulator or representative reasonably believes—
 - (a) a change under subsection (2) or a circumstance under subsection (3)(a) to (d) affects or may affect the health and safety of a person at the park; and
 - (b) the operator has not adequately conducted a review in response to the circumstance.

Division 4 Safety case

608Q Amusement device safety case must be given

- (1) The operator of a major amusement park must give the regulator an amusement device safety case for the park, that has been prepared under section 608R within—
 - (a) 2 years after the relevant day for the park; or
 - (b) if the regulator extends the period mentioned in paragraph (a)—the extended period.

Maximum penalty—36 penalty units.

- (2) If the regulator extends the time for applying for a licence under section 608E, the regulator may extend the time for compliance with this section.

608R Content

- (1) The operator of a major amusement park must prepare the amusement device safety case in accordance with the safety case outline prepared or altered under this part.
- (2) An amusement device safety case must contain the following—
 - (a) a summary of the identification conducted under section 608K, including a list of all amusement device incidents and amusement device hazards identified;
 - (b) a summary of the safety assessment conducted under section 608L;
 - (c) a summary of the park's amusement device emergency plan;
 - (d) a summary of the park's safety management system;
 - (e) relevant information about each amusement device at the park;
 - (f) a summary of arrangements for annual inspections under section 241 of amusement devices at the park;
 - (g) a summary of arrangements for major inspections under section 241A of amusement devices at the park;
 - (h) a summary of arrangements for maintenance, inspection and testing of amusement devices at the park;
 - (i) a summary of the instruction and training given, or to be given, by the operator under section 238 and the way a person is decided to be a competent person to operate the device;
 - (j) a summary of the instruction and training given, or to be given, by the operator to a

- person who maintains, inspects or tests an amusement device at the park;
- (k) a summary of arrangements for log books kept for amusement devices at the park under section 242;
 - (l) a summary of arrangements for the security of the park;
 - (m) a description of the consultation with workers under section 608ZB in the preparation of the amusement device safety case;
 - (n) a summary of how the operator proposes to monitor the effectiveness of the amusement device safety case.
- (3) The amusement device safety case must include any further information necessary to ensure that all information contained in the safety case is accurate and up-to-date.
- (4) An amusement device safety case must demonstrate—
- (a) the park's safety management system will, once implemented, so far as is reasonably practicable, control risks arising from amusement device incidents and amusement device hazards; and
 - (b) the adequacy of the measures to be implemented by the operator to control risks associated with the occurrence of amusement device incidents.
- (5) The operator must include in the amusement device safety case a signed statement that—
- (a) the information contained in the amusement device safety case is accurate and up-to-date; and
 - (b) as a consequence of conducting the safety assessment, the operator has a detailed

- understanding of all aspects of risk to health and safety associated with amusement device incidents that may occur; and
- (c) the control measures to be implemented by the operator—
- (i) will eliminate the risk of an amusement device incident occurring, so far as is reasonably practicable; and
 - (ii) if it is not reasonably practicable to eliminate the risk of an amusement device incident occurring—will minimise the risk so far as is reasonably practicable; and
 - (iii) if an amusement device incident occurs—will minimise its magnitude and the severity of its health and safety consequences so far as is reasonably practicable; and
- (d) all persons to be involved in the implementation of the safety management system have the knowledge and skills necessary to enable each person to carry out their role safely and competently.
- (6) If the operator is a body corporate, the amusement device safety case must be signed by the most senior executive officer of the body corporate.
- (7) In this section—
- relevant information***, about an amusement device, means all of the following—
- (a) the name of the amusement device;
 - (b) the manufacturer of the amusement device;
 - (c) the class of the amusement device under section 2.1 of AS 3533;
 - (d) the plant design registration number of the device (if any) issued by the regulator;

- (e) if known, the year the amusement device was manufactured or first commissioned.

608S Coordination for multiple major amusement parks

- (1) The regulator may require the operators of 2 or more major amusement parks to coordinate the preparation of the amusement device safety cases for the major amusement parks if the regulator is satisfied on reasonable grounds that the coordination is necessary in the interests of the safe operation and effective safety management of 1 or more of the major amusement parks.
- (2) If the regulator requires the coordinated preparation of amusement device safety cases, each operator must give the other operators information about any circumstances at the operator's park that could constitute an amusement device hazard in relation to any of the other major amusement parks.

Maximum penalty—36 penalty units.

- (3) In complying with this section, the operator is not required to disclose information that may expose the major amusement park to an amusement device hazard in relation to the security of the park.

608T Review

The operator of a major amusement park must review and as necessary revise the park's amusement device safety case after any review is conducted under section 608P.

Maximum penalty—36 penalty units.

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

Note—

The operator of a major amusement park is required to comply with this part after part 9A.3 stops applying under section 608F.

Division 1 Continued risk management

608U Identification of amusement device incidents and amusement device hazards

- (1) The operator of a licensed major amusement park must identify, so far as is reasonably practicable—
 - (a) all amusement device incidents that could occur in relation to the park; and
 - (b) all amusement device hazards for the park.Maximum penalty—60 penalty units.
- (2) In complying with subsection (1), the operator must have regard to any advice and recommendations given by—
 - (a) the emergency service organisations with responsibility for the area in which the park is located; and
 - (b) any department with a regulatory role in relation to major amusement parks.
- (3) The operator must document—
 - (a) all identified amusement device incidents and amusement device hazards; and

- (b) the criteria and methods used in identifying the amusement device incidents and amusement device hazards; and
- (c) any external conditions under which the amusement device hazards might give rise to the amusement device incidents.

Maximum penalty—60 penalty units.

608V Safety assessment

The operator of a licensed major amusement park must keep a copy of the safety assessment documented under section 608L as revised under part 9A.3, division 3 and this part at the park.

Maximum penalty—60 penalty units.

608W Control of risk

- (1) The operator of a licensed major amusement park must implement risk control measures that—
 - (a) eliminate, so far as is reasonably practicable, the risk of an amusement device incident occurring; or
 - (b) if it is not reasonably practicable to eliminate that risk—minimise that risk so far as is reasonably practicable.

Note—

WHS Act—section 20 (see section 9).

- (2) The operator of a licensed 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 workplace.

Maximum penalty—60 penalty units.

608X Amusement device emergency plan

- (1) The operator of a licensed major amusement park must keep a copy of the park's amusement device emergency plan as revised under part 9A.3, division 3 and this part at the park.

Maximum penalty—60 penalty units.

- (2) The operator must test the amusement device emergency plan in accordance with the recommendations made by the emergency service organisations mentioned in section 608N(2).

Maximum penalty—60 penalty units.

- (3) The operator must immediately implement the amusement device emergency plan if an amusement device incident occurs.

Maximum penalty—60 penalty units.

- (4) The operator must notify the regulator and the emergency service organisations mentioned in section 608N(2) of the occurrence of an amusement device incident, or other incident or event, under section 608N(7) as soon as practicable after the incident or event occurs.

Maximum penalty—36 penalty units.

608Y Safety management system

- (1) The operator of a licensed major amusement park must implement the park's safety management system established under section 608O as revised under part 9A.3, division 3 and this part.

Maximum penalty—60 penalty units.

- (2) The operator must use the safety management system as the primary means of—

- (a) managing all aspects of risk control in relation to the occurrence of an amusement device incident at the park; and

- (b) ensuring that amusement devices at the park do not expose a person to a serious risk to the person's health or safety.

Note—

The operator of a licensed major amusement park is required to inform the regulator about any change in relation to particular information about the licence. See section 608ZP.

Maximum penalty—60 penalty units.

Division 2 Review of risk management

608Z Obligations to review

- (1) The operator of a licensed major amusement park must review and as necessary revise each of the following under this section—
 - (a) the safety assessment for the park to ensure the adequacy of the control measures to be implemented by the operator;
 - (b) the amusement device emergency plan;
 - (c) the park's safety management system.

Maximum penalty—60 penalty units.

- (2) Without limiting subsection (1), the operator must conduct a review and revision if a change or circumstance mentioned in section 608P occurs.
- (3) Section 608P(4) and (5) applies to the operator in relation to the review.
- (4) The operator of a licensed major amusement park must review and as necessary revise the park's amusement device safety case after a review is conducted under this section.

Maximum penalty—36 penalty units.

Part 9A.5 Consultation and workers' safety role

608ZA Safety role for workers

- (1) The operator of a major amusement park must, within the time stated in the amusement device safety case outline for the park, implement a safety role for the workers at the park that enables the workers to contribute to—
 - (a) the identification of amusement device incidents and amusement device hazards under section 608K; and
 - (b) the consideration of control measures in the conduct of the safety assessment under section 608L; and
 - (c) the conduct of a review under section 608P.Maximum penalty—60 penalty units.
- (2) The operator of a licensed major amusement park must implement a safety role for workers at the park so as to enable the workers to contribute to the conduct of a review under section 608Z.
Maximum penalty—60 penalty units.

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

- (1) For section 49(f) of the Act, the operator of a major amusement park must consult with workers at the park in relation to the following—
 - (a) the preparation of the safety case outline for the park;
 - (b) the preparation, testing and implementation of the park's amusement device emergency plan;

- (c) the establishment and implementation of the park's safety management system;
- (d) the conduct of a review under section 608P;
- (e) the implementation of the workers' safety role under section 608ZA(1);
- (f) the preparation and review of the park's amusement device safety case.

Maximum penalty—60 penalty units.

- (2) For section 49(f) of the Act, the operator of a licensed major amusement park must consult with workers at the park in relation to the following—
- (a) the testing and implementation of the park's amusement device emergency plan;
 - (b) the implementation of the park's safety management system;
 - (c) the conduct of a review under section 608Z;
 - (d) the implementation of the workers' safety role under section 608ZA(2);
 - (e) a review of the park's amusement device safety case.

Maximum penalty—60 penalty units.

Note—

See section 49 of the Act for other consultation duties of a person conducting a business or undertaking.

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

608ZC Duties

- (1) While at work, a worker at a licensed major amusement park must—

- (a) comply with any procedure imposed by the operator as a control measure in relation to amusement device incidents, including the taking of corrective action under the procedure; and
- (b) comply with any procedure in the amusement device emergency plan, including the taking of corrective action under the plan; and
- (c) immediately inform the operator about any circumstance that the worker believes may cause an amusement device incident; and
- (d) inform his or her supervisor about any corrective action taken by the worker.

Maximum penalty—36 penalty units.

- (2) A worker is not required to comply with subsection (1) if to do so would risk the health or safety of the worker or of another worker or other person.

Part 9A.7 Licensing of major amusement parks

Division 1 Licensing process

608ZD Who may apply for a licence

Only the operator of a major amusement park may apply for a major amusement park licence for the park.

608ZE Application for major amusement park licence

- (1) An application for a major amusement park

licence must be made in the way and in the form approved by the regulator.

- (2) The application must include the following information—
 - (a) the operator's name and address;
 - (b) evidence of identity required by the regulator;
 - (c) if the operator conducts the business or undertaking under a business name—that business name and a certificate or other written evidence of the registration of the business name;
 - (d) the amusement device safety case prepared under part 9A.3, division 4;
 - (e) if the operator is an individual—
 - (i) a declaration about whether the operator has a relevant WHS conviction; and
 - (ii) details of any relevant WHS conviction declared under subparagraph (i); and
 - (iii) a declaration about whether the operator has entered into an enforceable undertaking under a relevant WHS law; and
 - (iv) details of any enforceable undertaking declared under subparagraph (iii); and
 - (v) if the operator has previously been refused an equivalent licence under a relevant WHS law, a declaration giving details of that refusal; and
 - (vi) if the operator has previously held an equivalent licence under a relevant WHS law, a declaration—
 - (A) describing any condition imposed on that licence; and

- (B) stating whether that licence had been suspended or cancelled and, if so, whether the operator had been disqualified from applying for a similar licence; and
 - (C) stating details of any suspension, cancellation or disqualification; and
 - (vii) any additional information required by the regulator;
 - (f) if the operator is a body corporate, the information stated in paragraph (e)(i) to (vii) in relation to—
 - (i) the operator; and
 - (ii) each officer of the operator;
 - (g) a declaration the information contained in the application is, to the best of the operator's knowledge, true and correct.
- (3) The application must be accompanied by the relevant fee.

608ZF Additional information

- (1) If an application for a major amusement park licence does not contain adequate information to enable the regulator to decide whether to grant the licence, the regulator may ask the operator of the major amusement park to give additional information.
- (2) A request for additional information must—
 - (a) state the date (that is at least 28 days after making the request) by which the additional information is to be given; and
 - (b) be made in writing.
- (3) If the operator does not give the additional

information by the stated date, the application is taken to have been withdrawn.

- (4) The regulator may make more than 1 request for additional information under this section.

608ZG Decision on application

- (1) Subject to this section, the regulator must grant a major amusement park licence if satisfied about the matters mentioned in subsection (2).
- (2) The regulator must be satisfied about the following—
 - (a) the application has been made under this part;
 - (b) the amusement device safety case for the park has been prepared under part 9A.3, division 4;
 - (c) the operator is able to ensure that amusement devices at the major amusement park do not expose, or potentially expose, a person to a serious risk to health or safety;
 - (d) the operator is able to comply with any conditions that will apply to the licence.
- (3) The regulator may refuse to grant a major amusement park licence if the regulator is satisfied any of the following persons are not suitable to operate the major amusement park—
 - (a) if the operator is an individual—the operator;
 - (b) if the operator is a body corporate—any officer of the body corporate.
- (4) In making a decision under subsection (3), the regulator must have regard to whether the person is able to ensure that an amusement device at the park does not expose any other person to a serious risk to the other person's health or safety.

- (5) The regulator must refuse to grant a major amusement park licence if satisfied the operator, in making the application, has—
 - (a) given information that is false or misleading in a material particular; or
 - (b) failed to give material information that should have been given.
- (6) If the regulator decides to grant the licence, it must notify the operator within 14 days after making the decision.
- (7) If the regulator does not make a decision within 6 months after receiving the application or the additional information requested under section 608ZF, the regulator is taken to have refused to grant the licence applied for.

Note—

A refusal to grant a major amusement park licence (including under subsection (7)) is a reviewable decision. See section 676.

608ZH Matters to be taken into account

- (1) In making a decision under section 608ZG(3), if the operator is an individual, the regulator must have regard to all relevant matters, including the following—
 - (a) a relevant WHS conviction of the operator;
 - (b) an enforceable undertaking the operator has entered into under the Act or a relevant WHS law;
 - (c) the suspension or cancellation of an equivalent licence held by the operator, or a refusal to grant an equivalent licence to the operator, under a relevant WHS law;
 - (d) a condition imposed on an equivalent licence held by the operator under a relevant

WHS law, and the reason the condition was imposed;

- (e) the operator's record in relation to any matters arising under a relevant WHS law.
- (2) In making a decision under section 608ZG(3), if the operator is a body corporate, the regulator must have regard to any relevant matter, including—
- (a) in relation to the body corporate, the matters mentioned in subsection (1)(b), (c), (d) and (e); and
 - (b) in relation to each officer of the body corporate, the matters mentioned in subsection (1).

608ZI When decision is to be made

The regulator must decide an application for a major amusement park licence within 6 months after receiving the application or the additional information requested under section 608ZF.

608ZJ Refusal to grant major amusement park licence—process

- (1) If the regulator proposes to refuse to grant a major amusement park licence, the regulator must give the operator a written notice stating—
 - (a) the reasons for the proposed refusal; and
 - (b) that the operator may, by a stated date (that is at least 28 days after giving the notice), make a submission to the regulator in relation to the proposed refusal.
- (2) After the date stated under subsection (1)(b), the regulator must—

- (a) if the operator has made a submission in relation to the proposed refusal to grant the licence—consider that submission; and
- (b) regardless of whether the operator has made a submission—decide whether to grant or refuse to grant the licence; and
- (c) within 14 days after making the decision, give the operator written notice of the decision, including the reasons for the decision.

608ZK Conditions of licence—payment of relevant fee

It is a condition of the major amusement park licence that the operator of the park must pay the relevant fee—

- (a) if a major amusement park licence is granted—
 - (i) within 14 days after receiving notice of the regulator’s decision to grant the major amusement park licence; and
 - (ii) on or before the day in each year that is the anniversary of the day on which the licence was first granted, for the period the licence is granted; or
- (b) if a major amusement park licence is renewed—
 - (i) within 14 days after receiving notice of the regulator’s decision to renew the major amusement park licence; and
 - (ii) on or before the day in each year that is the anniversary of the day on which the licence was renewed, for the period the licence is renewed.

608ZL Conditions of licence

- (1) The regulator may impose conditions on a major amusement park licence when granting or renewing the licence.
- (2) Without limiting subsection (1), the regulator may impose conditions in relation to any of the following matters—
 - (a) additional control measures which must be implemented in relation to operating amusement devices at the major amusement park under the licence;
 - (b) the recording or keeping of additional information;
 - (c) giving additional information, training and instruction or the giving of stated information, training and instruction to additional persons or classes of persons;
 - (d) giving additional information to the regulator.

Notes—

- 1 A person must comply with the conditions of a licence. See section 45 of the Act.
- 2 A decision to impose a condition on a licence is a reviewable decision. See section 676.

608ZM Effect and duration of licence

- (1) A major amusement park licence takes effect on the day it is granted.
- (2) A major amusement park licence expires on the day decided by the regulator which must not be more than 5 years after the day the licence was granted.

608ZN Licence document

- (1) If the regulator grants a major amusement park

licence, the regulator must issue to the operator a licence document in the form approved by the regulator.

- (2) The licence document must include—
- (a) the name of the operator; and
 - (b) if the operator conducts the business or undertaking under a business name, that business name; and
 - (c) the location of the major amusement park; and
 - (d) the date on which the licence was granted; and
 - (e) the expiry date of the licence; and
 - (f) any conditions imposed on the licence by the regulator under section 608ZL.

608ZO Licence document to be available

- (1) The operator of a licensed major amusement park must keep the licence document available for inspection under the Act.

Maximum penalty—

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

Note—

In relation to the separate penalty for an individual and a body corporate, see the note to section 50(2).

- (2) Subsection (1) does not apply if the licence document is not in the operator's possession because—
- (a) it has been returned to the regulator under section 608ZU; and

- (b) the operator has applied for, but has not received, a replacement licence under section 608ZV.

Division 2 Amendment of licence and licence document

608ZP Changes to information

- (1) The operator of a licensed major amusement park must give the regulator written notice of any change to any material particular in any information given to the regulator at any time by the operator in relation to the licence within 14 days after the operator becomes aware of the change.

Maximum penalty—

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

Note—

In relation to the separate penalty for an individual and a body corporate, see the note to section 50(2).

- (2) Subsection (1) applies whether the information was given in the application for grant or renewal of the licence or in any other circumstance.

608ZQ Amendment imposed by regulator

- (1) The regulator may, on its own initiative, amend a major amusement park licence, including amending the licence to—
 - (a) vary or delete a condition of the licence; or
 - (b) impose a new condition on the licence.
- (2) If the regulator proposes to amend a licence under

subsection (1), the regulator must give the licence holder a written notice stating—

- (a) the reasons for the proposed amendment; and
 - (b) that the licence holder may, by a stated date (that is at least 28 days after giving the notice), make a submission to the regulator in relation to the proposed amendment.
- (3) After the date stated under subsection (2)(b), the regulator must—
- (a) if the licence holder has made a submission in relation to the proposed amendment—consider that submission; and
 - (b) regardless of whether the licence holder has made a submission decide—
 - (i) to make the proposed amendment; or
 - (ii) not to make an amendment; or
 - (iii) to make a different amendment that results from consideration of any submission made by the licence holder; and
 - (c) within 14 days after making the decision, give the licence holder written notice stating—
 - (i) the decision; and
 - (ii) if a submission was made in relation to the proposed amendment—the regulator’s reasons for making the amendment; and
 - (iii) the date (that is at least 14 days after the licence holder is given the notice) on which the amendment takes effect.

Note—

A decision to amend a licence is a reviewable decision. See section 676.

608ZR Amendment on application by operator

- (1) The regulator may, on application by the operator of a licensed major amusement park, amend the major amusement park licence, including amending the licence to vary or delete a condition of the licence.
- (2) If the regulator proposes to refuse to amend the licence on an application under subsection (1), the regulator must give the operator a written notice stating—
 - (a) the regulator intends to refuse to amend the licence and the reasons for the proposed refusal; and
 - (b) that the licence holder may, by a stated date (that is at least 28 days after giving the notice), make a submission to the regulator in relation to the proposed refusal.
- (3) After the date stated under subsection (2)(b), the regulator must—
 - (a) if the operator has made a submission in relation to the proposed refusal—consider that submission; and
 - (b) regardless of whether the operator has made a submission decide to—
 - (i) make the amendment; or
 - (ii) refuse to make the amendment; or
 - (iii) make a different amendment that results from consideration of any submission made by the operator; and
 - (c) within 14 days after making that decision, give the operator written notice of the decision.
- (4) If the regulator makes the amendment, the decision notice must state the date (that is at least 28 days after the operator is given the decision

notice) on which the amendment takes effect.

- (5) If the regulator refuses to make the amendment or makes a different amendment, the decision notice must—
- (a) if a submission was made in relation to the proposed amendment—state the reasons for the regulator’s decision; and
 - (b) if the regulator makes a different amendment state—
 - (i) the amendment; and
 - (ii) the date (that is at least 28 days after the operator is given the decision notice) on which the amendment takes effect.

Note—

A refusal to make the amendment applied for, or a decision to make a different amendment, is a reviewable decision. See section 676.

608ZS Minor corrections to major amusement park licence

The regulator may make minor amendments to a major amusement park licence, including an amendment—

- (a) to correct an obvious error; or
- (b) to change an address; or
- (c) that imposes no significant burden on the operator.

608ZT Regulator to give amended licence document

If the regulator amends a major amusement park licence and considers the licence document requires amendment, the regulator must give the operator an amended licence document within 14

days.

608ZU Operator to return licence

If a major amusement park licence is amended, the operator of the licensed major amusement park must return the licence document to the regulator for amendment at the written request of the regulator and within the time stated in the request.

Maximum penalty—

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

Note—

In relation to the separate penalty for an individual and a body corporate, see the note to section 50(2).

608ZV Replacement licence document

- (1) The operator of a licensed major amusement park must give written notice to the regulator as soon as practicable if the licence document is lost, stolen or destroyed.

Maximum penalty—

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

Note—

In relation to the separate penalty for an individual and a body corporate, see the note to section 50(2).

- (2) If a licence document for a licensed major amusement park is lost, stolen or destroyed, the operator may apply to the regulator for a replacement document.

Note—

An operator is required to keep the licence document available for inspection. See section 608ZO.

- (3) The application must be in the way and in the form approved by the regulator.
- (4) The application must include—
 - (a) a declaration describing the circumstances in which the original document was lost, stolen or destroyed; and
 - (b) a declaration that the information contained in the application is, to the best of the applicant's knowledge, true and correct; and
 - (c) the relevant fee.
- (5) The regulator must issue a replacement licence document if satisfied the original document was lost, stolen or destroyed.
- (6) If the regulator refuses to issue a replacement licence document, it must give the operator written notice of this decision, including the reasons for the decision, within 14 days after making the decision.

Note—

A refusal to issue a replacement licence document is a reviewable decision. See section 676.

Division 3 Renewal of major amusement park licence

608ZW Regulator may renew licence

The regulator may renew a major amusement park licence on application by the operator.

608ZX Application for renewal

- (1) The operator of a licensed major amusement park may apply to the regulator to renew a major amusement park licence.
- (2) The application must—
 - (a) be made—
 - (i) in the way and in the form approved by the regulator; and
 - (ii) at least 6 months before the licence expires; and
 - (b) include a copy of the amusement device safety case for the park as revised under section 608T or 608Z; and
 - (c) be accompanied by the relevant fee.

608ZY Licence continues in force until application is decided

If the operator of a licensed major amusement park applies under section 608ZX for the renewal of a major amusement park licence, the licence is taken to continue in force from the day it would, apart from this section, have expired until the operator is given notice of the regulator's decision on the application.

608ZZ Provisions relating to renewal of licence

For this division—

- (a) sections 608ZE and 608ZF apply as if a reference in that section to an application for a licence were a reference to an application to renew a licence; and
- (b) sections 608ZG (other than subsection (7)) and 608ZM apply as if a reference in the

sections to the grant of a licence were a reference to the renewal of a licence; and

- (c) section 608ZH applies as if a reference in section 608ZG to the grant of a licence were a reference to the renewal of a licence; and
- (d) section 608ZJ applies as if a reference in that section to a refusal to grant a licence were a reference to a refusal to renew a licence.

Note—

A refusal to renew a licence is a reviewable decision. See section 676.

608ZZA Status of major amusement park licence during review

- (1) This section applies if the regulator gives the operator written notice of its decision to refuse to renew the licence.
- (2) If the operator does not apply for an external review, the licence continues to have effect until the later of the following events—
 - (a) the expiry of the licence;
 - (b) the end of the period for applying for an external review.
- (3) If the operator applies for an external review, the licence continues to have effect until the earlier of the following events—
 - (a) the operator withdraws the application for review;
 - (b) QCAT makes a decision on the review.
- (4) The licence continues to have effect under this section even if its expiry date passes.

Division 4 Transfer of major amusement park licence

608ZZB Transfer of major amusement park licence

- (1) The regulator, on the application of the operator of a major amusement park, may transfer a major amusement park licence to another person (the *proposed operator*) who is to become the operator of the park, if satisfied the proposed operator will achieve a standard of health and safety in the operation of the park that is at least equivalent to the standard the current operator has achieved.
- (2) An application must be—
 - (a) made in the way and in the form approved by the regulator; and
 - (b) accompanied by the relevant fee.
- (3) The regulator may transfer the licence subject to any conditions the regulator considers necessary and appropriate to ensure the proposed operator will be able to achieve a standard of health and safety in the operation of amusement devices at the park that is at least equivalent to the standard achieved by the existing operator.
- (4) On the completion of the transfer, the person to whom the licence is transferred becomes the operator of the park for this chapter.

Note—

A decision to refuse to transfer a major amusement park licence is a reviewable decision. See section 676.

Division 5 Cancellation and suspension of major amusement park licence

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

- (1) The operator of a licensed major amusement park may apply to the regulator to cancel the licence.
- (2) An application must be—
 - (a) made in the way and in the form approved by the regulator; and
 - (b) accompanied by the relevant fee.
- (3) The regulator must cancel the major amusement park licence if the regulator is reasonably satisfied there are fewer than 4 amusement devices fixed at the major amusement park or the park is permanently closed.

Note—

A decision to refuse to cancel a licence is a reviewable decision. See section 676.

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

- (1) The regulator may, on its own initiative, suspend or cancel a major amusement park licence if satisfied about 1 or more of the following—
 - (a) the operator has failed to ensure that amusement devices at the major amusement park do not expose a person to a serious risk to the person’s health or safety;
 - (b) a condition of the licence has not been met;
 - (c) the operator, in the application for the grant or renewal of the licence or on a request by the regulator for additional information—
 - (i) gave information that was false or misleading in a material particular; or
 - (ii) failed to give material information that should have been given in that application or on that request.

- (2) If the regulator suspends or cancels a major amusement park licence, the regulator may disqualify the operator from applying for a further major amusement park licence.

Note—

A decision to suspend a licence, to cancel a licence or to disqualify the operator from applying for a further licence is a reviewable decision. See section 676.

608ZZE Matters to be taken into account

- (1) In making a decision under section 608ZZD, the regulator must have regard to the following—
 - (a) any submissions made by the operator under section 608ZZF;
 - (b) any advice received from a corresponding regulator.
- (2) For section 608ZZD(1)(a) and (b), the regulator must have regard to all relevant matters, including the following—
 - (a) a relevant WHS conviction of the operator;
 - (b) a suspension or cancellation of an equivalent licence held by the operator, or a refusal to grant an equivalent licence under a relevant WHS law;
 - (c) an enforceable undertaking the operator has entered into under a relevant WHS law;
 - (d) the operator's record in relation to any matters arising under a relevant WHS law.
- (3) For section 608ZZD(1)(a) and (b), if the operator is a body corporate, the regulator must have regard to all relevant matters, including the matters referred to in subsection (2), in relation to—
 - (a) the body corporate; and
 - (b) each officer of the body corporate.

608ZZF Notice to and submissions by operator

Before suspending or cancelling a major amusement park licence, or disqualifying the operator from holding a park licence, the regulator must—

- (a) give the operator written notice of the proposed suspension, cancellation or disqualification that outlines all relevant claims, facts and circumstances known to the regulator; and
- (b) give the operator at least 28 days to make submissions to the regulator in relation to the proposed suspension or cancellation and any proposed disqualification.

608ZZG Notice of decision

- (1) The regulator must give the operator of a major amusement park written notice of a decision under section 608ZZD to suspend or cancel the park licence within 14 days after making the decision.
- (2) The notice must state—
 - (a) that the licence is to be suspended or cancelled; and
 - (b) if the licence is to be suspended—
 - (i) when the suspension begins and ends; and
 - (ii) the reasons for the suspension; and
 - (iii) whether the operator is required to take any action before the suspension ends; and
 - (iv) the operator is disqualified from applying for a further major amusement park licence during the period of suspension; and

-
- (c) if the licence is to be cancelled—
 - (i) when the cancellation takes effect; and
 - (ii) the reasons for the cancellation; and
 - (iii) whether the operator is disqualified from applying for a further major amusement park licence; and
 - (d) if the operator is disqualified from obtaining a further major amusement park licence—
 - (i) when the disqualification begins and ends; and
 - (ii) the reasons for the disqualification; and
 - (iii) whether the disqualification ending is conditional upon the operator taking any action; and
 - (e) when the licence document must be returned to the regulator.

608ZZH Operator to return licence document

An operator, on receiving a notice under section 608ZZG, must return the licence document to the regulator as required by the notice.

Maximum penalty—

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

Note—

In relation to the separate penalty for an individual and a body corporate, see the note to section 50(2).

608ZZI Regulator to return licence document after suspension

The regulator must return the licence document to

the operator within 14 days after the suspension ends.

12 Amendment of s 676 (Which decisions are reviewable)

Section 676(1), table, after item 59—

insert—

Major amusement parks— licensing

59A	608ZG—Refusal to grant or renew licence	Operator of major amusement park
59B	608ZL—Imposition of a condition when granting or renewing licence	Operator of major amusement park
59C	608ZQ—Amendment of licence, on regulator’s initiative	Operator of major amusement park
59D	608ZR—Refusal to amend licence, on application by operator, or decision to make a different amendment	Operator of major amusement park
59E	608ZV—Refusal to issue replacement licence document	Operator of major amusement park
59F	608ZZB—Refusal to transfer licence, on application	Operator of major amusement park Proposed operator of major amusement park
59G	608ZZC—Refusal to cancel licence, on application	Operator of major amusement park
59H	608ZZD—Suspension of licence	Operator of major amusement park
59I	608ZZD—Cancellation of licence	Operator of major amusement park

59J	608ZZD—Disqualification of licence holder from applying for another licence	Operator of major amusement park
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13 Insertion of ch 13, pt 13.7

Chapter 13—

insert—

Part 13.7 Transitional provisions for Work Health and Safety (Amusement Devices—Public Safety) Amendment Regulation 2019

792 Definitions for part

In this part—

competent person, for a relevant inspection, means a person who—

- (a) for an inflatable device (continuously blown) with a platform height less than 9m—has the knowledge and skills to carry out the relevant inspection; or
- (b) for any other amusement device—
 - (i) has the knowledge and skills to carry out the relevant inspection; and
 - (ii) is registered under a law that provides for the registration of professional engineers when the relevant inspection is carried out.

critical component, of an amusement device, means a component of the device that would, if the component failed to function properly, be

likely to cause a risk to the health or safety of a person.

relevant inspection, of an amusement device, means—

- (a) an inspection of the device that involves—
 - (i) a thorough examination of all critical components of the device, including, if necessary, stripping down the device and removing paint, grease and corrosion; and
 - (ii) a check of the effective and safe operation of the device; or
- (b) an inspection of the device that is substantially the same as an inspection mentioned in paragraph (a).

793 First major inspection of previously inspected amusement devices

- (1) This section applies to a person with management or control of an amusement device at a workplace if—
 - (a) on the commencement, the device is involved in the conduct of a business or undertaking of the person; and
 - (b) a competent person carried out a relevant inspection of the device during the period starting on 1 May 2009 and ending on the commencement.
- (2) For section 241A(2), the first major inspection of each amusement device at the workplace must be carried out—
 - (a) at the end of any period for a relevant inspection recommended by the manufacturer of the device; or

- (b) if, for a relevant inspection or an inspection under section 241, a competent person for the inspection recommended a shorter period than the period mentioned in paragraph (a)—as recommended by the competent person; or
- (c) if there is no recommendation for the device under paragraph (a) or (b)—no later than 10 years after the day the last relevant inspection was completed.

794 First major inspection of other amusement devices

- (1) This section applies to a person with management or control of an amusement device at a workplace if—
 - (a) on the commencement, the device is involved in the conduct of a business or undertaking of the person; and
 - (b) a competent person has not carried out a relevant inspection of the device in the period mentioned in section 793(1)(b).
- (2) For section 241A(2), the first major inspection of each amusement device at the workplace must be carried out—
 - (a) if the device was manufactured before 1 May 2009—no later than 1 May 2021; or
 - (b) otherwise—
 - (i) at the end of any period for a relevant inspection recommended by the manufacturer of the device; or
 - (ii) if, for an inspection under section 241, a competent person recommended a shorter period than the period mentioned in subparagraph (i)—as

recommended by the competent person; or

- (iii) if there is no recommendation for the device under subparagraph (i) or (ii)—no later than 10 years after the day the device was first commissioned or first registered, whichever is earlier.

14 Amendment of sch 2 (Fees)

Schedule 2, part 2, table 2.1—

insert—

24	Application for major amusement park licence (s 608ZE(3))	nil
25	Conditions imposed on major amusement park licence (s 608ZK)	4,000.00
26	Application for replacement of major amusement park licence document (s 608ZV(4)(c))	nil
27	Application for renewal of major amusement park licence (s 608ZX(2)(c))	nil
28	Application for transfer of major amusement park licence (s 608ZZB(2)(b))	nil
29	Application to cancel major amusement park licence (s 608ZZC(2)(b))	nil

15 Insertion of new schs 18B and 18C

After schedule 18A—

insert—

Schedule 18B Matters to be included in amusement device emergency plan for major amusement park

section 608N

1 Workplace hazard and detail

- 1.1 The location of the major amusement park, including its street address, the nearest intersection (if any) and entry and exit points for the park.
- 1.2 A detailed map—
 - (a) showing the workplace of the major amusement park; and
 - (b) showing land use and occupancy surrounding the major amusement park; and
 - (c) identifying the location of the amusement devices at the major amusement park; and
 - (d) showing all staging points for emergency service organisations.
- 1.3 The maximum number of persons, including workers, likely to be present at the major amusement park on a normal working day.
- 1.4 The emergency planning assumptions, including emergency measures planned for identified amusement device incidents and likely areas affected.
- 1.5 The protective resources available to control an amusement device incident.
- 1.6 The emergency response procedures.

2 Command structure and workplace personnel

- 2.1 The command philosophy and structure to be activated in an emergency, so that it is clear what actions will be taken, who will take these actions and how, when and where they will be taken.
- 2.2 Details of the person who can clarify the content of the amusement device emergency plan if

necessary.

- 2.3 The contact details of, and the means of contacting, the persons at the major amusement park responsible for liaising with emergency service organisations.
- 2.4 A list of 24 hour emergency contacts.

3 Notifications

- 3.1 In the event of an amusement device incident where persons have been seriously injured and could reasonably be expected to require an emergency service, procedures for notifying the emergency service organisations with which the amusement device emergency plan was prepared under section 608N.
- 3.2 Workplace warning systems.
- 3.3 Contact details for emergency service organisations and other support services that can assist in providing resources and implementing evacuation plans in the event of an amusement device incident.
- 3.4 Workplace communication systems.

4 Resources and equipment

- 4.1 Workplace emergency resources, including emergency equipment and personnel.

5 Procedures

- 5.1 Procedures for the safe evacuation of, and accounting for, all people at the workplace.
- 5.2 Procedures and control points for utilities, including gas, water and electricity.

Schedule 18C Matters to be included in amusement device safety management system of major amusement park

section 608O

1 Safety policy and safety objectives

- 1.1 A description of the operator's broad aims, specific policy and procedures (the *safety policy*) in relation to ensuring amusement devices at the park do not expose a person to a serious risk to the person's health or safety.
- 1.2 A description of the means by which the operator's safety policy and specific safety objectives are to be communicated to all persons who are to participate in the implementation of the amusement device safety management system.
- 1.3 The safety policy must include an express commitment to ongoing improvement of all aspects of the amusement device safety management system.

2 Organisation and personnel

- 2.1 The identification (according to position description and location) of the persons who are to participate in the implementation of the amusement device safety management system, and a description of the command structure in which these persons work and of the specific tasks and responsibilities allocated to them.
- 2.2 A description of the means of ensuring that these persons have the knowledge and skills necessary

to enable them to undertake their allocated tasks and discharge their allocated responsibilities, and that they retain such knowledge and skills.

3 Operational controls

- 3.1 A description of the procedures and instructions for—
- (a) the safe and competent start up, operation and shut down of amusement devices; and
 - (b) the safe access to, placement on or in, management and security of, and exit from amusement devices by patrons riding or using the devices; and
 - (c) adequate means of communication between any worker or other person who checks or operates, or supervises the check or operation of, amusement devices.
- 3.2 Provision of adequate means of achieving isolation of the amusement device or any plant or structure connected to the amusement device in the event of an emergency.
- 3.3 Provision of adequate means of gaining access for inspection, service and maintenance of the amusement device or any plant or structure connected to the amusement device.
- 3.4 A description of the roles of persons and of the interfaces between persons and amusement devices.
- 3.5 Provision for alarm systems.

4 Duties of operators

- 4.1 A description of the means by which the operator of the major amusement park proposes to comply with the Act and with chapter 9A of this regulation.

- 4.2 In relation to each part of the documented amusement device safety management system that describes the means of compliance with a provision of chapter 9A, part 9A.7, an annotation or cross-reference identifying the specific provision being complied with.

5 Management of change

- 5.1 A description of the procedures for—
- (a) installing an amusement device; and
 - (b) planning modifications to amusement devices.

6 Principles and standards

- 6.1 A statement of the principles, especially the design principles and engineering standards, being used to ensure the safe operation of the amusement devices.
- 6.2 A description of any technical standards, whether published or proprietary, being relied on in relation to such principles and standards.

7 Performance monitoring

- 7.1 Performance standards for measuring the effectiveness of the amusement device safety management system, that—
- (a) relate to all aspects of the amusement device safety management system; and
 - (b) are sufficiently detailed to ensure that the ability of the operator of the major amusement park to ensure the effectiveness of all aspects of the amusement device safety management system is apparent from the documentation; and

(c) include steps to be taken to continually improve all aspects of the amusement device safety management system.

7.2 A description of the way in which these performance standards are to be met.

7.3 Performance indicators for the effectiveness of control measures implemented, including—

(a) tests of the effectiveness of the control measures; and

(b) indicators of the failure of any control measure; and

(c) actions to be taken in reporting any such failure; and

(d) other corrective actions to be taken in the event of any such failure.

8 Audit

8.1 Provision for the auditing of performance against the performance standards, including the methods, frequency and results of the audit process.

16 Amendment of sch 19 (Dictionary)

(1) Schedule 19, definition *operator*—
omit.

(2) Schedule 19—
insert—

amusement device emergency plan, for chapter 9A, means an emergency plan prepared for a major amusement park under section 608N.

amusement device hazard, for chapter 9A, means a hazard that could cause, or contribute to causing, an amusement device incident.

amusement device incident, for chapter 9A, see section 608B(1).

AS 3533, for chapter 9A, means AS 3533.1—2009 (Amusement rides and devices Part 1: Design and Construction).

licensed major amusement park means a major amusement park licensed under chapter 9A.

major amusement park, for chapter 9A, see section 608A(1).

major amusement park licence, for chapter 9A, means a licence granted under part 9A.7 in relation to a major amusement park.

operator—

- (a) of a facility, in chapter 9, see section 533; and
- (b) of a major amusement park, in chapter 9A, see section 608C.

relevant day, for chapter 9A, see section 608A(3).

ENDNOTES

- 1 Made by the Governor in Council on 21 March 2019.
- 2 Notified on the Queensland legislation website on 22 March 2019.
- 3 The administering agency is the Department of Education.

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