



Queensland

# Work Health and Safety and Other Legislation Amendment Regulation 2024

## Subordinate Legislation 2024 No. 128

made under the

*Industrial Relations Act 2016*

*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 and Other Legislation Amendment Regulation 2024*.

### 2 Commencement

This regulation commences on 29 July 2024.

## Part 2 Amendment of Industrial Relations (Tribunals) Rules 2011

### 3 Rules amended

This part amends the *Industrial Relations (Tribunals) Rules 2011*.

### 4 Amendment of r 70 (Costs)

Rule 70(1), after ‘Act’—

*insert—*

or the *Work Health and Safety Act 2011*, section 229EA

[s 5]

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## **Part 3**                      **Amendment of Work Health and Safety (Codes of Practice) Notice 2022**

### **5**            **Notice amended**

This part amends the *Work Health and Safety (Codes of Practice) Notice 2022*.

### **6**            **Amendment of s 4 (Approved codes of practice)**

Section 4(4), note 1—

*omit, insert—*

- 1 Under section 274(7) of the Act, a code of practice mentioned in schedule 1, part 2 must be reviewed at least every 5 years. See also section 338 of the Act.

## **Part 4**                      **Amendment of Work Health and Safety Regulation 2011**

### **7**            **Regulation amended**

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

### **8**            **Amendment of s 16 (Negotiations for and determination of work groups)**

(1) Section 16(b)—

*omit, insert—*

- (b) has regard to the need for a health and safety representative for the work group to—
  - (i) be readily accessible to each other worker in the work group; and

- (ii) carry out the same or a similar type of work to each other worker in the work group.

(2) Section 16—

*insert—*

- (2) For subsection (1)(b)(i), a health and safety representative is readily accessible to a worker in the work group if the health and safety representative—

- (a) works—

- (i) at the same workplace as the worker; or
- (ii) at a workplace from which the health and safety representative can attend the worker's workplace within a reasonable time; and

- (b) works the same or a similar pattern of work to the worker.

## 9 Insertion of new s 20A

After section 20—

*insert—*

### **20A Resources, facilities and assistance—Act, s 70**

For section 70(1)(f) of the Act, the resources, facilities and assistance prescribed are the resources, facilities and assistance that provide each of the following for a health and safety representative for a work group—

- (a) a means for the health and safety representative to communicate with 1 or more workers in the work group, including, if the health and safety representative and the workers work at different workplaces, a

[s 9]

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means of transport to the workers' workplace;

*Examples of resources providing a means to communicate—*

access to a phone, access to an electronic device with internet access from which to send emails or attend online meetings with the workers

- (b) a means for the health and safety representative to communicate with the person conducting the business or undertaking;
- (c) a means for the health and safety representative to hold face-to-face or online meetings with 1 or more workers in the work group;

*Examples—*

access to a room or area

- (d) a means for the health and safety representative to send and receive information about health and safety in accordance with the Act;
- (e) a means for the health and safety representative to monitor measures taken by the person conducting the business or undertaking under the Act in relation to the health or safety of workers in the work group;

*Example—*

a noise meter

- (f) a means for the health and safety representative to print or display relevant health and safety information or notices.

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**10 Amendment of s 21 (Prescribed health and safety representative training)**

- (1) Section 21(1)(b), ‘3 years’—

*omit, insert—*

12 months

- (2) Section 21(2)(a), ‘3 months’—

*omit, insert—*

28 days

**11 Amendment of s 23 (Default procedure)**

Section 23(6), note—

*omit.*

**12 Insertion of new s 58**

After section 57—

*insert—*

**58 Audiometric testing**

- (1) This section applies in relation to a worker who is required by the person conducting the business of undertaking to use personal protective equipment to protect the worker from the risk of hearing loss associated with noise that exceeds the exposure standard for noise.
- (2) The person conducting the business or undertaking must provide audiometric testing for the worker—
- (a) within 3 months of the worker commencing the work; and
- (b) in any event, at least every 2 years.
- Maximum penalty—60 penalty units.
- (3) In this section—

[s 13]

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*audiometric testing* means the testing and measurement of the hearing threshold levels of each ear of a person by means of pure tone air conduction threshold tests.

**13 Amendment of s 701A (Prescribed Act—Act, s 271)**

(1) Section 701A, heading, ‘s 271’—

*omit, insert—*

**s 271A**

(2) Section 701A, ‘section 271(3)(c)(ii)’—

*omit, insert—*

section 271A(3)(b)

**14 Insertion of new pt 13.9**

Chapter 13—

*insert—*

**Part 13.9 Transitional provisions  
for Work Health and  
Safety and Other  
Legislation  
Amendment Regulation  
2024**

**796 Initial training for health and safety  
representatives**

Section 21(2)(a), as in force immediately before the commencement, continues to apply in relation a health and safety representative elected before the commencement as if the *Work Health and Safety and Other Legislation Amendment Regulation 2024*, section 10 had not commenced.



### **797 Delayed application of s 58**

- (1) Section 58(2) does not apply in relation to a person conducting a business or undertaking until the start day.
- (2) Section 58(2)(a) does not apply in relation to a worker who commences the work before the start day.
- (3) The 2-year periods mentioned in section 58(2)(b) start on or after the start day.
- (4) In this section—  
*start day* means the day that is 1 year after the commencement.

### **15 Amendment of sch 18A (Prescribed Acts—Act, section 271)**

- (1) Schedule 18A, ‘section 271’—  
*omit, insert—*

#### **section 271A**

- (2) Schedule 18A, ‘*Transport (Rail Safety) Act 2010*’—  
*omit, insert—*

*Rail Safety National Law (Queensland) Act 2017*

ENDNOTES

- 1 Made by the Governor in Council on 25 July 2024.
- 2 Notified on the Queensland legislation website on 26 July 2024.
- 3 The administering agency is the Department of State Development and Infrastructure.

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