



# CS Energy Legal Health & Safety Compliance Manual

## CS-OHS-M-02

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Responsible Executive:	EGM Secretariat

## DOCUMENT HISTORY

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Update current to 31 March 2017	Clyde & Co	J FitzPatrick	S Faulkner	May 2017
Update current to 14 February 2018	Clyde & Co	J FitzPatrick	S Faulkner	06/03/2018

## WELCOME

### Our vision

Safety is our first priority. CS Energy is committed to the prevention of injury and illness.

CS Energy has a proactive approach to health and safety and fully understands and accepts its legislative obligations to ensure the health and safety of its employees, contractors and others.

### Purpose of this Manual

This Legal Health & Safety Compliance Manual (**Manual**) has been prepared to identify key obligations applicable to CS Energy and to provide guidance about meeting those obligations.

This Manual is not a safety management system. Rather, it provides guidance on the health and safety legal obligations that apply. This Manual forms part of the CS Energy safety management system.

If you need further clarification or have concerns or questions you should always seek advice. The Manual is no substitute for safety or legal advice. Your primary point of contact for advice is your site Health and Safety Business Partner. The Head of Health and Safety and CS Energy's legal team are also available to provide guidance.

### Scope

Obligations arising out of the following areas of law are not included in this Manual:

- Criminal law generally (e.g. criminal code obligations);
- Environmental law;
- Water law;
- Building laws including plumbing, drainage and domestic buildings (other than for fire safety in commercial premises);
- Rail Safety law;
- Traffic law;
- Accommodation safety law;
- Insurance law (other than as required under the Worker's Compensation and Rehabilitation Act);
- Employment and industrial law; and
- Maritime safety law.

### Review

This Manual will be reviewed annually, and following material changes to health and safety obligations applicable to CS Energy's business activities.



#### User Note:

*Throughout this manual, defined terms are hyperlinked (underlined). This is to refer the reader to the definitions contained in the [dictionary](#) at the end of this manual.*

# TABLE OF CONTENTS



## Chapter 1 – Work Health and Safety



Chapter 2 –  
Confined  
Spaces



Chapter 3 –  
Construction  
Work



Chapter 4 –  
Asbestos



Chapter 5 –  
Major Hazard  
Facilities



Chapter 6 –  
Hazardous  
Chemicals



Chapter 7 –  
Diving Work



Chapter 8 – Public  
Health



Chapter 9 – Pest  
Management



Chapter 10 – Electrical  
Safety



Chapter 11 – Petroleum  
and Gas Safety



Chapter 12 – Road  
Transport



Chapter 13 – Explosives



Chapter 14 – Radiation  
Safety



Chapter 15 – Emergency  
Services



Chapter 16 – Building Fire  
Safety



Chapter 17 – Workers'  
Compensation



Chapter 18 – Coal  
Mining Safety

# TABLE OF CONTENTS

WELCOME .....	3
TABLE OF CONTENTS .....	4
TABLE OF CONTENTS .....	5
<b>CHAPTER 1 – WORK HEALTH AND SAFETY ACT .....</b>	<b>12</b>
<b>1 Introduction .....</b>	<b>12</b>
1.1 APPLICABLE LEGISLATION .....	12
LEGISLATION .....	12
WORK HEALTH AND SAFETY ACT (WHS ACT) .....	12
WORK HEALTH AND SAFETY REGULATION (WHS REGULATIONS) .....	12
CODES OF PRACTICE/GUIDELINES .....	12
STANDARDS .....	12
SEE ANNEXURE – STANDARDS WORK HEALTH AND SAFETY FOR RELEVANT 'AUSTRALIAN STANDARDS' THAT HAVE FORCE OF LAW, THROUGH SPECIFIC REFERENCE IN LEGISLATION. ....	12
REGULATOR .....	12
1.2 THE LEGISLATIVE FRAMEWORK.....	12
1.3 SCOPE OF WHS ACT .....	13
<b>2 The Health and Safety Duties under the WHS Act .....</b>	<b>15</b>
2.1 INTRODUCTION .....	15
2.2 HEALTH AND SAFETY DUTIES OF PCBUs .....	16
2.3 HEALTH AND SAFETY DUTIES OF WORKERS .....	20
2.4 HEALTH AND SAFETY DUTIES OF OFFICERS.....	21
2.5 HEALTH AND SAFETY DUTIES OF OTHER PERSONS WHO ENTER THE WORKPLACE .....	23
<b>3 Other obligations of PCBUs .....</b>	<b>24</b>
3.1 AS OVERVIEW.....	24
3.2 MANAGING RISK .....	26
3.3 AUTHORISATIONS FOR WORK, PLANT AND SUBSTANCES UNDER THE WHS ACT.....	28
3.4 TECHNICAL SAFETY AND HEALTH OBLIGATIONS.....	29
<b>4 Consultation and Representation .....</b>	<b>34</b>
4.1 HORIZONTAL AND VERTICAL CONSULTATION, COORDINATION AND COOPERATION.....	34
4.2 HEALTH AND SAFETY REPRESENTATIVES (HSR) .....	36
4.3 HEALTH AND SAFETY COMMITTEES (HSC) .....	36
4.4 ISSUE RESOLUTION.....	37
4.5 WORK HEALTH AND SAFETY DISPUTES.....	37
4.6 FAIR TREATMENT .....	37
4.7 UNIONS .....	38
4.8 WORK HEALTH AND SAFETY OFFICERS (WHSO) .....	39
<b>5 WHS Incident Response .....</b>	<b>40</b>
5.1 DUTY TO NOTIFY OF NOTIFIABLE INCIDENTS (s.38 ) .....	40
5.2 DUTY TO PRESERVE INCIDENT SITES (s.39, WHS ACT) .....	41
<b>6 Regulators and Enforcement .....</b>	<b>41</b>
6.1 INSPECTORS (PART 9 WHS ACT) .....	41
6.2 ENFORCEMENT POWERS.....	42
6.3 WHS PROSECUTORS.....	43
<b>7 Penalties .....</b>	<b>43</b>
7.2 INDUSTRIAL MANSLAUGHTER .....	44

<b>CHAPTER 2 – CONFINED SPACES .....</b>	<b>48</b>
1 INTRODUCTION .....	48
1.1 APPLICABLE LEGISLATION .....	48
2 CONFINED SPACES OBLIGATIONS .....	48
3 PENALTIES.....	51
<b>CHAPTER 3 – CONSTRUCTION WORK .....</b>	<b>54</b>
1 INTRODUCTION .....	54
1.1 APPLICABLE LEGISLATION .....	54
2 CONSTRUCTION WORK OBLIGATIONS .....	54
2.1 OUTLINE.....	54
2.2 DEMOLITION WORK.....	56
3 PENALTIES.....	58
<b>CHAPTER 4 – ASBESTOS .....</b>	<b>64</b>
1 INTRODUCTION .....	64
1.1 APPLICABLE LEGISLATION.....	64
2 ASBESTOS OBLIGATIONS .....	64
2.1 PROHIBITIONS AND EXCEPTIONS.....	64
3 PENALTIES.....	67
<b>CHAPTER 5 – MAJOR HAZARD FACILITIES.....</b>	<b>69</b>
1 INTRODUCTION .....	69
1.1 APPLICABLE LEGISLATION .....	69
1.2 NOTE THAT CURRENTLY, CS ENERGY’S FACILITIES DO NOT INCLUDE ANY MAJOR HAZARD FACILITIES, HOWEVER THIS CHAPTER IS RELEVANT IN RELATION TO ANY FUTURE PROPOSED FACILITIES. ....	70
1.3 LEGISLATIVE FRAMEWORK.....	70
2 MAJOR HAZARD FACILITIES OBLIGATIONS.....	70
2.1 LICENCING.....	70
2.2 DUTIES OF OPERATORS OF MAJOR HAZARD FACILITIES .....	71
2.3 CONSULTATION AND WORKERS’ SAFETY ROLE.....	73
2.4 DUTIES OF WORKERS .....	73
3 PENALTIES.....	73
<b>CHAPTER 6 – HAZARDOUS CHEMICALS .....</b>	<b>76</b>
1 INTRODUCTION .....	76
1.1 APPLICABLE LEGISLATION .....	76
2 HAZARDOUS CHEMICALS OBLIGATIONS .....	76
2.1 KEY OBLIGATIONS.....	76
2.2 AUTHORITIES REQUIRED .....	79
3 PENALTIES.....	79
<b>CHAPTER 7 – DIVING .....</b>	<b>83</b>
1 INTRODUCTION .....	83
1.1 APPLICABLE LEGISLATION .....	83

<b>2 DIVING OBLIGATIONS .....</b>	<b>83</b>
2.1 KEY OBLIGATIONS .....	83
<b>3 AUTHORITIES FOR DIVING .....</b>	<b>84</b>
<b>4 PENALTIES.....</b>	<b>85</b>
<b>CHAPTER 8 – PUBLIC HEALTH.....</b>	<b>87</b>
<b>1 INTRODUCTION .....</b>	<b>87</b>
1.1 APPLICABLE LEGISLATION .....	87
<b>2 PUBLIC HEALTH OBLIGATIONS.....</b>	<b>87</b>
2.1 PUBLIC HEALTH ORDER (CHAPTER 2 PART 3) .....	87
2.2 PAINT (CHAPTER 2, PART 7, PUBLIC HEALTH ACT) .....	88
<b>3 PENALTIES.....</b>	<b>88</b>
<b>CHAPTER 9 – PEST MANAGEMENT .....</b>	<b>89</b>
<b>1 INTRODUCTION .....</b>	<b>89</b>
1.1 APPLICABLE LEGISLATION.....	89
<b>2 PEST MANAGEMENT OBLIGATIONS .....</b>	<b>89</b>
2.1 KEY OBLIGATIONS .....	89
2.2 AUTHORITIES .....	90
<b>3 PENALTIES.....</b>	<b>90</b>
<b>CHAPTER 10 – ELECTRICAL SAFETY.....</b>	<b>92</b>
<b>1 Introduction .....</b>	<b>92</b>
1.1 APPLICABLE LEGISLATION .....	92
1.2 LEGISLATIVE FRAMEWORK.....	92
<b>2 Electrical Safety Duties under the ES Act .....</b>	<b>94</b>
2.1 ELECTRICAL SAFETY DUTIES .....	94
2.2 ELECTRICAL SAFETY DUTIES OF A PCBU AND ELECTRICITY ENTITY .....	95
2.3 ELECTRICAL SAFETY DUTIES OF OFFICERS .....	98
2.4 ELECTRICAL SAFETY DUTIES OF WORKERS .....	99
2.5 ELECTRICAL SAFETY DUTIES OF OTHER PERSONS .....	100
<b>3 Other obligations under the ES Act .....</b>	<b>100</b>
3.1 OTHER OBLIGATIONS.....	100
3.2 MANAGING RISK .....	100
3.3 TECHNICAL ELECTRICAL SAFETY OBLIGATIONS.....	101
<b>4 Consultation and Representation .....</b>	<b>103</b>
<b>5 Incident Response .....</b>	<b>103</b>
5.1 NOTIFICATIONS .....	103
<b>6 Regulators and Enforcement .....</b>	<b>103</b>
6.1 INSPECTORS.....	103
6.2 ENFORCEMENT POWERS.....	104
6.3 OFFENCES AND PENALTIES .....	105
6.4 INDUSTRIAL MANSLAUGHTER.....	105

<b>CHAPTER 11 –PETROLEUM AND GAS (PRODUCTION AND SAFETY)</b>	<b>109</b>
<b>1 INTRODUCTION</b>	<b>109</b>
1.1 APPLICABLE LEGISLATION	109
1.2 LEGISLATIVE FRAMEWORK	109
<b>2 PETROLEUM AND GAS OBLIGATIONS</b>	<b>111</b>
2.1 INTRODUCTION	111
2.2 CHAPTER 9 DUTIES AND OBLIGATIONS	112
2.3 TECHNICAL SAFETY AND HEALTH OBLIGATIONS	113
2.4 OFFICER'S DUTIES	114
<b>3 CONSULTATION AND REPRESENTATION</b>	<b>115</b>
3.1 REPRESENTATION AND UNIONS	115
3.2 CONSULTATION	115
3.3 FAIR TREATMENT	115
<b>4 PETROLEUM AND GAS INCIDENT RESPONSE</b>	<b>115</b>
4.1 NOTIFICATIONS	115
<b>5 REGULATORS AND ENFORCEMENT</b>	<b>117</b>
5.1 INSPECTORS	117
5.2 OFFENCES AND PENALTIES	117
<b>CHAPTER 12 – ROAD TRANSPORT SAFETY</b>	<b>121</b>
<b>1 INTRODUCTION</b>	<b>121</b>
1.1 APPLICABLE LEGISLATION	121
1.2 THE LEGISLATIVE FRAMEWORK	122
<b>2 ROAD TRANSPORT OPERATIONS</b>	<b>122</b>
2.1 KEY OBLIGATIONS	122
<b>3 OFFICERS DUTIES</b>	<b>128</b>
<b>4 CONSULTATION AND REPRESENTATION</b>	<b>128</b>
<b>5 INCIDENT RESPONSE</b>	<b>128</b>
5.1 NOTIFICATION	128
<b>6 ENFORCEMENT</b>	<b>129</b>
6.1 INSPECTOR'S POWERS	129
<b>7 PENALTIES</b>	<b>130</b>
<b>8 HEAVY VEHICLE NATIONAL LAW</b>	<b>133</b>
<b>9 OFFICERS' DUTIES</b>	<b>136</b>
<b>10 CONSULTATION AND REPRESENTATION</b>	<b>136</b>
<b>11 INCIDENT RESPONSE</b>	<b>137</b>
<b>12 REGULATORS AND ENFORCEMENT</b>	<b>137</b>
12.1 INSPECTOR'S POWERS	137
<b>13 PENALTIES</b>	<b>138</b>
<b>CHAPTER 13 – EXPLOSIVES</b>	<b>151</b>
<b>1 INTRODUCTION</b>	<b>151</b>



1.1	APPLICABLE LEGISLATION .....	151
1.2	REGULATORY FRAMEWORK.....	151
<b>2</b>	<b>EXPLOSIVES SAFETY OBLIGATIONS.....</b>	<b>152</b>
2.1	KEY OBLIGATIONS.....	152
2.2	OFFICER'S DUTIES.....	153
<b>3</b>	<b>CONSULTATION AND REPRESENTATION .....</b>	<b>154</b>
3.1	REPRESENTATION.....	154
3.2	CONSULTATION.....	154
3.3	FAIR TREATMENT.....	154
<b>4</b>	<b>EXPLOSIVES INCIDENT RESPONSE.....</b>	<b>154</b>
4.1	NOTIFICATIONS.....	154
<b>5</b>	<b>REGULATORS AND ENFORCEMENT.....</b>	<b>154</b>
5.1	INSPECTORS.....	154
<b>6</b>	<b>PENALTIES.....</b>	<b>154</b>
<b>CHAPTER 14 – RADIATION SAFETY .....</b>		<b>158</b>
<b>1</b>	<b>INTRODUCTION .....</b>	<b>158</b>
1.1	APPLICABLE LEGISLATION .....	158
<b>1</b>	<b>RADIATION SAFETY OBLIGATIONS.....</b>	<b>159</b>
1.1	OUTLINE.....	159
1.2	AUTHORITIES.....	159
<b>2</b>	<b>RADIATION SECURITY PLAN.....</b>	<b>160</b>
<b>3</b>	<b>REPRESENTATION/CONSULTATION/FAIR TREATMENT .....</b>	<b>160</b>
<b>4</b>	<b>RADIATION SAFETY OFFICERS .....</b>	<b>160</b>
<b>5</b>	<b>OFFICERS DUTIES (SS.205 AND 205A).....</b>	<b>161</b>
<b>6</b>	<b>INCIDENT RESPONSE.....</b>	<b>162</b>
6.1	NOTIFICATIONS.....	162
<b>7</b>	<b>REGULATORS AND ENFORCEMENT.....</b>	<b>163</b>
7.1	INSPECTORS.....	163
<b>8</b>	<b>PENALTIES.....</b>	<b>164</b>
<b>9</b>	<b>ENFORCEMENT .....</b>	<b>165</b>
<b>CHAPTER 15 – FIRE AND EMERGENCY SERVICES.....</b>		<b>166</b>
<b>1</b>	<b>INTRODUCTION .....</b>	<b>166</b>
1.1	APPLICABLE LEGISLATION .....	166
<b>2</b>	<b>FIRE AND EMERGENCY SERVICES OBLIGATIONS .....</b>	<b>167</b>
2.1	KEY OBLIGATIONS.....	167
2.2	AUTHORITIES.....	167
<b>3</b>	<b>INCIDENTS.....</b>	<b>167</b>
3.1	ENFORCEMENT.....	167
<b>4</b>	<b>PENALTIES.....</b>	<b>168</b>
<b>CHAPTER 16 –BUILDING FIRE SAFETY.....</b>		<b>169</b>

<b>1</b>	<b>INTRODUCTION .....</b>	<b>169</b>
1.1	APPLICABLE LEGISLATION .....	169
<b>2</b>	<b>BUILDING FIRE SAFETY OBLIGATIONS .....</b>	<b>169</b>
2.2	AUTHORITIES .....	171
2.3	OFFICER'S DUTIES.....	172
2.4	CONSULTATION AND REPRESENTATION.....	172
<b>3</b>	<b>INCIDENTS.....</b>	<b>172</b>
3.1	NOTIFICATIONS .....	172
<b>4</b>	<b>PENALTIES.....</b>	<b>172</b>
<b>CHAPTER 17 –WORKERS' COMPENSATION AND REHABILITATION .....</b>		<b>174</b>
<b>1</b>	<b>Introduction 174</b>	
1.1	APPLICABLE LEGISLATION .....	174
1.2	LEGISLATIVE FRAMEWORK.....	174
1.3	WORKERS' COMPENSATION OBLIGATIONS .....	174
<b>2</b>	<b>Authorities 175</b>	
<b>3</b>	<b>Incidents and Enforcement 175</b>	
3.1	ENFORCEMENT .....	175
<b>4</b>	<b>Penalties 175</b>	
<b>CHAPTER 18 –COAL MINING .....</b>		<b>177</b>
<b>1</b>	<b>INTRODUCTION .....</b>	<b>177</b>
1.1	APPLICABLE LEGISLATION .....	177
1.2	LEGISLATIVE FRAMEWORK.....	177
<b>2</b>	<b>COAL MINING SAFETY OBLIGATIONS .....</b>	<b>179</b>
2.1	SAFETY AND HEALTH OBLIGATIONS.....	179
2.2	OFFICER'S DUTIES.....	182
2.3	TECHNICAL COAL MINING SAFETY AND HEALTH OBLIGATIONS .....	183
<b>3</b>	<b>CONSULTATION AND REPRESENTATION .....</b>	<b>185</b>
3.1	CONSULTATION AND REPRESENTATION AND UNIONS .....	185
3.2	FAIR CONDUCT .....	186
<b>4</b>	<b>INCIDENT RESPONSE.....</b>	<b>186</b>
<b>5</b>	<b>REGULATORS AND ENFORCEMENT .....</b>	<b>187</b>
5.1	INSPECTORS.....	187
<b>6</b>	<b>PENALTIES.....</b>	<b>187</b>
<b>ANNEXURE – DICTIONARY .....</b>		<b>190</b>
<b>ANNEXURE –QUEENSLAND LAWS THAT HAVE RELEVANCE TO HEALTH AND SAFETY, APPLICABLE TO CS ENERGY .....</b>		<b>234</b>
<b>ANNEXURE – CODES OF PRACTICE WORK HEALTH AND SAFETY .....</b>		<b>236</b>
<b>ANNEXURE – STANDARDS WORK HEALTH AND SAFETY .....</b>		<b>238</b>
<b>ANNEXURE – STANDARDS PUBLIC HEALTH .....</b>		<b>238</b>
<b>ANNEXURE – STANDARDS PEST MANAGEMENT .....</b>		<b>239</b>

<b>ANNEXURE - CODES OF PRACTICE ELECTRICAL SAFETY .....</b>	<b>239</b>
<b>ANNEXURE – STANDARDS ELECTRICAL SAFETY .....</b>	<b>240</b>
<b>ANNEXURE – STANDARDS PETROLEUM &amp; GAS SAFETY .....</b>	<b>241</b>
<b>ANNEXURE – CODES OF PRACTICE ROAD TRANSPORT SAFETY .....</b>	<b>247</b>
<b>ANNEXURE – STANDARDS EXPLOSIVES SAFETY .....</b>	<b>248</b>
<b>ANNEXURE – STANDARDS RADIATION SAFETY .....</b>	<b>248</b>
<b>ANNEXURE – CODES OF PRACTICE EMERGENCY SERVICES .....</b>	<b>250</b>
<b>NAME.....</b>	<b>250</b>
<b>AUSTRALIAN CODE FOR TRANSPORT OF DANGEROUS GOODS BY ROAD AND RAIL, 7.5 EDITION 2017 .....</b>	<b>250</b>
<b>(THE ADG CODE) (NB. THIS DOCUMENT ITSELF IMPORTS A NUMBER OF AUSTRALIAN STANDARDS AND OTHER DOCUMENTS) (REFER TO CHAPTERS 2, 11, 14 AND 16 OF THIS MANUAL). .....</b>	<b>250</b>
<b>ANNEXURE – STANDARDS BUILDING FIRE SAFETY .....</b>	<b>250</b>
<b>NAME.....</b>	<b>250</b>
<b>BUILDING CODE OF AUSTRALIA .....</b>	<b>250</b>
<b>ANNEXURE –STANDARDS UNDER COAL MINING SAFETY .....</b>	<b>251</b>



## CHAPTER 1 – WORK HEALTH AND SAFETY ACT

### 1 Introduction

#### 1.1 Applicable Legislation

##### Legislation

[Work Health and Safety Act](#) (WHS Act)

[Work Health and Safety Regulation](#) (WHS Regulations)

##### Codes of Practice/Guidelines

See [Annexure – Codes of Practice Work Health and Safety](#).

WHSQ publishes a variety of information in relation to guidance and compliance with the [WHS Act](#) which can be accessed via their [website](#).

##### Standards

See [Annexure – Standards Work Health and Safety](#) for relevant 'Australian Standards' that have force of law, through specific reference in legislation.

##### Regulator

Workplace Health and Safety Queensland (**WHSQ**), a division within the Department of Justice and Attorney General, is the Regulator that enforces the [WHS Act](#) in Queensland.

Telephone: 1300 362 128

Address: GPO Box 69, Brisbane Qld 4001

Website: <https://www.worksafe.qld.gov.au/>

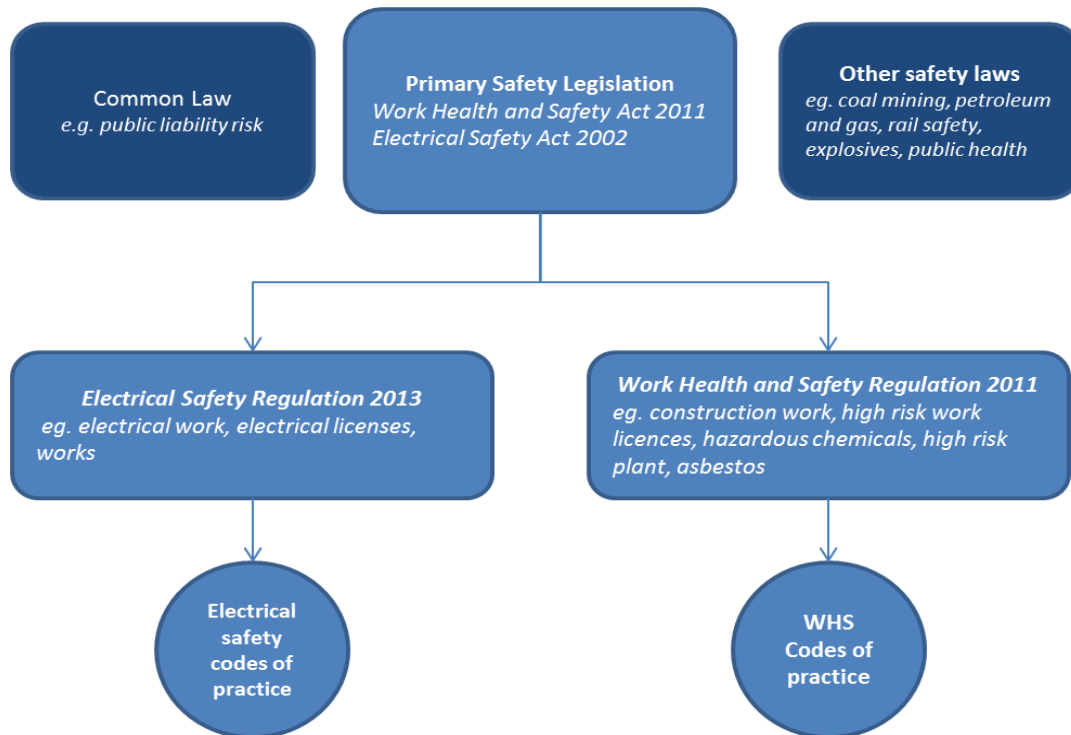
In addition, at a date to be set by proclamation of the relevant provision of the *Work Health and Safety and Other Legislation Amendment Act 2017* (Qld), there will be an independent statutory office for work health and safety prosecution, headed by the [WHS Prosecutor](#).

#### 1.2 The Legislative Framework

- 1.2.1 In Queensland, the two primary Acts – the [Work Health and Safety Act 2011](#) ([WHS Act](#)) and the [Electrical Safety Act 2002](#) ([ES Act](#)) - are part of a broader regulatory framework<sup>1</sup> as shown below:

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<sup>1</sup> A list of the key health and safety legislation applicable to CS Energy has been included in the [Annexure - List of Health and Safety Obligations applicable to CS Energy](#).



- 1.2.2 The [WHS Act](#) concerns not just how [workers](#) work, but all business activities including the condition of [plant](#) and assets, the working environment, training and supervision, contractors and the general public, as well as the design, supply and management of [plant](#), [workplaces](#), [structures](#) and [substances](#).
- 1.2.3 The [WHS Regulations](#) provide further specific detail about how the duties must be met. For example, the [WHS Regulations](#) deal with construction work, [confined spaces](#), high risk work licences, [hazardous chemicals](#), and [high risk plant](#).
- 1.2.4 [Codes of Practice](#) support the [WHS Act](#) and [WHS Regulations](#). These provide practical guidance on how to manage a particular hazard or risk within a [workplace](#). As at February 2018, Codes of Practice are evidence of what is known, or ought to have been known, about a risk to health and safety, and what action was reasonably practicable in guarding against it ([WHS Act](#), s.275). However, from 1 July 2018, the status of Codes of Practice will be changed, requiring a [PCBU](#) to comply with Codes of Practice unless it can demonstrate that the alternative provides a standard of health and safety that is equivalent to or higher than that under the Code of Practice. A list of the relevant Codes of Practice in Queensland is included in [Annexure – Codes of Practice Work Health and Safety](#). A Code of Practice expires 5 years after it is approved.
- 1.2.5 Australian Standards (and International Standards) are often referenced in Codes of Practice under the [WHS Act](#). Even where not expressly referenced, they are often relevant to determining what is reasonably practicable in industry to manage a particular risk.

### 1.3 Scope of WHS Act

- 1.3.1 The [WHS Act](#) applies to most activities of CS Energy in Queensland, however it does not apply to the following:

WHS Act does not apply to... (WHS Act Schedule 1)	What Act applies instead?
<u>Coal mine</u>	<a href="#"><u>Coal Mining Safety and Health Act 1999</u></a>
<u>Operating Plant</u> (on certain petroleum, gas geothermal and mining tenures)	<p><a href="#"><u>Petroleum and Gas (Production and Safety) Act 2004</u></a></p> <p>However, the <a href="#"><u>WHS Act</u></a> does apply to the following for <a href="#"><u>operating plant</u></a> (in summary):</p> <ul style="list-style-type: none"> <li>- <a href="#"><u>Construction work</u></a> (provided it is not commissioning an operating plant or 'rigging up and down' of a drill rig); and</li> <li>- the management of <a href="#"><u>hazardous chemicals</u></a> and <a href="#"><u>major hazard facilities</u></a>; and</li> <li>- <a href="#"><u>Specified PGPS Act authorised Activity</u></a> which essentially captures other authorised activities on relevant tenures such as operation of roads and camps;</li> </ul> <p>in which case the <a href="#"><u>WHS Act</u></a> and <a href="#"><u>PGPS Act</u></a> may apply concurrently, except for <a href="#"><u>major hazard facilities</u></a> which are taken to be solely WHS regulated.<sup>2</sup></p>

Where both the [WHS Act](#) and another Act applies, the other Act may prevail over the [WHS Act](#) to the extent of the inconsistency. For example:

WHS Act applies concurrently...	What Act prevails over the WHS Act?
Electrical risk	<a href="#"><u>Electrical Safety Act 2002</u></a> prevails over the WHS Act in relation to electrical risk.
Operating plant	<a href="#"><u>Petroleum and Gas (Production and Safety Act) 2004</u></a> prevails for matters related to the design or construction of operating plant that impacts on the integrity or safe use of the plant.
Prescribed Railway Operations	The Rail Safety National Law (Qld), part 3, division 3 prevails over the WHS general duties.

<sup>2</sup> For further information about the application of the WHS Act to Operating Plant, refer to the DNRM guidelines here: [https://www.dnrm.qld.gov.au/data/assets/pdf\\_file/0011/238619/operating-plant-guidelines.pdf](https://www.dnrm.qld.gov.au/data/assets/pdf_file/0011/238619/operating-plant-guidelines.pdf)

### Example

CS Energy trucks earth moving equipment from a CS Energy power station onto a mine site. While the truck driver is at the CS Energy power station the [WHS Act](#) and [ES Act](#) applies, but once the truck driver enters the mine site then the [CMSH Act](#) applies instead of the [WHS Act](#).

## 2 The Health and Safety Duties under the WHS Act



**PCBU**



**Officers**



**Workers**



**Other  
Persons**

### 2.1 Introduction

- 2.1.1 The [WHS Act](#) imposes health and safety obligations on duty holders, including:
- (a) [Persons Conducting a Business or Undertaking \(PCBU\)](#) including CS Energy;
  - (b) Officers. [Note there is a specific offence of industrial manslaughter that applies to Senior Officers (as well as PCBUs), set out at paragraph 7.2].
  - (c) Workers;
  - (d) Other persons who enter a workplace .
- 2.1.2 For the purposes of the [WHS Act](#), CS Energy is considered to be a [PCBU](#) and is subject to the duties imposed on a [PCBU](#). CS Energy contractors will also be [PCBUs](#).
- 2.1.3 The duties imposed under the [WHS Act](#) cannot be transferred to another person (s.14). This means that although CS Energy may allocate control over certain activities within its business to others, CS Energy still retains its duty to ensure [SFARP](#) the health and safety of persons is not adversely affected. What is reasonably practicable for CS Energy to do in relation to ensuring health and safety of work activities allocated to others will take into account the degree of control and influence that CS Energy has for the particular activity.
- 2.1.4 All of the duties under the [WHS Act](#) can apply at the same time concurrently (s.15). Also, more than one person can have a duty in relation to the same matter (s.16). Where multiple duty holders have concurrent duties they are obliged to [consult, coordinate and cooperate](#) with each other about managing risk (s.46).

### Example

CS Energy needs to perform abrasive blasting, to maintain a structure at its site. CS Energy has a primary duty to ensure [SFARP](#) the health and safety of persons is not put at risk from the activity.

CS Energy does not have expertise in abrasive blasting work and engages a specialist construction contractor to perform the work. CS Energy retains control over the site but contracts

Example
<p>with the contractor to do the abrasive blasting.</p> <p>By engaging the specialist contractor CS Energy has delegated the task and control over the construction work, however CS Energy still retains its duty as a <a href="#">PCBU</a> to ensure <a href="#">SFARP</a> that the health and safety of persons is not put at risk. The contractor also has a similar duty as a <a href="#">PCBU</a>.</p> <p>CS Energy manages its duty by applying good contractor management processes such as careful contractor selection, monitoring and supervision, including relevant terms and conditions in the contractual obligations, as well as consulting, coordinating and cooperating with the contractor about the work.</p>

## 2.2 Health and safety duties of PCBUs



### PCBU

Primary Health and Safety Duty of PCBU	Other Health and Safety Duties of PCBUs
<ul style="list-style-type: none"> <li>• All activities</li> <li>• Duties owed to workers and others</li> </ul>	<ul style="list-style-type: none"> <li>Managing or controlling a workplace</li> <li>Managing or controlling plant, fixtures or fitting</li> <li>Designing plant, substances or structures</li> <li>Manufacturing plant, substances or structures</li> <li>Importing plant, substances or structure</li> <li>Supplying plant, substances or structures</li> <li>Installing, constructing or commissioning plant or structures</li> </ul>

2.2.1 The [WHS Act](#) imposes many concurrent health and safety duties on PCBU's.

2.2.2 The WHS Act (s.19) imposes the primary duty of care on PCBU's in relation to the conduct of a business or undertaking. It applies to all activities conducted as part of the business or undertaking. Sections 20 – 26A set out the other health and safety duties of PCBU's.

2.2.3 The content of these duties are summarised below.

PCBU Activity	What is the duty (in summary)?
All business activities (s.19)	<p>Primary duty of <a href="#">PCBU</a> to ensure <a href="#">SFARP</a> the health and safety of:</p> <ul style="list-style-type: none"> <li>• <a href="#">workers</a> (including contractors) engaged or caused to be engaged by the <a href="#">PCBU</a>, whose activities in carrying out work are influenced or directed by the <a href="#">PCBU</a>, while the <a href="#">workers</a> are at work in the business or undertaking; and</li> </ul>



PCBU Activity	What is the duty (in summary)?
	<ul style="list-style-type: none"> <li>• other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.</li> </ul> <p>Includes provision of:</p> <ul style="list-style-type: none"> <li>• safe work environment;</li> <li>• safe <a href="#">plant</a> and <a href="#">structures</a>;</li> <li>• safe systems of work;</li> <li>• safe use, handling and storage of <a href="#">plant</a>, <a href="#">substances</a> and <a href="#">structures</a>;</li> <li>• provision of adequate facilities;</li> <li>• adequate information, training and instruction, supervision;</li> <li>• monitoring health; and</li> <li>• maintained accommodation.</li> </ul>
<p>Managing or controlling a workplace (s.20)</p>	<p>Duty of <a href="#">PCBU with management or control of a workplace</a> to ensure <a href="#">SFARP</a> the:</p> <ul style="list-style-type: none"> <li>• <a href="#">workplace</a> and anything arising from it; and</li> <li>• entry and exit;</li> </ul> <p>are without risk to the health and safety of any person.</p>
<p>Managing or controlling plant, fixtures or fittings at a workplace (s.21)</p>	<p>Duty of <a href="#">PCBU with management or control of plant, fixtures and fittings</a> to ensure <a href="#">SFARP</a> the:</p> <ul style="list-style-type: none"> <li>• fixtures;</li> <li>• pittings; and</li> <li>• <a href="#">plant</a>;</li> </ul> <p>are without risks to the health and safety of any person.</p>
<p>Designing plant, substances or structures used or reasonably expected to be used as or at workplaces (s.22)</p>	<p>Duty of <a href="#">designer</a> to ensure <a href="#">SFARP</a> the:</p> <ul style="list-style-type: none"> <li>• <a href="#">design</a> of the <a href="#">plant</a>, <a href="#">substances</a> or <a href="#">structures</a>, is without risk to the health and safety of persons who, at a <a href="#">workplace</a> may use, handle, store, construct, or carry out any reasonably foreseeable activity at the <a href="#">workplace</a> in relation to its manufacture, assembly, decommissioning, dismantling or disposal or be at the <a href="#">workplace</a> or in the vicinity of it and who are exposed to the <a href="#">plant</a>, <a href="#">substance</a> or <a href="#">structure</a>; and</li> <li>• carry out or arrange for any necessary calculations, analysis, testing or examination; and</li> <li>• give adequate information with the design about purpose, results of any calculations, analysis, testing or examination and conditions for use and provide such current information to certain persons on request.</li> </ul>
<p>Manufacturing plant, substances or structures used or reasonably expected to be used as at workplaces (s.23)</p>	<p>Duty of Manufacturer to ensure <a href="#">SFARP</a> the:</p> <ul style="list-style-type: none"> <li>• <a href="#">plant</a>, <a href="#">substances</a> or <a href="#">structures</a> are manufactured to be without risks to the health and safety of persons who at the <a href="#">workplace</a> may use, handle, store, construct, or carry out any reasonably foreseeable activity at the <a href="#">workplace</a> in relation to its assembly, decommissioning, dismantling or disposal, or be at the <a href="#">workplace</a> or in the vicinity of it and who are exposed to the <a href="#">plant</a>, <a href="#">substance</a> or <a href="#">structure</a>; and</li> <li>• carry out or arrange for any necessary calculations, analysis, testing or examination; and</li> </ul>

PCBU Activity	What is the duty (in summary)?
	<ul style="list-style-type: none"> <li>give adequate information with the <a href="#">plant</a>, <a href="#">substance</a> or <a href="#">structure</a> about purpose, results of any calculations, analysis, testing or examination and conditions for use and provide such current information to certain persons on request.</li> </ul>
<p>Importing plant, substances or structures used or reasonably expected to be used at workplaces (s.24)</p>	<p>Duty of <a href="#">importer</a> to ensure <a href="#">SFARP</a> the:</p> <ul style="list-style-type: none"> <li><a href="#">plant</a>, <a href="#">substance</a> or <a href="#">structure</a> imported is without risk to the health and safety of persons who at the <a href="#">workplace</a> may use, handle, store, construct, or carry out any reasonably foreseeable activity at the <a href="#">workplace</a> in relation to its assembly, decommissioning, dismantling or disposal, or be at the <a href="#">workplace</a> or in the vicinity of it and who are exposed to the <a href="#">plant</a>, <a href="#">substance</a> or <a href="#">structure</a>; and</li> <li>carry out or arrange for or ensure any necessary calculations, analysis, testing or examination have been carried out; and</li> <li>give adequate information with the <a href="#">plant</a>, <a href="#">substance</a> or <a href="#">structure</a> about purpose, results of any calculations, analysis, testing or examination and conditions for use and provide such current information to certain persons on request.</li> </ul>
<p>Supplying plant, substances or structures used or reasonably expected to be used at workplaces (s.25)</p>	<p>Duty of <a href="#">supplier</a> to ensure <a href="#">SFARP</a> the:</p> <ul style="list-style-type: none"> <li><a href="#">plant</a>, <a href="#">substance</a> or <a href="#">structure supplied</a> is without risk to the health and safety of persons who at a <a href="#">workplace</a> may use, handle, store, construct, or carry out any reasonably foreseeable activity at the <a href="#">workplace</a> in relation to its assembly, decommissioning, dismantling or disposal or be at the workplace or in the vicinity of it and who are exposed to the <a href="#">plant</a>, <a href="#">substance</a> or <a href="#">structure</a>; and</li> <li>carry out or arrange for or ensure any necessary calculations, analysis, testing or examination have been carried out; and</li> <li>give adequate information with the <a href="#">plant</a>, <a href="#">substance</a> or <a href="#">structure</a> about purpose, results of any calculations, analysis, testing or examination and conditions for use and provide such current information to certain persons on request.</li> </ul>
<p>Installing, constructing or commissioning plant or structures used or reasonably expected to be used at workplaces (s.26)</p>	<p>Duty of Installer to ensure <a href="#">SFARP</a> the:</p> <ul style="list-style-type: none"> <li>way in which it is installed, constructed or commissioned ensures the <a href="#">plant</a> or <a href="#">structure</a> is without risk to health and safety of persons who may install, construct, use, carry out any reasonably foreseeable activity in relation to the proper use, decommissioning or dismantling or disposal, or be at the <a href="#">workplace</a> or in the vicinity of it and who are exposed to the <a href="#">plant</a> or <a href="#">structure</a>.</li> </ul>
<p>Conducting business or undertaking – codes of practice (s.26A)</p>	<p>From 1 July 2018, a <a href="#">PCBU</a> must, if the Minister approves a code of practice:</p> <ul style="list-style-type: none"> <li>comply with the code; or</li> <li>manage hazards and risks arising from the work carried out as part of the business or undertaking in a way that is different to the code but provides a standard of health and safety that is equivalent to or higher than the standard required under the code.</li> </ul>

### Example

CS Energy owns a piece of fixed [plant](#) in its business. CS Energy identifies that the functionality of the plant can be improved by making modifications to its design and fabricating and installing some additional parts onto the plant.

In this scenario CS Energy now has a duty as a designer of plant. This means that when the design is created CS Energy must ensure that the design is safe and takes into account the safety of all persons during the full plant lifecycle from inception to decommissioning. It must keep drawings and prepare a safe design report. It must ensure adequate calculations, analysis, testing and examination occur. It must provide information about the plant design to those who will do the fabrication.

When the fabrication occurs CS Energy also has a duty as a manufacturer. This means CS Energy must ensure that the manufactured plant does not create risk. It must also ensure the testing and examination occur and that information is provided with the plant for operations.

Once the fabrication is complete, CS Energy still has its ongoing duty as a person with management or control of the plant at the workplace. So CS Energy must ensure that it is without risk, once it is ready for use.

Additionally due to its primary duty of care CS Energy must ensure its workers who will use or otherwise interface with the plant have adequate information, instruction, training and supervision.

### WARNING



The obligations in relation to the design, manufacture, importation, supply, installation, construction or commissioning of [plant](#), [substances](#) and [structures](#) are prescriptive and supplemented by detailed provisions in the [WHS Regulations](#). Advice should be sought when undertaking any of these activities to ensure the processes and duties prescribed under the [WHS Act](#) and [WHS Regulations](#) are complied with.

### WARNING



In addition to the above [PCBU](#) duties, the industrial manslaughter offence may apply to a [PCBU](#) (in addition to [Senior Officers](#)). A [PCBU](#) will have committed an offence if a worker dies or is injured and later dies, in the course of carrying out work for the business or undertaking (including during a work break) and the [PCBU's](#) conduct caused the death and the [PCBU](#) was negligent about causing the death of the worker. This is further discussed at [paragraph 7.2](#).

## 2.3 Health and safety duties of workers



### Workers

- 2.3.1 [Workers](#) (including all employees, contractors, subcontractors, and their employees, employees of labour hire companies, outworkers, apprentices, trainees, work experience students and volunteers) have personal health and safety duties under the [WHS Act](#), while at work. Under s.28 of the [WHS Act](#) they must:



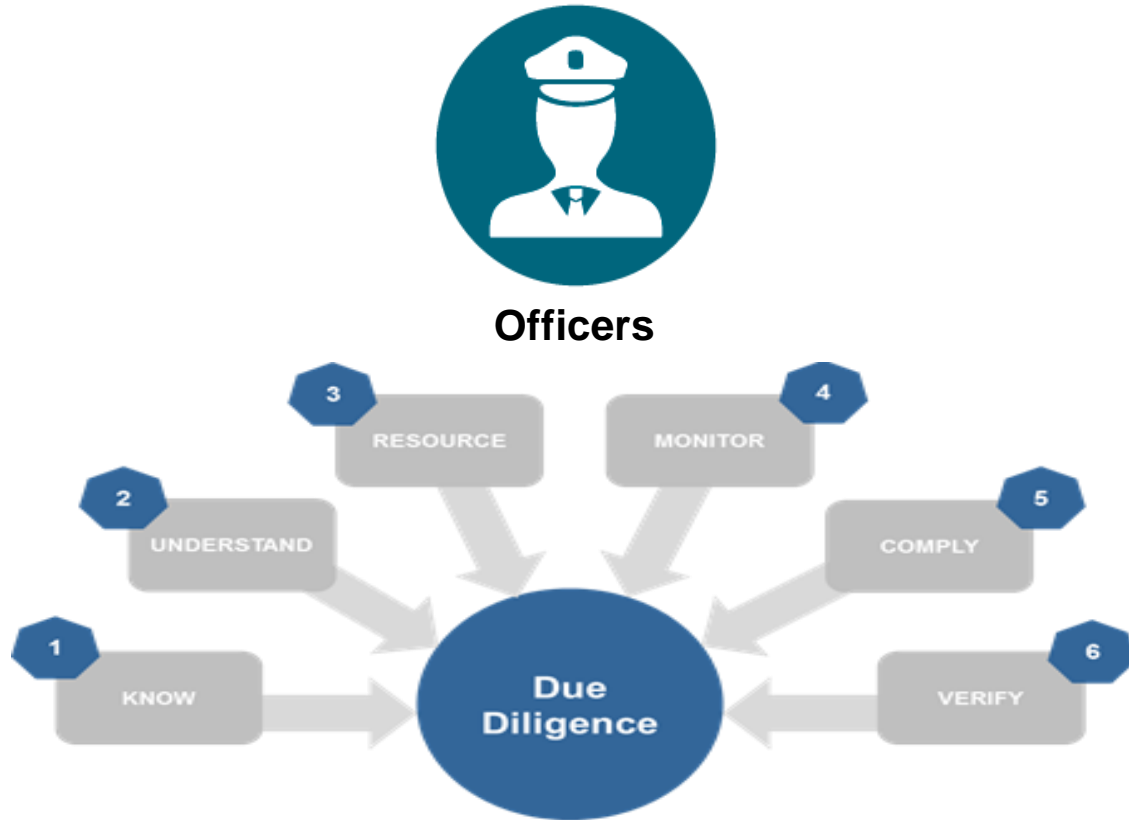
- 2.3.2 What amounts to 'reasonable care' for each [worker](#) may be different depending on the [workers'](#) qualifications, experience and training. Ultimately the test is an objective one however based on what would be considered reasonable for a person of similar qualifications, experience and training in the workers' circumstances.
- 2.3.3 Workers may also have various other personal obligations under the WHS Regulations. For example workers may be required to hold licenses and certifications, such as construction inductions (ss.326 and 327).
- 2.3.4 Although it is not common, in appropriate cases serious penalties including fines and imprisonment can be imposed on [workers](#) who breach their obligations.

#### Example

A CS Energy employee, Sarah Socks, is trained and competent in use of fall restraint harnesses for work at height. Sarah Socks needs to undertake an inspection at height on a structure which does

not have barricading and toe boards in place. She has a duty of care to use the fall protection harnesses and equipment including connecting to a safe anchor point in accordance with her training.

## 2.4 Health and Safety Duties of Officers



2.4.1 [Officers](#) also have personal health and safety duties under the [WHS Act](#). Under s.27 [officers](#) have a duty to exercise [due diligence](#) to ensure that their corporation performs its own health and safety duties.

2.4.2 This is a personal obligation requiring an [officer](#) to be active in monitoring and verifying corporate compliance. An [officer](#) may be found guilty of an offence against the [WHS Act](#) for failing to comply with their duties, even if their corporation is not.

2.4.3 For the purposes of s.27, [due diligence](#) includes taking reasonable steps to:

Element	Due Diligence Obligation	What example activities apply?
Know	Acquire and keep up-to-date knowledge of work health and safety matters	<ul style="list-style-type: none"> <li>• Following changes in legislation and case law</li> <li>• Following changes in codes of practice and standards</li> <li>• Participating in training on safety skills such as risk assessment technique</li> <li>• Participating in industry benchmarking and safety conferences</li> </ul>

Element	Due Diligence Obligation	What example activities apply?
Understand	Understand the nature of the corporation's business operations and generally of the hazards and risks associated with those operations	<ul style="list-style-type: none"> <li>Reviewing business critical risk reviews and bowtie analyses</li> <li>Receiving reports at meetings and in writing in relation to operational safety performance and issues</li> <li>Be aware of the safety and health systems and plans for the business</li> <li>Call for safety impact assessments for any operational changes</li> </ul>
Resource	Ensure that the corporation has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the corporation's business.	<ul style="list-style-type: none"> <li>Reviewing levels of financial resources</li> <li>Considering human resources levels and competencies</li> <li>Confirming a Safety Management System is in place and implemented</li> <li>Responding to any change from safety impact assessments</li> </ul>
Monitor	Ensure that the corporation has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information.	<ul style="list-style-type: none"> <li>Monitor the WHS system is in place for incidents, hazards and risks</li> <li>Confirm that timely action is taken in response to the above</li> <li>Consider trends and positive performance information designed for critical risk management</li> <li>Confirm good records are kept and accessible</li> </ul>
Comply	Ensure that the corporation has and implements processes for complying with any duty or obligation under the <a href="#">WHS Act</a> .	<ul style="list-style-type: none"> <li>Check that notifiable incidents are being reported to the WHS Regulator as required under the legislation</li> <li>Require staff to report non-conformances regularly</li> <li>Have legal compliance reviews against systems and procedures</li> </ul>
Verify	Verify the provisions of use of the resources and processes set out above under the previous 5 elements.	<ul style="list-style-type: none"> <li>Auditing</li> <li>Benchmarking</li> <li>Personal site visits, interviews and inspections</li> </ul>

2.4.4 [Officers](#) must be able to demonstrate ongoing compliance with each of the 6 Elements outlined in the table above in order to meet their [due diligence](#) obligations.

2.4.5 [Officers](#) should have an action plan for meeting their [due diligence](#) obligations each year. However care should be taken in how this is recorded to ensure the actions can be achieved.

2.4.6 Significant penalties apply for failure to comply with the [officer](#) duties. Although it is not common, in appropriate cases the Regulator has taken enforcement action against individuals.

**WARNING**



In addition to this duty, the industrial manslaughter offence may apply to a [Senior Officer](#) (as well as a [PCBU](#)). A [Senior Officer](#) will have committed an offence if a worker dies or is injured and later dies, in the course of carrying out work for the business or undertaking (including during a work break) and the [Senior Officer's](#) conduct caused the death and the [Senior Officer](#) was negligent about causing the death of the worker. This is discussed in detail at [paragraph 7.2](#).

**Example**

John Jones is an Officer of CS Energy. John Jones is aware of the risk of vehicles colliding. In order to exercise due diligence, John Jones models compliance to the traffic rules and also regularly seeks reports and information about the management of traffic rules on site. John Jones also personally spends time in the field and makes inquiries of CS Energy personnel to test and verify that the traffic rules are adhered to and enforced. John Jones keeps up to date with the latest information on vehicle collision technologies and what other companies are doing in this space to help CS Energy continually improve.

**2.5 Health and Safety Duties of Other Persons who Enter the Workplace**



**Other Persons**

2.5.1 Any other person who enters a [workplace](#) also has obligations under the [WHS Act](#). Under s.29 of the [WHS Act](#) they must:



Example
<p>Sally Smith is a visitor who attends at the CS Energy workplace for the purpose of meeting with a CS Energy employee. Sally Smith will be inducted to site and has a duty to follow instructions from the CS Energy employee such as in the event of a fire alarm including to gather at the nominated assembly point.</p>

### 3 Other obligations of PCBU's

#### 3.1 As Overview

- 3.1.1 As well as all of the health and safety duties that are outlined above, the [WHS Act](#) includes many other obligations on [PCBU's](#) like CS Energy.
- 3.1.2 Other key obligations can be summarised as follows. These are outlined in further detail in the following parts of this Manual where noted.

Subject Matter	Reference	What are the obligations (in summary)?
Managing risks	<a href="#">WHS Regulations</a> Part 3	<p>To support the primary duty and the health and safety duties of <a href="#">PCBU's</a>, the <a href="#">WHS Regulations</a> require the management of risk so that risk is reduced <a href="#">SFARP</a> according to the hierarchy of control measures.</p> <p>The health and safety duties are not met unless the risk management process is applied to any reasonably foreseeable hazards that could give rise to risks to health and safety and any prescriptive obligations outlined in the <a href="#">WHS Regulations</a>.</p> <p>See further <a href="#">below</a>.</p>
Technical obligations	<a href="#">WHS Regulations</a> All	<p>There are many technical safety and health obligations that apply to manage particular risks and work types. These include for example: hazardous work (including noise, manual tasks, confined spaces, high risk work, diving work); <a href="#">construction work</a>; <a href="#">plant</a>; <a href="#">hazardous substances</a>; and so on. It is important to identify and meet specific technical obligations as well as the health and safety duties applicable to the business or undertaking of CS Energy.</p> <p>See further <a href="#">below</a>.</p>
Authorisations	<a href="#">WHS Act</a> Part 4	<p>The <a href="#">WHS Act</a> establishes a system of mandatory authorisations and permits. Where relevant these authorisations must be held before some forms of work can be undertaken, some workplaces may operate, or some substances can be handled.</p> <p>See further <a href="#">below</a>.</p>
Consultation	<a href="#">WHS Act</a> s.46 (Horizontal Consultation) and	<p>The <a href="#">WHS Act</a> requires two kinds of consultation for <a href="#">PCBU's</a> regarding health and safety matters: vertical consultation with workers, and horizontal consultation with concurrent duty holders such as other <a href="#">PCBU's</a>.</p>



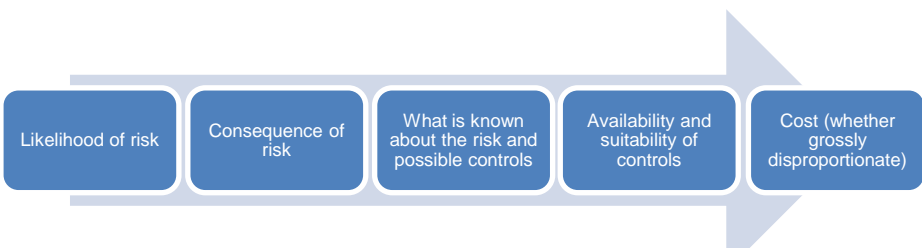
Subject Matter	Reference	What are the obligations (in summary)?
	<a href="#">WHS Act</a> ss.47 – 49 (Vertical Consultation)	See further <a href="#">below</a> .
Representatives and committees	<a href="#">WHS Act</a> ss.50 – 103	The <a href="#">WHS Act</a> recognises the importance of consultation with workers and committees of workers to assist in the management of risk and the resolution of issues. Processes are established in the <a href="#">WHS Act</a> for the election of health and safety representatives and committees and the allocation of appropriate powers to them. This includes powers of representatives to access workplaces, information and records and to issue notices.  See further <a href="#">below</a> .
Unions	<a href="#">WHS Act</a> Part 7	The <a href="#">WHS Act</a> recognises the role of organisations such as Unions through the role of WHS Entry Permit Holders. This includes powers to access workplaces, consult with workers and investigate certain incidents. These powers are not unfettered but are important to observe.  See further <a href="#">below</a> .
Fair treatment	<a href="#">WHS Act</a> Part 6	The <a href="#">WHS Act</a> includes a number of protections to ensure the fair treatment of all persons in relation to health and safety issues, such as prohibitions on discriminatory and misleading conduct.  See further <a href="#">below</a> .
Incident response	<a href="#">WHS Act</a> Part 3	The <a href="#">WHS Act</a> requires the notification of certain incidents and events to the Regulator.  Incident scenes must be preserved until the Regulator otherwise directs, except where action is: required to assist an injured person; remove a deceased person; essential to make the site safe or minimise the risk of a further notifiable incident; associated with a police investigation or for which an inspector or the regulator has given permission.  See further <a href="#">below</a> .
Dealing with regulators and enforcement	<a href="#">WHS Act</a> Part 8, Part 9, Part 10, Part 11	Inspectors appointed by the Regulator have powers to enter workplaces and investigate incidents and enforce the obligations under the <a href="#">WHS Act</a> , including issuing of notices or taking other enforcement action such as prosecutions in courts. See further <a href="#">below</a> .

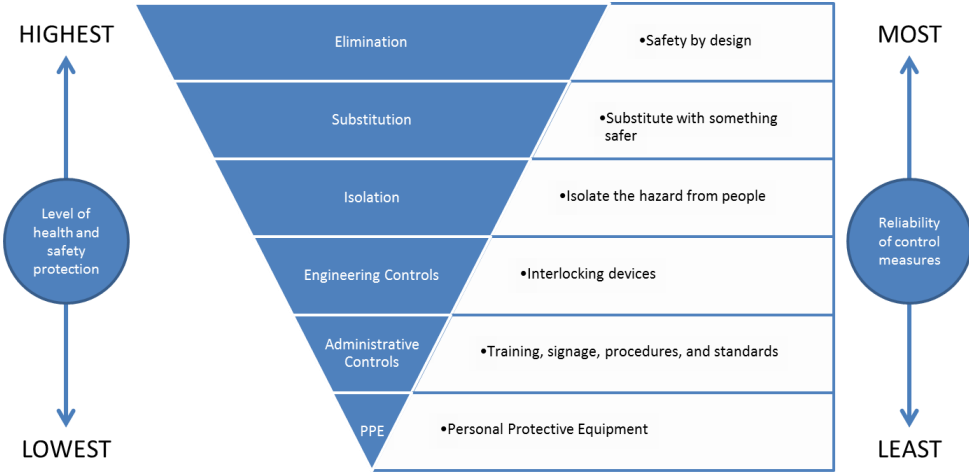
### 3.2 Managing Risk



3.2.1 The [WHS Regulations](#) generally require that in order to perform the duties of [PCBU's](#) then risks to health and safety must be 'managed' (Part 3.1, [WHS Regulations](#)) in accordance with the hierarchy of controls as set out below:

3.2.2 The process of managing risk requires the following steps to be taken:

Risk Management Step	Activity
Identify foreseeable hazards	A duty holder is required to identify any reasonably foreseeable hazards which have the potential to harm the health or safety of people (s.34).
Risk analysis and evaluation	<p>The primary obligation is to eliminate risks to health and safety, and if elimination of the risk is not reasonably practicable, to minimise the risk <a href="#">SFARP</a> (s.35). A duty holder must therefore assess what is reasonably practicable to be done to firstly to eliminate the risk and then where not reasonably practicable to eliminate, what is reasonably practicable to minimise the risk <a href="#">SFARP</a>.</p> <p>This takes into account:</p> <div style="text-align: center;">  </div> <p>Note that cost may be relevant to whether or not a control is reasonably practicable, but only after all other considerations such as likelihood, consequence, what is known about the risk and the suitability and availability of controls has first been considered.</p> <p>Risk matrices or risk assessment tools are often used to record this kind of analysis.</p>

Risk Management Step	Activity
<p><b>Control of risks</b></p>	<p>Control measures must be implemented, monitored and maintained according to the hierarchy of controls as follows (s.36):</p>  <p>This means, using the context and information obtained to assess the risk, if a risk cannot be eliminated then the duty holder must implement one or more of the following:</p> <ul style="list-style-type: none"> <li>• substituting (wholly or partly) the hazard giving rise to the risk with something that gives rise to a lesser risk;</li> <li>• isolating the hazard from any person exposed to it;</li> <li>• implementing engineering controls.</li> </ul> <p>If any risk then remains, the duty holder must minimise the remaining risk, <a href="#">SFARP</a>, by implementing administrative controls. If any risk remains, the duty holder must minimise the remaining risk, <a href="#">SFARP</a>, by ensuring the provision and use of suitable personal protective equipment, but only as a last resort.</p>
<p><b>Maintain and review</b></p>	<p>CS Energy has a duty to not only implement the control measures but also to ensure that a control measure is, and maintained so that it remains, effective, including by ensuring that the control measure is and remains:</p> <ul style="list-style-type: none"> <li>• fit for purpose; and</li> <li>• suitable for the nature and duration of the work; and</li> <li>• installed, set up and used correctly (s.37).</li> </ul> <p>Risk assessments should be reviewed and, as necessary, control measures should be revised on a regular basis so as to maintain, <a href="#">SFARP</a>, their effectiveness. Specifically, control measures should be updated when there is evidence that a control measure is no longer effective, if someone is injured from a hazard covered by the risk assessment or a significant change is proposed in the practices or procedures involved (s.38).</p>

Example
<p>CS Energy has identified a risk of light vehicles colliding. CS Energy has a primary duty of care as <a href="#">PCBU</a> in relation to this risk and therefore must 'manage' the risk. CS Energy analyses this risk and finds that the likelihood of such a collision is high and the potential consequences are also high in some circumstances. CS Energy cannot eliminate or substitute this risk as light vehicles are necessary for CS Energy's operations and sensing technologies are not yet available, but finds that suitable and available controls are available including traffic rules, at its sites. CS Energy must continue to monitor the implementation of these controls including through inspections and auditing and must revisit the traffic rules any time CS Energy learns new information about hazards or incidents involving light vehicles, with a view to continuously improving safety in its operations.</p>

### 3.3 Authorisations for Work, Plant and Substances under the WHS Act

- 3.3.1 The [WHS Act](#) (Part 4) establishes a system of mandatory authorisations. Where relevant, these authorisations must be held before some forms of work can be undertaken (e.g. [high risk work](#)), or some workplaces may operate (e.g. [major hazard facilities](#)), or some [substances](#) can be handled (e.g. [asbestos](#)).
- 3.3.2 CS Energy must not allow an unauthorised [PCBU](#) or [worker](#) to engage in work, work at a [workplace](#), or handle [plant](#) or [substances](#) without the requisite authorisation. It is an offence to do so.


Reference	Authorisation Required under WHS Regulation
High risk work	Licenses are required to carry out <a href="#">high risk work</a> (Part 4.5). See further <a href="#">below</a> .
Demolition work	A license is required to carry out <a href="#">demolition work</a> (Part 4.6). See further <a href="#">below</a> .
Diving work	A person must have the relevant qualifications and certificate of medical fitness required to complete <a href="#">diving work</a> . See below <a href="#">Chapter 7</a> (Part 4.8).
Hazardous chemicals	An authorisation is required to use, handle or store a <a href="#">prohibited carcinogen</a> or <a href="#">restricted carcinogen</a> . See below <a href="#">Chapter 6</a> (Part 7.1).
Asbestos removal	Licences are required to carry out <a href="#">asbestos removal work</a> . See below <a href="#">Chapter 4 (WHS Regulations)</a> , Part 8.10).
Major Hazard Facilities	A <a href="#">major hazard facility</a> must be licensed. See below <a href="#">Chapter 5 (WHS Regulations)</a> , Chapter 9.1).
Registerable plant	The design of plant specified in <a href="#">schedule 5</a> , part 1 of the <a href="#">WHS Regulations</a>



Example
Sally Smith is a CS Energy employee and she needs to move some equipment using a forklift. Sally Smith does not hold a forklift truck operating licence. She will need to wait for a licensed person before she can complete her job.

### 3.4 Technical Safety and Health Obligations

- 3.4.1 There are many technical safety and health obligations that apply to duty holders in relation to the management of particular risks **and** work types under the [WHS Regulations](#). Many of these obligations refer to 'managing risks'. This is a reference to applying the process of managing risk as outlined in Part 3.1 ([WHS Regulations](#)) which has been outlined [above](#).
- 3.4.2 In most cases the [WHS Regulations](#) are mandatory in order to meet the general work health and safety duties as outlined [above](#). This is because **under** the [WHS Regulations](#) (s.9, [WHS Regulations](#)) many of these are prescribed to be "the way" that the general health and safety duties must be met.
- 3.4.3 Codes of Practice in force under the [WHS Act](#) support the technical safety and health obligations. These have been listed in the relevant [Annexure - Codes of Practice Work Health and Safety](#).
- 3.4.4 The following table sets out some of the key **technical** obligations dealt with in the [WHS Regulations](#).




Reference	Technical obligation
General workplace management  Part 3.2 WHS Regulations	The <a href="#">WHS Regulations</a> require that a <a href="#">PCBU</a> manage the risks of a general <a href="#">workplace</a> through various means including by ensuring that: <ul style="list-style-type: none"> <li>information, training and instruction provided to a <a href="#">worker</a> is suitable and adequate and readily understandable having regard to the nature of the work, the associated risks and the control measures implemented (Part 3.2, Div 1);</li> <li><a href="#">SFARP</a> provision of and access to adequate first aid equipment and facilities to administer first aid (Part 3.2, Div 3);</li> <li>an emergency plan is prepared and maintained with the specified details (Part 3.2, Div 4);</li> <li>adequate personal protective equipment is provided to workers, if personal protective equipment is to be used to minimise a risk to health and safety (Part 3.2, Div 5);</li> <li>for isolated or remote workers, a system of work that includes effective communication with the worker is in place (Part 3.2, Div 6);</li> <li>no person at the <a href="#">workplace</a> is exposed to a <a href="#">substance</a> or a mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture (Part 3.2, Div 7);</li> <li>risks associated with hazardous atmospheres are managed appropriately in accordance with Part 3.1 (Part 3.2, Div 8);</li> <li>if flammable or combustible substances are kept at the workplace, the substances are kept at the lowest practicable quantity for the workplace (Part 3.2, Div 9); and</li> <li>the risks to health and safety associated with an object falling are appropriately managed (Part 3.2, Div 10).</li> </ul>

Reference		Technical obligation
<p>Noise</p> <p>Part 4.1, WHS Regulations</p>		<p>A <a href="#">PCBU</a> must manage the risks posed by noise emissions to <a href="#">workers</a> and ensure that <a href="#">workers</a> are not exposed to levels of noise that exceed the Exposure Standard for Noise (s.57).</p>
<p>Hazardous manual tasks</p> <p>Part 4.2, WHS Regulations</p>		<p>The <a href="#">WHS Regulations</a> require that a <a href="#">PCBU</a> manages the risks relating to musculoskeletal disorders posed by <a href="#">workers</a> undertaking <a href="#">hazardous manual tasks</a> (s.60).</p> <p>In managing the risks involved with completing <a href="#">hazardous manual tasks</a> regard must be had to the following matters that may contribute to musculoskeletal disorders:</p> <ul style="list-style-type: none"> <li>• postures, movements, forces and vibration relating to the <a href="#">hazardous manual tasks</a>; and</li> <li>• the duration and frequency of the <a href="#">hazardous manual tasks</a>; and</li> <li>• <a href="#">workplace</a> environmental conditions that may affect the <a href="#">hazardous manual tasks</a> or the worker performing it; and</li> <li>• the design of the work area; and</li> <li>• the layout of the <a href="#">workplace</a>; and</li> <li>• the systems of work used; and</li> <li>• the nature, size, weight or number of persons, animals or things involved in carrying out the <a href="#">hazardous manual tasks</a>.</li> </ul>
<p>Confined spaces</p> <p>Part 4.3 WHS Regulations</p>		<p>See <a href="#">below</a>.</p>
<p>Falls</p> <p>Part 4.4, WHS Regulations</p>		<p>A <a href="#">PCBU</a> must manage the specific risks associated with a fall by a person from one level to another that is reasonably likely to cause injury to the person or any other person (s.78).</p> <p>This includes the risk of fall:</p> <ul style="list-style-type: none"> <li>• in or on an elevated work platform from which a person could fall; or</li> <li>• in the vicinity of an opening through which a person could fall; or</li> <li>• in the vicinity of an edge over which a person could fall; or</li> <li>• on a surface through which a person could fall; or</li> <li>• in any other place from which a person could fall.</li> </ul> <p>In the first place, a <a href="#">PCBU</a> should ensure that any work that involves a risk of fall is conducted on the ground of a solid construction, which includes:</p> <ul style="list-style-type: none"> <li>• a surface that is structurally capable of supporting all persons and things that may be located or placed on it; and</li> <li>• barriers around its perimeter and any openings to prevent a fall; and</li> <li>• an even and readily negotiable surface and gradient; and</li> <li>• a safe means of entry and exit.</li> </ul>


Reference		Technical obligation
		<p>Where it is not reasonably practicable to eliminate the risk of a fall adequate protection must be provided, by providing and maintaining a safe system of work including:</p> <ul style="list-style-type: none"> <li>• providing a <a href="#">fall prevention device</a> if it is reasonably practicable to do so; or</li> <li>• if it is not reasonably practicable to provide a <a href="#">fall prevention device</a>, providing a work positioning system; or</li> <li>• if it is not reasonably practicable to comply with either above paragraph, by providing a fall arrest system, <a href="#">SFARP</a>.</li> </ul> <p>A safe system of work could include temporary work platforms, providing training and safe work procedures.</p>
<p><b>High risk work</b> Part 4.5, WHS Regulations</p>		<p>A person must not carry out <a href="#">high risk work</a> unless that person holds a licence for that class of work, subject to the exemptions in <a href="#">s.82 (WHS Regulations)</a> (s.81).</p> <p>A <a href="#">PCBU</a> must not direct or allow a worker to undertake <a href="#">high risk work</a> unless the worker provides written evidence of the relevant training, certification or licence (s.85).</p> <p>A <a href="#">PCBU</a> must ensure that the person supervising the <a href="#">high risk work</a> provides direct supervision, which involves the oversight by the person supervising for the purposes of:</p> <ul style="list-style-type: none"> <li>• directing, demonstrating, monitoring and checking the person's work in a way that is appropriate to the person's level of competency; and</li> <li>• ensuring a capacity to respond in an emergency situation (s.84).</li> </ul>
<p><b>Construction work and demolition work</b> Part 4.6 and Ch 6 WHS Regulations</p>		<p>See <a href="#">below</a>.</p>
<p><b>Diving work</b> Part 4.8 WHS Regulations</p>		<p>See <a href="#">below</a>.</p>

<p style="text-align: center;">Plant and structures</p> <p style="text-align: center;">Chapter 5, WHS Regulations</p>	<p>There are a series of prescriptive technical obligations in relation to ensuring that <a href="#">plant</a> and <a href="#">structures</a> are safe. These obligations are imposed on <a href="#">PCBUs</a> that design, manufacture, import or supply that <a href="#">plant</a> or <a href="#">structures</a> and support the general health and safety duties imposed. These obligations are extended to <a href="#">PCBUs</a> that install, construct or commission <a href="#">plant</a> or <a href="#">structures</a> that are to be used or could reasonably be expected to be used, as, or at, a <a href="#">workplace</a> and <a href="#">persons with management or control of plant</a> at a <a href="#">workplace</a>.</p> <p>The <a href="#">Managing risks of plant in the workplace Code of Practice 2013</a> provides extensive guidance in relation to:</p> <ul style="list-style-type: none"> <li>• the risk management process for <a href="#">plant</a> in the <a href="#">workplace</a>;</li> <li>• controlling risks throughout the lifecycle of <a href="#">plant</a>;</li> <li>• specific control measures for <a href="#">plant</a>;</li> <li>• plant registration; and</li> <li>• keeping records.</li> </ul> <p>Obligations under the WHS Regulations include the following:</p> <ul style="list-style-type: none"> <li>• <b>Installation, assembly, construction and commissioning of plant-</b> <a href="#">persons with management or control of plant</a> at a <a href="#">workplace</a> must 'manage' the risks associated with the carrying out of from installation, assembly, construction, commission of <a href="#">plant</a>. This means to apply the risk management process to reduce risk <a href="#">SFARP</a> according to the hierarchy of control as set out in Part 3.1 of the <a href="#">WHS Regulations</a> as was explained above in this manual under the heading <a href="#">managing risks</a>.</li> <li>• <b>Proper use of plant -</b> <a href="#">persons with management or control of plant</a> at a <a href="#">workplace</a> must take all reasonable to ensure that <a href="#">plant</a> is used only for the purpose for which it was designed and all health and safety features and warning devices are used in accordance with the instructions and information provided with the plant.</li> <li>• <b>Alterations to plant -</b> <a href="#">persons with management or control of plant</a> at a <a href="#">workplace</a> must, <a href="#">SFARP</a>, prevent alterations to or interference with the <a href="#">plant</a> that are not authorised.</li> <li>• <b>Inspecting plant -</b> <a href="#">persons with management or control of plant</a> at a <a href="#">workplace</a> must ensure that inspection of the <a href="#">plant</a> is conducted by a competent person, in accordance with the manufacturer's recommendations if any, or where no manufacturer's recommendations, in accordance with the recommendations of a competent person, or if it is not reasonably practicable, annually.</li> <li>• <b>Maintaining plant –</b> <a href="#">persons with management or control of plant</a> at a <a href="#">workplace</a> must ensure that maintenance, inspection, and if necessary testing is carried out in accordance with the manufacturer's recommendations, if any, or where no manufacturer's recommendations, in accordance with the recommendations of a competent person, or if not reasonably practicable, annually.</li> <li>• <b>Storing plant -</b> <a href="#">persons with management or control of plant</a> at a <a href="#">workplace</a> must ensure <a href="#">SFARP</a> that when <a href="#">plant</a> is not in use it is stored so that it does not create a risk to <a href="#">workers</a> or other people</li> </ul>
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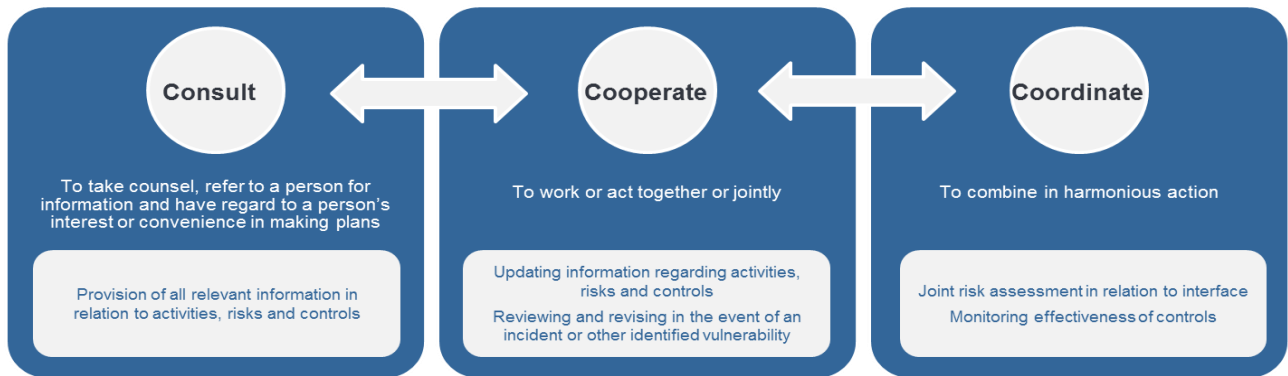


		<p>in the <a href="#">workplace</a>.</p> <ul style="list-style-type: none"> <li>• <b>Decommissioning, dismantling and disposing of plant</b> – <a href="#">persons with management or control of plant</a> at a <a href="#">workplace</a> must ensure that <a href="#">plant</a> is decommissioned or dismantled, by a competent person who has been provided with the available information for eliminating or minimising risks to health and safety and that the process for the decommissioning or dismantling of the <a href="#">plant</a> includes inspections that ensure <a href="#">SFARP</a>, that risks associated with the activities are monitored.</li> </ul>
<p><b>Hazardous chemicals</b> Ch 7 WHS Regulations</p>		<p>See <a href="#">below</a>.</p>
<p><b>Asbestos</b> Ch 8 WHS Regulations</p>		<p>See <a href="#">below</a>.</p>
<p><b>Major Hazard Facilities</b> Ch 9 WHS Regulations</p>		<p>See <a href="#">below</a>.</p>

Example
<p>CS Energy has a number of ladders used for access to its fixed plant. In order to meet its technical obligations to manage the risk of a person falling from one level to another, CS Energy must assess the condition of its ladders to ensure that they have compliant angles, platforms and fall prevention devices such as chains and guardrails. To manage the risk of falling generally, CS Energy must also consider whether or not such access work can be eliminated (e.g. by use of replacement technology for inspection work).</p>

WARNING
<p> The obligations in relation to technical obligations are prescriptive. Advice should be sought when undertaking any technical activities.</p>

**4 Consultation and Representation**

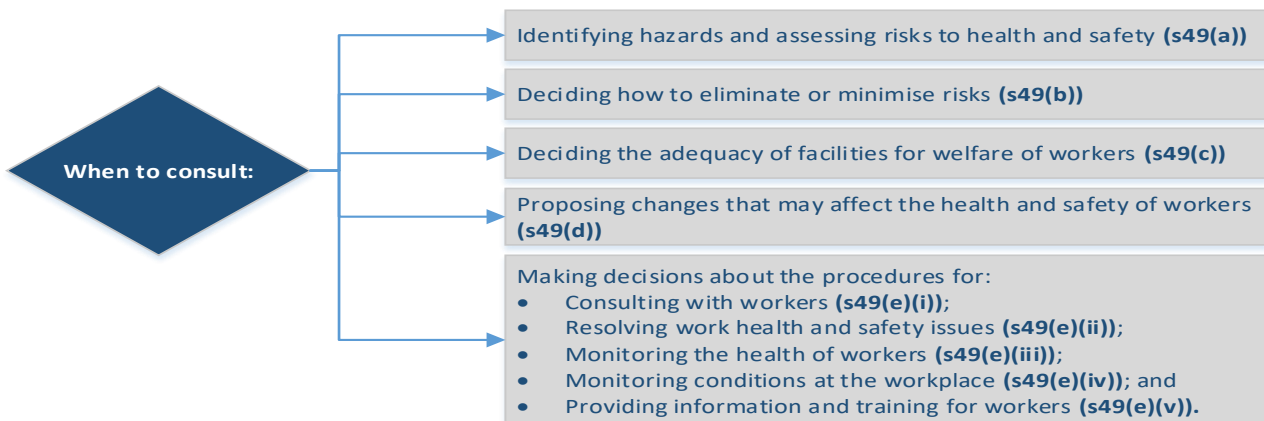


**4.1 Horizontal and Vertical Consultation, Coordination and Cooperation**

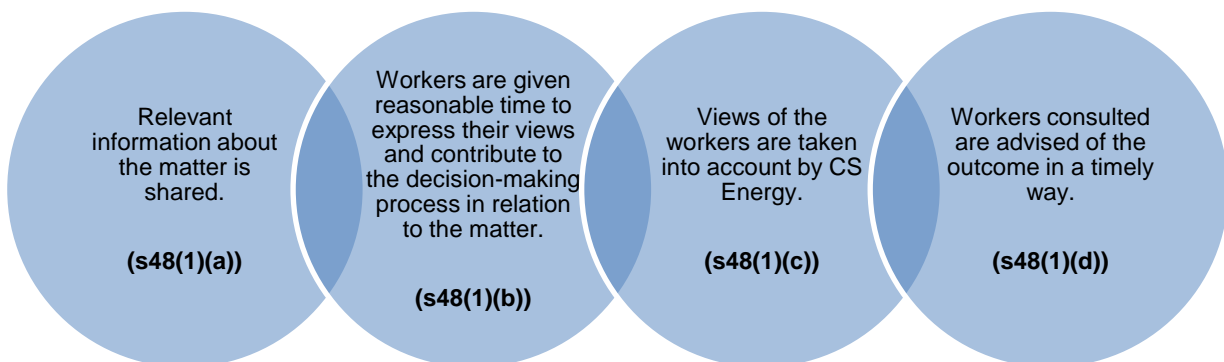
4.1.1 The [WHS Act](#) (Part 5) imposes a number of duties on [PCBUs](#), including CS Energy, to consult horizontally and vertically. CS Energy must [SFARP](#) consult:

- (a) Horizontally – i.e. with other [duty holders](#) such as other [PCBUs](#) (s.46); and
- (b) Vertically – i.e. with [workers](#) who are likely to be directly affected by a matter relating to work health and safety (s.47).

4.1.2 Consultation with workers is required in a number of circumstances (s.49):



4.1.3 Vertical consultation with [workers](#) requires that:



4.1.4 Horizontal consultation, cooperation and coordination with concurrent [Duty Holders](#) requires:

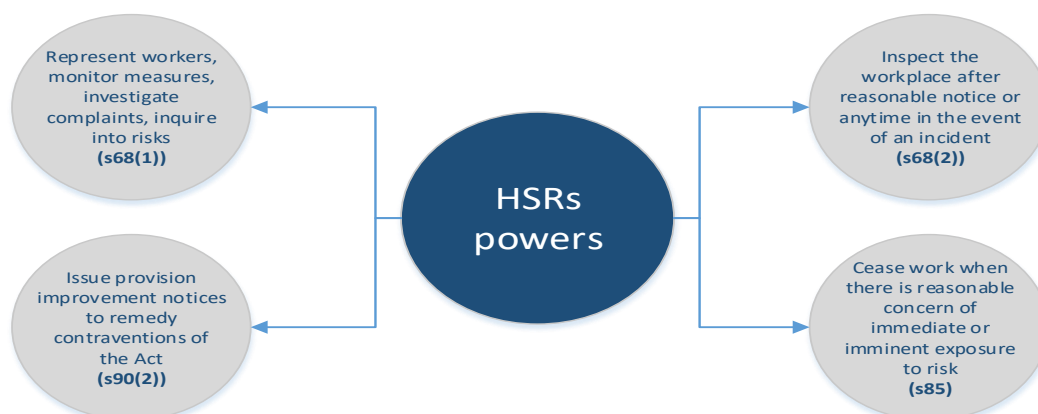
CCC Activity	What is required?
Consultation	<ul style="list-style-type: none"> <li>• Consultation with other <a href="#">duty holders</a> includes sharing information and consulting about:                             <ul style="list-style-type: none"> <li>○ what each <a href="#">duty holder</a> will be doing, how, when and where and what <a href="#">plant</a>, <a href="#">substance</a> or <a href="#">structure</a> may be used;</li> <li>○ who has control or influence over aspects of the work or the environment in which the work is being undertaken;</li> <li>○ ways in which the activities of each <a href="#">duty holder</a> may affect the work environment;</li> <li>○ ways in which the activities of each <a href="#">duty holder</a> may affect what others do;</li> <li>○ identifying the workers that are or will be involved in the activity and who else may be affected by the activity;</li> <li>○ what procedures or arrangements may be in place for the consultation and representation of workers, and for issue resolution;</li> <li>○ what information may be needed by another <a href="#">duty holder</a> for health and safety purposes;</li> <li>○ what each <a href="#">duty holder</a> knows about the hazards and risks associated with their activity;</li> <li>○ whether the activities of others may introduce or increase hazards or risks;</li> <li>○ what each <a href="#">duty holder</a> will be providing for health and safety, particularly for controlling risks; and</li> <li>○ what further consultation or communication may be required to monitor health and safety, environmental controls or to identify any changes in the work or environment.</li> </ul> </li> </ul>
Coordination	<ul style="list-style-type: none"> <li>• Co-ordination requires <a href="#">duty holders</a> to work together so that each person can meet their duty of care effectively and without leaving any gaps in health and safety protection. <a href="#">PCBUs</a> including CS Energy must plan and organise activities together with other <a href="#">duty holders</a>.</li> <li>• Co-ordination includes making sure that control measures put in place work effectively together to control the risks. This may include the scheduling of work activities so that each <a href="#">duty holder</a> carries out their work separately. It may require work to be arranged in a way that will allow for necessary precautions to be in place or pre-conditions met before particular work is done.</li> </ul>
Cooperation	<ul style="list-style-type: none"> <li>• Co-operation may involve implementing arrangements in accordance with any agreements reached during consultation with the other duty holders. It may involve not acting in a way that compromises what they are doing for health and safety management. It also means that you should not ignore any approaches from other <a href="#">PCBU</a>'s seeking to consult.</li> </ul>

Example
<p>CS Energy wishes to arrange for a cleaning contractor to do some cleaning in a warehouse. At the same time it has a fire services contractor completing some cable installations in the area. CS Energy is obliged to consult, coordinate and cooperate with both the cleaner and the electrical</p>

contractor to ensure that the interface between their work activities is clear and that all risks that they can jointly influence are identified and controlled. In this case this means asking the cleaners to delay the start of their works in one area until the electrical works are complete.

## 4.2 Health and Safety Representatives (HSR)

- 4.2.1 Under the [WHS Act](#) (Part 5, Division 3) CS Energy must facilitate, upon request, the election of HSRs (s 50).
- 4.2.2 Where a request is made for the election of health and safety steps, certain procedural steps must be followed (ss.51-59).
- 4.2.3 Once elected, the [PCBU](#) must provide the regulator with a list of all HSRs (including deputy HSRs) for each work group at the [PCBU](#) (s.74 (b)). A copy of the up-to-date list must be displayed in a way that is readily accessible at the principal place of business and any other appropriate workplace (s. 74(c)).
- 4.2.4 [PCBUs](#) must ensure that all HSRs undergo training for the role within six months of being elected. Refresher training is then mandatory at three year intervals (s. 72).
- 4.2.5 HSRs hold a number of powers:



- 4.2.6 These powers are, however, subject to a number of conditions (ss.68 (2), 85 (2) and 90 (3)-(5), [WHS Act](#)). For example, inspection of a [workplace](#) or any part of a [workplace](#) may only occur after giving reasonable notice or, in the absence of notice, when an incident occurs or a situation arises involving a serious risk to health and safety from an immediate or imminent exposure to a hazard.

## 4.3 Health and Safety Committees (HSC)

- 4.3.1 Similar obligations (Part 5, Division 4, [WHS Act](#) ) exist in relation to a request to facilitate the establishment of HSCs. HSCs are constituted by agreement between CS Energy and [workers](#) and are intended to facilitate cooperation on matters of work health and safety, including the development and implementation of measures to ensure health and safety and rules and procedures.
- 4.3.2 The membership must include:
- If there is a HSR and the representative consents – the representative; and
  - If there is a [WHSO](#) at the workplace – the officer (s. 76(2)).

#### 4.4 Issue Resolution

4.4.1 The [WHS Act](#) (Part 5, Division 5) imposes an obligation on CS Energy to participate in an issue resolution process if a matter about work health and safety arises at a [workplace](#) and the matter is not resolved after discussion between the parties to the issue. The process must be followed such that the parties to the issue must participate in resolution discussions in good faith. Ultimately the dispute process results in the referral of issues to an inspector if they cannot be resolved.

#### 4.5 Work health and safety disputes

4.5.1 The [WHS Act](#) (Part 5, Division 7A) expands the jurisdiction of the Queensland Industrial Relations Commission (**QIRC**) to hear and determine the following categories of disputes:

- (a) access to information by a HSR;
- (b) requests for assistance by a HSR;
- (c) a WHS issue resolution process; and
- (d) cessation of work matters.

4.5.2 Disputes will not be able to be lodged with the QIRC until 24 hours after an inspector has been requested to assist with resolving a dispute and it remains unsolved (s. 102B, [WHS Act](#)).

4.5.3 The QIRC may decide not to deal with a dispute about a WHS matter if notice of the dispute was not given (as required by the [WHS Act](#)) or the QIRC considers the WHS matter frivolous, vexatious, misconceived or lacking in substance (s. 102E(1), [WHS Act](#)).

#### 4.6 Fair Treatment

4.6.1 A person must not engage in discriminatory conduct for a prohibited reason (s.104, [WHS Act](#)). Discriminatory conduct occurs where a person dismisses a worker, terminates a contract for services, or alters the position of a worker to the worker's detriment. (s.105, [WHS Act](#) )

4.6.2 Prohibited reasons are broadly defined to include where a person undertakes or proposes to undertake a role under the [WHS Act](#), raises or proposes to raise a concern about work health and safety, or exercises powers under the [WHS Act](#), or otherwise assists or provides information to persons exercising powers under the [WHS Act](#) (s.106).

4.6.3 However, an offence is only committed where the dominant reason for the action was discriminatory conduct (s.104).

#### Example

Bob Brown is a CS Energy employee who is aware of a hazard at site. Bob Brown reports this matter to his manager at CS Energy but also decides to notify the Regulator of his concern. CS Energy must not initiate disciplinary action against Bob Brown because he has notified the Regulator of his concerns about a hazard. This does not mean that Bob Brown cannot be the subject of disciplinary action if there are other unrelated reasons to initiate it.

**WARNING**



There are a number of other laws that impose obligations upon CS Energy in relation to discriminatory conduct. These include the *Fair Work Act* for example, which prohibits the taking of adverse action because a person has a workplace right or may make a complaint in relation to their employment. This manual is no substitute for HR or legal advice.

**4.7 Unions**

4.7.1 Under the [WHS Act](#), Part 7 (ss.116 – 151) Workplace health and safety entry permit holders (such as union officials with valid permits) may enter a [workplace](#) to consult and advise about safety matters and / or to investigate a suspected or actual contravention of the [WHS Act](#). This part of the [WHS Act](#) applies together with the *Fair Work Act 2009 (Cth)*.

4.7.2 CS Energy has an obligation to co-operate with the entry permit holder in their enquiries when they are exercising valid powers for a valid reason and is not permitted to unduly disrupt, hinder or delay entry to an entry permit holder. Conduct of this nature may attract a civil penalty. See ss.144-145 for the penalties.

4.7.3 The following table sets out the powers to enter to consult:

Requirements on permit holder	Permit holder's rights to consult and advise	Not included in rights
<p><b>Must:</b></p> <ul style="list-style-type: none"> <li>- (14 days to 24 hours' notice) give between 24 hours and 14 days written notice (with prescribed details) during usual working hours</li> <li>- (When and where) be exercised:                             <ul style="list-style-type: none"> <li>- during usual working hours</li> <li>- in the area of the workplace where the relevant workers work, or</li> <li>- any other work area that directly affects the health or safety of those workers.</li> </ul> </li> <li>- (Permits required):                             <ul style="list-style-type: none"> <li>- hold both a WHS right of entry permit and a right of entry permit under the Fair Work Act</li> <li>- have WHS entry permit and photographic identification available for inspection by any person on request</li> </ul> </li> <li>- (Reasonable requests) comply with a reasonable request by the relevant PCBU to comply with any WHS or other legislated requirement.</li> </ul>	<p><b>On entry, can:</b></p> <ul style="list-style-type: none"> <li>- (Consultation) consult on WHS matters with relevant worker(s) who <b>wish</b> to participate in those discussions</li> <li>- (Advise) provide advice on those WHS matters to the relevant worker(s) who <b>wish</b> to participate in those discussions</li> <li>- (Warning) warn any person where there is a reasonable believe they are exposed to a serious risk to health or safety emanating from an immediate or imminent exposure to a hazard, of that risk.</li> </ul> <p><b>Does not have to:</b></p> <ul style="list-style-type: none"> <li>- (Disclosure) disclose the name of any worker at the workplace - if choses to do so, may only do so with the worker's consent</li> </ul>	<p><b>Cannot:</b></p> <ul style="list-style-type: none"> <li>- enter any part of a workplace that is used only for residential purposes</li> <li>- intentionally and unreasonably delay, hinder or obstruct any person or disrupt work (but note separate rights of individuals and WHS Reps in relation to stopping work)</li> <li>- engage in any conduct that sits outside the permit holder's right to consult and advise</li> </ul> <p><b>PCBU can request permit holder:</b></p> <ul style="list-style-type: none"> <li>- attend site induction</li> <li>- wear appropriate PPE</li> <li>- be escorted and monitored (escort cannot listen to discussions between permit holder and workers)</li> <li>- take a particular route to the relevant area of the workplace</li> </ul>

- 4.7.4 Under section 141A, an inspector may make a determination about whether the the WHS entry permit holder has a valid right of entry or has complied with the notice requirements.
- 4.7.5 The QIRC may deal with a dispute about the exercise or purported exercise by the WHS entry permit holder of a right of entry under the [WHS Act](#). The QIRC can deal with the dispute any way it thinks fit (including mediation, conciliation or arbitration (s. 142, [WHS Act](#))).
- 4.7.6 The following table sets out the powers to enter to investigate a suspected contravention:

Requirements on permit holder	Permit holder's rights to inquire	Not included in rights
<p><b>Must:</b></p> <ul style="list-style-type: none"> <li>– <b>(Suspicion)</b> have a reasonable suspicion before entering the workplace that the contravention has occurred or is occurring</li> <li>– <b>(When and where)</b> be exercised: <ul style="list-style-type: none"> <li>– during usual working hours</li> <li>– in the area of the workplace where the relevant workers work</li> <li>– any other work area that directly affects the health or safety of those workers</li> </ul> </li> <li>– <b>(Permits required):</b> <ul style="list-style-type: none"> <li>– hold both a WHS right of entry permit and a right of entry permit under the Fair Work Act</li> <li>– have WHS entry permit and photographic identification available for inspection by any person on request</li> </ul> </li> <li>– <b>(Notice of entry)</b> (as soon as reasonably practicable after entering) give prescribed notice of the entry and the suspected contravention, unless this would defeat the purpose of the entry or unreasonably delay the permit holder in an urgent case</li> <li>– <b>(Reasonable requests)</b> comply with a reasonable request by the relevant PCBU to comply with any WHS or other legislated requirement that applies to the workplace</li> </ul>	<p><b>On entry, can:</b></p> <ul style="list-style-type: none"> <li>– <b>(Inspection)</b> inspect any work system, plant, substance, structure or other thing</li> <li>– <b>(Consultation)</b> <ul style="list-style-type: none"> <li>– consult with relevant workers</li> <li>– consult with the relevant PCBU</li> </ul> </li> <li>– <b>(Documents)</b> <ul style="list-style-type: none"> <li>– require the relevant PCBU to allow inspection (and make copies) of relevant documents kept at the workplace or accessible from a computer at the workplace</li> <li>– on the giving of 24 hours' notice, enter to inspect employee records or information held by another person</li> </ul> </li> <li>– <b>(Warning)</b> warn any person where there is a reasonable belief they are exposed to a serious risk to health or safety emanating from an immediate or imminent exposure to a hazard, of that risk</li> <li>– <i>these rights are only in relation to the suspected contravention</i></li> </ul> <p><b>Does not have to:</b></p> <ul style="list-style-type: none"> <li>– <b>(Prior notice)</b> prior to entry give particulars of the suspected contravention</li> <li>– <b>(Disclosure)</b> disclose the name of any worker at the workplace - if chooses to do so, may only do so with the worker's consent</li> </ul>	<p><b>Cannot:</b></p> <ul style="list-style-type: none"> <li>– enter any part of a workplace that is used only for residential purposes</li> <li>– intentionally and unreasonably delay, hinder or obstruct any person or disrupt work (but note separate rights of individuals and WHS Reps in relation to stopping work)</li> <li>– engage in any conduct that sits outside the permit holder's right to inquire</li> <li>– (arguably) take photographs or make a film</li> <li>– take samples for testing</li> <li>– use or disclose information or a document obtained as part of his or her inquiry except for specified reasons</li> </ul> <p><b>PCBU can request permit holder:</b></p> <ul style="list-style-type: none"> <li>– attend site induction</li> <li>– wear appropriate PPE</li> <li>– be escorted and monitored (escort cannot listen to discussions between permit holder and workers)</li> <li>– take a particular route to the relevant area of the workplace</li> </ul>

### Example

James Jack is a union organiser and holds a WHS Entry Permit. He wants to attend the CS Energy workplace for the purpose of consulting with relevant workers who wish to meet with him. James Jack must participate in site inductions and comply with fitness for work requirements before exercising his right of entry.

## 4.8 Work Health and Safety Officers ([WHSO](#))

- 4.8.1 From 1 July 2018, the [WHS Act](#) reintroduces the role of the [WHSO](#), as existed under the repealed *Workplace Health & Safety Act 1995* (Qld). The requirement to appoint a [WHSO](#) is optional. The appointment of a [WHSO](#) does not affect any duty or obligation owed by the [PCBU](#). However, the appointment of a [WHSO](#) (or the election of a HSR) can be admissible in

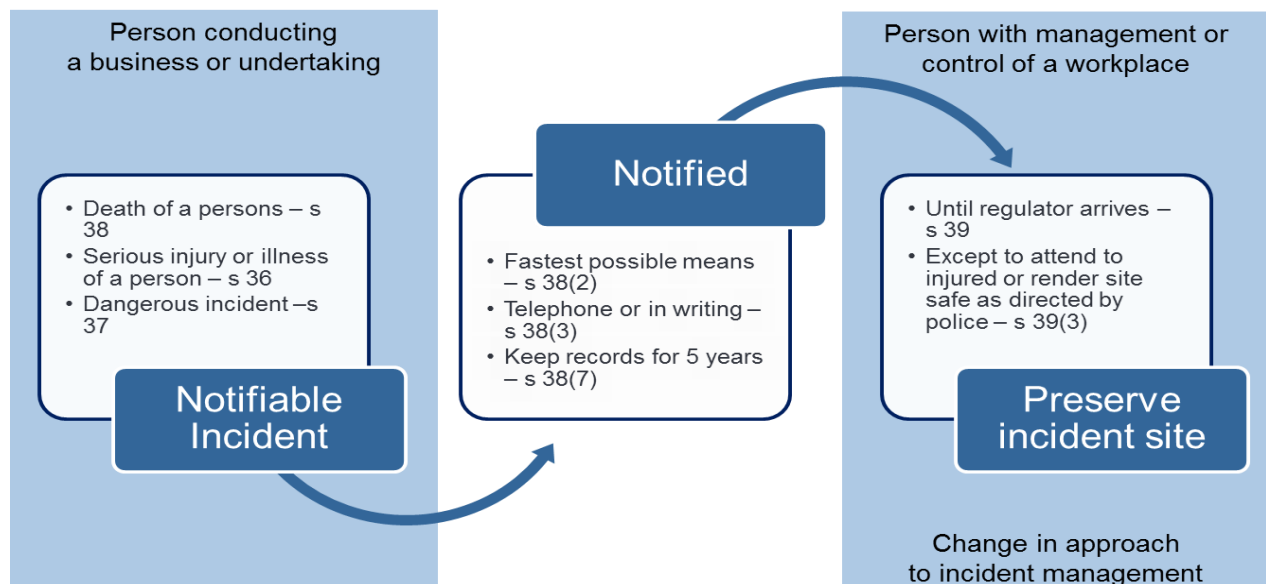
any proceedings as evidence of whether or not a duty or obligation was complied with (s. 273A, [WHS Act](#)).

4.8.2 Specifically, a [PCBU](#) may appoint, as a [WHSO](#), a person who holds a certificate of authority for appointment as a [WHSO](#) (Part 5A, [WHS Act](#)).

4.8.3 The general functions of a [WHSO](#) include:

- (a) notifying the [PCBU](#) about WHS matters;
- (b) identifying hazards and risks to health and safety in the workplace and reporting them to the PCBU;
- (c) notifying the PCBU about any incident or immediate risks to health and safety;
- (d) investigating incidents;
- (e) accompanying and assisting an inspector during inspections; and
- (f) establishing WHS training programs on WHS matters.

## 5 WHS Incident Response



### 5.1 Duty to Notify of Notifiable Incidents (s.38 )

5.1.1 A [PCBU](#) is required to notify Work Health and Safety Queensland (the Regulator) immediately after becoming aware of a [notifiable incident](#) arising out of the [PCBU's](#) operations.

5.1.2 A [notifiable incident](#) is:

- (a) a death;
- (b) a [serious injury or illness](#); or
- (c) a [dangerous incident](#).

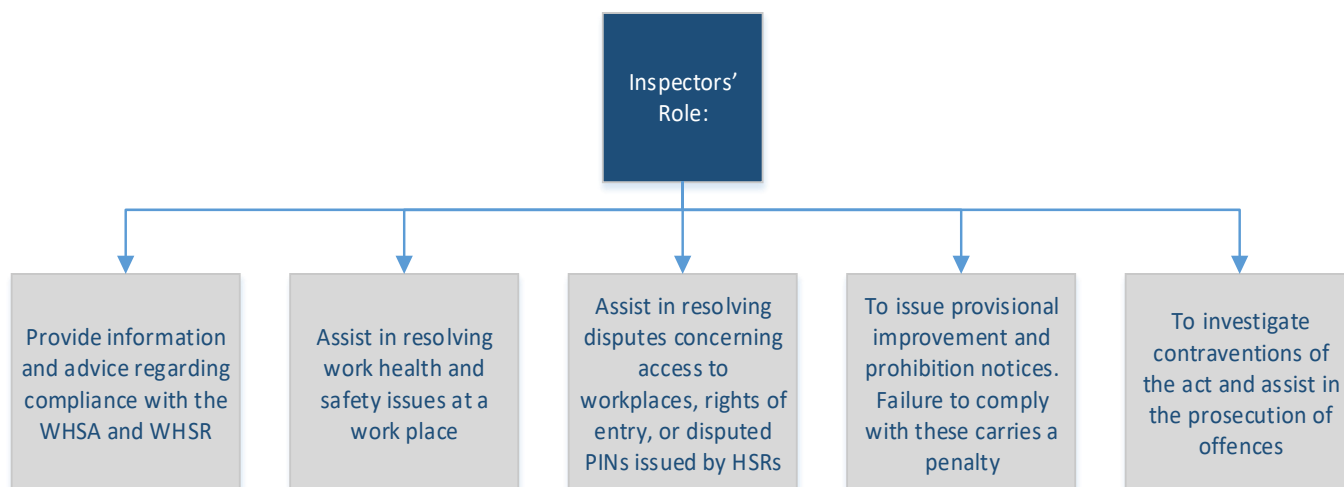


- 5.1.3 Notification must be given by the fastest possible means. That can be either by telephone or in writing (fax, email or other electronic means). A notification can be made via the following link: <https://ols.workcoverqld.com.au/ols/public/incident/registration.wc>
  - 5.1.4 If notice is initially given by telephone, the [PCBU](#) must, if required by the Regulator, give written notice within 48 hours of such requirement.
  - 5.1.5 A record of each [notifiable incident](#) must be kept for at least 5 years from the day notice of the incident is given to the Regulator.
- 5.2 **Duty to Preserve Incident Sites (s.39, [WHS Act](#) )**
- 5.2.1 Where CS Energy has management or control of a [workplace](#) at which a [notifiable incident](#) has occurred, it must ensure, [SFARP](#), that the site of the incident is not disturbed until an Inspector arrives or at any early time as directed by an inspector.
  - 5.2.2 This does not prevent any action to assist an injured person, remove a deceased person, to make the site safe or to minimise the risk of a further [notifiable incident](#), is associated with a police investigation or for which an Inspector or Regulator has granted permission (s.39 (3), [WHS Act](#)).

## 6 Regulators and Enforcement

### 6.1 Inspectors (Part 9 [WHS Act](#))

- 6.1.1 The Regulator may appoint inspectors. Their powers are broad and include the abilities to enter workplaces, seize documents or things related to contraventions, apply for search warrants, and adjudicate various health and safety disputes (ss.156 – 160, [WHS Act](#)).



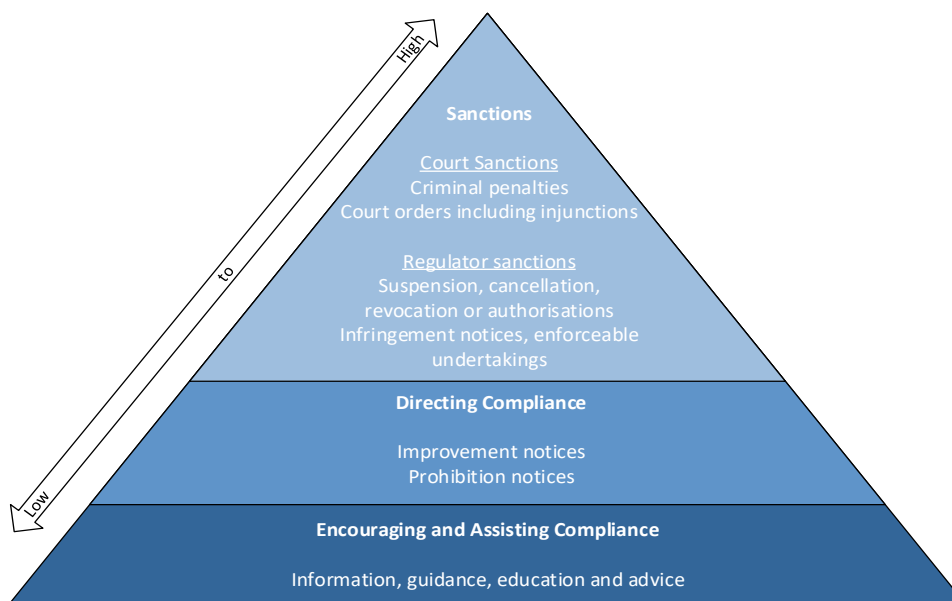
- 6.1.2 Penalties apply for obstructing Inspectors in the exercise of their powers. However it is also wise to ensure that care is taken to limit Inspectors to the exercise of their lawful powers, to avoid compromising your personal rights or those of CS Energy. Key tips for dealing with inspectors include the following:
  - (a) Information should not be provided 'voluntarily' to an Inspector as it may be a breach of privacy or confidentiality obligations to do so and additionally the information provided voluntarily may be used against you in court. You should instead ask the Inspector to exercise their compulsory powers, as a corporate governance requirement.
  - (b) If an Inspector exercises their powers to have you answer questions then they must give you a 'warning' about your rights. Even if you are concerned that the information provided

may tend to incriminate you it may then have to be provided, although it cannot be used against you in court (unless it is false).

- (c) Information subject to a claim of 'legal professional privilege' does not have to be provided. If information exists for the purpose of seeking legal advice or preparing for anticipated litigation you should refer this request to your legal counsel.
- (d) It is better to limit answers to the facts that you personally know and to avoid speculation or guessing. You should always ask the Inspector to clarify any requests either in writing or clearly.
- (e) You can ask for time out for a break or to seek further medical or legal advice in any dealings with an Inspector. You are also entitled to have a representative or support person with you during any interviews.
- (f) Separate to the power of Inspectors, the Regulator may also make requests for information (s.155 WHS Act). Such a notice must be served in writing and you should seek advice from legal counsel if such a notice is received.

## 6.2 Enforcement Powers

- 6.2.1 The Regulator is responsible for monitoring and enforcing compliance with the [WHS Act](#) and [WHS Regulations](#), ranging from low level assistance to high level criminal penalties. These include:




- 6.2.2 Inspectors may issue improvement or prohibition notices requiring perceived compliance issues to be addressed or remedied. They may also issue non-disturbance notices requiring the preservation, or cessation of work at a site at which a notifiable incident occurred (ss.191-201, [WHS Act](#)). As acceptance of a notice received may constitute an 'admission' of a contravention of the [WHS Act](#), advice should be sought from legal counsel if any notices are received.
- 6.2.3 The Regulator or an Inspector on the authority of the Regulator may instigate prosecutions for breaches of the [WHS Act](#). This does not limit the broader ability of the Director of Public Prosecutions to also instigate prosecutions under the [WHS Act](#) (s.230, [WHS Act](#)).
- 6.2.4 The Regulator may accept a workplace health and safety undertaking as an alternative to prosecution where appropriate, with the exception of a category 1 offence, a category 2 offence

resulting in an individual's death or an offence relating to industrial manslaughter (s. 34, [WHS Act](#)). A court order compelling compliance with the undertaking may be applied for if it is breached (Part 11, [WHS Act](#)).

### 6.3 WHS Prosecutors

6.3.1 At a date to be fixed by proclamation under the *Work Health and Safety and Other Legislation Amendment Act 2017* (Qld), there will be an independent statutory office established for WHS prosecutions which will be headed by the [WHS Prosecutor](#), to be appointed by the Governor in Council (schedule 2, part 4, [WHS Act](#)). The [WHS Prosecutor](#) is appointed with the functions to conduct and defend court or tribunal proceedings. The [WHS Prosecutor](#) will also be able to advise the Regulator on matters relating to the [WHS Act](#) and exercise all functions in relation to WHS prosecutions.

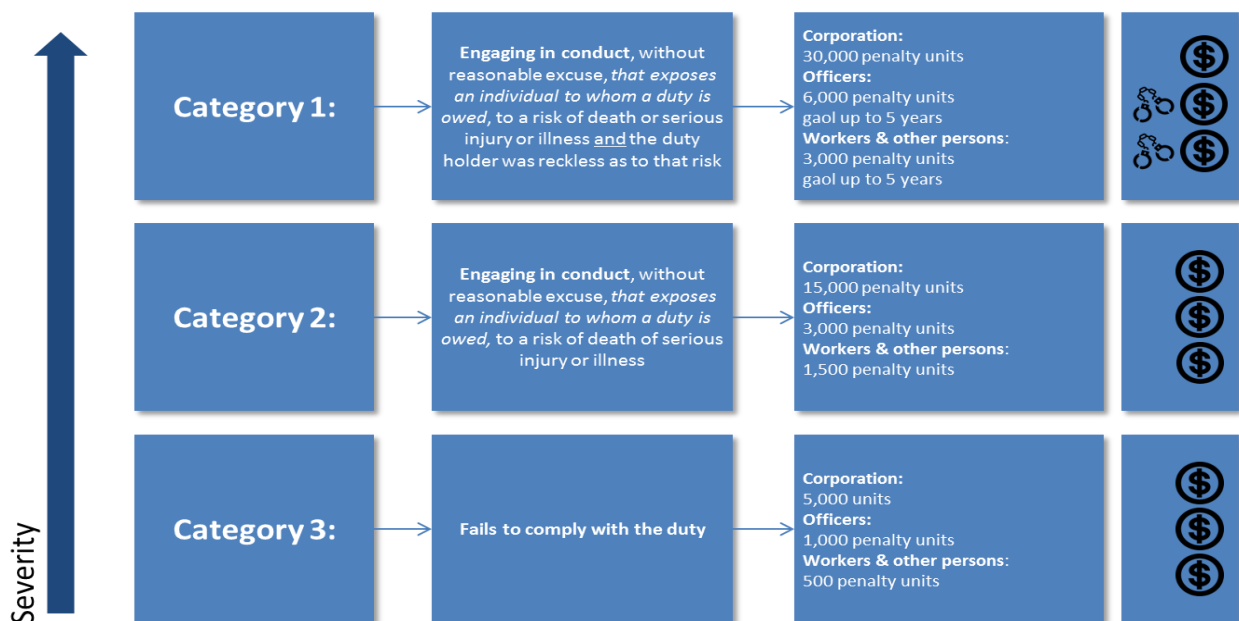
**WARNING**

 The powers of the Regulator and Inspectors are prescriptive and wide-ranging. Advice should be sought when dealing with the Regulator or an Inspector to ensure the processes and duties prescribed under the [WHS Act](#) and [WHS Regulations](#) are complied with.

## 7 Penalties

7.1.1 The key work health and safety duties relevant to CS Energy are explained above. It is an offence to fail to comply with those obligations.

7.1.2 The table below sets out the maximum penalties for failing to comply with a health and safety duty under the [WHS Act](#) (i.e. the Primary Duty of a [PCBU](#) or any of the other health and safety duties of [PCBU's](#))



7.1.3 Apart from the health and safety duties, in relation to all of the other obligations imposed under the [WHS Act](#) there are many offences imposed. The Table below sets out other maximum penalties that may apply for other breaches of the [WHS Act](#). These are set out in [penalty units](#).

## 7.2 Industrial Manslaughter

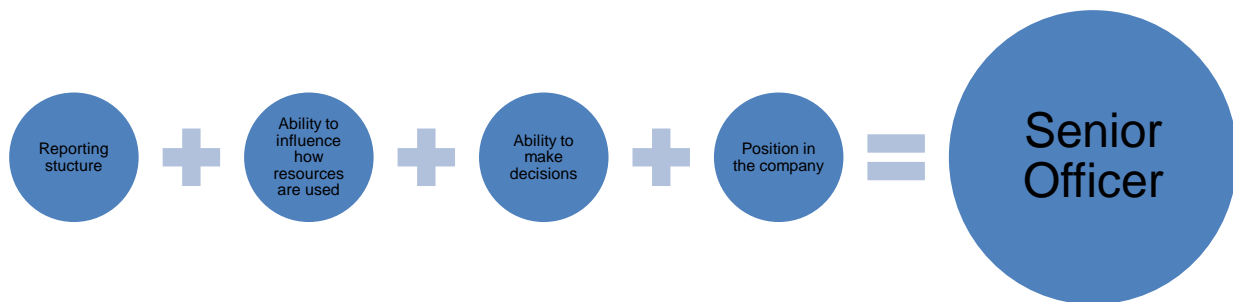
- 7.2.1 In addition, it is an offence for a [PCBU](#), or a [Senior Officer](#), to negligently cause the death of a worker (ss. 34C, 34D, [WHS Act](#)). This offence applies if:
- a worker dies, or is injured and later dies, in the course of carrying out work for the business or undertaking (including during a work break);
  - the [PCBU](#)'s, or [Senior Officer](#)'s, conduct cause the death of the worker; and
  - the [PCBU](#), or [Senior Officer](#), is negligent about causing the death of the worker.

### WARNING



Where a PCBU, or [Senior Officer](#), commits industrial manslaughter, a maximum penalty of 20 years imprisonment for an individual, or 100,000 penalty points for a body corporate applies.

- 7.2.2 In determining whether you are a [Senior Officer](#) for the purposes of the industrial manslaughter offence, you should have regard to your level of influence, control and ability to make decisions with respect to (amongst other things) the management of risks, how money will be spent, how resources are used and what procedures are necessary:



- 7.2.3 Examples of [Senior Officers](#) may include:

- a director or secretary of a corporation;
- Chief Executive Officers, Chief Financial Officers or Chief Operations Officers;
- General Counsel; and
- General Managers.

- 7.2.4 A person is **not** a [Senior Officer](#) if they provide advice to decision makers or if they are involved in the administration of the business process.

- 7.2.5 The existing standard for criminal negligence applies to the industrial manslaughter offences. This means that a [PCBU](#) or [Senior Officer](#) will be found negligent where their conduct departs from the standard of care expected to avoid danger to life, health and safety, and the conduct substantially contributed to the fatality.

- 7.2.6 All defences in the Queensland Criminal Code (**QCC**) can be used to defend a charge of industrial manslaughter, except for the defence in section 23 which relates to the defence of an individual's act or omission being an 'accident'. Examples of such defences include ignorance of the law (s. 22 QCC), mistake of fact (s. 24), extraordinary emergencies (s. 25) or insanity (s. 27).

### WARNING



The table below sets out all of the offences that may apply under the [WHS Act](#). There may be additional and separate penalties that apply for breaches of specific [WHS Regulations](#) also.

WHS Act reference	Offence	Maximum Penalty
<b>Offences about Incidents</b>		
s. 34C, 34D	Industrial manslaughter: a person's conduct causes the death of a worker and the person is negligent about causing the death	For an individual: 20 years imprisonment For a body corporate: 100,000 <a href="#">penalty units</a>
s.38	Failure to notify <a href="#">notifiable incidents</a>	<a href="#">PCBU</a> : 100 <a href="#">penalty units</a> .
s.38	Failure to keep records of <a href="#">notifiable incidents</a>	<a href="#">PCBU</a> : 50 <a href="#">penalty units</a> .
s.39	Failure to preserve incident sites	Person with management or control of a workplace: 100 <a href="#">penalty units</a> .
<b>Offences about Authorisations and Permits</b>		
s.41	Failure to authorise a <a href="#">workplace</a> which requires authorisation	<a href="#">PCBU</a> : 500 <a href="#">penalty units</a> .
s.42	Failure to authorise <a href="#">plant</a> or <a href="#">substance</a> which requires authorisation	Any <i>Person</i> who uses the <a href="#">plant</a> or <a href="#">substance</a> : 200 <a href="#">penalty units</a> . <a href="#">PCBU</a> who directs use: 200 <a href="#">penalty units</a> .
s.43	Failure to authorise work which requires authorisation	Any <i>Person</i> who performs work: 200 <a href="#">penalty units</a> . <a href="#">PCBU</a> who directs work to be undertaken: 200 <a href="#">penalty units</a> .
s.44	Failing to have prescribed qualifications or experience	<i>Person</i> who performs work without prescribed qualifications or experience: 200 <a href="#">penalty units</a> . <a href="#">PCBU</a> who directs work to be undertaken: 200 <a href="#">penalty units</a> .
s.45	Failure to comply with conditions of authorisation	<a href="#">PCBU</a> : 200 <a href="#">penalty units</a> .
<b>Offences about Consultation and Participation</b>		
s.46	Failure to consult with other duty holders	<a href="#">PCBU</a> : 200 <a href="#">penalty units</a> .
s.47	Failure to consult with workers	<a href="#">PCBU</a> : 200 <a href="#">penalty units</a> .
s.52	Failure to negotiate for agreement for work group	<a href="#">PCBU</a> : 100 <a href="#">penalty units</a> .
s.53	Failure to notify workers of outcome of negotiations	<a href="#">PCBU</a> : 20 <a href="#">penalty units</a> .

WHS Act reference	Offence	Maximum Penalty
s.56	Failure to negotiate with workers' representative	PCBU: 100 <a href="#">penalty units</a> .
s.57	Failure to provide notice to <a href="#">workers</a>	PCBU: 20 <a href="#">penalty units</a> .
s.61	Failure to provide resources, facilities and assistance reasonably necessary for election of HSRs	PCBU: 100 <a href="#">penalty units</a> .
s.70	Failure of general obligations of <a href="#">PCBU</a> to HSRs	PCBU: 100 <a href="#">penalty units</a> .
s.71	Failure to protect personal or medical information of <a href="#">workers</a>	PCBU: 100 <a href="#">penalty units</a> .
s.72	Failure to train Health and Safety Representatives	PCBU: 100 <a href="#">penalty units</a> .
s.74	Failure to provide list of Health and Safety Representatives	PCBU: 20 <a href="#">penalty units</a> .
s.75	Failure to establish a Health and Safety Committee when requested	PCBU: 50 <a href="#">penalty units</a> .
s.79	Failure to comply with obligations to a Health and Safety Committee	PCBU: 100 <a href="#">penalty units</a> .
s.97	Failure to display a Provisional Improvement Notice	PCBU: 500 <a href="#">penalty units</a> .
s.97A	Failure to provide a Provisional Improvement Notice to regulator	PCBU: 50 <a href="#">penalty units</a>
s.99	Contravening a Provisional Improvement Notice	PCBU: 500 <a href="#">penalty units</a> .
s. 102C	Contravention of an order made by the QIRC for prompt settlement of a dispute	PCBU: 100 <a href="#">penalty units</a>
s.103F	Failure for the <a href="#">PCBU</a> to meet the general obligations to a <a href="#">WHSO</a> Note: This commences on 1 July 2018.	PCBU: 50 <a href="#">penalty units</a>
s. 103I	Failure of the <a href="#">PCBU</a> to display an up-to-date list of each <a href="#">WHSO</a> for the business or undertaking Note: This commences on 1 July 2018.	PCBU: 40 <a href="#">penalty units</a>
s.104	Engaging in discriminatory conduct for a prohibited reason	PCBU: 1000 <a href="#">penalty units</a> .
s.107	Requesting, instructing, inducing, encouraging, authorising or assisting another person engaging in discriminatory conduct	PCBU: 1000 <a href="#">penalty units</a> .
s.108	Coercing or inducing a person to use, refrain from using, exercise or refrain from exercising a health and safety related power or right.	PCBU: 1000 <a href="#">penalty units</a> .
s.109	Knowingly or recklessly making a false or misleading statement to another person about that person's rights, obligations, or abilities to initiate or participate in the processes, proceedings or complaints initiated under the <a href="#">WHS Act</a>	PCBU: 1000 <a href="#">penalty units</a> .
<b>Offences about Inspectors and Regulators</b>		
s.171	Failure to produce documents and answer Inspector's questions	100 <a href="#">penalty units</a> .

WHS Act reference	Offence	Maximum Penalty
s.177	Failure to permit seizure of a thing by Inspector	100 <a href="#">penalty units</a> .
s.188	Hindering or obstructing an Inspector	100 <a href="#">penalty units</a> .
s.189	Impersonating an Inspector	100 <a href="#">penalty units</a> .
s.190	Assaulting, threatening or intimidating an Inspector	500 <a href="#">penalty units</a> or 2 years imprisonment.
s.193	Failure to comply with improvement notice issued by Inspector	500 <a href="#">penalty units</a> .
s.197	Failure to comply with prohibition notice issued by Inspector	1000 <a href="#">penalty units</a> .
s.200	Failure to comply with non-disturbance notice issued by Inspector	500 <a href="#">penalty units</a> .
s.201	Failure to display notices issued by Inspector	500 <a href="#">penalty units</a> .
s.219	Contravening a WHS undertaking	500 <a href="#">penalty units</a> .
s.242	Failure to comply, without reasonable excuse, with an order made by a court regarding a WHS undertaking	500 <a href="#">penalty units</a> .
s.268	Giving false or misleading information in course of complying with the <a href="#">WHS Act</a>	100 <a href="#">penalty units</a> .
s.268	Supplying a false or misleading document in course of complying with the <a href="#">WHS Act</a>	100 <a href="#">penalty units</a> .
s.271	Disclosing or allowing access to confidential information (if received as an exercise of power under the WHS Act)	100 <a href="#">penalty units</a> .
s.273	Charging levies or fees on <a href="#">workers</a> for WHS	50 <a href="#">penalty units</a> .

### Example

CS Energy has been issued with an improvement notice by an Inspector. It requires that all workers be retrained in the operation of forklifts before operating any forklifts in a warehouse. Rather than retraining workers within the time specified, CS Energy plans a retraining program for the following year, and continues operations. CS Energy may be exposed to conviction for an offence and a penalty under s.193 of the [WHS Act](#).

### Last Amendment

*Work Health and Safety Act 2011* (includes amendments up to 13 November 2017, Act No. 38 of 2017)

*Work Health and Safety Regulation 2011* (includes amendments up to 1 July 2017, SL No. 115 of 2017).



## CHAPTER 2 – CONFINED SPACES

### 1 Introduction

#### 1.1 Applicable Legislation

##### Legislation

[WHS Regulation 2011, Part 4.3](#)

##### Codes of Practice

Currently in Queensland, there are two specific Codes of Practice related to Confined Spaces is the [Confined Spaces Code of Practice 2011](#), other Codes of Practice may be relevant, see [Annexure – Codes of Practice Work Health and Safety](#).

##### Regulator

Confined spaces are regulated by the Regulator under the WHS Act. See [above](#).

### 2 Confined spaces obligations

- 2.1.1 Entry to a [confined space](#) can pose a serious risk to health and safety due to lack of oxygen or atmospheric contaminants, and entry is therefore specifically regulated. A [confined space](#) includes places such as those in a vat, tank, pit, pipe, duct, flue, chimney, silo, container, pressure vessel, underground sewer, wet or dry well, shaft, trench, tunnel or other similar enclosed or partially enclosed structure, when these spaces meet the definition of a [confined space](#).
- 2.1.2 Entry into a [confined space](#) must not occur unless the criteria set out in Part 4.3 Division 3 of the [WHS Regulations](#) are first met.
- 2.1.3 The [Confined Spaces Code of Practice 2011](#) provides comprehensive guidance on:
- how to identify confined spaces;
  - how to identify hazards and risks associated with confined spaces; and
  - how to guard against those risks.



2.1.4 The Key obligations in relation to [confined spaces](#) are outlined below:

Subject matter	What is the obligation (in summary)?
<p><b>Designer, manufacturer, importer or supplier of the plant or structure</b> <i>s.64, WHS Regulations</i></p>	<p>A designer, manufacturer, importer or supplier of the <a href="#">plant</a> or <a href="#">structure</a>, and a person who installs or constructs the <a href="#">plant</a> or <a href="#">structure</a>, that includes a space that is, or is intended to be a <a href="#">confined space</a>, must ensure <a href="#">SFARP</a></p> <ul style="list-style-type: none"> <li>• the need for any person to enter a <a href="#">confined space</a> and the risk of a person inadvertently entering a <a href="#">confined space</a> are eliminated; or</li> <li>• where not reasonably practicable to eliminate, the need or risk is minimised; and</li> <li>• the space is designed with a safe means of entry and exit; and</li> <li>• the risk to the health and safety of any person who enters the space is eliminated or if not reasonably practicable is minimised <a href="#">SFARP</a>.</li> </ul>
<p><b>PCBU</b> <i>s.65, WHS Regulation</i></p>	<p>A <a href="#">PCBU</a> must ensure, <a href="#">SFARP</a>, that a <a href="#">worker</a> does not enter a <a href="#">confined space</a> before part 4.3 division 3 has been complied with in relation to that space.</p>
<p><b>Manage risk</b> <i>s.66, WHS Regulation</i></p>	<p>A <a href="#">PCBU</a> must ensure that a risk assessment is conducted by competent person, is in writing and includes:</p> <ul style="list-style-type: none"> <li>• whether the work can be carried out without the need to enter the confined space; and</li> <li>• the nature of the <a href="#">confined space</a>; and</li> <li>• if the hazard is associated with the concentration of oxygen or the concentration of airborne contaminants—any change that may occur in that concentration; and</li> <li>• the work required to be carried out in the <a href="#">confined space</a>; and</li> <li>• the type of emergency procedures including rescue, required.</li> </ul> <p>The <a href="#">PCBU</a> must also ensure that the risk assessment is reviewed and as necessary revised by a competent person to reflect any review and revision of control measures.</p>
<p><b>Permit</b> <i>s.67, WHS Regulation</i></p>	<p>A <a href="#">PCBU</a> must ensure that a <a href="#">worker</a> has a <a href="#">confined space entry permit</a> for the work before entering the confined space. The permit must:</p> <ul style="list-style-type: none"> <li>• be completed by a competent person; and</li> <li>• be in writing; and</li> <li>• state the following— <ul style="list-style-type: none"> <li>○ the confined space to which the permit relates;</li> <li>○ the names of persons permitted to enter the <a href="#">confined space</a>;</li> <li>○ the period of time during which the work in the <a href="#">confined space</a> will be carried out;</li> <li>○ measures to control risk associated with the proposed work in the <a href="#">confined space</a> which must: <ul style="list-style-type: none"> <li>▪ be based on the risk assessment conducted; and</li> <li>▪ include the <ul style="list-style-type: none"> <li>• control measures to be implemented for safe entry; and</li> <li>• details of the system of work;</li> </ul> </li> </ul> </li> </ul> </li> <li>• contain space for an acknowledgement that work in the <a href="#">confined space</a> has been completed and that all persons have left the <a href="#">confined space</a>.</li> </ul>

Subject matter	What is the obligation (in summary)?
<b>Signage</b> <i>s.68, WHS Regulation</i>	A <a href="#">PCBU</a> must erect signage which: <ul style="list-style-type: none"> <li>identifies the <a href="#">confined space</a>; and</li> <li>informs <a href="#">workers</a> that they must not enter the space unless they have a <a href="#">confined space entry permit</a>; and</li> <li>be clear and prominently located next to each entry to the <a href="#">confined space</a>.</li> </ul>
<b>Communication and Safety Monitoring</b> <i>s.69, WHS Regulation</i>	A <a href="#">PCBU</a> must ensure that a <a href="#">worker</a> does not enter a <a href="#">confined space</a> to carry out work unless the <a href="#">PCBU</a> provides a system of work that includes: <ul style="list-style-type: none"> <li>continuous communication with the <a href="#">worker</a> from outside the space; and</li> <li>monitoring of conditions within the space by a standby person who is in the vicinity of the space and, if practicable, observing the work being carried out.</li> </ul>
<b>Specific controls</b> <i>ss.70 – 73, WHS Regulation</i>	A <a href="#">PCBU</a> must ensure, <a href="#">SFARP</a> : <ul style="list-style-type: none"> <li>to eliminate or minimise the risks resulting from the introduction of any substance or condition into the space, from or by any plant or services connected to the space including energisation to a <a href="#">confined space</a>;</li> <li>that purging or ventilation of any contaminant in the atmosphere of the space is carried out</li> <li>the atmosphere of the space is at a safe oxygen level; and</li> <li>that an ignition source is not introduced into a confined space (from outside or within the space) if there is a possibility of the ignition source causing a fire or explosion in the space.</li> </ul>
<b>Emergency Procedures</b> <i>s.74, WHS Regulation</i>	A <a href="#">PCBU</a> must establish and practice as necessary first aid and rescue procedures to be followed in the event of an emergency in a <a href="#">confined space</a> .
<b>Personal Protective Equipment in Emergencies</b> <i>s.75, WHS Regulation</i>	A <a href="#">PCBU</a> must ensure that air supplied respiratory equipment is available for use by, and is provided to, the worker in an emergency in which there is a serious risk of the atmosphere in the space becoming affected.
<b>Information, training and instruction</b> <i>s.76, WHS Regulation</i>	A <a href="#">PCBU</a> must ensure workers who could enter a <a href="#">confined space</a> or carry out any function in relation to a <a href="#">confined space</a> are provided with suitable and adequate information, training and instruction.

Example
<p>CS Energy needs to arrange for inspection of refractory bricking inside a confined space. CS Energy is able to arrange for the inspection to be done by remote camera rather than by having a person enter the confined space, as this is the best way to eliminate the risk according to the hierarchy of controls.</p>

**WARNING**



The obligations in relation to the [confined spaces](#) are prescriptive. Advice should be sought when undertaking any activities in relation to [confined spaces](#) to ensure the processes and duties prescribed under the [WHS Act](#) and [WHS Regulations](#) are complied with.

**3 Penalties**

WHS Regulation reference	Offence	Penalty
s. 65	Failure of a <a href="#">PCBU</a> to ensure, <a href="#">SFARP</a> , that a worker does not enter a confined space before part 4.3, division 3 has been complied with in relation to that space.	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.66 (2)	Failure of a <a href="#">PCBU</a> to ensure that a risk assessment is conducted by a competent person for the purpose of managing the risks to health and safety associated with a <a href="#">confined space</a> at a workplace including risks associated with entering, working in, on or in the vicinity of the confined space (including a risk of a person inadvertently entering the confined space).	<a href="#">PCBU</a> : 36 <a href="#">penalty units</a> .
s.66 (3)	Failure of a <a href="#">PCBU</a> to ensure that the risk assessment conducted is recorded in writing.	<i>Individual</i> : 12 ½ <a href="#">penalty units</a> <i>Corporation</i> : 60 <a href="#">penalty units</a>
s.66 (5)	Failure of a <a href="#">PCBU</a> to ensure that the risk assessment that is reviewed and as necessary revised by a competent person to reflect any review and revision of control measures	<a href="#">PCBU</a> : 36 <a href="#">penalty units</a> .
s.67 (1)	A <a href="#">PCBU</a> at a <a href="#">workplace</a> directs a <a href="#">worker</a> to enter a <a href="#">confined space</a> to carry out work without a <a href="#">confined space entry permit</a> for the work.	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.67(4)	Failure of a <a href="#">PCBU</a> to ensure that, when the work for which the entry permit was issued is completed all <a href="#">workers</a> leave the <a href="#">confined space</a> .	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.68	Failure of a <a href="#">PCBU</a> to ensure that appropriate signage is erected.	<a href="#">PCBU</a> : 36 <a href="#">penalty units</a> .
s.69	Failure of a <a href="#">PCBU</a> to ensure that a <a href="#">worker</a> does not enter a <a href="#">confined space</a> to carry out work unless the person provides a system of work with the required details.	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.70	Failure of a <a href="#">PCBU</a> to, <a href="#">SFARP</a> , eliminate or minimise any risk associated with work in a <a href="#">confined space</a> and the: <ul style="list-style-type: none"> <li>• introduction of any substance or condition into the space from or by any plant or services connected to the space;</li> <li>• activation or energising in any way of any plant or services connected to the space.</li> </ul>	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.71	Failure of a <a href="#">PCBU</a> to ensure:	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .

WHS Regulation reference	Offence	Penalty
	<ul style="list-style-type: none"> <li>that purging or ventilation of any contaminant in the atmosphere of the space is carried out, <a href="#">SFARP</a>;</li> <li>pure oxygen or gas mixtures with oxygen in a concentration exceeding 21% by volume are not used for purging or ventilation of any airborne contaminant in the space; and</li> <li>the atmosphere of the space has a safe oxygen level.</li> </ul>	
s.72	Failure of a <a href="#">PCBU</a> to ensure, <a href="#">SFARP</a> , that while work is being carried out in a <a href="#">confined space</a> , the concentration of any flammable gas, vapour or mist in the atmosphere of the space is less than 5% of its LEL.	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.73	Failure of a <a href="#">PCBU</a> to ensure that an ignition source is not introduced into a <a href="#">confined space</a> (from outside or within the space) if there is a possibility of the ignition source causing a fire or explosion in the space.	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.74	Failure of a <a href="#">PCBU</a> to: <ul style="list-style-type: none"> <li>establish and practice first aid and rescue procedures to be followed in the event of an emergency in a <a href="#">confined space</a>; and</li> <li>ensure that first aid and rescue procedures are initiated from outside the <a href="#">confined space</a> as soon as practicable in an emergency.</li> <li>ensure the entry and exit openings of the confined space are large enough to allow emergency access, are not obstructed and emergency equipment is in working order.</li> </ul>	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.75	Failure of a <a href="#">PCBU</a> to ensure that air supplied respiratory equipment is available for use by, and is provided to, the worker in an emergency in which there is a serious risk of the atmosphere in the space becoming affected.  Failure of a <a href="#">PCBU</a> to ensure that suitable personal protective equipment is available for use by, and is provided to, the worker in an emergency.	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.76 (1)	Failure of a <a href="#">PCBU</a> to provide information, training and instruction in relation to: <ul style="list-style-type: none"> <li>the nature of all hazards relating to a confined space;</li> <li>the need for, and the appropriate use of, control measures;</li> <li>the selection, fit, use, wearing, testing, storage and maintenance of any personal protective equipment;</li> <li>the contents of any <a href="#">confined space entry permit</a> that may be issued in relation to work carried out by the worker in a confined space;</li> <li>emergency procedures.</li> </ul>	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.76 (2)	Failure of a <a href="#">PCBU</a> to keep a record of all training provided to a worker for 2 years.	<i>Individual</i> : 12 ½ <a href="#">penalty units</a> <i>Corporation</i> : 60 <a href="#">penalty</a>

WHS Regulation reference	Offence	Penalty
		<a href="#">units</a>
s.77	Failure of a <a href="#">PCBU</a> to keep: <ul style="list-style-type: none"> <li>• a copy of the risk assessment until at least 28 days after the work to which it relates is completed or 2 years after a <a href="#">notifiable incident</a> occurs; and</li> <li>• a copy of the <a href="#">confined space entry permit</a> at least until the work to which it relates is completed or 2 years after <a href="#">notifiable incident</a> occurs.</li> </ul>	<i>Individual:</i> 12 ½ <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
s.77 (5)	Failure of a <a href="#">PCBU</a> to keep the assessment or permit a copy is available to any relevant worker on request for 28 days after completion or 2 years after a <a href="#">notifiable incident</a> .	<a href="#">PCBU:</a> 36 <a href="#">penalty units</a> .

**Last Amendment**

*Work Health and Safety Act 2011* (includes amendments up to 13 November 2017, Act No. 38 of 2017 )

*Work Health and Safety Regulation 2011* (includes amendments up to 1 July 2017, SL No. 115 of 2017).



## CHAPTER 3 – CONSTRUCTION WORK

### 1 Introduction

#### 1.1 Applicable Legislation

##### Legislation

[WHS Regulation 2011](#)

##### Codes of Practice

At present there is no Code of Practice that specifically applies to [construction work](#) carried out in Queensland. There are however a number of Codes of Practice that address common hazards that arise on a construction site these have been included in the [Annexure – Codes of Practice Work Health and Safety](#).

SafeWork Australia Model Code of Practice for Construction Work does provide guidance:

<http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/construction-work>

See [Annexure – Codes of Practice Work Health and Safety](#) that may have relevance to construction work.

##### Regulator

Construction work is regulated by the Regulator under the WHS Act. See [above](#).

### 2 Construction work obligations

#### 2.1 Outline

2.1.1 Under the [WHS Regulations](#) (Chapter 6) there are many obligations which apply specifically to [construction work](#) in addition to the other health and safety duties under the [WHS Act](#) and the other obligations in the [WHS Regulations](#).

2.1.2 [Construction work](#) is very broadly defined in the [WHS Regulations](#), so that it includes not only the erection of structures but also refurbishments and even many general maintenance activities on [structures](#). [Structures](#) are also very broadly defined so as to include some unusual structures like plant, pipelines, towers, underground works and excavations and even includes essential services in relation to structures.

2.1.3 It is important to note however that there are some specific circumstances where Chapter 6 does not apply to [plant](#). These are noted in the definition of [structure](#) and effectively carve out work on some [plant](#) (plant which is not a ship or submarine, pipe or pipeline, underground tank or designed or used to provide support, access or containment during work in connection with construction


work) and on fixed plant on which outage or overhaul work is being done unless it involves work being carried out by 5 or more [PCBU's](#) at any one time.

2.1.4 The key obligations can be summarised as follows.

Subject matter	What is the obligation (in summary)?
Duty of PCBU to 'manage' risks	<a href="#">PCBU</a> must 'manage' the risks associated with the carrying out of <a href="#">construction work</a> . This means to apply the risk management process to reduce risk <a href="#">SFARP</a> according to the hierarchy of control as set out in Part 3.1 of the <a href="#">WHS Regulations</a> as was explained above in this manual under the heading <a href="#">managing risks</a> (s.297, <a href="#">WHS Regulations</a> ).
Duty to manage security of workplace	<a href="#">Person with management or control of a workplace</a> must ensure <a href="#">SFARP</a> the <a href="#">workplace</a> is secured from unauthorised access (s.298, <a href="#">WHS Regulations</a> ).
Safe Work Method Statements for high risk construction work	<a href="#">Safe Work Method Statements (SWMS)</a> must be prepared for <a href="#">high risk construction work</a> . The duties to prepare them fall generally upon the <a href="#">PCBU</a> carrying out the work (s.299, <a href="#">WHS Regulations</a> ) and that person also must ensure the compliance with them (s300, <a href="#">WHS Regulations</a> ) but the obligation to collect and review them also falls on the <a href="#">principal contractor</a> (ss.301,302, 303, <a href="#">WHS Regulations</a> )
Excavation work	Specific obligations apply to the management of <a href="#">excavation work</a> particularly requiring the identification and management of underground essential services (s.304, <a href="#">WHS Regulations</a> ) and the duty to 'manage' the risks associated with excavation work. This means to apply the risk management process to reduce risk <a href="#">SFARP</a> according to the hierarchy of control as set out in Part 3.1 of the <a href="#">WHS Regulations</a> as was explained above in this manual under the heading <a href="#">managing risks</a> . Specific obligations also apply for trenches (s.306, <a href="#">WHS Regulations</a> ).
Falls (including scaffolding)	Specific obligations apply to the risk of falling persons and objects (Chapter 6.3, Division 4, <a href="#">WHS Regulations</a> ). These include prescriptive requirements for fall prevention (including protection and restraint as well as barricades and edge protection). Use of ladders and work platforms is also regulated as is scaffolding.
Principal contractor obligations	<p>For <a href="#">construction projects</a> which have a value of more than \$250,000 there are particular obligations which fall upon the <a href="#">principal contractor</a>. That will be the client CS Energy, unless it ensures that another party is validly appointed in writing to take <a href="#">management and control of the workplace</a> and to perform the obligations of <a href="#">principal contractor</a>.</p> <p>The <a href="#">principal contractor</a> obligations include:</p> <ul style="list-style-type: none"> <li>• signage identifying <a href="#">principal contractor</a> (s.308, <a href="#">WHS Regulations</a>);</li> <li>• preparation of a <a href="#">WHS Management Plan</a> for the project (includes site rules) (s.309, <a href="#">WHS Regulations</a>);</li> <li>• duty to inform all persons of that plan before they commence (s.310, <a href="#">WHS Regulations</a>);</li> <li>• duty to review – must remain up-to-date (s.311, <a href="#">WHS Regulations</a>);</li> <li>• must obtain the <a href="#">SWMS</a> before <a href="#">high risk construction work</a> commence (s.312, <a href="#">WHS Regulations</a>);</li> <li>• obligations to put in place arrangements for ensuring compliance at the <a href="#">workplace</a> with the requirements regarding (ss.314 and 315, <a href="#">WHS Regulations</a>): <ul style="list-style-type: none"> <li>○ facilities;</li> </ul> </li> </ul>

Subject matter	What is the obligation (in summary)?
	<ul style="list-style-type: none"> <li>○ first aid;</li> <li>○ emergency plans;</li> <li>○ personal protective equipment (PPE);</li> <li>○ airborne contaminants;</li> <li>○ hazardous atmospheres;</li> <li>○ storage of substances;</li> <li>○ falling objects;</li> <li>○ falls;</li> <li>○ construction materials and waste;</li> <li>○ storage of plant;</li> <li>○ traffic; and</li> <li>○ essential services.</li> </ul>
<b>Inductions and training</b>	<p><a href="#">Workers</a> must be provided with specific construction inductions and training (ss.315 – 327, <a href="#">WHS Regulations</a>). <a href="#">Workers</a> also have personal obligations to have available construction cards and certifications.</p>

Example
<p>CS Energy is planning to do some major refurbishment work on a structure which requires the erection of scaffolding. Under the WHS Regulations it must ensure that the scaffolding is constructed according to a scaffold plan by competent scaffolders who are prevented from falling by an appropriate control measures such as using a fall arrest harness system under the WHS Regulations s.306P. A Safe Work Method Statement must also be prepared for the erection of scaffolding as this is High Risk Construction work because it involves a risk of a person falling more than 2 metres.</p>

WARNING
<p> There can only be one principal contractor for each <a href="#">construction project</a> at any one time. However, CS Energy may appoint two or more principal contractors under the same program of works where:</p> <ul style="list-style-type: none"> <li>- there are two or more construction projects within the meaning of <a href="#">WHS Regulations</a> – that is, each involves a contract for construction work valued at \$250,000 or more; and</li> <li>- the workplaces associated with each construction project are defined as separate and distinct.</li> </ul> <p>Further advice is recommended.</p>

## 2.2 Demolition Work

2.2.1 Under the [WHS Regulations](#) (Part 4.6) there are many obligations which apply specifically to [demolition work](#) in addition to the other health and safety duties under the [WHS Act](#) and the other obligations in the [WHS Regulations](#).

2.2.2 [Demolition work](#) includes work to demolish or dismantle a [structure](#), or part of a structure that is load-bearing or otherwise related to the physical integrity of the [structure](#). The demolition of an element of a [structure](#) that is load-bearing or otherwise related to the physical integrity of the



[structure](#) is '[high risk construction work](#)'. A [SWMS](#) must be prepared before the high risk construction work starts.

2.2.3 The [Demolition Work Code of Practice 2013](#) provides guidance on:

- (a) how to plan [demolition work](#);
- (b) how to control the risks in [demolition work](#); and
- (c) different demolition methods.

2.2.4 The key obligations can be summarised as follows:

Subject matter	What is the obligation (in summary)?
Provide notice	<p>Written notice must be given to the regulator at least 5 days prior to commencing <a href="#">demolition work</a> which involves:</p> <ul style="list-style-type: none"> <li>• demolition of a <a href="#">structure</a>, or a part of a <a href="#">structure</a> that is load-bearing or otherwise related to the physical integrity of the <a href="#">structure</a>, that is at least 6 metres in height</li> <li>• demolition work involving load shifting machinery on a suspended floor, and</li> <li>• demolition work involving explosives (s.144, <a href="#">WHS Regulations</a>).</li> </ul>
Asbestos register	<p>Prior to commencing any <a href="#">demolition work</a> a copy of the <a href="#">Asbestos Register</a> for the <a href="#">workplace</a> must be obtained.</p> <p>Where there is no <a href="#">Asbestos Register</a> work must not be carried out until the <a href="#">structure</a> or <a href="#">plant</a> has been inspected to determine whether <a href="#">asbestos</a> or <a href="#">Asbestos Containing Materials (ACM)</a> are fixed to or installed in the <a href="#">structure</a> or <a href="#">plant</a>.</p>
Licence to carry out demolition work	<p>A PCBU that commissions <a href="#">demolition work</a> to be carried out at a workplace must hold a licence to carry out <a href="#">demolition work</a>. A person must not carry out, or direct or allow, <a href="#">demolition work</a> to be carried out without holding a licence to carry out <a href="#">demolition work</a> (s.143, <a href="#">WHS Regulations</a>).</p> <p>Duties of the licensee:</p> <ul style="list-style-type: none"> <li>• nominate a competent person as a supervisor of <a href="#">demolition work</a>;</li> <li>• ensure that a person is nominated to supervise the <a href="#">demolition work</a> is readily available to a <a href="#">worker</a> (s.144, <a href="#">WHS Regulations</a>);</li> <li>• the <a href="#">demolition work</a> is carried out safely and competently (s.144, <a href="#">WHS Regulations</a>);</li> </ul> <p>The Regulator may impose conditions on a licence including:</p> <ul style="list-style-type: none"> <li>• control measures that must be implemented in relation to the carrying out of work or activities under the licence;</li> <li>• the recording or keeping of information;</li> <li>• requiring the licence holder to undertake training and instruction or obtain information;</li> <li>• the provision of information to the regulator;</li> <li>• the nature of work or activities authorised by the licence;</li> <li>• the circumstances in which work or activities authorised by the licence may be carried out (s.144L, <a href="#">WHS Regulations</a>).</li> </ul>

**3 Penalties**

WHS Regulations reference	Offence	Penalty
<b>Duties of designer of structure and person who commissions construction work</b>		
s.294	Failure by a <a href="#">PCBU</a> who commissions <a href="#">construction work</a> to, <a href="#">SFARP</a> , consult with the designer about how to ensure that risks to health and safety arising from the design are eliminated or minimised.	<i>Individual:</i> 12 ½ <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
s.295	Failure of a designer to give the <a href="#">PCBU</a> who commissioned the design a written report that specifies the hazards relating to the design of the structure that create a risk to persons who are to carry out any <a href="#">construction work</a> and are associated only with the particular design and not with other designs of the same type of <a href="#">structure</a> .	<i>Individual:</i> 12 ½ <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
s.295	Failure of a <a href="#">PCBU</a> who commissioned a <a href="#">construction project</a> , but not the design, to take all reasonable steps to obtain a copy of the written report in relation to that design.	<i>Individual:</i> 12 ½ <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
s.296	Failure of a <a href="#">PCBU</a> that commissions a <a href="#">construction project</a> and engages a <a href="#">principal contractor</a> to give the <a href="#">principal contractor</a> any information in relation to hazards and risks at or in the vicinity of the <a href="#">workplace</a> .	<i>Individual:</i> 12 ½ <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
<b>Duties of PCBU - General</b>		
s.298	Failure of a <a href="#">Person with management of control of a workplace</a> at which <a href="#">construction work</a> is carried out to ensure, <a href="#">SFARP</a> , that the <a href="#">workplace</a> is secured from unauthorised access.	PCBU: 36 <a href="#">penalty units</a>
<b>Duties of PCBU - high risk construction work</b>		
s.299	Failure of a <a href="#">PCBU</a> , before <a href="#">high risk construction work</a> commences, to ensure there is a safe work method statement.	PCBU: 60 <a href="#">penalty units</a>
s.300	Failure of a <a href="#">PCBU</a> to ensure that <a href="#">high risk construction work</a> is carried out in accordance with the <a href="#">safe work method statement</a> for the work and arrangements are in place for compliance.	PCBU: 60 <a href="#">penalty units</a>
s.301	Failure of a <a href="#">PCBU</a> to ensure, before the <a href="#">high risk construction work</a> commences, that a copy of the <a href="#">safe work method statement</a> for the work is given to the <a href="#">principal contractor</a> .	<i>Individual:</i> 12 ½ <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
s.302	Failure of a <a href="#">PCBU</a> to ensure that a <a href="#">safe work method statement</a> is reviewed and, as necessary, revised if relevant control measures are revised.	PCBU: 36 <a href="#">penalty units</a>
s.303	Failure of a <a href="#">PCBU</a> to keep a copy of the <a href="#">safe work method statement</a> until the <a href="#">high risk construction work</a> to which it relates is completed or 2 years after a <a href="#">notifiable incident</a> occurs.	<i>Individual:</i> 12 ½ <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>

WHS Regulations reference	Offence	Penalty
s.303	Failure of a <a href="#">PCBU</a> to keep a copy of the <a href="#">safe work method statement</a> readily accessible to any <a href="#">worker</a> engaged by the person to carry out the <a href="#">high risk construction work</a> .	PCBU: 36 <a href="#">penalty units</a>
s.303	Failure of a <a href="#">PCBU</a> to ensure that a copy of the <a href="#">safe work method statement</a> is available for inspection under the <a href="#">WHS Act</a> .	<i>Individual:</i> 12 ½ <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
<b>Duties of PCBU - Excavation work</b>		
s.304 (2)	Failure of a <a href="#">PCBU</a> to take all reasonable steps to obtain current <a href="#">underground essential services information</a> about a part of a workplace where <a href="#">excavation work</a> is being carried out and any adjacent areas before directing or allowing the <a href="#">excavation work</a> to commence.	PCBU: 36 <a href="#">penalty units</a>
s.304 (3)	Failure of a <a href="#">person with management of control of a workplace</a> to provide the information obtained under s.304 (2) (WHS Regulations) to any person engaged by the person to carry out the <a href="#">excavation work</a> .	PCBU: 36 <a href="#">penalty units</a>
s.304 (4)	Failure of a <a href="#">Person with management of control of a workplace</a> or a <a href="#">PCBU</a> who is given information under s.304 (3) (WHS Regulations) to have regard to the information in carrying out or directing or allowing the carrying out of the <a href="#">excavation work</a> .	PCBU: 36 <a href="#">penalty units</a>
s.304 (5)	Failure of a <a href="#">Person with management of control of a workplace</a> to ensure the information is available until the <a href="#">excavation work</a> is completed or 2 years after a <a href="#">notifiable incident</a> .	<i>Individual:</i> 12 ½ <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
s.306 (1)	Failure of a <a href="#">PCBU</a> , who proposes to excavate a trench at least 1.5m deep must ensure, <a href="#">SFARP</a> , that the work area is secured from unauthorised access (including inadvertent entry).	PCBU: 60 <a href="#">penalty units</a>
s.306 (3)	Failure of a <a href="#">PCBU</a> to minimise the risk to any person arising from the collapse of the trench by ensuring that all sides of the trench are adequately supported by doing one or more of shoring, benching, or battering.	PCBU: 60 <a href="#">penalty units</a>
<b>Duties of PCBU – additional controls</b>		
s.306C (3)	Failure of a <a href="#">PCBU</a> , who intends to do <a href="#">construction work</a> , before the work starts to ensure <ul style="list-style-type: none"> <li>• each hazard that may result in a fall or cause death or injury if a person were to fall is identified; and</li> <li>• the risk of death or injury that may result because of the hazard is assessed; and</li> <li>• any control measures necessary to prevent, or minimise the level of, exposure to the risk are used and must comply with the <a href="#">WHS Regulations</a>.</li> </ul>	PCBU: 60 <a href="#">penalty units</a>
s.306D	Failure of a <a href="#">PCBU</a> , who intends to do <a href="#">construction work</a> must, before the work starts, to use control measures,	PCBU: 60 <a href="#">penalty units</a>

WHS Regulations reference	Offence	Penalty
	which comply with the <a href="#">WHS Regulations</a> , to: <ul style="list-style-type: none"> <li>• prevent a person falling any distance; or</li> <li>• if prevention is not practicable—                             <ul style="list-style-type: none"> <li>○ to arrest a person’s fall; and</li> <li>○ to prevent or minimise the risk of death or injury to a person when the fall is arrested.</li> </ul> </li> </ul>	
s.3011	Failure of a <a href="#">PCBU</a> to ensure there is enough distance available for a person using the system to fall to prevent the person hitting an object, the ground or another surface, other than a vertical surface.	PCBU: 60 <a href="#">penalty units</a>
s.306K	Failure of a <a href="#">PCBU</a> , that intends to perform <a href="#">construction work</a> involving a single or extension ladder to prevent the ladder being used to gain access to a place, to ensure proper use of the ladder.	PCBU: 60 <a href="#">penalty units</a>
s.306L (3)	Failure of a <a href="#">PCBU</a> to prevent a ladder being used unless <ul style="list-style-type: none"> <li>• the person using the ladder—                             <ul style="list-style-type: none"> <li>○ has at least 3 limbs holding, wrapped around or standing on the ladder in any combination; or</li> <li>○ is prevented from falling by a control measure, for example, a strap commonly known as a pole strap; or</li> <li>○ is using a fall arrest harness system that is not attached to the ladder; and</li> </ul> </li> <li>• the ladder is secured—                             <ul style="list-style-type: none"> <li>○ at or near the top to prevent it moving; or</li> <li>○ at or near the bottom to prevent it moving.</li> </ul> </li> </ul>	PCBU: 60 <a href="#">penalty units</a>
s.306L (5)	Failure of a <a href="#">PCBU</a> to ensure that a ladder used against a pole to do construction work, has a device fitted at or near the top of the ladder between its sides and helps to ensure the ladder’s stability by partly accepting the shape of the pole.	PCBU: 60 <a href="#">penalty units</a>
s.306M (1)	Failure of a <a href="#">PCBU</a> to ensure that a ladder, other than a trestle ladder, used for work— <ul style="list-style-type: none"> <li>• complies with requirements; and</li> <li>• is used only for the purpose for which it is designed; and</li> <li>• is no longer than—                             <ul style="list-style-type: none"> <li>○ for a single ladder—6.1m; or</li> <li>○ for an extension ladder used to do electrical work within the meaning of the <a href="#">ES Act</a>—9.2m; or</li> <li>○ for another extension ladder—7.5m.</li> </ul> </li> </ul>	PCBU: 60 <a href="#">penalty units</a>
ss.306M (6) - (8)	Failure of a <a href="#">PCBU</a> to ensure that—	PCBU: 60 <a href="#">penalty units</a>

WHS Regulations reference	Offence	Penalty
	<ul style="list-style-type: none"> <li>the bottom of the ladder is on a stable surface;</li> <li>the rungs of the ladder are approximately level;</li> <li>a ladder is not used to support a platform</li> <li>a ladder is placed at the correct angle</li> </ul>	
s.306N	Failure of a <a href="#">PCBU</a> to ensure, prior to work commencing that each trestle ladder must be secured to prevent it moving and edge protection is erected along the outer edge of the length of the platform	PCBU: 60 <a href="#">penalty units</a>
s.306O (3)	Failure of a <a href="#">PCBU</a> to ensure the platform has an unobstructed surface that is— <ul style="list-style-type: none"> <li>if the work is light work—at least 225mm wide along the length of the platform; or</li> <li>if the work is not light work—at least 450mm wide along the length of the platform.</li> </ul>	PCBU: 60 <a href="#">penalty units</a>
s.306O (5)	Failure of a <a href="#">PCBU</a> to ensure: <ul style="list-style-type: none"> <li>the platform has an unobstructed surface at least 450mm wide along the length of the platform; and</li> <li>the platform is not higher than 5m.</li> </ul>	PCBU: 60 <a href="#">penalty units</a>
ss.306P and 306Q	A <a href="#">PCBU</a> must not erect, or allow another person to erect, the scaffolding if— <ul style="list-style-type: none"> <li>the erection and dismantling of the scaffolding is housing construction work and a person could fall at least 3m in erecting the scaffolding; or</li> <li>the erection and dismantling of the scaffolding is not housing construction work and a person could fall at least 2m in erecting the scaffolding.</li> </ul>	PCBU: 60 <a href="#">penalty units</a>
<b>Additional duties of principal contractor</b>		
s.308	The <a href="#">principal contractor</a> for a <a href="#">construction project</a> must ensure that adequate signage is displayed.	PCBU: 36 <a href="#">penalty units</a>
s.309	The <a href="#">principal contractor</a> for a <a href="#">construction project</a> must prepare a written WHS management plan for the <a href="#">workplace</a> before work on the project commences.	PCBU: 60 <a href="#">penalty units</a>
s.310	The <a href="#">principal contractor</a> for a <a href="#">construction project</a> must ensure, <a href="#">SFARP</a> , that each person who is to carry out <a href="#">construction work</a> in connection with the project is, before commencing work, made aware of— <ul style="list-style-type: none"> <li>the content of the WHS management plan for the workplace; and</li> <li>the person's right to inspect the WHS management plan.</li> </ul>	PCBU: 36 <a href="#">penalty units</a>
s.311	The <a href="#">principal contractor</a> for a <a href="#">construction project</a> must review and, as necessary, revise the WHS management	PCBU: 36 <a href="#">penalty units</a>

WHS Regulations reference	Offence	Penalty
	plan to ensure that it remains up to date and that each person carrying out construction work in connection with the project is made aware of any revision to the WHS management plan.	
s.312	The <a href="#">principal contractor</a> for a <a href="#">construction project</a> must take all reasonable steps to obtain a copy of the safe work method statement relating to <a href="#">high risk construction work</a> before the <a href="#">high risk construction work</a> commences.	PCBU: 36 penalty units.
s.313	The <a href="#">principal contractor</a> for a <a href="#">construction project</a> must ensure that a copy of the WHS management plan for the project is kept and available for inspection until the project to which it relates is completed or 2 years after a <a href="#">notifiable incident</a> .	<i>Individual:</i> 12 ½ <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
s.313 (3)	The <a href="#">principal contractor</a> must ensure that the WHS management plan is readily accessible to any person who is to carry out <a href="#">construction work</a> in connection with the <a href="#">construction project</a> .	PCBU: 36 <a href="#">penalty units</a>
s.314	Failure of a <a href="#">principal contractor</a> for a <a href="#">construction project</a> to put in place arrangements for ensuring compliance at the workplace with the Part 3.2, Division 2 – 10 and Part 4.4 of the <a href="#">WHS Regulations</a> .	PCBU: 60 <a href="#">penalty units</a>
s.315A	Failure of a <a href="#">principal contractor</a> to ensure that an amenity is maintained in a hygienic, safe and serviceable condition, including by ensuring that there is a system for compliance.	PCBU: 60 <a href="#">penalty units</a>
s.315E	Failure of <a href="#">PCBU</a> using a control measure to ensure that it complies with the respective provision under the <a href="#">WHS Regulations</a> .	PCBU: 60 <a href="#">penalty units</a>
s.315F	Failure of <a href="#">principal contractor</a> to ensure that a relevant person identifies the proposed line along which any barricade or hoarding is required to be erected and takes the required measurements.	PCBU: 60 <a href="#">penalty units</a>
s.315G	Failure of the <a href="#">principal contractor</a> before work starts to ensure that hording is erected in accordance with the requirements.	PCBU: 60 <a href="#">penalty units</a>
<b>General construction induction training</b>		
s.316	Failure of a <a href="#">PCBU</a> to ensure that general construction induction training is provided to a <a href="#">worker</a> engaged by the person who is to carry out <a href="#">construction work</a> .	PCBU: 36 <a href="#">penalty units</a>
s.317	A <a href="#">PCBU</a> must not direct or allow a <a href="#">worker</a> to carry out <a href="#">construction work</a> unless— <ul style="list-style-type: none"> <li>the <a href="#">worker</a> has successfully completed general construction induction training; and</li> <li>if the <a href="#">worker</a> completed the training more than 2 years previously—the <a href="#">worker</a> has carried out <a href="#">construction work</a> in the preceding 2 years.</li> </ul>	PCBU: 36 <a href="#">penalty units</a>

WHS Regulations reference	Offence	Penalty
<b>Duties of workers</b>		
s.326	A <a href="#">worker</a> carrying out <a href="#">construction work</a> must keep available for inspection under the <a href="#">WHS Act</a> evidence of his or her general construction induction training.	PCBU: 36 <a href="#">penalty units</a>
s.327	A person who holds a general construction induction training card must not intentionally or recklessly alter the card.	PCBU: 36 <a href="#">penalty units</a>

**Last Amendment**

*Work Health and Safety Act 2011* (includes amendments up to 13 November 2017, Act No. 38 of 2017)

*Work Health and Safety Regulation 2011* (includes amendments up to 1 July 2017, SL No. 115 of 2017).



## CHAPTER 4 – ASBESTOS

### 1 Introduction

#### 1.1 Applicable legislation

##### Legislation

[WHS Regulation 2011, Chapter 8](#)

##### Codes of Practice/Guidelines

Currently in Queensland there are two specific Codes of Practice related to Asbestos: [How to Manage and Control Asbestos in the Workplace Code of Practice 2011](#) and [How to Safely Remove Asbestos Code of Practice 2011](#) for other Codes of Practice that may be relevant see [Annexure – Codes of Practice Work Health and Safety](#).

##### Standards

See [Annexure – Standards Work Health and Safety](#)

##### Regulator

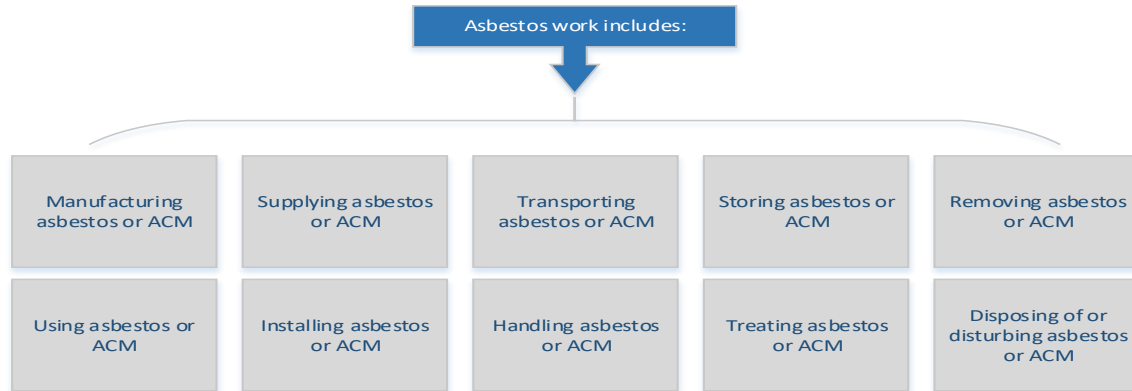
[Asbestos](#) is regulated by the Regulator under the WHS Act. See [above](#).

### 2 Asbestos obligations

#### 2.1 Prohibitions and Exceptions


- 2.1.1 A [PCBU](#) must not carry out, or allow to be carried out, [work involving asbestos](#), unless permitted under s.419 of the [WHS Regulations](#).





Activity	Obligations
<b>General duty</b>  <i>Part 8.3, WHS Regulations</i>	<p>A <a href="#">PCBU</a> must ensure, <a href="#">SFARP</a>, that</p> <ul style="list-style-type: none"> <li>exposure of a person to airborne <a href="#">asbestos</a> is eliminated or if not reasonably practicable to eliminate, minimised (s.420);</li> <li><a href="#">asbestos</a> or <a href="#">ACM</a> at the workplace is identified by a competent person (s.422). Where a material cannot be identified but a competent person reasonably believes that it is <a href="#">asbestos</a> or <a href="#">ACM</a>, a person with management of control of a workplace must assume the material is <a href="#">asbestos</a>.</li> </ul>
<b>Identification of asbestos</b>  <i>Part 8.3, WHS Regulations</i>	<p>A <a href="#">PCBU</a> has a duty to identify <a href="#">asbestos</a> in the <a href="#">workplaces</a> over which it has management or control, (s.422). Where a material cannot be identified but a competent person reasonably believes that it is <a href="#">asbestos</a> or <a href="#">ACM</a>, a PCBU must assume the material is <a href="#">asbestos</a>.</p> <p>This information must be recorded in an <a href="#">asbestos register</a>. The <a href="#">asbestos register</a> must include information which identifies whether or not there is <a href="#">asbestos</a> identified in the workplace, and if so, when it was located, as well as its location, type and condition (s.425). The <a href="#">asbestos register</a> must be reviewed and, as necessary, revised if:</p> <ul style="list-style-type: none"> <li>the asbestos management plan is review,</li> <li>further <a href="#">asbestos</a> or <a href="#">ACM</a> is identified; or</li> <li><a href="#">asbestos</a> is removed from, or disturbed, sealed or enclosed at, the <a href="#">workplace</a> (s.426).</li> </ul>
<b>Management of asbestos</b>  <i>Part 8.3, WHS Regulations</i>	<p>A <a href="#">person with management or control of the workplace</a> where <a href="#">asbestos</a> or <a href="#">ACM</a> is identified or is likely to be present must ensure that a written <a href="#">asbestos management plan</a> for the workplace is prepared, maintained and reviewed.</p> <p>An <a href="#">asbestos management plan</a> must include information relating to the following:</p> <ul style="list-style-type: none"> <li>the identification of <a href="#">asbestos</a> or <a href="#">ACM</a>; and</li> <li>decisions, and reasons for decisions, about the management <a href="#">asbestos</a> or <a href="#">ACM</a> at the <a href="#">workplace</a>;</li> <li>procedures for detailing incidents or emergencies involving <a href="#">asbestos</a> or <a href="#">ACM</a> at the <a href="#">workplace</a>;</li> </ul>

Activity	Obligations
	<ul style="list-style-type: none"> <li><a href="#">workers</a> carrying out <a href="#">work involving asbestos</a> or <a href="#">ACM</a>.</li> </ul>
<p><b>Naturally occurring asbestos</b></p> <p><i>Part 8.4, WHS Regulations</i></p>	<p>A <a href="#">person with management or control of the workplace</a> where <a href="#">naturally occurring asbestos</a> is identified or is likely to be present must ensure that a written <a href="#">asbestos management plan</a> for the workplace is prepared, maintained and reviewed in relation to the <a href="#">naturally occurring asbestos</a> .</p> <p>An <a href="#">asbestos management plan</a> must include information relating to the following:</p> <ul style="list-style-type: none"> <li>the identification of <a href="#">naturally occurring asbestos</a>; and</li> <li>decisions, and reasons for decisions, about the management of <a href="#">naturally occurring asbestos</a> at the <a href="#">workplace</a>;</li> <li>procedures for detailing incidents or emergencies involving <a href="#">naturally occurring asbestos</a> at the <a href="#">workplace</a>;</li> <li><a href="#">workers</a> carrying out work involving <a href="#">naturally occurring asbestos</a>.</li> </ul>
<p><b>Permitted activities</b></p>	<p>In some circumstances a <a href="#">PCBU</a> is permitted to undertake some limited activities in relation to <a href="#">asbestos</a>, however all activities must be undertaken in accordance with the <a href="#">WHS Regulations</a>.</p>
<p><b>Removal of Asbestos</b></p> <p><i>Part 8.7, WHS Regulations</i></p>	<p>Where CS Energy commissions the removal of <a href="#">asbestos</a>, it has a duty to ensure that the work is carried out by a licensed <a href="#">asbestos removalist</a> (s.458 (1)). This requirement does not apply if the <a href="#">asbestos</a> to be removed is 10 meters squared or less of non-friable asbestos or <a href="#">ACM</a> associated with the removal of that amount of non-friable asbestos. In this case, CS Energy must ensure that the work is carried out by a competent person who has been trained (s.458).</p> <p><a href="#">Asbestos</a> must, <a href="#">SFARP</a>, be removed prior to the demolition (s.452) or refurbishment (s.456) of a <a href="#">workplace</a>. There are various provisions relating to precautions that must be taken by <a href="#">asbestos removalist</a>. These provisions will not apply to CS Energy unless it is CS Energy's employees carrying out the <a href="#">asbestos removal work</a>.</p>

<b>WARNING</b>	
	<p>The obligations in relation to <a href="#">asbestos</a> are prescriptive. Advice should be sought when undertaking any activities in relation to <a href="#">asbestos</a> to ensure the processes and duties prescribed under the <a href="#">WHS Act</a> and <a href="#">WHS Regulations</a> are complied with.</p>

<b>Example</b>
<p>CS Energy engages contractors and permits them to occupy a building which CS Energy owns. CS Energy must ensure that an asbestos management plan is in place for the monitoring and preventative maintenance of the asbestos ceiling in the structure.</p>

### 3 Penalties

3.1.1 Note that this is not an exhaustive list of all offences related to [asbestos](#). Further offences will be relevant where applicable. Also note that identical offences for [naturally occurring asbestos](#) also exist in relation to asbestos management programs, found in Part 8.4 of the [WHS Act](#).

WHS Regulations reference	Offence	Maximum Penalty
s.419 (1)	Carrying out, or directing to carry out, work involving <a href="#">asbestos</a> where prohibited	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s420 (2)	Exceeding exposure standard for <a href="#">asbestos</a> in a <a href="#">workplace</a>	<a href="#">PCBU</a> 60 <a href="#">penalty units</a> .
s.422 (1)	Failure to have <a href="#">asbestos</a> or <a href="#">ACM</a> at the <a href="#">workplace identified by a competent person</a>	Person with management or Control of a workplace: 60 <a href="#">penalty units</a> .
ss.425 (1) and (2); 426 and 427	Failure to prepare, maintain, review or allow access to <a href="#">asbestos register</a>	Person with management or control of a workplace: 36 <a href="#">penalty units</a> .
ss.429 (2), (3), and (5); s.430 (1)	Failure to prepare, maintain, review or allow access to <a href="#">asbestos management plan</a> .	Person with management or control of a workplace: Section 429 (2) and (3): 60 <a href="#">penalty units</a> ; for Sections 429(5) and 430(1): 36 <a href="#">penalty units</a> .
s.435 (1)	Failure to provide health monitoring for <a href="#">asbestos removalist</a> .	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.445 (1)	Failure to train <a href="#">workers</a> reasonably believed to be involved in <a href="#">asbestos removal work</a> or carrying out <a href="#">asbestos removal work</a> in the identification and suitable control measures for <a href="#">asbestos</a> .	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.446 (1)	Failure to limit use of high pressure spray or compressed air equipment on <a href="#">asbestos</a> or <a href="#">ACM</a> .	<a href="#">PCBU</a> : 36 <a href="#">penalty units</a>
s.452	Failure to identify and remove <a href="#">asbestos</a> before demolition.	Person with management or control of a workplace 60 <a href="#">penalty units</a> .
s.456 (3)	Failure to identify and remove <a href="#">asbestos</a> before refurbishment.	Person with management or control of a workplace: 60 <a href="#">penalty units</a> .
Section s.458 (1)	Failure to ensure <a href="#">asbestos removalist</a> is licensed.	<a href="#">PCBU</a> : 60 <a href="#">penalty units</a> .
s.466	Failure to notify Regulator of asbestos removal.	Asbestos removalist: 60 <a href="#">penalty units</a>

**Last Amendment**

*Work Health and Safety Act 2011* (includes amendments up to 13 November 2017, Act No. 38 of 2017)  
*Work Health and Safety Regulation 2011* (includes amendments up to 1 July 2017, SL No. 115 of 2017).



## CHAPTER 5 – MAJOR HAZARD FACILITIES

### 1 Introduction

#### 1.1 Applicable Legislation

##### Legislation

[Work Health and Safety Regulation 2011 Chapter 9](#)

Schedule 15 of the [WHS Regulations](#) specifies what materials are [hazardous chemicals](#) and their respective classes. These Schedules also contain the manifest quantities of each [hazardous chemical](#).

##### Codes of Practice

See [Annexure – Codes of Practice Work Health and Safety](#).

##### Standards/Guidelines

See [Annexure – Standards Work Health and Safety](#)

##### Regulator

Major Hazard Facilities are regulated by the Regulator under the [WHS Act](#). See [above](#). In particular the Hazardous Industries Chemical Branch:

Name: Hazardous Industries Chemicals Branch, Work Health and Safety Queensland

Telephone: 07 3874 7579

Website: <https://www.worksafe.qld.gov.au/>

### WARNING



Where the hazardous [substance](#) is asbestos or lead, separate provisions apply. In the case of asbestos, provisions relating to asbestos and asbestos removal work are contained in Chapter 8 of the [WHS Regulations](#) (details are contained in the [asbestos chapter](#) of this manual). These standards may be relevant in ascertaining what is reasonably practicable as far as guarding against a risk in the [WHS Regulations](#). In the case of lead, the relevant provisions are found in Chapter 7, Part 7.2 of the [WHS Regulations](#).

1.2 **Note that currently, CS Energy's facilities do not include any major hazard facilities, however this chapter is relevant in relation to any future proposed facilities.**

1.3 **Legislative Framework**

1.3.1 Major hazard facilities legislation broadly applies to places where hazardous chemicals are kept in such quantities that major incidents could result.

1.3.2 There is a potential for significant overlap of the [WHS Act](#) and the [PGPS Act](#) on the basis of the broad definition of [operating plant](#) under the [PGPS Act](#). The [WHS Act](#) and [PGPS Act](#) may apply concurrently, except for [major hazard facilities](#) which are taken to be solely WHS regulated.<sup>3</sup> S.670 (3) of the PGPS Act provides that a facility classified as [major hazard facility](#) is only an [operating plant](#) to the extent that the [WHS Act](#) does not apply.

1.3.3 In practice this means the site will be dealt with as a [major hazard facility](#) and comply with the [WHS Regulations](#). The [PGPS Act](#) would only apply where the WHS Regulation does not, such as when:

- (a) the [major hazard facility](#) covers only part of the [operating plant](#) site; and
- (b) the [WHS Regulations](#) do not address a feature/requirement (including a standard) that is covered under the [PGPS Act](#).

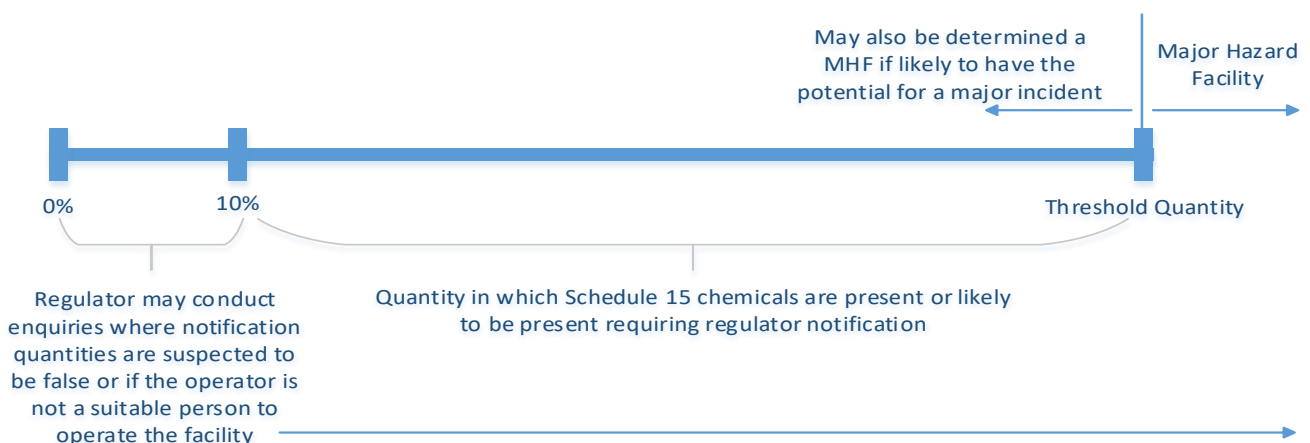
1.3.4 Other specific requirements for non-operating plant under the [PGPS Act](#) would still need to be dealt with by the safety case, for example installation, maintenance and repair requirements of gas systems and gas transport.

**2 Major Hazard Facilities obligations**

2.1 **Licencing**

2.1.1 The [WHS Regulations](#) regulates the operation of [major hazard facilities](#) and specifies procedural requirements to ensure the safety of their operation.

2.1.2 The [operator of a facility](#), or a proposed facility, at which schedule 15 chemicals are [present or likely to be present](#) in a quantity that exceeds 10% of their threshold quantity must notify the regulator (s.536 WHS Regulations).



<sup>3</sup> For further information about the application of the WHS Act to Operating Plant, refer to the DNRM guidelines here: [https://www.dnrm.qld.gov.au/ data/assets/pdf file/0011/238619/operating-plant-guidelines.pdf](https://www.dnrm.qld.gov.au/data/assets/pdf_file/0011/238619/operating-plant-guidelines.pdf)

- 2.1.3 The [WHS Regulations](#) distinguish between 'determined major hazard facilities' and 'licenced major hazard facilities'.
- 2.1.4 A 'determined major hazard facility' is a facility (or a proposed facility) that the regulator has determined, following an inquiry, considers that there is a potential for a [major incident](#) to occur at the facility or proposed facility having regard to any relevant matter, including:
- (a) the quantity and combination of schedule 15 chemicals [present or likely to be present](#) at the facility; and
  - (b) the type of activity at the facility that involves the schedule 15 chemicals; and
  - (c) land use and other activities in the surrounding area.
- 2.1.5 The regulator may conduct an inquiry following such a notification or if it reasonably suspects:
- (a) the quantity of schedule 15 chemicals [present or likely to be present](#) exceeds 10% of their threshold quantity but does not exceed their threshold quantity; or
  - (b) the operator of the facility (or proposed facility) may not be a suitable person to operate the facility (or proposed facility).
- 2.1.6 A 'licenced major hazard facility' is a facility (or a proposed facility) at which hazardous chemicals, including schedule 15 chemicals, being [present or likely to be present](#) in a quantity that exceeds their prescribed threshold must be licensed (s.535, [WHS Regulations](#)).
- 2.1.7 The regulator may impose conditions on a 'determined major hazard facility', including addition control measures to be implemented, record keeping requirements, provision of additional training and instruction or the provision of additional information to the regulator (s.544 WHS Regulations).
- 2.1.8 Licenced facilities are under the same obligations as determined facilities, but must comply with additional requirements to provide information to visitors and to the local community, in general and in relation to [major incidents](#) (ss.571, 572 and 573, WHS Regulations).

**2.2 Duties of Operators of Major Hazard Facilities**



Subject matter	What is the obligation (in summary)?
Operator of determined major hazard facility provide safety case outline	<p>A safety case outline must be provided to the regulator which includes:</p> <ul style="list-style-type: none"> <li>• a written plan for the preparation of the safety case, including key steps and timelines, with reference being made to each element of the safety case;</li> <li>• a description of the methods to be used in preparing the safety case, including methods for ensuring that all the information contained in the safety case is accurate and up to date when the safety case is provided to the regulator;</li> <li>• 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;</li> <li>• a description of the consultation with workers that— <ul style="list-style-type: none"> <li>▪ occurred in the preparation of the safety case outline; and</li> <li>▪ will occur in the preparation of the safety case;</li> </ul> </li> <li>• a draft of the emergency plan prepared or to be prepared under s.557 (WHS Regulations); and</li> <li>• a summary of any arrangements that are to be made in relation to the security.</li> </ul>
Identify major incidents and major incident hazards	<p>The operator of a determined major hazard facility of a must identify and document <a href="#">major incidents</a> and <a href="#">major incident hazards</a>. The operator must have regard to the advice and recommendations given by emergency service organisations or government departments with relevant regulatory oversight (s.554, WHS Regulations).</p>
Conduct a safety assessment	<p>The operator of a determined major hazard facility must conduct a safety assessment in relation to the facility, which includes likelihood and potential magnitude of all potential <a href="#">major incidents</a> and <a href="#">major incident hazards</a> as well as the range of control measures considered and implemented (s.555, WHS Regulations).</p>
Control measures	<p>The <a href="#">operator of a major hazard facility</a> must implement control measures that eliminate, <a href="#">SFARP</a>, the risk of a <a href="#">major incident</a> occurring. If elimination is not reasonably practicable, the risk must be minimised <a href="#">SFARP</a> (s.556, WHS Regulations).</p>
Emergency Plan	<p>The operator of a determined major hazard facility must prepare an emergency plan for the facility, which addresses all health and safety consequences of a <a href="#">major incident</a> occurring, the matters specified in schedule 16 of the <a href="#">WHS Regulations</a>, and provide for the testing of the emergency procedures. The plan should address any recommendations made by relevant emergency services organisations with responsibility for the area. The plan must be kept on site and tested. It must be implemented as soon as possible following the occurrence of a <a href="#">major incident</a>, or events that could be reasonably expected to lead to a <a href="#">major incident</a> (s.557, WHS Regulations).</p>
Safety management system	<p>The operator of a determined major hazard facility must prepare and implement, <a href="#">SFARP</a>, a safety management system, which comprehensively integrates all aspects of risk control in relation to the occurrence and potential occurrence of <a href="#">major incident</a>, and must be designed to be used as the primary means of ensuring the safe operation of the facility. The system must be documented and readily accessible to persons who use it and state the operator's safety policies and objectives (s.558, WHS Regulations).</p>



Subject matter	What is the obligation (in summary)?
Review safety assessments	The operator of a determined major hazard facility must review safety assessments, emergency plans and safety management systems as necessary, including when modification of the facility is proposed, when a control measure does not minimize a risk, when a new major hazard risk is identified, or when a HSR or the regulator requests a review (s.559, WHS Regulations).
Provide full safety case	The operator of a determined major hazard facility must prepare a full safety case which is a holistic summary of the operator's safety obligations and activities, including management systems, control measures, emergency plans and details of consultation (ss.560 and 561, WHS Regulations).

### 2.3 Consultation and Workers' Safety Role

- 2.3.1 The operator of a determined major hazard facility must implement a safety role for their workers which enable them to contribute to the identification of [major incident](#) and [major incident hazards](#), and to have input into the consideration of control measures and review processes (s.574, WHS Regulations)
- 2.3.2 The operator of a determined major hazard facility must consult with workers in the circumstances outlined, including, the preparation, establishment and implementation of safety cases, emergency plans, safety management systems and reviews thereof (s.575, WHS Regulations).

### 2.4 Duties of Workers

- 2.4.1 [Workers](#) must comply with any procedure relating to control measures or emergency plans imposed by the operator of a licensed major hazard facility. They must immediately inform the operator about any circumstance which they believe may cause a [major incident](#) and inform them of any corrective action they undertook (s.576, WHS Regulations).

## 3 Penalties

WHS Regulations reference	Offence	Maximum Penalty
s.536	Failure to notify regulator of presence of schedule 15 chemicals which exceed 10% of their threshold quantity.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.551	Failure of <a href="#">operator</a> of a determined major hazard facility to provide safety case outline.	<i>Individual:</i> 36 <a href="#">penalty units</a> <i>Corporation:</i> 180 <a href="#">penalty units</a>
s.553	Failure of <a href="#">operator</a> of a determined major hazard facility to alter or provide copy of altered safety case outline to regulator.	<i>Individual:</i> 36 <a href="#">penalty units</a> <i>Corporation:</i> 180 <a href="#">penalty units</a>
s.554	Failure of <a href="#">operator</a> of a determined major hazard facility to identify or document all <a href="#">major incident</a> or <a href="#">major incident hazards</a> which could occur at <a href="#">major hazard facility</a> , including in relation to the security of the facility.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>

WHS Regulations reference	Offence	Maximum Penalty
s.555	Failure of <a href="#">operator</a> of a determined major hazard facility to conduct, document or keep a copy of a safety assessment for a <a href="#">major hazard facility</a> .	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i> <i>For failing to keep copy:</i> <i>Individual: 36 <a href="#">penalty units</a></i> <i>Corporation: 180 <a href="#">penalty units</a></i>
s.556	Failure of operator of a determined major hazard facility to implement control measures.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.557	Failure of operator of a determined major hazard to prepare, implement or keep copy of an emergency plan for facility, and provide a copy of the plan to emergency service organisations consulted under this section and other relevant emergency service organisations.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.558	Failure of operator of a determined major hazard to establish safety management system.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.559	Failure of operator of a determined major hazard to review or revise safety assessment, emergency plan or safety management system as necessary.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.560	Failure of operator of a determined major hazard to provide safety case to regulator.	<i>Individual: 36 <a href="#">penalty units</a></i> <i>Corporation: 180 <a href="#">penalty units</a></i>
s.571	Failure of <a href="#">operator</a> of licensed <a href="#">major hazard facility</a> to provide required information for visitors.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
ss.572 and 573	Failure of <a href="#">operator</a> of licensed <a href="#">major hazard facility</a> to provide required information to the local community in general or in relation to a <a href="#">major incident</a> .	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.574	Failure of <a href="#">operator of a major hazard facility</a> to provide safety role for workers.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.575	Failure of <a href="#">operator of a major hazard facility</a> to consult with workers as required.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.576	Failure of worker to comply with duties at licensed <a href="#">major hazard facility</a> .	<i>Individual: 36 <a href="#">penalty units</a></i>

**Last Amendment**

*Work Health and Safety Act 2011* (includes amendments up to 13 November 2017, Act No. 38 of 2017)

*Work Health and Safety Regulation 2011* (includes amendments up to to 1 July 2017, SL No. 115 of 2017)



## CHAPTER 6 – HAZARDOUS CHEMICALS

### 1 Introduction

#### 1.1 Applicable Legislation

##### Legislation

[Work Health and Safety Regulation 2011, Part 7](#)

##### Codes of Practice/Guidelines

In Queensland the three specific Codes of Practice that apply to [Hazardous chemicals](#) are the [Managing Risks of Hazardous Chemicals in the Workplace Code of Practice 2013](#), [Labelling of Workplace Hazardous Chemicals Code of Practice 2011](#), and [Preparation of Safety Data Sheets for Hazardous Chemicals Code of Practice 2011](#), for other Codes of Practice that may be relevant see [Annexure – Codes of Practice Work Health and Safety](#).

##### Standards

See [Annexure – Standards Work Health and Safety](#)

##### Regulator

[Hazardous chemicals](#) are regulated by the Regulator under the WHS Act. See [above](#).

- 1.1.1 The Hazardous Chemicals Code of Practice references Australian Standards as indicative of proper handling, storage or usage requirements for [hazardous chemicals](#).

### 2 Hazardous Chemicals obligations

#### 2.1 Key Obligations

- 2.1.1 Schedules 11 and 15 of the [WHS Regulations](#) specify what materials are [hazardous chemicals](#) and their respective classes, and are relevant in the reading of the Chapter 4 as a whole.
- 2.1.2 These Schedules also contain the relevant placard and manifest quantities of each [hazardous chemical](#). If chemicals are present in the [workplace](#) above these quantities, warning placards and manifests, respectively, will be required.

Subject matter	What is the obligation (in summary)?
<p><b>Providing information and induction</b></p>	<p>A <a href="#">PCBU</a> must ensure that</p> <ul style="list-style-type: none"> <li>• <a href="#">hazardous chemicals</a> are used, handled or stored at the <a href="#">workplace</a> are correctly labelled including in containers and pipework (ss.341 to 343 WHS Regulations);</li> <li>• compliant safety data sheets are obtained from the manufacturer, importer or supplier of the <a href="#">hazardous chemicals</a>, and that the safety data sheet is readily accessible to <a href="#">workers</a> in the <a href="#">workplace</a> and emergency service workers(s.344, WHS Regulations)</li> <li>• a compliant register of <a href="#">hazardous chemicals</a> used, handled or stored at the workplace exists and is maintained in order to ensure that the information is up to date including the current safety data sheet for each <a href="#">hazardous chemical</a> listed (s.346, WHS Regulations)</li> <li>• a manifest is kept where there are <a href="#">hazardous chemicals</a> prescribed in Schedule 11 of the <a href="#">WHS Regulations</a> are used, handled or stored of a quantity greater than the manifest quantity (s.347, WHS Regulations); and</li> <li>• any <a href="#">worker</a> who uses handles, generates stores or is likely to be exposed to a <a href="#">hazardous chemical</a> is provided with an induction, information, training and supervision as is necessary to protect that <a href="#">worker</a> from risks to health and safety (s.379, WHS Regulations).</li> </ul>
<p><b>Managing risk</b></p>	<p>A <a href="#">PCBU</a> must:</p> <ul style="list-style-type: none"> <li>• manage risks to health and safety associated with using, handling, generating or storing <a href="#">hazardous chemicals</a> in a <a href="#">workplace</a> (s.351, WHS Regulations);</li> <li>• have regard to the hazardous properties of the <a href="#">hazardous chemical</a>, and potential chemical or physical reactions, the nature of work to be carried out and any <a href="#">structure, plant</a> or system of work related to the <a href="#">hazardous chemical</a> (s.351, WHS Regulations);</li> <li>• review and when necessary revise control measures if: <ul style="list-style-type: none"> <li>○ any changes to the safety data sheet for the chemical or the register of <a href="#">hazardous chemicals</a>; or</li> <li>○ health monitoring report of a <a href="#">worker</a> contains any of the prescribed findings; or</li> <li>○ if monitoring of airborne <a href="#">hazardous chemicals</a> reveals that the relevant exposure standards have been exceeded; or</li> <li>○ at a minimum, at least once every 5 years. (s.352, WHS Regulations);</li> </ul> </li> <li>• identify the risks of physical or chemical reactions in relation to <a href="#">hazardous chemicals</a> (s.354, WHS Regulations);</li> <li>• ensure that ignition sources are not introduced to areas where there is a risk of fire or explosion (s.355, WHS Regulations).</li> </ul> <p>Safety signs displayed should warn of the particular hazard associated with the chemical, and the responsibilities of persons in relation to it. The sign must be located next to the hazard, and clearly visible to persons approaching the hazard (s.353, WHS Regulation).</p>
<p><b>Stability of <a href="#">hazardous chemicals</a></b></p>	<p>A <a href="#">PCBU</a> must ensure, <a href="#">SFARP</a>, that <a href="#">hazardous chemicals</a> do not become unstable, decompose or change so as to create a different hazard; or significantly increase the risk associated with them, including maintaining proportions and temperature of the <a href="#">hazardous chemicals</a> (s.356, WHS Regulations).</p>

Subject matter	What is the obligation (in summary)?
Spills and damage	<p>A <a href="#">PCBU</a>, <a href="#">SFARP</a>, must ensure that</p> <ul style="list-style-type: none"> <li>provision is made for a spill containment system in a <a href="#">workplace</a> where there is a risk of a spill or leak of a <a href="#">hazardous chemical</a> including any resulting effluent (s.357, WHS Regulations).</li> <li>containers of <a href="#">hazardous chemicals</a> and any associated pipe work or attachments are protected against damage caused by an impact or excessive loads (s.358, WHS Regulations).</li> </ul>
Emergency plans and safety equipment	<p>A <a href="#">PCBU</a>, <a href="#">SFARP</a>, must ensure that</p> <ul style="list-style-type: none"> <li>the <a href="#">workplace</a> is provided with fire protection and firefighting equipment designed for the types of <a href="#">hazardous chemicals</a> at the <a href="#">workplace</a> in the quantities in which they are used, handled, generated or stored (s.359, WHS Regulations);</li> <li>emergency equipment is available for use in an emergency (s.360, WHS Regulations); and</li> <li>Safety equipment must be provided, maintained and readily accessible to persons at the <a href="#">workplace</a> (s.362, WHS Regulations).</li> </ul> <p>If required, CS energy must provide a copy of the prepared emergency plan to the primary relevant emergency service organisation (s.361, WHS Regulations).</p>
Storage and handling systems	<p>A <a href="#">PCBU</a>, <a href="#">SFARP</a>, must ensure that</p> <ul style="list-style-type: none"> <li>storage and handling systems for <a href="#">hazardous chemicals</a> are used only for the purpose for which they were designed, manufactured, modified, supplied or installed, and that they are operated, tested, maintained, installed, repaired and decommissioned in a way that as regard to the health and safety of <a href="#">workers</a> and other persons in the <a href="#">workplace</a> (s.363, WHS Regulations); and</li> <li>a tank and pipework used for Hazardous Chemicals has stable foundations and support, are secured to foundations and supports between the container and the associated pipework or attachments so as to prevent damage to the container, pipework or attachments, and to prevent a <a href="#">notifiable incident</a>. (s.364, WHS Regulations).</li> </ul>
Health monitoring	<p>A <a href="#">PCBU</a> must:</p> <ul style="list-style-type: none"> <li>provide health monitoring to a worker carrying out work involving ongoing work at a <a href="#">workplace</a> using, handling, generating or storing <a href="#">hazardous chemicals</a>, where there significant risks to the workers' health because of possible exposures, and in other prescribed circumstances (s.368, WHS Regulations);</li> <li>notify workers prior to the work commencing of the requirement to have health monitoring (s.369, WHS Regulations );</li> <li>provide health monitoring that is appropriate and must incorporate prescribed items unless an equal or better mode of monitoring is available (s.370, WHS Regulations);</li> <li>provide for all expenses relating to health monitoring (s.372, WHS Regulations);</li> <li>provide relevant information to the registered medical practitioner (s.373, WHS Regulations );</li> <li>obtain the <a href="#">health monitoring report</a> from the registered medical practitioner (s.374, WHS Regulations);</li> <li>provide the <a href="#">health monitoring report</a> as soon as is practicably possible to the worker and the regulator; and</li> <li>keeps health monitoring records for 30 years after the record is made</li> </ul>

Subject matter	What is the obligation (in summary)?
	(s.378, WHS Regulations).
Lead	Lead is dealt with as a separate category of <a href="#">hazardous chemical</a> under Part 7.2, with unique requirements to be observed in guarding against risks to health and safety. These include unique requirements to control risks associated with lead work (Division 2, WHS Regulations), the identification of lead risk work (Division 3, WHS Regulations) and specific health monitoring requirements (Division 4, WHS Regulations).

## 2.2 Authorities Required

- 2.2.1 CS Energy must apply for authorisation from the WHS Regulator to use, handle or store prohibited carcinogens or [restricted hazardous chemicals](#).
- 2.2.2 Chapter 7, division 8 provides a framework for the use, handling and storage of prohibited carcinogens (ss.380 and 381 WHS Regulations) and [restricted hazardous chemicals](#) (s.382, WHS Regulations). Also provided for are the systems of authorisation for their handling (ss.383, – 388 WHS Regulations )

## 3 Penalties

WHS Regulations reference	Offences	Maximum Penalty
ss.341, 342 and 343	Failure to label <a href="#">hazardous chemicals</a> .	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.344	Failure to obtain and give access to safety data sheets.	<i>Failing to obtain:</i> <i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a> <i>Failing to give access:</i> <i>Individual:</i> 36 <a href="#">penalty units</a> <i>Corporation:</i> 180 <a href="#">penalty units</a>
s.346	Failure to prepare, keep or maintain <a href="#">hazardous chemicals</a> register.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.347	Failure to prepare and keep a manifest of <a href="#">hazardous chemicals</a> in prescribed manner.	<i>Failing to prepare:</i> <i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a> <i>Failing to keep in prescribed manner:</i> <i>Individual:</i> 36 <a href="#">penalty units</a> <i>Corporation:</i> 180 <a href="#">penalty units</a>

WHS Regulations reference	Offences	Maximum Penalty
s.348	Failure to notify Regulator in the prescribed manners if manifest quantities are exceeded.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.349	Failure to display outer warning placards.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.350	Failure to display warning placards.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.352	Failure to review control measures in prescribed manners.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.353	Failure to display safety signs where required under prescribed circumstances.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.354	Failure to identify risks of physical or chemical reactions.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.355	Failure to prevent risks of fire and explosion.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.356	Failure to keep <a href="#">hazardous chemicals</a> stable.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.357	Failure to contain and manage spills.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.358	Failure to protect <a href="#">hazardous chemicals</a> from damage.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.359	Failure to provide fire protection and firefighting equipment in the prescribed capacities.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.360	Failure to provide emergency equipment.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.361	Failure to give copy of emergency plan to emergency services organisation or revise plan in accordance with recommendations.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.362	Failure to provide, maintain and make readily accessible safety equipment.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>



WHS Regulations reference	Offences	Maximum Penalty
s.363	Failure to control risks arising from storage or handling systems in the prescribed manners.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.364	Failure to ensure containers used for storage of <a href="#">hazardous chemicals</a> are in the prescribed form.	<i>Individual:</i> 12.5 <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
ss.365, 366 and 367	Failure to comply with requirements for storage and handling systems no longer in use.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.368	Failure to provide health monitoring.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.369	Failure to inform of requirements to undergo health monitoring.	<i>Individual:</i> 36 <a href="#">penalty units</a> <i>Corporation:</i> 180 <a href="#">penalty units</a>
s.370	Failure to ensure appropriate health monitoring is provided.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.371	Failure to ensure health monitoring is supervised by registered medical health practitioner with experience.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.371	Failure to consult worker in relation to the selection of the registered medical practitioner.	<i>Individual:</i> 36 <a href="#">penalty units</a> <i>Corporation:</i> 180 <a href="#">penalty units</a>
d.372	Failure to pay for costs of health monitoring.	<i>Individual:</i> 36 <a href="#">penalty units</a> <i>Corporation:</i> 180 <a href="#">penalty units</a>
s.373	Failure to provide required information to registered medical practitioner.	<i>Individual:</i> 36 <a href="#">penalty units</a> <i>Corporation:</i> 180 <a href="#">penalty units</a>
s.374	Failure to obtain <a href="#">health monitoring report</a> .	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.375	Failure to provide <a href="#">health monitoring report</a> to worker.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.376	Failure to provide <a href="#">health monitoring report</a> to Regulator.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.378	Failure to keep health monitoring records in prescribed manner for prescribed time.	<i>Individual:</i> 12.5 <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>

WHS Regulations reference	Offences	Maximum Penalty
s.379	Failure to provide induction, information, training and supervision to workers in prescribed circumstances.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>

**Last Amendment**

*Work Health and Safety Act 2011* (includes amendments up to 13 November 2017, Act No. 38 of 2017).

*Work Health and Safety Regulation 2011* (includes amendments up to 1 July 2017, SL No. 115 of 2017).



## CHAPTER 7 – DIVING

### 1 Introduction

#### 1.1 Applicable Legislation

<b>Legislation</b>
<a href="#">Work Health and Safety Regulation 2011, Part 4.8</a>
<b>Codes of Practice/Guidelines</b>
Currently in Queensland there is one Code of Practice specific to occupational diving, <a href="#">Occupational Diving Work Code of Practice 2005</a> for other Codes of Practice that may be relevant see <a href="#">Annexure – Codes of Practice Work Health and Safety</a> .
<b>Standards</b>
See <a href="#">Annexure – Standards Work Health and Safety</a>
<b>Regulator</b>
Diving is regulated by the Regulator under the WHS Act. See <a href="#">above</a> .

### 2 Diving obligations

#### 2.1 Key obligations

2.1.1 The [WHS Regulations](#) provide a prescriptive list of obligations that are imposed on [PCBUs](#) where its workers are engaging in [diving work](#). These obligations focus on ensuring that the persons completing the diving work are properly qualified and adequate control measures are implemented to ensure the health and safety of divers.

2.1.2 The key obligations are outlined as follows:

	Content
Duties of a PCBU	<p>Where workers are engaged in <a href="#">general diving work</a>, a <a href="#">PCBU</a> must ensure:</p> <ul style="list-style-type: none"> <li>the diver holds a current certificate of medical fitness (s.168);</li> </ul>

	Content
	<ul style="list-style-type: none"> <li>the diver is competent and has attained the relevant level qualification (ss.171-174);</li> <li>one or more to competent persons are appointed to supervise (s.177);</li> <li>a written risk assessment is made (s.176);</li> <li>a dive plan is made and followed for the dive (s.178);</li> <li>a dive safety log is kept and completed for each dive (s.180); and</li> <li>people on board a vessel are counted before diving work commences and before the vessel leaves the location after the diving work is completed (s.181).</li> </ul>
<b>Dive safety log</b>  <i>s.181, WHS Regulations</i>	<p>A <a href="#">PCBU</a> must ensure that a <a href="#">dive safety log</a> be kept with the requisite information in relation to each dive carried out by a worker. Furthermore, there must be a dive plan for each dive, which must state the following:</p> <ul style="list-style-type: none"> <li>the method of carrying out the diving work to which it relates;</li> <li>the tasks and duties of each person involved in the dive;</li> <li>the diving equipment, breathing gases and procedures to be used in the dive;</li> <li>as applicable, dive times, bottom times and decompression profiles;</li> <li>hazards relating to the dive and measures to be implemented in the control of risks associated with those hazards; and</li> <li>emergency procedures.</li> </ul>
<b>High risk diving</b>	<p>A <a href="#">PCBU</a> must ensure that <a href="#">high risk diving work</a> is carried out in accordance with AS/NZS 2299.1:2007 (Occupational diving operations—Standard operational practice), namely,</p> <ol style="list-style-type: none"> <li>the fitness of persons carrying out the work;</li> <li>the competence of persons carrying out the work; and</li> <li>the carrying out of the work.</li> </ol>

### 3 Authorities for Diving

- 3.1.1 A person must not carry out [general diving work](#) unless they have one or more of the following qualifications:
- a statement of attainment for a specified VET course for [general diving work](#) that includes the type of [general diving work](#) to be carried out by the person;
  - a certificate for [general diving work](#), issued by a training organisation, that mentions the subject areas covered in AS/NZS 4005.2:2000 (Training and certification of—recreational divers—Recreational SCUBA dive supervisor); and
  - the person has, through training, qualification or experience, acquired sound knowledge and skill in relation to the following:
    - the application of diving physics;
    - the use, inspection and maintenance of diving equipment (including emergency equipment) and air supply of the type to be used in the proposed general diving work;
    - the use of decompression tables or dive computers;

- (iv) dive planning;
- (v) ways of communicating with another diver and with persons at the surface during general diving work;
- (vi) how to safely carry out general diving work of the type proposed to be carried out; and
- (vii) diving physiology and first aid.

Example
CS Energy is undertaking an overhaul of infrastructure at Wivenhoe Power Station. Prior to an overhaul, the infrastructure must be isolated and removed by qualified divers. Contract management procedures must be followed, including the completion of a safe work method statement for the work.

## 4 Penalties

WHS Regulations reference	Offences	Maximum Penalty
s.168	Directing or allowing a worker to carry out <a href="#">general diving work</a> or undergo training for <a href="#">general diving work</a> unless the worker holds a current certificate of medical fitness.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.168	Directing or allowing a worker to carry <a href="#">general diving work</a> or undergo training for <a href="#">general diving work</a> unless the work or training complies with any conditions on the current certificate of medical fitness of the worker.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.170	Failure to keep the certificate of medical fitness of a worker who carries out <a href="#">general diving work</a> for 1 year after the work is carried out.	<i>Individual:</i> 12.5 <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
s.176	Failure to manage risks to health and safety associated with <a href="#">general diving work</a> .	<i>Individual:</i> 36 <a href="#">penalty units</a> <i>Corporation:</i> 180 <a href="#">penalty units</a>
s. 176	Failure to ensure that a risk assessment is conducted by a competent person.	<i>Individual:</i> 36 <a href="#">penalty units</a> <i>Corporation:</i> 180 <a href="#">penalty units</a>
s. 176	Failure to ensure that the risk assessment is recorded in writing.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.177	Failure to appoint one or more competent persons to supervise <a href="#">general diving work</a> .	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.178	Failure to ensure that a dive plan is prepared by a competent person.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>

WHS Regulations reference	Offences	Maximum Penalty
s. 179	Failure to ensure, <a href="#">SFARP</a> , that <a href="#">general diving work</a> is carried out in accordance with the relevant dive plan.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s. 180	Failure to keep a dive safety log with the requisite information.	<i>Individual:</i> 12.5 <a href="#">penalty units</a> <i>Corporation:</i> 60 <a href="#">penalty units</a>
s. 183	Failure to ensure that <a href="#">high risk diving work</a> is carried out in accordance with AS/NZS 2299.1:2007 (Occupational diving operations— Standard operational practice).	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>

**Last Amendment**

*Work Health and Safety Act 2011* (includes amendments up to 13 November 2017, Act No. 38 of 2017)

*Work Health and Safety Regulation 2011* (includes amendments up to 1 July 2017, SL No. 115 of 2017).9



## CHAPTER 8 – PUBLIC HEALTH

### 1 Introduction

#### 1.1 Applicable Legislation

##### Legislation

[Public Health Act, 2005](#)

[Public Health Regulation, 2005](#)

##### Standards

See [Annexure – Standards Public Health](#)

##### Regulator

Name: Queensland Health  
 Telephone: +61 7 3234 0111  
 Website: <https://www.health.qld.gov.au/public-health/>

### 2 Public Health Obligations

#### 2.1 Public Health Order (Chapter 2 Part 3)

2.1.1 CS Energy may be issued a Public Health Order if an authorised person reasonably believes that CS Energy is responsible for a public health risk (s.23). The order may require CS Energy to:

- (a) clean or disinfect a place or thing;
- (b) carry out insect or pest control;
- (c) demolish [structures](#) or other property;
- (d) remove material or items;
- (e) dispose of material or items; or
- (f) stop using a place (s.21).

2.2 **Paint (Chapter 2, Part 7, Public Health Act)**

- 2.2.1 A person manufacturing, selling, supplying or using paint must comply with the Standard for the Uniform Scheduling of Drugs and Poisons dealing with paint, compiled by the Australian Health Ministers' Advisory Council (the uniform standard) (s.60).

**3 Penalties**

Public Health Act reference	Offences	Maximum Penalty
s.23	Failing to comply with a public health order.	<i>Individuals:</i> 200 <a href="#">penalty units</a> . <i>Corporation:</i> 1,000 <a href="#">penalty units</a> . Further penalties may apply.
s.60	Failure by manufacturer, seller, supplier or user of paint to comply with uniform standard.	<i>Individual:</i> 100 <a href="#">penalty units</a> <i>Corporation:</i> 500 <a href="#">penalty units</a>

**Last Amendment**

*Public Health Act 2005 (includes amendments up to 1 January 2010, Act No. 24 of 2018)*

*Public Health Regulation 2005 (includes amendments up to 30 June 2017, SL No. 107 of 2017)*





## CHAPTER 9 – PEST MANAGEMENT

### 1 Introduction

#### 1.1 Applicable legislation

Legislation	
	<a href="#">Pest Management Act, 2001</a>
	<a href="#">Pest Management Regulation, 2003</a>
Standards	
	See <a href="#">Annexure – Standards Pest Management</a>
Regulator	
Name:	Queensland Health
Telephone:	+61 7 3234 0111
Website:	<a href="https://www.health.qld.gov.au/public-health/industry-environment/pest-management/default.asp">https://www.health.qld.gov.au/public-health/industry-environment/pest-management/default.asp</a>

### 2 Pest management obligations

#### 2.1 Key obligations

- 2.1.1 The main object of the [Pest Management Act](#) is to protect the public from health risks associated with [pest control activities](#), pest management and [fumigation activities](#) and the adverse results of the ineffective control of [pests](#). The Act establishes a licensing regime to regulate and ensure the safety of [pest control activities](#) and [fumigation activities](#).
- 2.1.2 A [pest management technician](#) must inform the chief executive of an exposure, spillage or other release of a [pesticide](#) or [fumigant](#) that adversely affects, or is likely to adversely affect, a person's health (s.123, Pest Management Act).
- 2.1.3 The Pest Management Regulation covers more detailed requirements regarding:
- (a) conduct of persons, and procedures to be followed, before, while and after [pest management activities](#) are carried out;

- (b) requirements about containers, equipment or motor vehicles used in relation to the carrying out of [pest management activities](#);
  - (c) labelling of containers used to hold [pesticides](#) or [fumigants](#);
  - (d) disposal of containers or equipment used in carrying out [pest management activities](#);
  - (e) handling, storage and transport of [pesticides](#) or [fumigants](#); and
  - (f) disposal of [pesticides](#) or [fumigants](#).
- 2.1.4 The [Pest Management Act](#) is relevant to procedures to be followed by pest controllers, fumigators and others on CS Energy premises.
- 2.2 **Authorities**
- 2.2.1 The Act provides that only a licensed person or a trainee properly supervised by a licensed person may carry out a [pest management activity](#) (s.11).
- 2.2.2 Application for a licence to conduct a [pest management activity](#) must be made to the chief executive (s.19).

Example
CS Energy wishes to engage Brisbane Pest Control to fumigate at its offices. CS Energy should ensure that all pest controllers, fumigators are properly licenced in accordance with the <a href="#">Pest Management Act</a> .

### 3 Penalties

Pest Management Act reference	Offences	Maximum Penalty
s.11	Carrying on <a href="#">pest management activity</a> by unlicensed person.	<i>Individual:</i> 1000 <a href="#">penalty units</a> <i>Corporation:</i> 5000 <a href="#">penalty units</a>
s. 70	Failure to help inspector when required, without reasonable excuse.	<i>Individual:</i> 50 <a href="#">penalty units</a>
s.71	Failure to give information to inspector when required, without reasonable excuse.	<i>Individual:</i> 50 <a href="#">penalty units</a>
s.75	Tampering with a seized thing.	<i>Individual:</i> 100 <a href="#">penalty units</a>
s.84	Failure to give name/address when required by inspector, without reasonable excuse.	<i>Individual:</i> 50 <a href="#">penalty units</a>
s. 86	Failure to produce documents issued to the person or required to be kept by the person under the Act when required by inspector, without reasonable excuse.	<i>Individual:</i> 50 <a href="#">penalty units</a>

Pest Management Act reference	Offences	Maximum Penalty
s. 87	Failure to certify a copy of a document made by the inspector.	<i>Individual: 50 <a href="#">penalty units</a></i>
s.88	Failure to give information about an offence if required by an inspector.	<i>Individual: 50 <a href="#">penalty units</a></i>
s.123	Failure to inform of exposure/spillage/release of <a href="#">pesticide</a> or <a href="#">fumigant</a> that adversely affects, or is likely to adversely affect, a person's health without reasonable excuse.	<i>Individual: 50 <a href="#">penalty units</a></i>

**Last Amendment**

*Pest Management Act 2001* (includes amendments up to 1 November 2017, Act No. 29 of 2017) *Pest Management Regulation 2003* (includes amendments up to 1 October 2017, SL No.81 of 2017)



## CHAPTER 10 – ELECTRICAL SAFETY

### 1 Introduction

#### 1.1 Applicable Legislation

<b>Legislation</b>
<a href="#">Electrical Safety Act 2002 (ES Act)</a>
<a href="#">Electrical Safety Regulation 2013 (ES Regulation)</a>
<b>Codes of Practice</b>
See <a href="#">Annexure - Codes of Practice Electrical Safety</a>
<b>Standards</b>
See <a href="#">Annexure - Standards Electrical Safety</a> for relevant mandated 'Australian Standards' that that apply in relation to electrical safety in Queensland.
<b>Regulator</b>
Electrical Safety Office is the Regulator that enforces the ES Act and ES Regulation in Queensland. Website: <a href="https://www.worksafe.qld.gov.au/about-us/about-the-electrical-safety-office">https://www.worksafe.qld.gov.au/about-us/about-the-electrical-safety-office</a> Phone: 1300 326 128 Contact details for Regional office locations are found at: <a href="https://www.worksafe.qld.gov.au/contact-us/regional-office-locations">https://www.worksafe.qld.gov.au/contact-us/regional-office-locations</a> Online Enquiries relating to electrical health and safety can be made using the following link: <a href="https://www.worksafe.qld.gov.au/contact-us">https://www.worksafe.qld.gov.au/contact-us</a>

#### 1.2 Legislative Framework

1.2.1 The [ES Act](#) applies broadly to persons and activities that may influence electrical safety.

Area of influence	When does the ES Act apply?
What activities are covered?	The <a href="#">ES Act</a> concerns the prevention of persons being killed or injured by electricity and the prevention of property being destroyed or damaged by electricity. The <a href="#">ES Act</a> applies to everyone who may affect the electrical safety of others by their acts or omissions.

Area of influence	When does the ES Act apply?
What activities are not covered?	Some activities are expressly excluded, such as for electricity on light rail.

- 1.2.2 The [ES Act](#) is supported by the [ES Regulation](#), which provide further specific detail about how the duties under the [ES Act](#) must be met. For example the [ES Regulation](#) deals with [electrical work, works](#) of an [electricity entity](#), general risk management, licencing, overhead and underground electric lines, electrical installations, [electrical equipment](#) including in-scope electrical equipment, electricity supply, safety management systems, cathodic protection systems and other matters.
- 1.2.3 Recognised Standards, as detailed in the Annexure provide practical guidance on how to meet the obligations under the [ES Act](#) and [ES Regulation](#). Australian and New Zealand Standards are also in some instances called up under the [ES Act](#) and [ES Regulation](#). In those instances, compliance with the Standard is mandatory.
- 1.2.4 The operation of the [ES Act](#) is excluded by the operation of some other health and safety laws. Specifically:

What legislation is excluded?	What does apply?
WHS Act	The <a href="#">WHS Act</a> does not apply in relation to electrical safety in circumstances where the <a href="#">ES Act</a> has application. Therefore, where the <a href="#">WHS Act</a> and the <a href="#">ES Act</a> both apply, the <a href="#">ES Act</a> takes precedence.
CMSH Act	The <a href="#">ES Act</a> has some operation at <a href="#">coal mines</a> – the <a href="#">ES Act</a> continues to apply but certain 'excluded provisions' have no force – specifically the electrical safety duties and provisions regarding electrical contractor licenses. Similarly, the <a href="#">ES Regulation</a> have very limited application although some requirements (such as for sale of electrical equipment and licencing of electrical workers) do apply.
PGPS Act	The <a href="#">ES Act</a> has some operation at petroleum plants and Green House Gas storage plants – the <a href="#">ES Act</a> continues to apply but certain 'excluded provisions' have no force – specifically the electrical safety duties and provisions regarding electrical contractor licenses. Similarly, the <a href="#">ES Regulation</a> have very limited application although some requirements (such as for sale of electrical equipment and licencing of electrical workers) do apply.

Example
A person works at a CS Energy Coal Mine and wishes to perform mechanical work on an electric motor forming part of a vehicle. Even though the <a href="#">CMSH Act</a> is the primary law that applies, the <a href="#">ES Act</a> also applies and the worker can only do this work if they hold an electrical work licence that authorises this kind of electrical work to be done (s.73, <a href="#">ES Regulation</a> ).

- 1.2.5 Under the [ES Act](#) the primary duty on duty holders including CS Energy is to ensure [SFARP](#) that its works are [electrically safe](#) and are operated in a way that is [electrically safe](#), which also includes the requirement that the [electricity entity](#) inspect, test and maintain the [works](#).

- 1.2.6 Codes of Practice support the [ES Act](#) and [ES Regulation](#). These provide practical guidance on how to manage a particular hazard or risk within a [workplace](#). Codes of Practice are admissible in legal proceedings as evidence of what is known, or ought to have been known, about a risk to health and safety, and what action was reasonably practicable in guarding against it. A list of the relevant Codes of Practice in Queensland has been included in the [Annexures](#).

## 2 Electrical Safety Duties under the ES Act



PCBU



Electrical  
Entity



Officers



Workers



Other  
Persons

### 2.1 Electrical safety duties

- 2.1.1 The [ES Act](#) imposes many electrical safety obligations on many persons or duty holders. A person on whom a safety obligation is imposed may be subject to more than one electrical safety obligation (s.27A ES Act). Similarly, multiple persons may hold the same duty (s.27B ES Act). Also, more than one person can have a duty in relation to the same matter (s.27 ES Act).
- 2.1.2 Under the [ES Act](#), duty holders include:
- [PCBUs](#) including CS Energy;
  - [Electricity entities](#) including CS Energy;
  - [Officers](#) [Note, there is a specific offence of industrial manslaughter that may apply to [Senior Officers](#) set out at [paragraph 6.4](#)]
  - [Workers](#);
  - Other persons at a place where [electrical equipment](#) is located.
- 2.1.3 For the purposes of the [ES Act](#), CS Energy is considered to be an [electricity entity](#) on the basis that CS Energy is a generation entity and is therefore subject to the duties imposed on an [electricity entity](#). Further, for the purposes of the [ES Act](#), CS Energy is also considered to be a [PCBU](#) and is therefore also subject to the duties imposed on a [PCBU](#). CS Energy contractors will also be [PCBUs](#).
- 2.1.4 The duties imposed under the [ES Act](#) cannot be transferred to another person (s.27 ES Act). This means that although CS Energy may allocate control over certain activities within its business to others, CS Energy still retains its duty to ensure [SFARP](#) that its works are [electrically safe](#), are operated in a way that is [electrically safe](#) and that the business or undertaking is conducted in a way that is [electrically safe](#).
- 2.1.5 The thrust of the duties under the [ES Act](#) is to ensure electrical safety [SFARP](#), which is the same standard as applies under the [WHS Act](#).

## 2.2 Electrical safety duties of a PCBU and Electricity Entity



**PCBU**

**Electricity  
Entity**

### Primary Duty on PCBU

- All activities
- Duties owed to Workers and Others

### Upstream Duties on PCBU

- Workplace controllers
- Plant controllers
- Suppliers
- Designers
- Manufacturers
- Installers
- Importers

2.2.1 The [ES Act](#) imposes many concurrent duties on [PCBU's](#) undertaking activities.

2.2.2 The [ES Act](#) (s.29) imposes the duty on an [electricity entity](#) to ensure [SFARP](#) that its works are [electrically safe](#) and operated in a way that is [electrically safe](#). Further to the obligations imposed on an [electricity entity](#), the [ES Act](#) (s.30) imposes a primary duty of care in relation to the conduct of a business or undertaking. It applies to all activities conducted as part of the business or undertaking.

2.2.3 Key electrical safety duties imposed by the [ES Act](#) on an [electricity entity](#) (s.29) and on [PCBUs](#) (ss.30-37) are summarised as follows:


Obligation holder/PCBU Activity	What is the duty (in summary)?
Electricity entity (s.29)	<p>To ensure <a href="#">SFARP</a> that its <a href="#">works</a> are:</p> <ul style="list-style-type: none"> <li>• are <a href="#">electrically safe</a>;</li> <li>• are operated in a way that is <a href="#">electrically safe</a>; and</li> <li>• are inspected, tested and maintained.</li> </ul>
All business activities (s.30)	<p>Primary duty to ensure <a href="#">SFARP</a> the person's business or undertaking is conducted in a way that is <a href="#">electrically safe</a> including:</p> <ul style="list-style-type: none"> <li>• ensuring that all <a href="#">electrical equipment</a> used in the conduct of the business is <a href="#">electrically safe</a>;</li> <li>• if the business or undertaking includes the performance of <a href="#">electrical work</a>, ensuring the electrical safety of all persons and property likely to be affected by the <a href="#">electrical work</a>; and</li> </ul>

Obligation holder/PCBU Activity	What is the duty (in summary)?
	<ul style="list-style-type: none"> <li>if the business or undertaking includes the performance of any work involving contact with, or being near to, exposed parts, ensuring the persons performing the work are <a href="#">electrically safe</a>.</li> </ul>
Controlling electrical equipment (s.38)	<p>It is the duty of person who is in control of <a href="#">electrical equipment</a> to ensure <a href="#">SFARP</a> that the <a href="#">electrical equipment</a> is <a href="#">electrically safe</a>.</p> <p>This duty does not apply to the person in control of <a href="#">electrical equipment</a> to the extent that the <a href="#">electrical equipment</a> is located at premises in which the person lives.</p>
Designing electrical equipment of an electrical installation (s.31)	<p>Duty of designer to ensure <a href="#">SFARP</a> that:</p> <ul style="list-style-type: none"> <li>the <a href="#">electrical equipment</a> or <a href="#">installation</a> is designed to be <a href="#">electrically safe</a>; and</li> <li>where the designer gives the design to another entity to give effect to the design, the design is accompanied with information about the way the <a href="#">electrical equipment</a> or <a href="#">installation</a> must be used and installed to ensure the equipment or <a href="#">installation</a> is <a href="#">electrically safe</a>.</li> </ul>
Manufacturing electrical equipment (s.32)	<p>Duty of manufacturer to ensure <a href="#">SFARP</a> that:</p> <ul style="list-style-type: none"> <li>the processes followed in the manufacture of the <a href="#">electrical equipment</a> ensures that the <a href="#">electrical equipment</a>, when made, will be <a href="#">electrically safe</a>;</li> <li>the <a href="#">electrical equipment</a>, when made, is <a href="#">electrically safe</a>.</li> </ul> <p>The duty includes ensuring that <a href="#">electrical equipment</a>, when made is tested and examined to ensure it is <a href="#">electrically safe</a>.</p>
Importing electrical equipment (s.33)	<p>Duty of importer to ensure <a href="#">SFARP</a> that:</p> <ul style="list-style-type: none"> <li>the <a href="#">electrical equipment</a> is <a href="#">electrically safe</a>;</li> <li>the <a href="#">electrical equipment</a> is designed to be <a href="#">electrically safe</a>; and</li> <li>the <a href="#">electrical equipment</a> is tested and examined to ensure it is <a href="#">electrically safe</a>.</li> </ul>
Supplying electrical equipment (s.34)	<p>It is the duty of the supplier to ensure, <a href="#">SFARP</a>, that when the <a href="#">electrical equipment</a> leaves the supplier, it is accompanied by any information about the way the <a href="#">electrical equipment</a> must be used to ensure that its use is <a href="#">electrically safe</a>.</p>
Additional duties of designer, manufacturer, importer or supplier of electrical equipment (s.35)	<p>Additional duties of designer, manufacturer, importer or supplier of <a href="#">electrical equipment</a> include:</p> <ul style="list-style-type: none"> <li>complying with any electrical safety notification that applies to them.</li> <li>complying with any requirements of any recall order that applies to them.</li> </ul>
Installing electrical equipment or electrical installation (s.36)	<p>Duty of installer to ensure <a href="#">SFARP</a> that:</p> <ul style="list-style-type: none"> <li>the way the <a href="#">electrical equipment</a> or <a href="#">installation</a> is installed is <a href="#">electrically safe</a>;</li> </ul>



Obligation holder/PCBU Activity	What is the duty (in summary)?
	<ul style="list-style-type: none"> <li>the processes followed for installing the <a href="#">electrical equipment</a> or <a href="#">installation</a> ensure that when installed, it will be <a href="#">electrically safe</a>; and</li> <li>after the <a href="#">electrical equipment</a> or <a href="#">installation</a> is installed the person tests and examines it to ensure it is <a href="#">electrically safe</a>.</li> </ul>
<p>Repairing electrical equipment or electrical installation (s.37)</p>	<p>Duty of the repairer to ensure <a href="#">SFARP</a> that:</p> <ul style="list-style-type: none"> <li>the way the <a href="#">electrical equipment</a> or <a href="#">installation</a> is repaired is <a href="#">electrically safe</a>;</li> <li>the processes followed for repairing the <a href="#">electrical equipment</a> or <a href="#">installation</a> ensure that, when repaired, it will be <a href="#">electrically safe</a>;</li> <li>the <a href="#">electrical equipment</a> or <a href="#">installation</a> when repaired is <a href="#">electrically safe</a>; and</li> <li>the <a href="#">electrical equipment</a> or <a href="#">installation</a>, when repaired, is tested and examined to ensure it is <a href="#">electrically safe</a>.</li> </ul>

Example
<p>CS Energy engages a contractor to do some electrical work on an electrical installation at its premises. In order to do this work it gives the contractor the electrical parts needed to do the installation work. CS Energy is at that time supplying electrical equipment and must ensure that when it does so that it provides relevant information from the manufacturer about the parts to ensure that they can be safely installed and used.</p>

WARNING
 <p>In addition to the above duties, the industrial manslaughter offence may apply to a <a href="#">PCBU</a> (in addition to a <a href="#">Senior Officer</a>). A <a href="#">PCBU</a> will have committed an offence if a worker dies or is injured and later dies, in the course of carrying out work for the business or undertaking (including during a work break) and the conduct caused the death and the <a href="#">PCBU</a> was negligent about causing the death of the worker by the conduct. This is further discussed at <a href="#">paragraph 6.4</a>.</p>

## 2.3 Electrical safety duties of Officers



2.3.1 The [ES Act](#) (s.38A) imposes a personal and proactive duty on the [officers](#) of CS Energy to exercise [due diligence](#) to ensure that CS Energy complies with its duties under the ES Act. The duty imposed by s.38A of the ES Act is similar to the duties imposed by the WHS Act (s.27), however as detailed below the duty imposed by s.38A of ES Act is specific to electrical safety.

2.3.2 The duty to exercise [due diligence](#) imposed on [officers](#) is further explained [above](#).

### WARNING



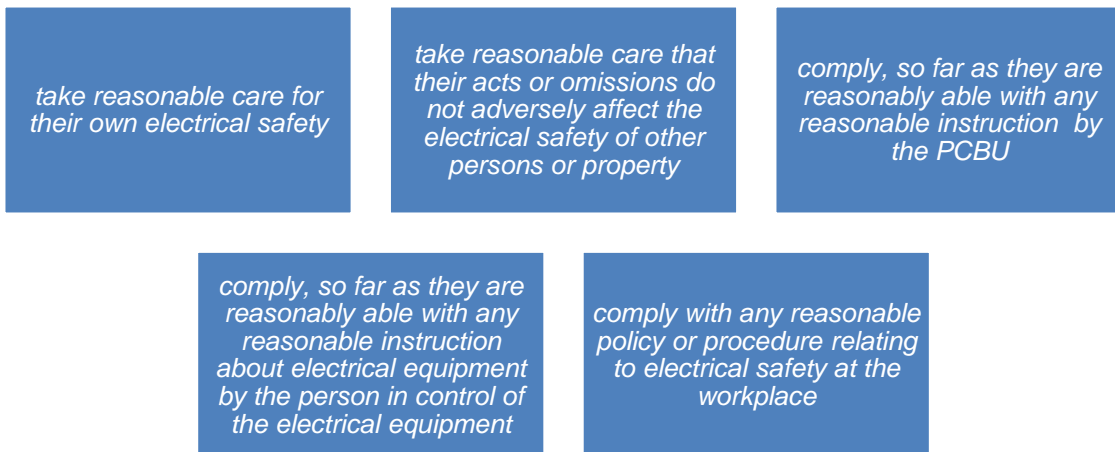
In addition to this duty, the industrial manslaughter offence may apply to a [Senior Officer](#) (as well as a [PCBU](#)). A [Senior Officer](#) will have committed an offence if a worker dies or is injured and later dies, in the course of carrying out work for the business or undertaking (including during a work break) and the [Senior Officer's](#) conduct caused the death and the [Senior Officer](#) was negligent about causing the death of the worker. This is discussed in detail at [paragraph 6.4](#).

## 2.4 Electrical safety duties of workers



### Workers

2.4.1 [Workers](#), while at work also have obligations imposed by the [ES Act](#). The [ES Act](#) (s.39) provides that [workers](#) must:



2.4.2 What amounts to 'reasonable care' for each [worker](#) may be different depending on the [workers'](#) qualifications, experience and training. Further, [workers](#) may also have personal obligations under the [ES Regulation](#). For example they may be required to hold licenses and certifications.

#### Example

Bill Brown wishes to install a new electrical part in an electrical installation. Although Bill Brown believes he can probably do the job without isolating the entire circuit, the instructions of CS Energy are that the entire circuit must be de-energised and locked out before work can begin. Bill Brown has a duty under the ES Act to follow those instructions.

## 2.5 Electrical safety duties of other persons



### Other Persons

- 2.5.1 The [ES Act](#) (s.40) imposes duties on other persons at a place where [electrical equipment](#) is located, whether or not the person has another duty under the [ES Act](#) (Part 2). The duties imposed on other persons include:



## 3 Other obligations under the ES Act

### 3.1 Other obligations

- 3.1.1 In addition to the electrical safety duties outlined above, there are a number of other relevant obligations in the ES Act and [ES Regulation](#) as follows.

### 3.2 Managing Risk

- 3.2.1 The [ES Regulation](#) (s.11) imposes the obligation of a [PCBU](#) at a [workplace](#) to manage the risks to health and safety associated with [electrical risks](#) at the [workplace](#) in accordance with Chapter 3, Part 3.1 of the [WHS Regulations](#).
- 3.2.2 This is further explored in the '[How to manage risks](#)' section above.

### 3.3 Technical electrical safety obligations

3.3.1 The [ES Act](#) and [ES Regulation](#) include many technical and systemic requirements for electrical safety. Key technical requirements are outlined in summary in the table below.

PCBU Activity	What are the duties (in summary)?
<p><b>Safety Requirements</b></p>	<p>Parts 3, 5, 6 and 7 (ES Regulation) prescribe the safety requirements for <a href="#">electrical work</a>. These cover the following content which is prescriptive in relation to the following subject matter:</p> <ul style="list-style-type: none"> <li>• <a href="#">Electrical work</a> on energised equipment;</li> <li>• High voltage live line work;</li> <li>• Testing of work;</li> <li>• <a href="#">Electrical equipment</a> with serious defects;</li> <li>• Documents about <a href="#">electrical work</a>;</li> <li>• Misrepresentations about <a href="#">electrical equipment</a> or <a href="#">electrical work</a>;</li> <li>• Misrepresentations about lawful authority to contract for the performance of <a href="#">electrical work</a>;</li> <li>• Overhead and underground electric lines;</li> <li>• <a href="#">Electrical installations</a>;</li> <li>• Electric lines;</li> <li>• Installation of approved safety switches in domestic residences;</li> <li>• Installation of ceiling insulation;</li> <li>• Electrically conductive ceiling insulation;</li> <li>• <a href="#">Workplace electrical installations</a>;</li> <li>• All work;</li> <li>• Construction work;</li> <li>• Manufacturing work;</li> <li>• Amusement work;</li> <li>• Rural industry work;</li> <li>• In-scope electrical equipment.</li> </ul>
<p><b>Authorisations</b></p>	<p>Part 4 (ES Regulation), prescribes the licensing requirements for various types of electrical work. These cover the following content which is prescriptive in relation to the following subject matter:</p> <ul style="list-style-type: none"> <li>• Electrical work licences;</li> <li>• Electrical work licence requirements;</li> <li>• Electrical contractor licence requirements;</li> <li>• Eligibility requirements for renewal of reinstatement of an electrical licence;</li> <li>• Application requirements;</li> <li>• Cancellation or suspension of licence;</li> <li>• Register of electrical licences;</li> <li>• Examinations for assessing competency;</li> <li>• Operation of trade contractor's licence;</li> <li>• Advertising by licenced electrical contractor;</li> <li>• Performance of electrical work without electrical licence;</li> </ul>

PCBU Activity	What are the duties (in summary)?
	<ul style="list-style-type: none"> <li>• Details to be included in register of workers;</li> <li>• Competency assessments;and</li> <li>• Requirements for registered training organisations</li> </ul>
Electrical equipment	<p>Part 8 (<a href="#">ES Regulation</a>), prescribes the requirements in relation to electrical equipment. These cover the following content which is prescriptive in relation the following subject matter:</p> <ul style="list-style-type: none"> <li>• Warning sings;</li> <li>• Prohibitions on the sale of <a href="#">electrical equipment</a>;</li> <li>• Labelling and inspection of <a href="#">electrical equipment</a>; and</li> <li>• Hiring <a href="#">electrical equipment</a>.</li> </ul>
Works of an electricity entity	<p>Part 9 (<a href="#">ES Regulation</a>), prescribes the requirements in relation to works of an <a href="#">electricity entity</a>. These cover the following content which is prescriptive in relation to the following subject matter:</p> <ul style="list-style-type: none"> <li>• Earthing and protection;</li> <li>• Substations;</li> <li>• Electric lines and control cables;</li> <li>• Termination requirements for low voltage overhead service lines;</li> <li>• Service lines generally; and</li> <li>• Maintenance of works.</li> </ul>
Electricity supply	<p>Part 10 (<a href="#">ES Regulation</a>), prescribes the requirements in relation to electricity supply. These cover the following content which is prescriptive in relation to the following subject matter:</p> <ul style="list-style-type: none"> <li>• Connection to source of electricity;</li> <li>• Private generating plants; and</li> <li>• Testing.</li> </ul>
Cathodic protection systems	<p>Part 13 (<a href="#">ES Regulation</a>), prescribes the requirements in relation to cathodic protection systems. These cover the following content which is prescriptive in relation to the following subject matter:</p> <p><b>Installation and design;</b></p> <ul style="list-style-type: none"> <li>• Operating requirements;</li> <li>• Testing requirements;</li> <li>• System requirements; and</li> <li>• Registration of registrable systems.</li> </ul>

### Example

An employee of CS Energy has been asked to undertake some electrical work CS Energy will need to ensure that it holds relevant electrical contractor licenses before work commences.

## 4 Consultation and Representation

- 4.1.1 Obligations in relation to consultation, [worker](#) participation and Health and Safety Representatives are imposed by the [WHS Act](#) and are outlined in detail in Chapter 1 of this manual.

## 5 Incident Response

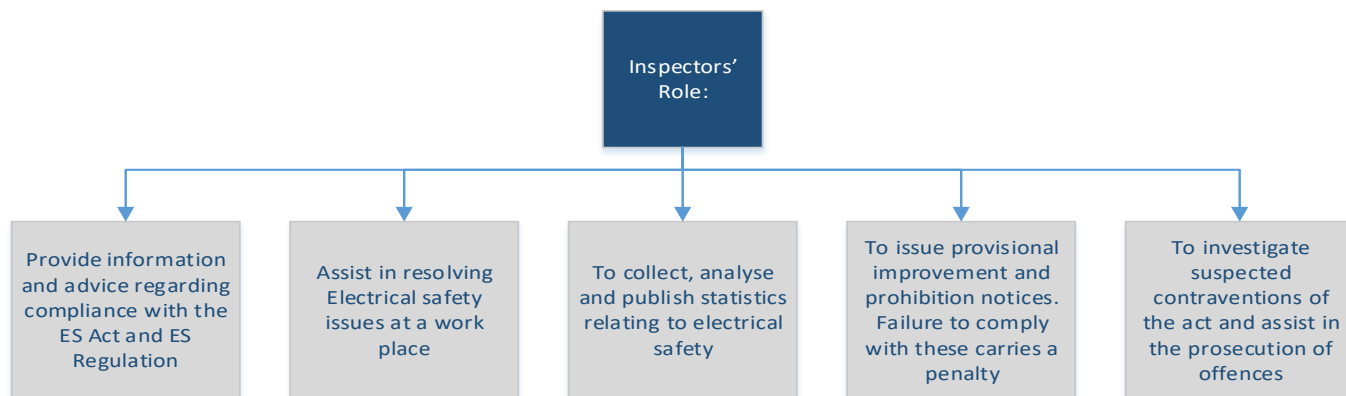
### 5.1 Notifications

- 5.1.1 The [ES Regulation](#) (Part 14) requires that a [PCBU](#) notify the Regulator, by the fastest means possible, after becoming aware that a [serious electrical incident](#) or [dangerous electrical event](#) has occurred and that a record of each [serious electrical incident](#) or [dangerous electrical event](#) be kept for at least 5 years after the notice is given to the regulator.
- 5.1.2 An obligation to preserve [serious electrical incident](#) or [dangerous electrical event](#) sites is imposed by the [ES Regulation](#) (s.269). The person with management or control of the place where a [serious electrical incident](#) or a [dangerous electrical event](#) happens, must ensure [SFARP](#) that the site is not disturbed until an Inspector arrives or at the direction of an Inspector. Further, the person must not move or otherwise interfere with any [electrical equipment](#), or part of any [electrical equipment](#), involved in the happening of the [serious electrical incident](#) or a [dangerous electrical event](#).
- 5.1.3 The obligation to preserve the site does not limit any action that is required to:
- (a) provide assistance to an injured person;
  - (b) remove a deceased person;
  - (c) that is essential to make the site safe or to minimise the risk of a further [serious electrical incident](#) or a [dangerous electrical event](#);
  - (d) that is associated with a police investigation;
  - (e) be to done by a person acting under the authority of the distribution entity for the incident or event;
  - (f) be done by a person for whom an inspector or the regulator has given permission.

## 6 Regulators and Enforcement

### 6.1 Inspectors

- 6.1.1 Electrical safety inspectors are appointed under the [ES Act](#) (Part 10) and have significant powers including the abilities to enter [workplaces](#), seize documents or things related to suspected contraventions, and apply for search warrants (Part 11, [ES Act](#)).



6.1.2 The [key tips for dealing with inspectors](#) under the [ES Act](#) and [ES Regulation](#) are the same as under the [WHS Act](#) and [WHS Regulation](#) (see part 6.1.2 above).

6.1.3 Separate to the power of Inspectors, the Regulator may also make requests for information (s.141, [WHS Act](#)). Such a notice must be served in writing and you should seek advice from legal counsel if such a notice is received.

## 6.2 Enforcement Powers

6.2.1 The Regulator is responsible for monitoring and enforcing compliance with the [ES Act](#) and [ES Regulation](#), ranging from low level assistance to high level criminal penalties. These are the same as under the [WHS Act](#) and [WHS Regulations](#), and can be [accessed here](#).

6.2.2 Inspectors may issue improvement, electrical safety protection notices or unsafe equipment notices requiring perceived compliance issues to be addressed or remedied. They may also issue non-disturbance notices requiring the preservation of, or cessation of work at a site in order for an inspector to facilitate their compliance powers (ss.146-149, ES Act). As acceptance of a notice received may constitute an 'admission' of a contravention of the [ES Act](#), advice should be sought from legal counsel if any notices are received.

6.2.3 The Regulator or an Inspector on the authority of the Regulator may instigate prosecutions for breaches of the [ES Act](#). This does not limit the broader ability of the Director of Public Prosecutions to also instigate prosecutions under the [ES Act](#) (ss.186 and 186A).

6.2.4 The Regulator may accept an electrical safety undertaking as an alternative to prosecution where appropriate, with the exception of a category 1 offence, category 1 offence (if the person's failure to comply with an electrical safety duty results in the death of an individual) or an industrial manslaughter offence (part 2B). A court order compelling compliance with the undertaking may be applied for if it is breached (s.187E, ES Act).

### WARNING

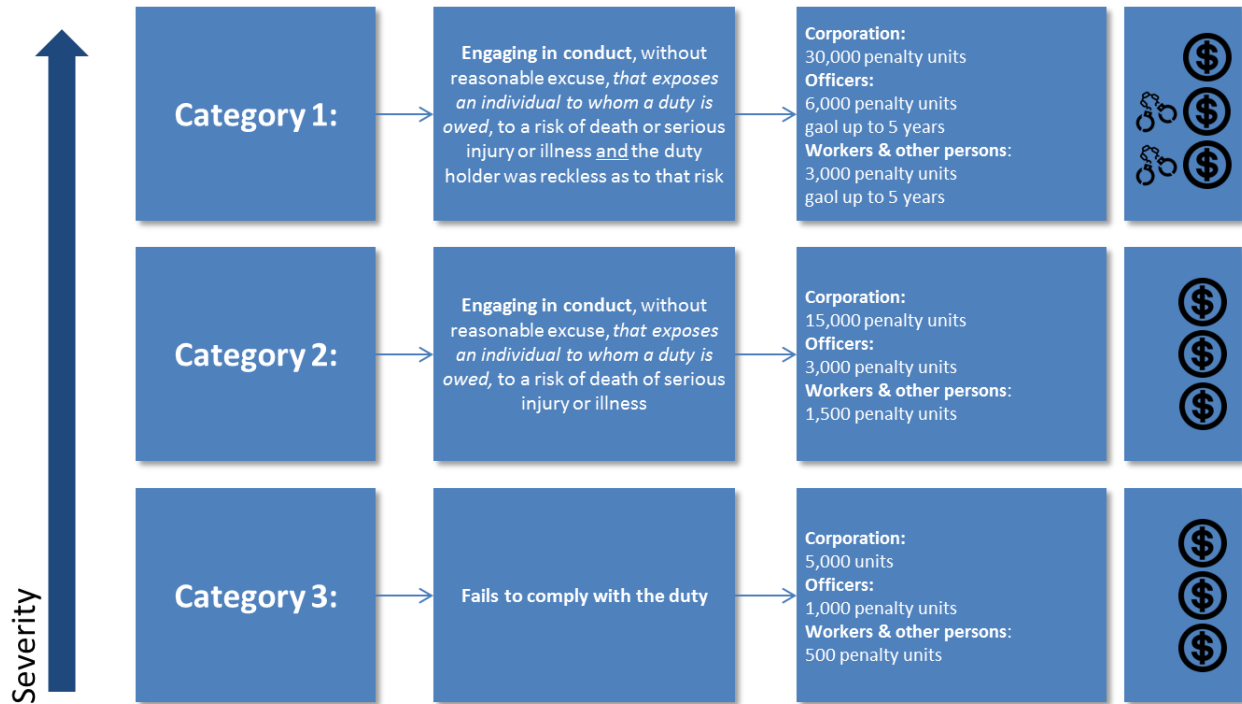


The powers of the Regulator and Inspectors are prescriptive and wide-ranging. Advice should be sought when dealing with the Regulator or an Inspector to ensure the processes and duties prescribed under the [ES Act](#) and [ES Regulation](#) are complied with.



### 6.3 Offences and Penalties

6.3.1 The key electrical safety duties relevant to CS Energy are explained above. It is an offence to fail to comply with those obligations. Maximum penalties for failing to comply with an electrical safety duty under the [ES Act](#) are outlined below:



### 6.4 Industrial Manslaughter

6.4.1 It is an offence for a [PCBU](#), or a [Senior Officer](#), to negligently cause the death of a worker (ss. 48N, 48O, ES Act). This offence applies if:


- a worker dies, or is injured and later dies, in the course of carrying out work for the business or undertaking (including during a work break);
- the [PCBU](#)'s, or [Senior Officer](#)'s, conduct cause the death of the worker; and

6.4.2 the [PCBU](#), or [Senior Officer](#), is negligent about causing the death of the worker.

**WARNING**

 Where a [PCBU](#), or [Senior Officer](#), commits industrial manslaughter, a maximum penalty of 20 years imprisonment for an individual, or 100,000 penalty units for a body corporate applies.

**WARNING**

 The table below sets out all of the offences that may apply under the [ES Act](#). There may be additional and separate penalties that apply for breaches of specific [ES Regulation](#) also.

6.4.3 Apart from the electrical safety duties, in relation to all of the other obligations imposed under the [ES Act](#) and [ES Regulation](#) there are many offences and penalties imposed. The table below sets out other maximum penalties that may apply for other [breaches](#) of the [ES Act](#) or [ES Regulation](#). These are set out in [penalty units](#).

ES Act Reference	Offence	Maximum Penalty
<b>Offences about Ministerial recall orders</b>		
s.40K	Supplier not providing reasonable help to the responsible person in relation to the recall order.	50 <a href="#">penalty units</a>
<b>Offences about electrical safety</b>		
S. 48N, 48O	Industrial manslaughter: a person's conduct causes the death of a worker and the person is negligent about causing the death	Individual: 20 years imprisonment Body corporate: 100,000 penalty units
s.52	Contravention of an electrical safety undertaking by the identified person for an operating electrical safety undertaking.	500 <a href="#">penalty units</a>
s.56	A <a href="#">person conducting a business or undertaking</a> that includes the performance of <a href="#">electrical work</a> without an electrical contractor licence.	400 <a href="#">penalty units</a>
s.57	A holder of an electrical work licence who performs or supervises or a holder of an electrical contractor licence who performs <a href="#">electrical work</a> without complying with all conditions and restrictions of the licence.	400 <a href="#">penalty units</a>
s.57AA	A <a href="#">PCBU</a> fails to ensure that <a href="#">electrical work</a> is carried out or supervised by a person whose electrical work license authorises them to undertake the work.	400 <a href="#">penalty units</a>
s.57AB	Failure to keep register of license register in required form and to make register available immediately upon request of an inspector.	100 <a href="#">penalty units</a>
s.57AC (2)(a)	Failure to notify the relevant person, in writing, within 14 days of suspension, cancellation, surrender, expiry or amendments in relation to electrical work license.	40 <a href="#">penalty units</a>
ss.57AC (2)(b) and (c)	Failure to notify the relevant person, in writing, within 14 days of electrical work license being renewed or reinstated or changes of other prescribed details.	10 <a href="#">penalty units</a>
s. 67	Failure of <a href="#">prescribed electricity entity</a> to have and give effect to a safety management system.	400 <a href="#">penalty units</a>
<b>Offences about Inspectors and Regulators</b>		

ES Act Reference	Offence	Maximum Penalty
s.57B	Failure to comply with direction from Regulator without reasonable excuse.	100 <a href="#">penalty units</a>
s.64A	Failure to comply with notice issued by the regulator to provide information or a document to satisfy the regulator the person continues the eligibility requirements for the issue of the license.	40 <a href="#">penalty units</a>
s.136	Failure to return identity card to the regulator within 21 of ceasing to be an accredited auditor.	40 <a href="#">penalty units</a>
s.136B	Person holds themselves out to be an accredited auditor when not an accredited auditor.	100 <a href="#">penalty units</a>
s.138B	Failure or refusal to comply with request of an inspector to provide reasonable help after entering a workplace under s.138 ES Act.	100 <a href="#">penalty units</a>
s.138D	Affecting the analysis of any thing by a regulator by tempering with it before or after the inspector takes it for analysis.	100 <a href="#">penalty units</a>
s.141	Failure or refusal to comply with the requirement of an inspector, who enters the workplace under s.138 ES Act to answer questions or produce a document.	100 <a href="#">penalty units</a>
s.141G	Attempting to, or tempering with anything including <a href="#">electrical equipment</a> that the inspector has restricted access to or seized.	100 <a href="#">penalty units</a>
s.143	Failure to comply with request from inspector for reasonable help in relation to an enquiry into a <a href="#">serious electrical incident</a> or <a href="#">dangerous electrical event</a> .	100 <a href="#">penalty units</a>
s.144	Failure to provide correct name and residential address to an inspector where the person is committing an offence or inspector reasonably believes the person has committed an offence.	100 <a href="#">penalty units</a>
s.145	Obstructing or hindering an inspector.	100 <a href="#">penalty units</a>
s.145A	Holding oneself out to be an inspector when not an inspector.	100 <a href="#">penalty units</a>
s.145B	Directly or indirectly attempting to or actually, assaulting, threatening, intimidating an inspector or someone helping an inspector.	500 <a href="#">penalty units</a> or 2 years imprisonment
s.146B	Failure to comply with an improvement notice within the period stated in the notice.	500 <a href="#">penalty units</a>
s.147	Failure to comply with requirement of inspector without reasonable excuse.	1,000 <a href="#">penalty units</a>
s.148	Failure to comply with direction of inspector to stop activity or to stop using or allowing <a href="#">electrical equipment</a> to be used.	1,000 <a href="#">penalty units</a>

ES Act Reference	Offence	Maximum Penalty
s.149B	Failure or refusal to comply with a non-disturbance notice.	500 <a href="#">penalty units</a>
s.150H	Failure to display notice.	50 <a href="#">penalty units</a>
s.187J	Failure to comply with an order made under part 13 of the ES Act.	500 <a href="#">penalty units</a>
s.192	Making a false or misleading statement to an official entity. Giving an official entity a document containing material known to be false or misleading in a material particular, or making an entry in a document known to be false or misleading.	100 <a href="#">penalty units</a>
s.193	Disclosing, giving access to or using information or documents obtained in exercising any power or function under the ES Act.	100 <a href="#">penalty units</a>
s.195	Levying workers or permitting the levying of workers for anything done or provided in relation to electrical safety.	50 <a href="#">penalty units</a>

**Last Amendment**

*Electrical Safety Act 2002* (includes amendments up to 23 October 2017, Act No.38 of 2017) *Electrical Safety Regulation 2013* (includes amendments up to 31 August 2017, Act No.27 of 2017).



## CHAPTER 11 –PETROLEUM AND GAS (PRODUCTION AND SAFETY)

### 1 Introduction

#### 1.1 Applicable legislation

<b>Legislation</b>
<a href="#">Petroleum and Gas (Production and Safety) Act 2004</a> (PGPS Act)
<a href="#">Petroleum and Gas (Production and Safety) Regulation 2004</a> (PGPS Regulation)
<b>Standards</b>
See <a href="#">Annexure - Standards Petroleum &amp; Gas Safety</a> for relevant Guidelines and Standards that have status as either 'mandatory' or 'preferred' under the applicable legislation.
<b>Regulator</b>
Petroleum and Gas Inspectorate - Department of Natural Resources and Mines
Website: <a href="https://www.dnrm.qld.gov.au/our-department/contact-us/petroleum-gas-inspectorate-contacts">https://www.dnrm.qld.gov.au/our-department/contact-us/petroleum-gas-inspectorate-contacts</a>

#### 1.2 Legislative Framework

- 1.2.1 The [PGPS Act](#) regulates the petroleum (including gas) industry in Queensland. The key safety content is included in Chapter 9 of the [PGPS Act](#) which regulates safety and health including particularly requiring certain roles and systems to be in place for [operating plant](#) and imposing associated duties.
- 1.2.2 The *Petroleum and Gas (Production and Safety) Regulation 2004* ([PGPS Regulation](#)) provides further detail about safety and health requirements for [petroleum](#).
- 1.2.3 Standards also have statutory status under the [PGPS Act](#). Under the [PGPS Regulation](#) (s.7) a list of mandatory and preferred standards are prescribed. If a document is a mandatory standard it must be complied with, however preferred standards are optional and if a business does not wish to comply with them they may give the Regulator notice under that section demonstrating how they will provide an equivalent level of risk control through another method. The prescribed standards have been detailed in the [Annexure](#).
- 1.2.4 The safety content of the [PGPS Act](#) and [PGPS Regulation](#) have the following scope:

Area of influence	When does the PGPS Act or Regulations apply?
<u>Operating plant</u>	Ch 9 of the <a href="#">PGPS Act</a> primarily applies to <a href="#">operating plant</a> . This is defined to include all of the authorised activities for petroleum tenures as well as various facilities such as production and processing facilities for petroleum and gas, pipelines and distribution systems, water treatment facilities, bulk fuel gas storage facilities, some geothermal facilities, some Green House Gas storage facilities. It also includes some LPG delivery networks, tanker deliver of bulk fuel gas, cylinder storage and underground gasification.
<u>Safety Requirements and other technical requirements</u>	The application of the <a href="#">PGPS Regulation</a> is not limited to <a href="#">operating plant</a> . It variously applies to all activities for exploring for and production of <a href="#">petroleum</a> including certain prescribed pipelines and <a href="#">fuel gas</a> .

1.2.5 The [PGPS Act](#) excludes the application of some other safety and health laws. Specifically:

What legislation is excluded?	What does apply?
WHS Act	<p>Generally the <a href="#">WHS Act</a> does not apply to <a href="#">operating plant</a>. However, the <a href="#">WHS Act</a> does apply to the following at <a href="#">operating plant</a>:</p> <ul style="list-style-type: none"> <li>• <a href="#">construction work</a> (which is not commissioning operating plant or rigging up and down of drill rigs); and</li> <li>• the management of <a href="#">hazardous chemicals</a> and <a href="#">major hazard facilities</a>; and</li> <li>• <a href="#">specified P &amp; G Act authorised Activity</a> which essentially captures non production related authorised activities on relevant tenures such as operation of roads and camps;</li> </ul> <p>in which case the <a href="#">WHS Act</a> and <a href="#">PGPS Act</a> may apply concurrently, except for <a href="#">major hazard facilities</a> which are taken to be solely WHS regulated.<sup>4</sup></p> <p>The <a href="#">PGPS Act</a> prevails over the <a href="#">WHS Act</a> for matters related to the design or construction of operating plant that impacts on the integrity or safe use of the plant.</p>
ES Act	The <a href="#">ES Act</a> does have operation at <a href="#">operating plant</a> – it continues to apply (including for <a href="#">works</a> ) but certain 'excluded provisions' have no force in relation to some <a href="#">electrical installations</a> and private generating plant – specifically the electrical safety duties and provisions regarding electrical contractor licenses do not apply to those. Similarly, the <a href="#">ES Regulation</a> have very limited application although some requirements (such as for sale of <a href="#">electrical equipment</a> and licensing of electrical workers) do apply.

<sup>4</sup> For further information about the application of the WHS Act to Operating Plant, refer to the DNRM guidelines here: [https://www.dnrm.qld.gov.au/data/assets/pdf\\_file/0011/238619/operating-plant-guidelines.pdf](https://www.dnrm.qld.gov.au/data/assets/pdf_file/0011/238619/operating-plant-guidelines.pdf)

What legislation is excluded?	What does apply?
CMSH Act	The <a href="#">PGPS Act</a> continues to apply even for on-site activities under the <a href="#">CMSH Act</a> . Facilities that are part of a <a href="#">coal mining operation</a> or <a href="#">on-site activity</a> are operating plant only to the extent that they are <a href="#">coal mining CSG operating plant</a> which essentially means that they used in relation to coal seam gas and held under a relevant tenure (s.671).

Example
<p>CS Energy operates a CSG plant which meets the threshold requirements to require a major hazard facility license. That facility, once licensed, will primarily be regulated as a <a href="#">major hazard facility</a> subject to inspection by the Hazardous Industries Chemical Branch under the <a href="#">WHS Act</a>, rather than under the <a href="#">PGPS Act</a>. (Note that currently, CS Energy's facilities do not include any major hazard facilities, this is an example only).</p>

## 2 Petroleum and Gas Obligations

### 2.1 Introduction

- 2.1.1 The [PGPS Act](#) includes prescriptive roles, duties and system requirements for [operating plant](#)
- 2.1.2 In terms of duties, the [PGPS Act](#) is characterised by imposing many personal obligations on persons who must be appointed to specific roles. These include for example [executive safety managers](#), [operators](#), [site safety managers](#) and persons at plant. The Regulator for petroleum plant often enforces obligations against individuals rather than just against corporations which is more common in the general [WHS Act](#) regime. The duties are set out in more detail below. The [PGPS Act](#) does include a number of defences to breach of the duties imposed on persons – such as that the contravention was due to a cause over which the person had no control or that the person took reasonable precautions and applied proper diligence to ensure the requirement was met (s.732A).
- 2.1.3 In terms of systems the [PGPS Act](#) requires detailed management plans to be in place. The thrust of the provisions is to ensure that risk is reduced to an [acceptable level](#). This includes a requirement that risk be reduced to a level which is 'As Low As Reasonably Achievable' (or ALARP) (s.700), which is essentially the same standard as [SFARP](#) which applies under the [WHS Act](#). It also however, includes a number of additional requirements, including that risk be within acceptable limits having regard to the [safety requirements](#) and that risk is systematically managed through establishment of a process including risk management, monitoring and review (s.701).
- 2.1.4 One challenging practical concept under the [PGPS Act](#) is that there may be multiple [operating plants](#) operating at any time in any given location. Unlike the CMSH Act which regulates a single 'Coal Mine' which must have a single [safety and health management system](#)', the [PGPS Act](#) permits multiple [operators of operating plant](#) to co-exist. The PGPS Act includes provisions requiring consultation between relevant duty holders in those circumstances.
- 2.1.5 Another challenging practical concept under the [PGPS Act](#) is whether or not the [operators of operating plant](#) may be a corporation or must be an individual person. The definition is noted as ambiguous and although the Regulator takes the view that the [operator](#) must be an individual in

practice many corporations have taken on the role and this has not been challenged by the Regulator.

## 2.2 Chapter 9 Duties and Obligations

### 2.2.1 Key safety and health obligations under the [PGPS Act](#) can be summarised as follows:

Obligation Holder	What is the duty (in summary?)
<u>Holder</u>	<p>The <a href="#">holder</a> of a tenure must:</p> <ul style="list-style-type: none"> <li>notify the Regulator who is the <a href="#">executive safety manager</a> for <a href="#">operating plant</a> in the area (s.687A).</li> </ul>
<u>Executive Safety Managers</u>	<p>The <a href="#">executive safety manager (ESM)</a> for <a href="#">operating plant</a> must(s.688):</p> <ul style="list-style-type: none"> <li>appoint an appropriately qualified person as <a href="#">operator</a>;</li> <li>ensure the Operator makes a <a href="#">safety management system (SMS)</a>;</li> <li>approve the <a href="#">SMS</a> before it is put into effect;</li> <li>ensure the <a href="#">SMS</a> is implemented in a way that effectively manages the risk associated with the plant;</li> <li>report annually to the Regulator about roles, performance and non-compliances (s.689, s.690)</li> </ul>
<u>Owner</u>	<p>The Owner of operating plant:</p> <ul style="list-style-type: none"> <li>must ensure that the <a href="#">operator</a> is competent to operate the plant (s. 698).</li> </ul>
<u>Operator</u>	<p>The <a href="#">operator of operating plant</a> must:</p> <ul style="list-style-type: none"> <li>notify the Regulator before commissioning new operating plant (s.673A);</li> <li>implement a <a href="#">SMS</a> for each stage of <a href="#">operating plant</a> (s.674). This effectively means in practice that the SMS must be in place once the plant is commissioned. The SMS must meet detailed content requirements including organisational structure and responsibilities, a formal safety assessment, operating and emergency plans, change management processes and consultation or interface processes (s.675). Additional requirements are included where the <a href="#">operating plant</a> is adjacent to coal mining – including consultation and interface risk planning (PGPS Act s.386 – 389 and s.705 – 705CB and PGPS Regulation s.59A and also see PGPS Regulation Ch 3)</li> <li>display and inform duty holders under the SMS about the SMS (s.676);</li> <li>ensure that everyone who has a duty under the SMS complies with their obligations (s.677);</li> <li>revise SMS regularly (s.678);</li> <li>keep resulting records for the SMS (s.678A) (noting that such records may need to be released to the regulator);</li> <li>integrate with the <a href="#">SHMS</a> for any <a href="#">Coal Mining CSG Operating Plant</a> (s.684);</li> </ul>



Obligation Holder	What is the duty (in summary?)
	<ul style="list-style-type: none"> <li>if required by the <a href="#">SMS</a>, appoint the <a href="#">site safety manager</a> (s.692);</li> <li>for operating plant on coal leases, have a <a href="#">principal hazard management plan</a> (s.705A).</li> </ul>
<a href="#">Site Safety Managers</a>	<p>The <a href="#">site safety manager (SSM)</a> for <a href="#">operating plant</a> must (s.693):</p> <ul style="list-style-type: none"> <li>ensure people who enter the site are given appropriate inductions;</li> <li>ensure each person at the site complies with standard operating procedures, emergency response procedures and other measures necessary for the safety of the site and the person;</li> <li>ensure each person working at the site performs their functions safely and follows standard operating procedures for the plant; and</li> <li>necessary first aid, safety and other equipment is available and maintained; and</li> <li>ensure relevant staff are trained in first aid, emergency and general safety procedures.</li> </ul>
Designers, importers, manufacturers and suppliers	Designers, importers, manufacturers and suppliers (s.696) must take reasonable steps to ensure the plant or equipment complies with <a href="#">safety requirements</a> and information is shared with users.
Installers	<p>Installers must not install plant or equipment unless it complies with the <a href="#">safety requirements</a>.</p> <p>Also specific requirements for gas system installers (s.734A).</p>
<a href="#">Persons at Operating Plant</a>	All persons at <a href="#">operating plant</a> must comply with safety procedures and other obligations under the <a href="#">SMS</a> for the plant to the extent they apply (s.702). They must also comply with instructions of the <a href="#">operator</a> or any supervisor.

Example
<p>Bill Brown is the <a href="#">site safety manager</a> for certain <a href="#">operating plant</a>. He must personally ensure that each person at the plant complies with the standard operating procedures. To do this Bill Brown will need to establish systems to ensure their competency and training and to implement supervision for their delivery of those procedures. If he does not, he may have committed an offence.</p>

## 2.3 Technical safety and health obligations

2.3.1 Technical safety and health obligations are included in the PGPS Regulation. Key technical requirements are as follows.

Subject	What is the duty (in summary?)
<a href="#">Safety management</a>	

Subject	What is the duty (in summary?)
system	Under the PGPS Act, the operator must implement a <a href="#">SMS</a> for each stage of <a href="#">operating plant</a> (s.674). This effectively means in practice that the SMS must be in place once the plant is commissioned. The SMS must meet detailed content requirements including organisational structure and responsibilities, a formal safety assessment, operating and emergency plans, change management processes and consultation or interface processes (s.675). Additional requirements are included where the <a href="#">operating plant</a> is adjacent to coal mining – including interface risk planning (PGPS Regulation s.59A and also see PGPS Regulation Ch 3).
Joint interaction management plans	Under the PGPS Act, any operator whose activities may affect the safe mining of coal or who is in an overlapping area, must ensure that a joint interaction management plan is in place (s.386) and also see PGPS Regulation, ss.72B – 74.
<a href="#">Safety requirements</a>	Chapter 2, Part 2 prescribes the <a href="#">safety requirements</a> for <a href="#">petroleum</a> and gas production and exploration. These cover the following content which is prescriptive in relation to this subject matter: <ul style="list-style-type: none"> <li>• Operating plant used for drilling;</li> <li>• Construction and abandonment code;</li> <li>• Competency requirements;</li> <li>• Training and supervision;</li> <li>• Job Safety Analysis;</li> <li>• Emergency shut down;</li> <li>• Bore pressure for well completion;</li> <li>• Survey requirement;</li> <li>• Survey plan;</li> <li>• Downhole survey;</li> <li>• Processed natural gas pipeline; and</li> <li>• Pipeline incidental activities.</li> </ul>
Coal mining interface	Chapter 3 also sets out additional requirements relating to coal mining interfaces. This includes additional survey and management plan requirements as well as specific technical requirements for plant and equipment.
Pipeline integrity	Chapter 4 includes inspection requirements for strategic pipeline integrity. This includes only certain Queensland pipelines listed in the <a href="#">PGPS Regulation</a> (Moonie to Brisbane, Roma to Brisbane, Jackson to Moonie, Ballera to SA Border, Ballera to Wallumbilla, Wallumbilla to Gladstone and Rockhampton, Ballera to Mt Isa, Moranbah to Townsville and Durham to ML1A).
<a href="#">Fuel gas</a>	Chapter 5 includes technical requirements for <a href="#">fuel gas</a> distribution and safety and <a href="#">gas system</a> requirements including <a href="#">gas work</a> requirements.

## 2.4 Officer's duties

2.4.1 In addition to all of the specific obligations above, '[executive officers](#)' also hold obligations under the [PGPS Act](#) (s.814). [Executive officers](#) may be liable for an offence if they do not take all

reasonable steps to ensure their corporation does not commit certain offences under the [PGPS Act](#).

#### Example

Sally Smith does not hold an appointment as SSM or ESM in relation to CS Energy operating plant. However she is a senior manager of the company who directly takes part in the day to day management of that operating plant including making decisions about safety management systems at that plant. Sally Smith will owe a duty as an executive officer to take reasonable steps to verify compliance to those management systems by the company.

### 3 Consultation and Representation

#### 3.1 Representation and Unions

3.1.1 There are no specific representative or union powers under the [PGPS Act](#).

#### 3.2 Consultation

3.2.1 Consultation provisions arguably apply as a requirement of the content of [SMS's](#) for operating plant – this is certainly the case for horizontal consultation although the need for vertical consultation is less clear.

#### 3.3 Fair Treatment

3.3.1 Like other safety and health legislation, protections are included in the [PGPS Act](#) including protections from reprisals for persons who have made complaints or raised issues under the [PGPS Act](#) (s.708C).

### 4 Petroleum and Gas Incident Response

#### 4.1 Notifications

4.1.1 Incidents of a class prescribed by regulation must be reported to the chief inspector of the Regulator by:

- (a) if the incident is at an [operating plant](#) – the person nominated under the SMS to make the report;
- (b) otherwise – the occupier of the site of the incident.

4.1.2 An Incident is specifically defined as an event in which the level of risk of death or injury to a person or damage to property is not at an [acceptable level](#), and happens at operating plant or at another place associated with a gas device or the presence of petroleum or fuel gas (See Sch 2).

4.1.3 The Regulations provides for the following incident to be reported as listed:

Incident	Way report must be given	When report must be given
an incident involving death of a person	By telephone	Immediately
	In writing	As soon as practicable
an incident involving injury to a person requiring medical treatment	By telephone	Immediately
	In writing	As soon as practicable
an emergency, including an emergency alarm activation other than as part of a routine test, at an operating plant that is a major hazard facility under the <a href="#">WHS Regulations</a>	By telephone	Immediately
	In writing	As soon as practicable
a fire at an operating plant	By telephone	Immediately
	In writing	As soon as practicable
an unplanned or uncontrolled release of petroleum, fuel gas or prescribed storage gas, attended by emergency services	By telephone	Immediately
	In writing	As soon as practicable
an unplanned or uncontrolled release of a gas that is petroleum or prescribed storage gas or fuel gas from an operating plant, at a concentration of more than the lower flammable alarm level for the gas stated in the safety management plan for the plant, not attended by emergency services	By telephone	Immediately
	In writing	As soon as practicable
an incident with the potential to cause a general shortage of fuel gas in Queensland or an area of Queensland	By telephone	Immediately
	In writing	As soon as practicable
an incident involving damage to property that substantially increases the risk of damage to plant or equipment or injury to persons	By telephone	Immediately
	In writing	As soon as practicable
an incident involving coal mining operations at an operating plant in the area of a coal or oil shale mining lease	As required under the principal hazard management plan for the <a href="#">operating plant</a>	As required under the principal hazard management plan for the <a href="#">operating plant</a>
an incident at an operating plant to which the <a href="#">WHS Act</a> does not apply, if the incident is not otherwise mentioned in this schedule	In writing	As soon as practicable but not later than 5 business days after the incident occurs
an incident that had the potential to, but did not, cause the death of, or injury to, a person or damage to plant or equipment	By telephone	Immediately
	In writing	As soon as practicable but not later than 5 business days after

Incident	Way report must be given	When report must be given
		the incident occurs
a work related illness of a person at an <a href="#">operating plant</a> to which the <a href="#">WHS Act</a> does not apply	In writing	As soon as practicable but not later than 5 business days after the operator of the <a href="#">operating plant</a> becomes aware or, ought reasonably to have been aware, of the illness

- 4.1.4 There are also additional notification requirements for incidents on coal mining tenures (see s.705D).
- 4.1.5 Incident sites must be preserved by the operator or relevant person until so directed (s.707).

## 5 Regulators and Enforcement

### 5.1 Inspectors

5.1.1 The chief executive may appoint persons as inspectors or authorised Officers for the purposes of the [PGPS Act](#). Inspectors have functions including the following (s.736):

- (a) conducting audits, inspections and investigations to monitor and enforce compliance with safety management plans and provisions of the Act relating to safety;
- (b) investigating incidents;
- (c) responding to dangerous and emergency situations involving petroleum or fuel gas; and
- (d) collecting information for the PGPS Act;

5.1.2 Inspectors have broad powers under the PGPS Act to carry out these functions, including power to enter places, gather evidence and issue directions including compliance directions (s.780) and remedy notices (s.783).

5.1.3 Broadly, it is an offence to fail to cooperate with an inspector who is exercising a power under the [PGPS Act](#). Similar tips apply to dealing with regulators as have been identified in relation to general WHS legislation above however generally a privilege against self-incrimination exists under the [PGPS Act](#) meaning that you do not have to provide information that may tend to incriminate you. You should especially seek corporate legal advice if you are to be interviewed by an inspector given the focus on personal liability under this regime.

### 5.2 Offences and Penalties

5.2.1 Some of the key offences under the [PGPS Act](#) are as follows. Note that additionally these can be increased in circumstances of aggravation up to 5,000 [penalty units](#) or 3 years' imprisonment in some cases (s.732).

**WARNING**



The table below sets out all of the offences that may apply under the PGPS Act. There may be additional and separate penalties that apply for breaches of specific PGPS Regulation also.

<u>PGPS Act reference</u>	<u>Offence</u>	<u>Maximum Penalty</u>
s.674	Failure to develop, implement and maintain a safety management plan.	<i>Individual: 1,500 <a href="#">penalty units</a></i>
s.676	Failure by the <a href="#">operator of operating plant</a> to keep a copy of the safety management plan open for inspection, display it and ensure each person with an obligation under the plan is told of their obligation within a reasonable period before the plant requires them to comply with the obligation.	<i>Individual: 100 <a href="#">penalty units</a> Corporation: 500 <a href="#">penalty units</a></i>
s. 677	Failure by the <a href="#">operator of operating plant</a> to ensure each person who has an obligation under the safety management plan for the plant complies with their obligations under the plan.	<i>Individual: 500 <a href="#">penalty units</a> Corporation: 2,500 <a href="#">penalty units</a></i>
s. 678	Failure by the <a href="#">operator of operating plant</a> to revise the safety management plan where required in certain circumstances.	<i>Individual: 1,500 <a href="#">penalty units</a> Corporation: 7,500 <a href="#">penalty units</a></i>
s.688	Failure of the <a href="#">executive safety manager</a> to ensure safety of <a href="#">operating plant</a> , that workers at the plant are properly trained and that a record of training is kept in relation to the Plant.	<i>Individual: 2,000 <a href="#">penalty units</a></i>
s.689	Failure of <a href="#">executive safety manager</a> to lodge a safety report for the Plant on or before 1 September each year.	<i>Individual: 500 <a href="#">penalty units</a></i>
s.692	Failure by the <a href="#">operator of operating plant</a> to appoint a <a href="#">site safety manager</a> in the safety management plan if required to do so.	<i>Individual: 500 <a href="#">penalty units</a> Corporation: 2,500 <a href="#">penalty units</a></i>
s.693	Failure by <a href="#">site safety manager</a> to ensure safety of site.	<i>Individual: 1,000 <a href="#">penalty units</a></i>
s.696	Failure of designers, manufacturers, importers and suppliers to meet safety duties.	<i>Individual: 500 <a href="#">penalty units</a> Corporation: 2,500 <a href="#">penalty units</a></i>

<u>PGPS Act reference</u>	<u>Offence</u>	<u>Maximum Penalty</u>
s.697	Failure of installers to meet safety duties.	<i>Individual:</i> 300 <a href="#">penalty units</a> <i>Corporation:</i> 1,500 <a href="#">penalty units</a>
s.698	Failure by owner of an <a href="#">operating plant</a> to ensure the person operating the Plant has the necessary competencies.	<i>Individual:</i> 1000 <a href="#">penalty units</a> <i>Corporation:</i> 5,000 <a href="#">penalty units</a>
s.699	Failure by persons at an <a href="#">operating plant</a> to take all necessary and reasonable action to ensure that no person or property at the Plant is exposed to more than an acceptable level of risk.	<i>Individual:</i> 100 <a href="#">penalty units</a>
s.702	Failure by a person at an <a href="#">operating plant</a> to comply with safety management plan systems/procedures.	<i>Individual:</i> 100 <a href="#">penalty units</a>
s.703	Failure by a person at an <a href="#">operating plant</a> to comply with instructions given for the safety of persons by the Operator or a supervisor.	<i>Individual:</i> 100 <a href="#">penalty units</a>
s.704	Wilful or reckless actions that may adversely affect the safety of others.	<i>Individual:</i> 100 <a href="#">penalty units</a>
s.708	Entry into or remaining at an incident site without reasonable excuse or the permission of an inspector.	<i>Individual:</i> 500 <a href="#">penalty units</a>
s. 708A	Failure to comply with <a href="#">safety requirements</a> .	<i>Individual:</i> 500 <a href="#">penalty units</a> <i>Corporation:</i> 2,500 <a href="#">penalty units</a>
s.757	Failure to give inspector or authorised Officer name and address without reasonable excuse.	<i>Individual:</i> 100 <a href="#">penalty units</a>
s. 759	Failure of a person to produce a document to an inspector or authorised Officer without reasonable excuse.	<i>Individual:</i> 500 <a href="#">penalty units</a>
s. 762	Failure to give information to an inspector or authorised Officer.	<i>Individual:</i> 500 <a href="#">penalty units</a>
s.782	Failure to comply with a compliance direction of an inspector or authorised Officer without reasonable excuse.	<i>Individual:</i> 500 <a href="#">penalty units</a>
s.73 (PGPS)	Failure of an operator of an <a href="#">operating plant</a> in or adjacent to the area of a coal mining lease, to stop	<i>Individual:</i> 20 <a href="#">penalty units</a>

<u>PGPS Act reference</u>	Offence	Maximum Penalty
Regulation)	immediately and (make sure it does not resume) an activity.	Corporation: 100 <a href="#">penalty units</a>

**Last Amendment**

*Petroleum and Gas (Production and Safety) Act 2004* (includes amendments up to 28 September 2017, Act No. 34 of 2017)

*Petroleum and Gas (Production and Safety) Regulation 2004* (Qld) (includes amendments up to 1 September 2017, SL No. 163 of 2017)





## CHAPTER 12 – ROAD TRANSPORT SAFETY

### 1 Introduction

#### 1.1 Applicable Legislation

- 1.1.1 The following legislation applies in relation to road transport safety in Queensland.
- 1.1.2 The content in this chapter specifically deals with some transport content in detail - heavy vehicle safety laws and transport of dangerous goods safety laws. However this chapter does not deal in detail with other general transport laws such as the road rules and general vehicle safety laws. For further information in relation to those transport safety obligations, see the Health and Safety Business Partner or the Head of Health and Safety.

#### Legislation

[Transport Operations \(Road Use Management\) Act 1995](#)

[Transport Operations \(Road Use Management – Dangerous Goods\) Regulation 2008](#)

[Heavy Vehicle National Law Regulation 2014](#)

[Heavy Vehicle National Law \(Queensland\) 2012 \(HVNL\)](#)

[Heavy Vehicle \(Fatigue Management\) National Regulation](#)

[Heavy Vehicle \(Mass, Dimension and Loading\) National Regulation](#)

[Heavy Vehicle \(Vehicle Standards\) National Regulation](#)

#### Codes of Practice

[See Annexure – Codes of Practice Road Transport Safety](#)

#### Regulators

Department of Transport and Main Roads

Website: <http://www.tmr.qld.gov.au/>

Queensland Police

Website: <https://www.police.qld.gov.au/>

National Heavy Vehicle Regulator (NHVR)

The NHVR looks after one rule book for heavy vehicles over 4.5 tonnes gross vehicle mass. State and territory police, and authorised officers are appointed to enforce heavy vehicle offences under the HVNL.

Telephone: 1300 696 487

Address:	PO Box 492, Fortitude Valley QLD 4006
Website:	<a href="https://www.nhvr.gov.au/">https://www.nhvr.gov.au/</a>

## 1.2 The Legislative Framework

1.2.1 In Queensland there are a number of legislative instruments that apply in relation to road transport safety. Generally these all apply together, and have application concurrently with any other safety and health relevant legislation that may apply including *the Work Health and Safety Act 2011*.

Legislative Instrument	How does it apply?
<a href="#">Transport Operations (Road Use Management) Act 1995</a>	The <a href="#">Transport Operations (Road Use Management) Act 1995</a> and its supporting regulations, in relation to road rules, licensing and dangerous goods all apply in relation to public roads. This means that some private roads on private property will be excluded.
<a href="#">Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</a>	The <a href="#">Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</a> supports the <a href="#">Transport Operations (Road Use Management) Act 1995</a> and prescribes the obligations of persons involved in the transport of dangerous goods by road.
<a href="#">Heavy Vehicle National Law (Queensland) 2012</a>	<p>The <a href="#">Heavy Vehicle National Law (Queensland) 2012</a> applies to heavy vehicles over 4.5 tonnes gross vehicle mass.</p> <p>The HVNL does not limit the application of the primary <a href="#">WHS Act</a> or any regulations made under the <a href="#">WHS Act</a>.</p> <p>Evidence of a relevant contravention of the HVNL is admissible in any proceeding for an offence against the primary <a href="#">WHS Act</a>. Compliance with the HVNL, or with any requirement imposed under the HVNL is not, in itself, evidence that a person has complied with the <a href="#">WHS Act</a> or any regulations made under the <a href="#">WHS Act</a> or with a common law duty of care.</p>

## 2 Road transport operations

### 2.1 Key Obligations

2.1.1 The [Transport Operations \(Road Use Management\) Act 1995](#) aims to provide for the effective and efficient management of road and vehicle use and to improve road safety and the environmental impact of road use. It includes provisions relating to:

- (a) responsibilities for road use management strategies and programs;
- (b) road use or performance and compliance with performance standards; and
- (c) powers of police officers and certain public service officers in relation to the stopping, inspecting, entry and prohibition of use of vehicles.

2.1.2 A number of supporting regulations are enacted under [Transport Operations \(Road Use Management\) Act 1995](#), including licensing, vehicle standards and road rules. As general road safety requirements these are not detailed further in this manual however for further advice contact the Health and Safety Business Partner or the Head of Health and Safety.

2.1.3 In relation to dangerous goods, the [Transport Operations \(Road Use Management – Dangerous Goods\) Regulation 2008](#) prescribes requirements to comply with in relation to:

- (a) Definition of [dangerous goods](#) (s.33);
- (b) Packaging of [dangerous goods](#) (Part 4);
- (c) Consignment of [dangerous goods](#) (Part 5);
- (d) Safety standards for vehicles and equipment (Part 6);
- (e) Transport operations for particular [dangerous goods](#) (Part 7);
- (f) Stowage and restraint of [dangerous goods](#) (Part 8); and
- (g) Segregation of [dangerous goods](#) (Part 9).

2.1.4 The key obligations and duties included in the [Transport Operations \(Road Use Management – Dangerous Goods\) Regulation 2008](#) are outlined in the table below.

Content	What is the duty (in summary?)
Transport of dangerous goods to which special provisions apply Part 3	Not to consign, pack, load, transport <a href="#">dangerous goods</a> or drive a vehicle transporting <a href="#">dangerous goods</a> , if the person knows or ought reasonably to know that a special provision applies to the transport of the goods and the transport of the goods does not, or will not comply with the special provision (ss.41-45).
Packaging Part 4	<p><b>Suitability and design of packaging</b></p> <ul style="list-style-type: none"> <li>• Not to apply a marking required by the <a href="#">ADG Code</a> (Part 6) on <a href="#">packaging</a> if the <a href="#">packaging</a> is not of a design approved by the chief executive (s.49 (1)).</li> <li>• Not to apply a marking mentioned in the <a href="#">ADG Code</a> (Part 6) on <a href="#">packaging</a> if the marking is not appropriate for the <a href="#">packaging</a> (s.49 (2)).</li> </ul> <p><b>Prohibition on the sale or supply of noncompliant packaging</b></p> <ul style="list-style-type: none"> <li>• Not to sell, supply, or offer to sell or supply, <a href="#">packaging</a> for use in the transport of particular <a href="#">dangerous goods</a> unless certain requirements are met (s.56).</li> </ul> <p><b>Offences about general packaging</b></p> <ul style="list-style-type: none"> <li>• Not to consign or pack <a href="#">dangerous goods</a> for transport in general <a href="#">packaging</a> if the person knows or ought reasonably to know, that the <a href="#">packaging</a> is unsuitable for the transport of the goods; the goods have not been packed in <a href="#">packaging</a> in accordance with part 4 of the <a href="#">ADG Code</a> (ss. 58-59).</li> <li>• Not to load, <a href="#">dangerous goods</a> or transport drive a vehicle transporting <a href="#">dangerous goods</a>, that are in general <a href="#">packaging</a> on to a vehicle if the person knows, or ought reasonably to know, that the <a href="#">packaging</a> is damaged or defective to the extent that it is not safe to use (ss.60-62).</li> </ul> <p><b>Offences about other packaging</b></p> <ul style="list-style-type: none"> <li>• Not to attach a <a href="#">compliance plate</a>, or something purporting to be a <a href="#">compliance plate</a>, to a <a href="#">tank</a>, <a href="#">MEGC</a> or <a href="#">tank vehicle</a> unless the vehicle is approved by the chief executive (s.64).</li> <li>• Failure of manufacturer of a <a href="#">portable tank</a> or an <a href="#">MEGC</a>, for use in the</li> </ul>

Content	What is the duty (in summary?)
	<p>transport of <a href="#">dangerous goods</a> to attach a <a href="#">compliance plate</a> in accordance with ch 6.7 of the <a href="#">ADG Code</a> (s.65 (1)).</p> <ul style="list-style-type: none"> <li>• Failure of a person who manufactures a <a href="#">tank vehicle</a> for use in the transport of <a href="#">dangerous goods</a> to attach a <a href="#">compliance plate</a> in accordance with s.6.9.2.2 of the <a href="#">ADG Code</a> (s.65 (3)).</li> <li>• Owner of a <a href="#">portable tank</a>, a <a href="#">demountable tank</a>, an <a href="#">MEGC</a> or a <a href="#">tank vehicle</a> using or permitting its use, to transport <a href="#">dangerous goods</a> if it is unsuitable for the transport of the goods (s.66).</li> <li>• Consigning <a href="#">dangerous goods</a> for transport in other packaging provided by any person if the packaging is unsuitable; or the goods have not been packed in the <a href="#">packaging</a> in accordance with part 4 of the <a href="#">ADG Code</a> (s.67).</li> <li>• Not to pack <a href="#">dangerous goods</a> for transport in other packaging if the person knows, or ought reasonably to know, that it is unsuitable or it, does not comply with part 4 of the <a href="#">ADG Code</a> (s.68).</li> <li>• Not load <a href="#">dangerous goods</a> that are in other packaging on to a vehicle for transport if the person knows, or ought reasonably to know, that the <a href="#">packaging</a> is unsuitable (s.69).</li> <li>• Prime contractor not to transport <a href="#">dangerous goods</a> in other packaging provided by the prime contractor or another person, driver not drive a vehicle transporting <a href="#">dangerous goods</a> in other packaging, if the packaging is unsuitable; or the goods have not been packed in the packaging in accordance with part 4 of the <a href="#">ADG Code</a> (ss.70-71).</li> <li>• Not to consign, pack, load, <a href="#">dangerous goods</a> for transport, transport or drive a vehicle transporting <a href="#">dangerous goods</a>, in an overpack if the preparation of the overpack and its contents does not comply with either s.5.1.2 of the <a href="#">ADG Code</a> or an approval of the chief executive (ss.72-76).</li> <li>• Failure to produce written evidence that a <a href="#">packaging</a> design type manufactured or used by the person has passed performance tests required under part 6 of the <a href="#">ADG Code</a> within 14 days after the day of the notice (s.78).</li> </ul>
<p>Consignment Part 5</p>	<p><b>Marking and labelling</b></p> <ul style="list-style-type: none"> <li>• Not to consign, pack <a href="#">dangerous goods</a> for transport in a package or transport, if the package is not <a href="#">appropriately marked</a>, or a marking/label about the contents is false or misleading, or a package not containing <a href="#">dangerous goods</a> is marked/labelled as if it does (ss.81-82).</li> </ul> <p><b>Placarding</b></p> <ul style="list-style-type: none"> <li>• Not to consign, load or transport a <a href="#">placard load</a> for transport or drive a vehicle transporting a <a href="#">placard load</a>, if the load is not appropriately placarded, the placarding of the load is false or misleading in a material particular, placard a load not containing a <a href="#">placard load</a> (s.85-88).</li> </ul>
<p>Safety standards for vehicles and equipment</p>	<p>Must not use or permit the use of a vehicle to transport <a href="#">dangerous goods</a> or consign or load <a href="#">dangerous goods</a> onto a vehicle, if the vehicle or its equipment does not comply with Ch 4.4 of the <a href="#">ADG Code</a> (ss.89-93).</p>

Content	What is the duty (in summary?)
Part 6	
<p>Transport operations for particular dangerous goods</p> <p>Part 7</p>	<p><b>Self-reactive substances, organic peroxides and particular other substances</b></p> <ul style="list-style-type: none"> <li>Not to consign <a href="#">dangerous goods</a> to which this division applies for transport or transport in or on a <a href="#">cargo transport unit</a> if the person knows, or ought reasonably to know, that the goods are not loaded or stowed, or cannot be transported or unloaded, in accordance with chapter 7.1 of the <a href="#">ADG Code</a> (ss.95 and 97).</li> <li>Not to load <a href="#">dangerous goods</a>, or drive a vehicle transporting <a href="#">dangerous goods</a> to which this division applies for transport in a <a href="#">cargo transport unit</a> other than in accordance with chapter 7.1 of the <a href="#">ADG Code</a> (ss.96 and 98)</li> </ul> <p><b>Goods too dangerous to be transported</b></p> <ul style="list-style-type: none"> <li>Not to load for transport, transport or drive a vehicle transporting <a href="#">goods too dangerous to be transported</a> in or on a <a href="#">cargo transport unit</a> if the person knows, or ought reasonably to know, that the goods are <a href="#">goods too dangerous to be transported</a> (ss.100-102).</li> </ul>
<p>Stowage and restraint</p> <p>Part 8</p>	<p>Not to consign, load <a href="#">dangerous goods</a> for transport, or transport or drive a vehicle transporting <a href="#">dangerous goods</a> in or on a vehicle or in or on a <a href="#">cargo transport unit</a> if the person knows, or ought reasonably to know, that the goods or their packaging are not, or will not be, loaded, stowed and restrained in accordance with chapter 8.1 or 8.2 of the <a href="#">ADG Code</a> (ss.103-106).</p>
<p>Segregation</p> <p>Part 9</p>	<p>Not to consign or load <a href="#">dangerous goods</a> for transport, or use a or drive a vehicle to transport <a href="#">dangerous goods</a> in or on a vehicle if the person knows, or ought reasonably to know, that the vehicle is, in the same journey, transporting goods that are incompatible with the <a href="#">dangerous goods</a>; and the <a href="#">dangerous goods</a> will not be segregated from the incompatible goods in accordance with either part 9 of the <a href="#">ADG Code</a>; or an approval under s.113 (ss.109-112).</p>
<p>Bulk transfer of dangerous goods</p> <p>Part 10</p>	<p>To comply with obligations:</p> <ul style="list-style-type: none"> <li>imposed on the transferor, transferor, occupier, prime contractor in relation to equipment and transfer (ss.117- 120).</li> <li>imposed on the transferor, prime contractor, driver in relation to filling ratio and ullage (ss.122 -124).</li> </ul>
<p>Documentation</p> <p>Part 11</p>	<p><b>Transport documentation</b></p> <ul style="list-style-type: none"> <li>Not to include information in transport documentation for <a href="#">dangerous goods</a> that the person knows, or ought reasonably to know, is false or misleading (s.125).</li> <li>Not to consign <a href="#">dangerous goods</a> for transport in or on a vehicle if the prime contractor or driver of the vehicle does not have transport documentation complying with chapter 11.1 of the <a href="#">ADG Code</a> or the person knows, or ought reasonably to know, that the goods will be divided, and transported in, separate loads; and the prime contractor, or the driver of each vehicle, has not been given separate transport documentation complying with chapter 11.1 of the <a href="#">ADG Code</a> (s.126).</li> </ul>

Content	What is the duty (in summary?)
	<ul style="list-style-type: none"> <li>• Not to allow a person to drive a vehicle used by the prime contractor to transport <a href="#">dangerous goods</a> if the person has not been given transport documentation complying with chapter 11.1 of the <a href="#">ADG Code</a> for the goods; and the documentation is not able to be carried in the vehicle in the way required by chapter 11.1 of the <a href="#">ADG Code</a> (s.127).</li> <li>• To keep the transport documentation, or a copy of the documentation, in a legible form for at least 3 months after transporting the goods; and to produce the documentation or copy during the 3 months at the request of an authorised officer (s.127).</li> <li>• To ensure the documentation is carried in the vehicle in the way required by chapter 11.1 of the <a href="#">ADG Code</a>. To produce transport documentation to an authorised officer unless the driver has a reasonable excuse (s.128).</li> </ul> <p><b>Emergency information</b></p> <ul style="list-style-type: none"> <li>• Not consign a <a href="#">placard load</a> for transport in or on a vehicle if the person knows, or ought reasonably to know, that the required emergency information for the <a href="#">dangerous goods</a> in the load is not on the vehicle. (s.130)</li> <li>• Not to use or drive a vehicle to transport a <a href="#">placard load</a> if the vehicle is not equipped with an emergency information holder complying with chapter 11.2 of the <a href="#">ADG Code</a>; or the required emergency information for the <a href="#">dangerous goods</a> in the load is not in the holder. To comply with a requirement to produce the required emergency information for the <a href="#">dangerous goods</a> in the load for inspection by the relevant emergency services officer (ss.131-132).</li> </ul>
<p><b>Safety Equipment</b> Part 12</p>	<ul style="list-style-type: none"> <li>• Not to use, permit to be used a vehicle to transport a <a href="#">placard load</a> if the vehicle is not equipped with fire extinguishers and portable warning devices complying with part 12 of the <a href="#">ADG Code</a>; and any other equipment required under that part (s.134).</li> <li>• Not to use or drive a vehicle to transport a <a href="#">placard load</a> if the vehicle is not equipped with fire extinguishers and portable warning devices and other equipment complying with part 12 of the <a href="#">ADG Code</a>; if the person knows, or ought reasonably to know, that it has not been inspected or tested as required by part 12 of the <a href="#">ADG Code</a>; or is not in good repair or is not in proper working order (s.135-136).</li> </ul>
<p><b>Procedures during transport</b> Part 13</p>	<p><b>Immobilised and stopped vehicles</b></p> <ul style="list-style-type: none"> <li>• To alert other road users of the traffic hazard, in accordance with part 13 of the <a href="#">ADG Code</a>, if a vehicle transporting a <a href="#">placard load</a> has a GVM of 12t or less; and is broken down or otherwise immobilised, or has stopped, on a road (s.137)</li> <li>• To, if a prime contractor knows, or ought reasonably to know, that a vehicle transporting a <a href="#">placard load</a> is otherwise immobilised on a road:             <ul style="list-style-type: none"> <li>○ have the vehicle repaired so it can be driven safely off the road;</li> <li>○ or towed to where it can be repaired;</li> <li>○ to remove the <a href="#">dangerous goods</a> from the vehicle before it is repaired or towed; and</li> <li>○ transport the <a href="#">dangerous goods</a> from the place of the immobilisation.</li> </ul> </li> </ul>

Content	What is the duty (in summary?)
	<ul style="list-style-type: none"> <li>○ to ensure that the driver of a vehicle towing the vehicle holds a <a href="#">dangerous goods</a> driver licence; or is accompanied, in the cabin of the tow truck, by a person who holds a <a href="#">dangerous goods</a> driver licence. (s.138).</li> </ul> <p><b>Duties of driver</b></p> <ul style="list-style-type: none"> <li>• Not to allow another person to ride in or park or leave the vehicle standing, other than in accordance with part 13 of the <a href="#">ADG Code</a> (ss.139-140).</li> <li>• Not to have, and to take all reasonable steps to prevent another person in the vehicle from having matches or a cigarette lighter in the driver's possession in the vehicle; or to smoke in the vehicle (s.140).</li> <li>• Not to permit the <a href="#">dangerous goods</a> in the load to be unloaded from a vehicle transporting a <a href="#">placard load</a> other than in accordance with pt 13 of the <a href="#">ADG Code</a> (s.142)</li> <li>• For a <a href="#">tank vehicle</a> that is transporting a <a href="#">placard load</a> that is equipped with a burner to heat the load, not to operate the burner or permit it to be operated other than in accordance with part 13 of the <a href="#">ADG Code</a> (s.144)</li> </ul> <p><b>Duties of prime contractor</b></p> <ul style="list-style-type: none"> <li>• Not to authorise or instruct a driver to unload <a href="#">dangerous goods</a>, from a vehicle transporting a <a href="#">placard load</a>, or detaching a trailer containing a <a href="#">placard load</a>, in a way that does not comply with part 13 of the <a href="#">ADG Code</a> (ss.145-146).</li> </ul> <p><b>Other matters</b></p> <ul style="list-style-type: none"> <li>• To take all reasonable precautions to prevent access to the goods by anyone else other than someone lawfully entitled to have access to the goods (s.147).</li> </ul>
<p><b>Emergencies</b> <b>Part 14</b></p>	<p><b>Emergencies generally</b></p> <ul style="list-style-type: none"> <li>• To notify the prime contractor, the chief executive, and either the Queensland Police Service or the Queensland Fire and Rescue Service, of the incident as soon as practicable, but not more than 24 hours after the incident; and to provide any reasonable assistance required to deal with the situation (s.148)</li> <li>• Not to remove, or permit to be removed, the food or food packaging from the site of the incident unless the chief executive has given permission to the prime contractor (s.149).</li> <li>• As soon as practicable, but not more than 24 hours after becoming aware of the incident, the prime contractor responsible for the transport of the goods must provide the chief executive with the specific details about the incident and a written report within 21 days (s.150).</li> </ul> <p><b>Emergencies involving placard loads</b></p> <ul style="list-style-type: none"> <li>• Not to transport or consign a load of <a href="#">dangerous goods</a> in a receptacle with a capacity of more than 500L; or more than 500kg of <a href="#">dangerous goods</a> in a receptacle; if a <a href="#">telephone advisory service</a> is not available during the journey (s.151).</li> </ul>

Content	What is the duty (in summary?)
	<ul style="list-style-type: none"> <li>• Not transport or consign a <a href="#">placard load</a> if the prime contractor does not have an emergency plan for the transport of the load, and must do everything relevant in the emergency plan upon becoming aware of a dangerous situation (s.152).</li> <li>• To provide the prescribed person required information and provide the equipment and resources required upon becoming aware that the vehicle transporting the load has been involved in an incident resulting in a dangerous situation (ss.153-154).</li> </ul>
<b>Licenses</b> <b>Part 18</b>	To ensure vehicles and drivers are licensed to transport <a href="#">dangerous goods</a> that are in a receptacle with a capacity of more than 500L; or more than 500kg of <a href="#">dangerous goods</a> in a receptacle (ss.185-186).

### 3 Officers Duties

- 3.1.1 [Executive officers](#) may be liable if the corporation commits an offence against a deemed executive liability provision. Each [executive officer](#) of the corporation is taken to have also committed the offence if the officer authorised or permitted the corporation's conduct constituting the offence or the officer was directly or indirectly, knowingly concerned in the corporation's conduct.
- 3.1.2 [Executive officers](#) may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence. (s.57, [Transport Operations \(Road Use Management\) Act 1995](#))

### 4 Consultation and Representation

- 4.1.1 There are no express representation, consultation or fair treatment provisions under the [Transport Operations \(Road Use Management\) Act 1995](#). It is likely the general WHS Act provisions would operate.

### 5 Incident Response

#### 5.1 Notification

- 5.1.1 A driver involved in a road incident resulting in injury to or death of any person, has obligations in relation to stopping and rendering assistance (s.92, [Transport Operations \(Road Use Management\) Act 1995](#)).
- 5.1.2 A driver involved in a crash must stop at the scene and give their required particulars to the Queensland Police Service (s.287, [Transport Operations \(Road Use Management – Road Rules\) regulation 2009](#)). Police must be notified in circumstances where a traffic crash involves a death or injury requiring medical attention from an ambulance officer, nurse or doctor, suspected involvement of drugs or alcohol or a driver has failed or refused to provide required detail ([Queensland Police](#)).
- 5.1.3 Police are also required to be notified of road incidents/crashes if an insurance claim is to be lodged, for further information and notification requirements see your site Health and Safety Business Partner or the Head of Health and Safety.
- 5.1.4 The [Transport Operations \(Road Use Management – Dangerous Goods\) Regulation 2008](#) provides that the driver of a vehicle transporting [dangerous goods](#) is involved in an incident resulting in a dangerous situation the driver must notify the prime contractor, chief executive and with the Queensland Police Service or the Queensland Fire and Rescue Service, of the incident as soon as practicable, but not more than 24 hours after the incident (s.148).



5.1.5 The prime contractor has a duty to inform the chief executive if a vehicle transporting [dangerous goods](#) is involved in an incident resulting in a dangerous situation, as soon as practicable, but not more than 24 hours after the incident (s.150, [Transport Operations \(Road Use Management – Dangerous Goods\) Regulation 2008](#)).

5.1.6 It is also likely, that in certain circumstances the general WHS Act provisions in relation to incident notification would operate.

## 6 Enforcement

### 6.1 Inspector's Powers

6.1.1 [Authorised officers](#) under the [Transport Operations \(Road Use Management\) Act 1995](#) have broad powers to stop and inspect vehicles.

Power	Requirement
Stop	<p>An <a href="#">authorised officer</a> can stop a vehicle to check</p> <ul style="list-style-type: none"> <li>compliance with the <a href="#">Transport Operations (Road Use Management) Act 1995</a>; and</li> <li>whether the vehicle is carrying <a href="#">explosives</a> within the meaning of the <a href="#">Explosives Act</a>.</li> </ul>
Inspect	<p>An <a href="#">authorised officer</a> may inspect or test a vehicle to check whether the vehicle complies with a transport Act. To enable the <a href="#">authorised officer</a> to inspect or test the vehicle, the officer may do anything reasonable to be done for the inspection or test (s.34).</p> <p>Additionally, where an <a href="#">authorised officer</a> reasonably believes a heavy vehicle is involved in the transport of dangerous goods, the vehicle is being, or has been, used to commit an offence against a transport Act or a vehicle, or a thing in the vehicle, may provide evidence of an offence against a transport Act the officer may:</p> <ul style="list-style-type: none"> <li>enter the vehicle, using necessary and reasonable help and force; or</li> <li>search any part of the vehicle; or</li> <li>inspect, measure, weigh, test, photograph or film the vehicle or anything in the vehicle; or</li> <li>take samples of the vehicle or anything in the vehicle; or</li> <li>copy, or take an extract from, a document in the vehicle; or</li> <li>move the vehicle's load; or</li> <li>take the persons, equipment and materials the officer reasonably requires into the vehicle.</li> </ul>
Run or stop engine	<p>An <a href="#">authorised officer</a> may, to allow them to effectively exercise a power under this Act in relation to a prescribed dangerous goods vehicle, enter the vehicle and run or stop its engine or authorise someone else to (s.35C).</p>
Require vehicle inspection	<p>If an <a href="#">authorised officer</a> reasonably believes a vehicle may not comply with the Transport Operations Act, the officer may require its owner or registered operator to have it inspected at a stated reasonable time and place (s.36).</p>
Prohibit use of vehicle	<p>An <a href="#">authorised officer</a> may require a vehicle not be used or permitted to be used on a road or public place until it is inspected or stated reasonable action is taken to ensure the vehicle complies with the Transport Operations Act (s.37).</p>

**WARNING**



The powers of Inspectors are prescriptive and wide-ranging. Advice should be sought when dealing with an Inspector to ensure the processes and duties prescribed under the [Transport Operations \(Road Use Management\) Act 1995](#) are complied with.

**7 Penalties**

7.1.1 The table below sets out the offences and maximum penalties that may apply for breaches of the [Transport Operations \(Road Use Management\) Act 1995](#), it does not include offences that could be committed by persons outside the control of CS Energy.

**WARNING**



The table below sets out all of the offences that may apply under the [Transport Operations \(Road Use Management\) Act 1995](#). There may be additional and separate penalties that apply for breaches of specific regulations that support this Act.

Transport Operations (Road Use Management) Act reference	Offence	Maximum Penalty
<b><a href="#">Transport Operations (Road Use Management) Act 1995</a></b>		
s.30	Failure to give an <a href="#">authorised officer</a> reasonable help in relation to searching of a place and other related powers.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.31	Failure to stop a private vehicle on request by <a href="#">authorised officer</a> .	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s. 32	Failure to stop a heavy vehicle on request by <a href="#">authorised officer</a> .	<i>Individual:</i> 90 <a href="#">penalty units</a> <i>Corporation:</i> 450 <a href="#">penalty units</a>
s.33	Failure to move a private vehicle other than a suspected dangerous goods vehicle on request by an <a href="#">authorised officer</a> .	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.33	Failure to move a heavy vehicle or a suspected dangerous goods vehicle on request by an authorised officer.	<i>Individual:</i> 90 <a href="#">penalty units</a> <i>Corporation:</i> 450 <a href="#">penalty units</a>
s.36	Failure to provide vehicle for inspection by an <a href="#">authorised officer</a> .	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.37	An <a href="#">authorised officer</a> who believes a vehicle is unsafe may give notice to the owner or Registered Operator or the person in control of the vehicle requiring that the person not use or permit the vehicle to be used on a road until the unsafe matter has been rectified. A person in control of the vehicle (not being the owner of the vehicle) must tell the owner if such a notice is given.	<i>Private Vehicle –</i> <i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a> <i>Prescribed Vehicle –</i> <i>Individual:</i> 90 <a href="#">penalty units</a> <i>Corporation:</i> 450 <a href="#">penalty units</a>

Transport Operations (Road Use Management) Act reference	Offence	Maximum Penalty
s.38	An <a href="#">authorised officer</a> who reasonably believes a person in control of a vehicle would contravene the Act by driving the vehicle may give notice to the person not to drive the vehicle in the circumstances.	<i>Private Vehicle other than a suspected dangerous goods vehicle-</i> <i>Individual: 60 <a href="#">penalty units</a></i>  <i>Heavy Vehicle or a suspected dangerous goods –</i> <i>Individual: 120 <a href="#">penalty units</a></i>
s.39	Failure to responsibly help an <a href="#">authorised officer</a> or do as instructed by an <a href="#">authorised officer</a> in relation to a vehicle.	<i>Private Vehicle other than a suspected dangerous goods vehicle –</i> <i>Individual: 60 <a href="#">penalty units</a></i>  <i>Heavy Vehicle, a suspected dangerous goods or the transport of dangerous goods –</i> <i>Individual: 90 <a href="#">penalty units</a></i>
s.41	Tampering or attempting to tamper with a seized thing without <a href="#">authorised officer</a> 's approval.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s. 41	Failure to comply with requirements to hand over a seized thing.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.48	Failure to give name and address to an <a href="#">authorised officer</a> when fined committing an offence against a transport Act.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.49	Failure to produce or provide a certified copy of a document for inspection under a transport Act or corresponding law.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.50	Failure to give information to an <a href="#">authorised officer</a> in relation to an offence against a Transport Act.	<i>Individual: 120 <a href="#">penalty units</a></i> <i>Corporation: 600 <a href="#">penalty units</a></i>
s. 52	Giving false or misleading statements to an official in relation to a transport Act.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.52	Giving false or misleading statements to an official in relation to a <a href="#">heavy vehicle</a> , a prescribed dangerous goods vehicle or the transport of heavy goods	<i>Individual: 100 <a href="#">penalty units</a></i> <i>Corporation: 500 <a href="#">penalty units</a></i>
s.53	Knowingly giving an official false, misleading or incomplete documents in relation to a transport Act.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>
s.54	Obstructing <a href="#">authorised officers</a> or accredited persons in the exercise of the power.	<i>Individual: 60 <a href="#">penalty units</a></i> <i>Corporation: 300 <a href="#">penalty units</a></i>

Transport Operations (Road Use Management) Act reference	Offence	Maximum Penalty
s. 56	Paying a fee for a licence or other document (other than a licence or other document prescribed by regulation) under a transport Act and dishonouring cheque.	<i>Individual:</i> 60 <a href="#">penalty units</a> <i>Corporation:</i> 300 <a href="#">penalty units</a>
s.78 (1)	Driving a motor vehicle on a road without holding a driver licence authorising them to drive the vehicle on the road	If the person committed the offence while the person was disqualified, by any court order, from holding or obtaining a driver licence: 60 <a href="#">penalty units</a> or 18 months imprisonment; Otherwise: 40 <a href="#">penalty units</a> or 1 year's imprisonment; Disqualification from holding or obtaining a licence
s.78 (2)	Allowing another person to drive a motor vehicle on a road if the person knows the other person does not hold a driver licence authorising the other person to drive the vehicle on the road	20 <a href="#">penalty units</a> or 6 months imprisonment
s.92	Failure to immediately stop the vehicle, remain at or near the scene, make reasonable endeavours to obtain medical or first aid, if the driver is involved in an incident resulting in injury to or death of, any person	20 <a href="#">penalty units</a> or 1 year's imprisonment
s.154	Driving a vehicle transporting <a href="#">dangerous goods</a> , engaging another person to drive, or consigning dangerous goods if a <a href="#">dangerous goods</a> regulation requires the vehicle, or driver to be licensed to transport the goods and the vehicle is not licensed under the <a href="#">dangerous goods regulation</a>	500 <a href="#">penalty units</a> or 2 years imprisonment
s.156 (2)	Contravening the <a href="#">Transport Operations (Road Use Management) Act 1995</a> in circumstances where the person or ought reasonably to have known, that the contravention would be likely to endanger the safety of another person, property or environment	If the contravention results in death or grievous bodily harm to a person: 1000 <a href="#">penalty units</a> or 2 years imprisonment; Otherwise: 500 <a href="#">penalty units</a> or 1 year's imprisonment
s.160	Contravening an exclusion order made under s.160 (2)	500 <a href="#">penalty units</a> or 2 years imprisonment
s.161Q	Consigning for transport <a href="#">goods too dangerous to be transported</a>	Contravention resulting in death or grievous bodily harm to a person: 1000 <a href="#">penalty units</a> or 2 years imprisonment  Otherwise: 500 <a href="#">penalty units</a> or 1 year's imprisonment

**WARNING**



The obligations in relation to road transport safety are prescriptive. Advice should be sought when undertaking any activities in relation to road transport to ensure the processes and duties prescribed under the relevant law and associated regulations are complied with.

**8 Heavy Vehicle National Law**

8.1.1 The [Heavy Vehicle National Law Act](#) establishes a national scheme for facilitating and regulating the use of [heavy vehicles](#) on roads. The [HVNL](#) is administered by the NHVR. The purpose of the NHVR is to improve safety and productivity in the [heavy vehicle](#) transport industry, minimise the compliance burden and reduce duplication and inconsistencies across state and territory borders.

8.1.2 The key obligations under the [HVNL](#) are outlined in the following table.

Obligation	Content
Registration	A person must not use a <a href="#">heavy vehicle</a> that is not registered or is suspended (s.30).
Vehicle standards and safety	<p>A person must ensure that a <a href="#">heavy vehicle</a> is not used or permitted to be used unless it complies with the relevant standards (s.60);</p> <p>A person must not use, or permit to be used, on a road a <a href="#">heavy vehicle</a> that:</p> <ul style="list-style-type: none"> <li>• contravenes a condition of a vehicle standards exemption (s.80);</li> <li>• is unsafe (s.89);</li> <li>• is not fitted with an emission control system for each relevant emission if and as required by an applicable heavy vehicle standard (s.90);</li> <li>• has the warning sign displayed on it unless the vehicle is of the particular type, size or configuration (s.92)</li> </ul>
Vehicle operations – mass, dimension and loading	<p>A person must not use, or permit to be used, on a road a <a href="#">heavy vehicle</a> that does not, or whose components do not:</p> <ul style="list-style-type: none"> <li>• comply with the <a href="#">mass requirements</a> applying to the vehicle (s.96);</li> <li>• or whose load does not, comply with the <a href="#">dimension requirements</a> applying to the vehicle (s.102);</li> <li>• comply with requirements to have warning signals in relation to rear projection of loads (s.109);</li> <li>• comply with loading requirements applicable to that vehicle (s.111);</li> </ul>
Vehicle operations – Speeding	<p>Chapter 5 requires that:</p> <ul style="list-style-type: none"> <li>• persons who are most directly responsible for the use of a <a href="#">heavy vehicle</a> to take reasonable steps to ensure their activities do not cause the vehicle’s driver to exceed speed limits;</li> <li>• anyone who schedules the activities of a <a href="#">heavy vehicle</a>, or its driver, to take reasonable steps to ensure the schedule for the vehicle’s driver does not cause the driver to exceed speed limits; and</li> </ul>

Obligation	Content
	<ul style="list-style-type: none"> <li>• loading managers to take reasonable steps to ensure the arrangements for loading goods onto and unloading goods from a <a href="#">heavy vehicle</a> do not cause the vehicle's driver to exceed speed limits; and</li> <li>• particular persons who consign goods for transport by a <a href="#">heavy vehicle</a>, or who receive the goods, to take reasonable steps to ensure the terms of consignment of the goods do not cause the vehicle's driver to exceed speed limits; and</li> <li>• the driver of a <a href="#">heavy vehicle</a> cannot be asked to exceed speed limits and from entering into an agreement that causes the driver of a <a href="#">heavy vehicle</a> to exceed speed limits.</li> </ul> <p>Chapter 5 also imposes liability on persons who are most directly responsible for the use of a <a href="#">heavy vehicle</a> for offences committed by the vehicle's driver exceeding speed limits.</p>
<p><b>Vehicle operations – driver fatigue</b></p>	<p>Chapter 6:</p> <ul style="list-style-type: none"> <li>• imposes duties on drivers of <a href="#">fatigue-regulated heavy vehicles</a> and particular persons whose activities influence the conduct of drivers of fatigue-regulated heavy vehicles in a way that affects the drivers' fatigue when driving on a road; and</li> <li>• imposes general duties directed at preventing persons driving <a href="#">fatigue-regulated heavy vehicles</a> on a road while impaired by fatigue; and</li> <li>• imposes additional duties directed at helping drivers of <a href="#">fatigue-regulated heavy vehicles</a> to comply with this Chapter, which are imposed on particular parties in the chain of responsibility; and</li> <li>• provides for the maximum work requirements and minimum rest requirements applying to drivers of <a href="#">fatigue-regulated heavy vehicles</a>; and</li> <li>• provides for recording the work times and rest times of drivers, amongst other things.</li> </ul>
<p><b>Intelligent access program</b></p>	<p>Chapter 7:</p> <ul style="list-style-type: none"> <li>• requiring particular entities to report relevant contraventions for intelligent access vehicles; and</li> <li>• requiring particular entities to report tampering or suspected tampering with, or malfunctioning of, approved intelligent transport systems; and</li> <li>• prohibiting persons from tampering with approved intelligent transport systems; and</li> <li>• giving particular entities functions and powers to audit the activities of intelligent access service providers.</li> <li>• allowing entities to collect, hold, use and disclose intelligent access information for only limited purposes and subject to restrictions; and</li> <li>• requiring entities with monitoring or auditing functions to ensure intelligent access information collected is accurate, complete and up to date; and</li> <li>• requiring entities who collect intelligent access information to protect the information and destroy it when it is no longer required by the entities; and</li> <li>• providing for persons about whom an entity holds personal information to have</li> </ul>

Obligation	Content
	access to the information and have it corrected in appropriate circumstances.
Accreditation	Chapter 8 outlines the requirements to follow to allow operators of <a href="#">heavy vehicles</a> who implement management systems that achieve the objectives of particular aspects of the <a href="#">HVNL</a> to be subject to alternative requirements under the <a href="#">HVNL</a> , in relation to the aspects, that are more suited to the operators' business operations
General	Chapter 13: <ul style="list-style-type: none"> <li>imposes obligations on employers in relation to discrimination or victimisation of employees; and</li> <li>imposes obligations around giving false or mislead statements or misrepresentations of holding particular positions of authority.</li> </ul>

8.1.3 Under the HVNL there are five sets of regulations that deal with specific matters as outlined in the following table.

Regulation	Content
Heavy Vehicle National Law Regulation 2014	<ul style="list-style-type: none"> <li>Prescriptions under the <a href="#">HVNL</a> including the maximum length and width of vehicles.</li> </ul>
Heavy Vehicle (Fatigue Management) National Regulation	<ul style="list-style-type: none"> <li>The maximum work requirements and minimum rest requirements for</li> <li>Work Diary requirements.</li> </ul>
Heavy Vehicle (General) National Regulation	<ul style="list-style-type: none"> <li>Performance Based Standards provisions including in relation to: <ul style="list-style-type: none"> <li>Design approvals;</li> <li>Vehicle approvals; and</li> <li>Assessors and certifiers;</li> </ul> </li> <li>Enforcement including the seizure of number plates; and</li> <li>Oversight of the National Heavy Vehicle Regulator.</li> </ul>
Heavy Vehicle (Mass, Dimension and Loading) National Regulation	<ul style="list-style-type: none"> <li>Prescribed mass requirements and exceptions;</li> <li>General mass limits;</li> <li>Declarations of higher mass limits</li> <li>Higher mass limit permits;</li> <li>Dimension and loading requirements; and</li> <li>Exemptions for over mass or oversize vehicles.</li> </ul>
Heavy Vehicle (Vehicle Standards) National Regulation	<ul style="list-style-type: none"> <li>General Safety requirements including: <ul style="list-style-type: none"> <li>Steering</li> <li>Turning ability</li> <li>Ability to travel backwards and forwards</li> <li>Driver's view and vehicle controls</li> <li>Seating</li> <li>Wheels and tyres</li> <li>Windscreens and windows</li> </ul> </li> <li>Vehicle markings</li> <li>Vehicle configuration</li> </ul>

Regulation	Content
	<ul style="list-style-type: none"> <li>Dimension requirements</li> <li>Lights and reflectors</li> <li>Braking systems</li> <li>Control of exhaust and noise emissions</li> <li>Maximum road speeds</li> </ul>

### WARNING



The obligations in relation to [heavy vehicles](#) are prescriptive. Advice should be sought when undertaking any activities in relation to [heavy vehicles](#) to ensure the processes and duties prescribed under the [Heavy Vehicle National Law](#) and associated regulations are complied with.

### WARNING



The Heavy Vehicle National Law and Other Legislation Amendment Act 2016 (Qld) (the **Amendment Act**) has been passed. The commencement date for a number of the substantive provisions is currently 10 December 2018. Under the Amendment Act, many of the obligations will be reframed as a positive duty of care, similar to that under the [WHS Act](#).

## 9 Officers' duties

- 9.1.1 Under the [HVNL](#), if a relevant offence is committed in relation to a [heavy vehicle](#), each of the following persons is taken to have committed an offence:
- (a) an employer of the driver of the vehicle if the driver is an employed driver;
  - (b) a prime contractor of the driver of the vehicle, if the driver is a self-employed driver;
  - (c) an operator of the vehicle or, including in combination;
  - (d) a consignor of any goods for road transport using the vehicle that are in the vehicle;
  - (e) a packer, loader or loading manager of any goods in the vehicle (s.183).
- 9.1.2 The maximum penalty is the same as that which can be imposed on the person committing the offence. A person charged under s.183 is able to claim the [defence of 'reasonable steps'](#).

## 10 Consultation and Representation

- 10.1.1 There are no express provisions under the [HVNL](#) requiring consultation; however consultation with other duty holders is considered an example of reasonable steps (see for example s.204 (1)).
- 10.1.2 It is an offence to dismiss or otherwise prejudicing an employee in their employment for the reason that they have helped or given information or made complaints under the [HVNL](#) (s.699).



**11 Incident Response**

- 11.1.1 A driver involved in a road incident resulting in injury to or death of any person, has obligations in relation to stopping and rendering assistance (s.92, [Transport Operations \(Road Use Management\) Act 1995](#)).
- 11.1.2 A driver involved in a crash must stop at the scene and give their required particulars to the Queensland Police Service (s.287 [Transport Operations \(Road Use Management – Road Rules\) regulation 2009](#)). Police must be notified in circumstances where a traffic crash involves a death or injury requiring medical attention from an ambulance officer, nurse or doctor, suspected involvement of drugs or alcohol or a driver has failed or refused to provide required detail ([Queensland Police](#)).
- 11.1.3 Police are also required to be notified of road incidents/crashes if an insurance claim is to be lodged, for further information see your site Health and Safety Business Partner or the Head of Health and Safety.
- 11.1.4 The [Transport Operations \(Road Use Management – Dangerous Goods\) Regulation 2008](#) provides that the driver of a vehicle transporting dangerous goods is involved in an incident resulting in a dangerous situation the driver must notify the prime contractor, chief executive and with the Queensland Police Service or the Queensland Fire and Rescue Service, of the incident as soon as practicable, but not more than 24 hours after the incident (s.148).
- 11.1.5 It is also likely the general WHS Act provisions in relation to incident notification would operate.


**12 Regulators and Enforcement**

**12.1 Inspector's Powers**

- 12.1.1 [Authorised officers](#) under the [HVNL](#) have broad powers. The table below outlines the key powers of [authorised offices](#) in relation to [heavy vehicles](#).


Relevant section of HVNL	Power
s.513	<a href="#">Authorised officers</a> may direct the driver of a heavy vehicle to stop the heavy vehicle, to enable an authorised officer to exercise a power under the HVNL,
s.514	<a href="#">Authorised officers</a> may direct the driver of a heavy vehicle or any other person not to <ul style="list-style-type: none"> <li>• move the vehicle;</li> <li>• interfere with the vehicle or any equipment in it; or</li> <li>• interfere with the vehicle's load,</li> </ul> to enable an authorised officer to exercise a power under the <a href="#">HVNL</a> .
ss.516-519	<a href="#">Authorised officers</a> may direct the driver or operator of a heavy vehicle that is stationary or has been stopped under s.513 to move the vehicle, or cause it to be moved, to a stated reasonable place within a 30km radius from where the vehicle was stationary or stopped; or if the direction is given within the course of the vehicle's journey—any point along the forward route of the journey, to enable an authorised officer to exercise a power under the <a href="#">HVNL</a> .
ss.520-522	<a href="#">Authorised officers</a> may enter and inspect a heavy vehicle for monitoring purposes. An authorised officer may, using necessary and reasonable help and force, enter and search a heavy vehicle for investigation purposes under certain circumstances.
ss.523	To enable an <a href="#">authorised officer</a> to effectively exercise a power under the <a href="#">HVNL</a> in relation to a heavy vehicle, the officer may enter the vehicle and start or stop its engine (take the

Relevant section of HVNL	Power
	prescribed action) or authorise someone else (the assistant) to enter the vehicle and take the prescribed action under certain circumstances.

WARNING	
	The powers of <a href="#">authorised officers</a> are prescriptive and wide-ranging. The table above does not cover all of the powers of <a href="#">authorised officers</a> under the <a href="#">HVNL</a> and advice should be sought when dealing with <a href="#">authorised officers</a> to ensure the processes and duties prescribed under the <a href="#">HVNL</a> are complied with.

### 13 Penalties

13.1.1 The table below sets out the offences and maximum penalties that may apply for breaches of the [HVNL](#), it does not include offences that could be committed by persons outside the control of CS Energy such as auditors of an Intelligent Access Program.

WARNING	
	The table below sets out the offences that may apply under the <a href="#">HVNL</a> . There may be additional and separate penalties that apply for breaches of specific regulations that support the <a href="#">HVNL</a> .

HVNL reference	Offence	Maximum Penalty
<b>Chapter 3: Vehicle Operations – Standards and Safety</b>		
s.30	Use of an unregistered <a href="#">heavy vehicle</a> .	Any person: \$10000
s.60	Using or permitting to be used, on a road a <a href="#">heavy vehicle</a> that contravenes a heavy vehicle standard applying to the vehicle.	\$6000
s.81	Contravening a condition of a vehicle standards exemption. (Subject to the <a href="#">reasonable steps defence</a> ).	\$4000
s.82	Failing to keep relevant documents when driving under vehicles standards exemption. (Subject to the <a href="#">reasonable steps defence</a> ).	\$3000
s.85 (1)	Failing to have modification to <a href="#">heavy vehicle</a> approved by vehicle examiner or the regulator.	\$3000
s.85 (2)	Failing to have modification to <a href="#">heavy vehicle</a> approved by vehicle examiner or the regulator before using or permitting a heavy vehicle to be used on a road.	\$3000
s.87A	Tampering with modification plate or labels.	\$3000
s.89	Using or permitting to be used a <a href="#">heavy vehicle</a> that is unsafe.	\$6000
s.90	Using or permitting to be used a <a href="#">heavy vehicle</a> if not fitted with emission control system for each relevant emission, or one that does not operate in accordance with manufacturer's design, or if it results in a failure to comply with applicable heavy vehicle standard.	\$3000

HVNL reference	Offence	Maximum Penalty
s.91	Tampering with an emission control system fitted to a <a href="#">heavy vehicle</a> . Using or permitting to be used a <a href="#">heavy vehicle</a> fitted with an emission control system that the operator knows or ought reasonably to know has been tampered with. (Subject to the <a href="#">reasonable steps defence</a> ).	\$10000
s.92	Using or permitting to be used a <a href="#">heavy vehicle</a> that has a warning sign displayed if the vehicle is not the correct type, size or configuration for the sign.	\$3000
s.93 (1)	Tampering with a speed limiter that is required to be fitted.	\$10000
s.93 (2)	Fitting, or directing the fitting of, a speed limiter if the person knows or ought reasonably to know that the speed limiter has been tampered with.	\$10000
s.93 (3)	Using or permitting the vehicle to be used on a road if the operator knows, or ought reasonably to know, that a speed limiter fitted to the vehicle has been tampered with. (Subject to the <a href="#">reasonable steps defence</a> ).	\$10000
<b>Chapter 4: Vehicle Operations – Mass, dimension and loading</b>		
s.96	Use of a <a href="#">heavy vehicle</a> that exceeds <a href="#">mass requirements</a> . (Subject to the <a href="#">reasonable steps defence</a> ).	<ul style="list-style-type: none"> <li>a) for a <a href="#">minor risk breach</a>—\$4000; or</li> <li>b) for a <a href="#">substantial risk breach</a>—\$6000; or</li> <li>c) for a <a href="#">severe risk breach</a>—\$10000, plus an additional</li> <li>d) maximum \$500 for every additional 1% over a 120% overload (but so that the additional maximum penalty does not exceed \$20000).</li> </ul>
s.102	Use of a <a href="#">heavy vehicle</a> that exceeds <a href="#">dimension requirements</a> . (Subject to the <a href="#">reasonable steps defence</a> ).	<ul style="list-style-type: none"> <li>a) if the heavy vehicle does not have goods or passengers in it—\$3000; or</li> <li>b) if the heavy vehicle has goods or passengers in</li> </ul>

HVNL reference	Offence	Maximum Penalty
		it— c) for a minor risk breach— \$3000; or d) for a substantial risk breach— \$5000; or e) for a severe risk breach— \$10000.
s.109	Drive a <a href="#">heavy vehicle</a> that (together with its load) does not, or whose components do not, or whose load does not, comply with the <a href="#">dimension requirements</a> applicable.	\$10000
s.111	Use of a <a href="#">heavy vehicle</a> that does not comply with loading requirements. (Subject to the <a href="#">reasonable steps defence</a> ).	a) for a minor risk breach— \$3000; or b) for a substantial risk breach— \$5000; or c) for a severe risk breach— \$10000.
s.129	Contravening a condition of a mass or dimension exemption. Using or permitting to be used a <a href="#">heavy vehicle</a> or using or permitting a <a href="#">heavy vehicle</a> to be used in a way that contravenes a condition or a mass or dimension exemption.	\$6000
s.132	Failure to keep documents required under a mass or dimension exemption notice (class 1 or class 3 heavy vehicle).	\$3000
s.133 (1)	Failure to keep documents required under a mass or dimension exemption notice (class 1 or class 3 heavy vehicle). (Subject to the <a href="#">reasonable steps defence</a> ).	Failure to keep documents: \$3000
s.133 (2)	Failure to return documents required under a mass or dimension exemption notice (class 1 or class 3 heavy vehicle).	\$4000
s.134 (1)	Displaying a warning sign on a <a href="#">heavy vehicle</a> not being used under a dimension exemption.	\$3000
s.134 (2)	Displaying a pilot vehicle warning sign not being used as a pilot vehicle under a dimension exemption.	\$3000
s.137	Using a class 2 heavy vehicle or permit other than in accordance with a class 2 heavy vehicle authorisation	\$6000
s.150	Driving or operating a class 2 heavy vehicle being used on a road under a class 2 heavy vehicle authorisation contravening a condition of the authorisation	\$6000
s.151	Failure to keep and return relevant documents about class 2 authorisation notice (with relevant party subject to <a href="#">reasonable steps</a>	\$3000

HVNL reference	Offence	Maximum Penalty
	<a href="#">defence</a> )	
s.152	Failure to keep and return relevant documents about class 2 authorisation notice (with relevant party subject to <a href="#">reasonable steps defence</a> )	\$4000
s.153	Failure to keep and returning relevant documents about PBS Vehicle approval while driving under class 2 heavy vehicle authorisation (with relevant party subject to <a href="#">reasonable steps defence</a> )	\$3000
s.153A	Using a restricted access vehicle, or permitting its use on the road on which the vehicle is not allowed to be used under a mass or dimension authority applying to the vehicle	\$6000
s.184	Driving a <a href="#">heavy vehicle</a> towing more than 1 other vehicle	\$3000
s.185	Failure to ensure trailers are securely coupled	\$6000
s.186	Failure to ensure accurate transport documentation (subject to <a href="#">reasonable steps defence</a> )	\$10000
s.187	For a freight container, failure to ensure accurate declarations are kept for the weight (subject to <a href="#">reasonable steps defence</a> )	\$10000
s.190	For a freight container, permitting an operator or driver of a <a href="#">heavy vehicle</a> to transport the container by road using the vehicle without the operator or driver being provided with the complying declaration (subject to <a href="#">reasonable steps defence</a> )	\$6000
s.191	Permitting the driver of a heavy vehicle to transport a freight container by road using the vehicle without the driver being provided with a complying declaration (subject to <a href="#">reasonable steps defence</a> )	\$6000
s.192	Driving a <a href="#">heavy vehicle</a> loaded with freight container without a complying declaration (subject to <a href="#">reasonable steps defence</a> )	\$6000
s.193	Failure to ensure the weight of container does not exceed the maximum gross weight on the container or container's safety approval plate (subject to <a href="#">reasonable steps defence</a> )	\$10000
s.194	Consignee of goods, doing an act or making an omission that is likely to result in inducing or rewarding a contravention of a mass, dimension or loading requirement (subject to <a href="#">reasonable steps defence</a> )	\$10000
<b>Chapter 5: Vehicle Operations - Speeding</b>		
s.204	Failure to take all reasonable steps to ensure the relevant party's business practices will not cause the driver to exceed a speed limit applying to the driver	\$10000
s.205	Employer of an employed driver of a <a href="#">heavy vehicle</a> , causing the driver to drive the <a href="#">heavy vehicle</a> without s.204 (above) having been complied with and the employer not being reasonably satisfied each scheduler has complied with the scheduler's obligations under s.207 and s.208 (below)	\$4000

HVNL reference	Offence	Maximum Penalty
s.206	<a href="#">Prime contractor</a> or operator causing the driver to drive the heavy vehicle without s.204 (above) having been complied with and the <a href="#">prime contractor</a> or operator not being reasonably satisfied each scheduler has complied with the scheduler's obligations under s.207 and s.208 (below)	\$4000
s.207	Failure of a scheduler for a <a href="#">heavy vehicle</a> to take all reasonable steps to ensure the schedule for the vehicle's driver will not cause the driver to exceed a speed limit applying to the driver	\$10000
s.208	Scheduler for a <a href="#">heavy vehicle</a> causing the vehicle's driver to drive the vehicle without the scheduler having complied with s.207 (above) and the driver's schedule for driving the vehicle allowing for compliance with all speed limits, for the driver to take all required rest and for traffic conditions and delays that could reasonably be expected	\$6000
s.209	Failure of a loading manager for goods in <a href="#">heavy vehicles</a> taking all reasonable steps to ensure the arrangements for loading goods onto and unloading goods from <a href="#">heavy vehicles</a> will not cause the driver of a heavy vehicle to exceed a speed limit applying to the driver	\$10000
s.212	Failure of a commercial consignor or consignee of goods to take all reasonable steps to ensure the terms of consignment will not cause the relevant driver to speed	\$10000
s.213	Commercial consignor or a consignee of goods making a demand that affects or may affect a time in a schedule for the transport of consigned goods unless they have complied with s.212 above	\$10000
s.215	Asking, directing or requiring, directly or indirectly, the driver of a <a href="#">heavy vehicle</a> , or a <a href="#">party in the chain of responsibility</a> for a <a href="#">heavy vehicle</a> , to do something the person knows or ought reasonably to know, would have the effect of causing the driver to speed	\$10000
s.216 (1)	Entering into a contract or other agreement with the driver of a <a href="#">heavy vehicle</a> , or with a <a href="#">party in the chain of responsibility</a> for a <a href="#">heavy vehicle</a> , that the person knows or ought reasonably to know, would have the effect of causing the vehicle's driver to speed	\$10000
s.216 (2)	Entering into a contract or other agreement with the driver of a <a href="#">heavy vehicle</a> , or with a <a href="#">party in the chain of responsibility</a> for a <a href="#">heavy vehicle</a> , that the person knows or ought reasonably to know, would encourage or provide an incentive for the vehicle's driver, or a party in the chain of responsibility for the vehicle to cause the vehicle's driver to exceed a speed limit applying to the driver	\$10000
<b>Chapter 6: Vehicle Operation – Driver Fatigue</b>		
s.228	Driving a <a href="#">fatigue regulated heavy vehicle</a> on a road while impaired by fatigue	\$6000
s.229	Failure of a person who is a <a href="#">party in the chain of responsibility</a> for a <a href="#">heavy vehicle</a> for a <a href="#">fatigue regulated heavy vehicle</a> to take all reasonable steps to ensure the other person does not drive the vehicle on a road while the impaired by fatigue	\$10000

HVNL reference	Offence	Maximum Penalty
s.230	Failure to take all reasonable steps to ensure the relevant party's business practices will not cause the driver to drive while impaired by fatigue, drive while in breach of the driver's work and rest hours option or driver in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option	\$6000
s.231	Employer of an employed driver of a <a href="#">fatigue regulated heavy vehicle</a> causing the driver to drive the vehicle when the employer has not complied with s.230 (above) and the employer after making reasonable inquiries, is not satisfied that each scheduler has complied with their obligations (below)	\$4000
s.232	contractor or operator causing the driver of a <a href="#">fatigue regulated heavy vehicle</a> to drive the vehicle, or enter into a contract or other agreement with the driver to that effect, when the <a href="#">prime contractor</a> or operator has not complied with s.230 (above) and the <a href="#">prime contractor</a> or operator after making reasonable inquiries, is not satisfied each scheduler has complied with their obligations (below)	\$4000
s.233	Failure to must take all reasonable steps to ensure the schedule for the <a href="#">fatigue regulated heavy vehicle's</a> driver will not cause the driver to drive while impaired by fatigue, or drive while in breach of the driver's work and rest hours option, or drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option	\$10000
s.234	Causing the <a href="#">fatigue regulated heavy vehicle's</a> driver to drive the vehicle when the scheduler has not complied with s.233 (above) and the schedule for the vehicle's driver does not allow for the driver to have the rest time required under the driver's work and rest hours option and traffic conditions and other delays that could be reasonably expected	\$6000
s.235	Consignor or consignee of goods for transport by a <a href="#">fatigue regulated heavy vehicle</a> failing to take all reasonable steps to ensure the terms of consignment will not result in, encourage or provide an incentive to the vehicle's driver to, drive while impaired by fatigue, or drive while in breach of the driver's work and rest hours option, or drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option	\$10000
s.236	Consignor or consignee of goods for transport by a <a href="#">fatigue regulated heavy vehicle</a> causing the vehicle's driver to drive the vehicle or enter into a contract or other agreement to that effect when the consignor or consignee has not complied with s.235, and the consignor or consignee, after making reasonable inquiries, is not satisfied that each relevant party for the driver has complied with Division 3 and each scheduler for the Vehicle has complied with Division 4.	\$4000
s.237	Consignor or consignee of goods for transport by a <a href="#">fatigue regulated heavy vehicle</a> making a demand that affects or may affect a time in a schedule for the transport of the consigned goods and that may cause the vehicle's driver to, drive while impaired by fatigue or drive while in breach of the driver's work and rest hours option or drive in breach of another law to avoid driving while impaired by fatigue or	\$10000

HVNL reference	Offence	Maximum Penalty
	while in breach of the driver's work and rest hours option	
s.238	Failure of loading manager for goods in <a href="#">heavy vehicles</a> to take all reasonable steps to ensure the arrangements for loading goods onto and unloading goods from <a href="#">fatigue regulated heavy vehicles</a> at or from the premises in relation to which the person is a loading manager will not cause the driver of a <a href="#">fatigue regulated heavy vehicles</a> to drive while impaired by fatigue, or drive while in breach of the driver's work and rest hours option, or drive while in breach of another law in order to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option	\$10000
s.239	Failure of loading manager, for goods of a <a href="#">fatigue regulated heavy vehicle</a> , to take all reasonable steps to ensure the driver is able to rest while waiting for the goods to be loaded onto or unloaded	\$6000
s.240	Asking, directing or requiring, directly or indirectly, the driver of a <a href="#">fatigue regulated heavy vehicle</a> , or a <a href="#">party in the chain of responsibility</a> , to do or not do something the person knows, or ought reasonable to know, would have the effect of causing the vehicle's driver to, drive while impaired by fatigue, or drive while in breach of the driver's work and rest hours option, or drive while in breach of another law in order to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option	\$10000
s.241	Entering into a contract or other agreement, with the driver of a <a href="#">fatigue regulated heavy vehicles</a> , or with a <a href="#">party in the chain of responsibility</a> for a <a href="#">fatigue regulated heavy vehicle</a> , that the person knows or ought reasonably to know would have the effect of causing the vehicle's driver to driver while impaired by fatigue, or drive while in breach of the driver's work and rest hours option, or drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option	\$10000
s.250	Working for more than the maximum work time or rest for less than the minimum rest time for the <a href="#">standard hours</a> subject to the <a href="#">reasonable steps defence</a>	\$15000
s.251	Working for more than the maximum work time or rest for less than the minimum rest time for the <a href="#">standard hours</a> subject to the <a href="#">reasonable steps defence</a>	\$15000
s.254	Working for more than the maximum work time or rest for less than the minimum rest time for the <a href="#">BFM hours</a> subject to the <a href="#">reasonable steps defence</a>	\$15000
s.256	Working for more than the maximum work time or rest for less than the minimum rest time for the <a href="#">BFM hours</a> subject to the <a href="#">reasonable steps defence</a>	\$15000
s.258	Working for more than the maximum work time or rest for less than the minimum rest time for the <a href="#">AFM hours</a> subject to the <a href="#">reasonable steps defence</a>	\$15000
s.259	Working for more than the maximum work time or rest for less than the minimum rest time for the exemption hours subject to the	\$15000



HVNL reference	Offence	Maximum Penalty
	<a href="#">reasonable steps defence</a>	
s.263	Driving a <a href="#">fatigue regulated heavy vehicle</a> after changing options unless in compliance with the new option or has had reset break, subject to the <a href="#">reasonable steps defence</a>	\$4000
s.264	Failing to ensure the driver does not drive a <a href="#">fatigue regulated heavy vehicles</a> unless in compliance with s.263 (above) subject to the <a href="#">reasonable steps defence</a>	\$6000
s.286	Contravening a condition of a work and rest hours exemption (notice) or (permit) issued by the Regulator	\$6000
s.287	Failure to ensure the keeping and returning of relevant documents about work and rest hours exemption notice (with relevant party subject to <a href="#">reasonable steps defence</a> )	\$3000
s.288	Failure to ensure the keeping and returning of relevant documents about work and rest hours exemption permit for a fatigue regulated heavy vehicle (with relevant party subject to <a href="#">reasonable steps defence</a> )	\$4000
s.293	Failure by a driver of a <a href="#">fatigue regulated heavy vehicle</a> to keep a work diary and to ensure the driver's work diary records the information prescribed, and that it is in the driver's possession while driving the vehicle	\$6000
s.296	Failure to include in work diary information as prescribed in the regulations	\$1500
s.297	Failure to record information in diary immediately after starting work	\$6000
s.298	Failure to record the odometer reading in the manner prescribed	\$1500
s.299	If party to a two up driving agreement, failure to, at the other driver's request provide the other driver with the prescribed details	\$3000
s.301	Failure to record information, if written work diary, in the manner prescribed	\$1500
s.302	Failure to record information, if electronic work diary, in the manner prescribed	\$1500
s.303	Failure to record information based on time in the place where the driver's base is	\$1500
s.305	If unable to use the driver's work diary in nominated circumstances, failure to make supplementary record as prescribed	\$6000
s.306	Failure to notify regulator if diary has been filled up, destroyed, lost or stolen.	\$3000
s.307	If own record keeper, failure to notify regulator if diary has been filled up, destroyed, lost or stolen or if electronic, is malfunctioning	\$3000
s.308	Failure to notify regulator if lost or stolen work diary is found	\$3000

HVNL reference	Offence	Maximum Penalty
s.309	Failure to notify record keeper if electronic work diary is filled up, destroyed, lost or stolen or is malfunctioning	\$3000
s.310	Failure to notify driver's record keeper if an approved electronic recording system is malfunctioning	\$6000
s.311	Failure to take identified steps and then notify regulator if electronic work diary is filled up	\$6000
s.312	Failure to take identified steps and then notify regulator if electronic work diary is destroyed, lost or stolen	\$6000
s.313	Failure to take identified steps and then notify regulator if electronic work diary is malfunctioning	\$6000
s.314	Failure of driver to use electronic work diary in a way that complies with the conditions in this law and the manufacturer's specifications and record keeper must ensure this occurs	\$6000
s.391 and s.321 and s.322 and s.323 and s.324	Failure to keep the prescribed records and provide information to driver	\$6000
s.325	Falsifying records	\$10000
s.326	Keeping multiple records	\$10000
s.327	Keeping fake records in possession	\$10000
s.328	Falsely representing they made work record	\$10000
s.329	Defacing or changing work records	\$10000
s.330	Making entries in other people's records except in nominated circumstances	\$10000
s.331	Destroying records required to be kept	\$10000
s.332	Removing pages from diary	\$10000
s.335	Tampering with electronic system	\$10000
s.336	Permitting tampering with electronic system	\$10000
s.336A	Failure to report tampering to regulator	\$6000
s.337	Permitting tampering	\$10000
s.341	Failure to keep records for nominated periods of time and in ways identified for availability, access, interpretation and as required by manufacturer	\$6000
.375	Contravening a condition of a work diary exemption	\$6000
s.376	Failure to keep nominated records while operating under work diary exemption (notice)	\$3000
s.377	Failure to keep nominated records while operating under work diary	\$3000

HVNL reference	Offence	Maximum Penalty
	exemption (permit)	
s.396	Failure of an owner of a fatigue regulated heavy vehicle to maintain odometer in accordance with prescribed requirements	\$6000
s.397	Failure to report malfunctioning odometer to owner, employer and operator	\$3000
s.398	Failure to ensure odometer is fixed	\$6000
s.399	Failure to ensure odometer is fixed subject to <a href="#">reasonable steps defence</a>	\$6000
<b>Chapter 7 – Intelligent Access Program</b>		
s.404	Operator of <a href="#">intelligent access vehicle</a> or operator of <a href="#">heavy vehicle</a> giving information relevant to the use of the vehicle; known, or ought reasonably to be known, the information is false or misleading in a material particular to an <a href="#">intelligent access service provider</a>	\$10000
s.405	Failure of operator of <a href="#">intelligent access vehicle</a> to take all reasonable steps to give required information to driver before the journey begins	\$6000
s.406 (1)	Failure of operator of an vehicle to report to the Regulator, a malfunction of a part of an approved intelligent transport system fitted to a vehicle.	\$6000
s.406 (2)	Failure of operator of an <a href="#">intelligent access vehicle</a> to keep a written record of a reported malfunction with the required information, for at least 4 years	\$6000
s.407	Failure of operator of an <a href="#">intelligent access vehicle</a> to take all reasonable steps to tell the vehicle's driver of their obligations under s.408 (below) and how the reports can be made, before the journey begins.	\$6000
s.408 (1)	Failure of driver of an <a href="#">intelligent access vehicle</a> to report to the operator, a malfunction of a part of an approved intelligent transport system fitted to a vehicle.	\$6000
s.408 (2)	Failure of driver of an <a href="#">intelligent access vehicle</a> to keep a written record of a reported malfunction with the required information, for at least 4 years	\$6000
s.410	Failure of <a href="#">intelligent access service provider</a> to take all reasonable steps to ensure they collect information is necessary for the purpose or directly related purpose it is collected; is not excessive for that purpose; is accurate, complete and up to date and does not intrude to an unreasonable extent on the personal privacy of any individual to whom the information relates	\$6000
s.411	Failure of <a href="#">intelligent access service provider</a> to keep and organise records of the intelligent access information collected	\$6000
s.412	Failure of an <a href="#">intelligent access service provider</a> to take all reasonable steps to protect intelligent access information collected against unauthorised access, unauthorised use, misuse, loss, modification or unauthorised disclosure	\$20000

HVNL reference	Offence	Maximum Penalty
s.413 (1)	Failure of an <a href="#">intelligent access service provider</a> to prepare, and make publicly available, a document setting out their policies on the management of personal information held by the service provider.	\$6000
s.413 (2)	Failure of an <a href="#">intelligent access service provider</a> to, within 28 days after receiving the request, give the individual information if the service provider can reasonably give it	\$6000
s.414	Failure of an <a href="#">intelligent access service provider</a> to give the individual, whom the service holds personal information, access to the information as soon as practicable and without cost	\$6000
s.415 (2)	Failure of an <a href="#">intelligent access service provider</a> to make a change requested by the person to whom the information relates, if the service provider is satisfied the change is appropriate to ensure the personal information is accurate, complete and up to date	\$6000
s.415 (4)	Failure of an <a href="#">intelligent access service provider</a> to comply with request to change information and failure to provide the person with a notice containing specific information	\$6000
s.416	An <a href="#">intelligent access service provider</a> using or disclosing intelligent access information other than as required or authorised under this Law or another law.	\$20000
s.417	Failure of an <a href="#">intelligent access service provider</a> to give an intelligent access auditor access to a record kept by the service provider	\$6000
s.419 (1)	Failure of an <a href="#">intelligent access service provider</a> who uses or discloses intelligent access information, within 7 days after the use or disclosure, make and keep for at least 2 years a record of the use or disclosure which contains specific information	\$6000
s.420	Failure of an <a href="#">intelligent access service provider</a> to keep a copy of a noncompliance report and information relied on to make the report for at least 4 years after the noncompliance report is made	\$6000
s.421	Failure of an <a href="#">intelligent access service provider</a> to take all reasonable steps to destroy: <ul style="list-style-type: none"> <li>• intelligent access information collected by the provider 1 year it is collected;</li> <li>• a record required to be kept keep under s.419 within 1 year after it is no longer required to be kept</li> </ul>	\$6000
s.422	Failure of an <a href="#">intelligent access service provider</a> to within 7 days, give the Regulator a report about the relevant contravention in the approved form	\$6000
s.423	Failure of an <a href="#">intelligent access service provider</a> , within 7 days and in the approved form, to report to the Regulator and TCA if they know or suspects that an approved intelligent transport system or back-office intelligent transport system has been tampered with	\$6000
s.424	Disclosure (other than the Regulator or TCA) by an <a href="#">intelligent access service provider</a> of information related to knowing or suspecting that an approved intelligent transport system or back-office intelligent transport system has been tampered with	\$6000
s.454 (1)	Tampering with an approved intelligent transport system with intention of causing the system to fail to generate, record, store,	\$10000

HVNL reference	Offence	Maximum Penalty
	display, analyse, transmit or report intelligent access information; or fail to generate, record, store, display, analyse, transmit or report intelligent access information correctly.	
s.454 (2)	Tampering with an approved intelligent transport system and is negligent or reckless as to whether, as a result of the tampering, the system may fail to generate, record, store, display, analyse, transmit or report intelligent access information; or fail to generate, record, store, display, analyse, transmit or report intelligent access information correctly.	\$8000
<b>Chapter 8: Accreditation</b>		
s.467	Failure by the holder of a BFM accreditation or AFM accreditation to comply with the conditions of the accreditation.	\$6000
s.468	Failure of a driver of <a href="#">heavy vehicle</a> operating under a BFM or AFM accreditation to keep the required documentation in their possession	\$3000
s.469	Failure by driver to return documentation related to BFM or AFM accreditation to the operator.	\$4000
s.470	Failure of operator to ensure: <ul style="list-style-type: none"> <li>each driver operating under a BFM accreditation is inducted into the operator's relevant management system; and at all times, meets the requirements relating to drivers operating under the accreditation (if any);</li> <li>each driver operating under an AFM accreditation is informed of the AFM hours applying;</li> <li>required documentation is kept for the required time periods</li> </ul>	\$6000 For a failure to keep required documentation: \$3000
s.471 (2)	Failure of the operator to as soon as practicable after the amendment, suspension or cessation, give notice of the amendment, suspension or cessation to any driver of, or scheduler for, a heavy vehicle who may be affected by the amendment, suspension or cessation	\$6000
s.471 (3)	Failure of the driver to, as soon as reasonably practicable, return to the operator any document relevant to the notice of the amendment, suspension or cessation	\$4000
s.476	Failure to comply with the notice requiring the return of their accreditation certificate to the Regulator within 7 days after the notice is given or, within the period stated in the notice	\$6000
s.477	Failure to apply to the Regulator for a replacement accreditation certificate if a person's accreditation certificate for a <a href="#">heavy vehicle</a> accreditation is defaced, destroyed, lost or stolen	\$4000
s.478	False representation person is an approved auditor, is an auditor of a particular approved class, has audited an operator's relevant management system, the opinion of an approved auditor in relation to an operator's relevant management system.	\$10000
<b>Chapter 13: General</b>		
s.699	Dismissing or otherwise prejudicing an employee in their employment for the reason that they have helped or given information or made	\$10000

HVNL reference	Offence	Maximum Penalty
	complaints under the HVNL.	
s.636	Executive officer authorises or permits an offence	As for the offence committed

**Last Amendment**

*Transport Operations (Road Use Management) Act 1995* (includes amendments up to 1 October 2017, Act No. 18 of 2017)

*Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008* (includes amendments up to 1 September 2017 SL No. 160 of 2017)

*Heavy Vehicle National Law (Queensland) 2012* (includes amendments up to 25 August 2017, Act No.35 of 2017)



## CHAPTER 13 – EXPLOSIVES

### 1 Introduction

#### 1.1 Applicable Legislation

Legislation
<a href="#">Explosives Act 1999</a>
<a href="#">Explosives Regulation 2017</a>
Standards
See <a href="#">Annexure – Standards Explosives Safety</a> Standards prescribed under the applicable legislation.
Regulator
Department of Natural Resources and Mines, Explosives Inspectorate Website: <a href="https://www.dnrm.qld.gov.au/our-department/contact-us/explosives-inspectorate-contacts">https://www.dnrm.qld.gov.au/our-department/contact-us/explosives-inspectorate-contacts</a>

#### 1.2 Regulatory Framework

1.2.1 The [Explosives Act](#) regulates [explosives](#) in Queensland (other than explosives within the possession of, or supplied by the Commonwealth). This Act contains primarily safety provisions, but also impacts on a range of activities including the importation, manufacture, storage, transportation, sale and use of [explosives](#).

1.2.2 The following applies with respect to interactions with other relevant legislation.

Subject	How do they apply (in summary?)
Coal Mining	The <a href="#">CMSH Act</a> prevails over the Explosives Act in the event of any inconsistency.

Subject	How do they apply (in summary?)
WHS Act in relation to hazardous chemicals	<p>The <a href="#">WHS Act</a> provisions for <a href="#">hazardous chemicals</a> continue to apply together with the <a href="#">Explosives Act</a>.</p> <p>However, the <a href="#">WHS Act hazardous chemicals</a> provisions do not apply to explosives being transported by road, rail, sea or air if regulated under the <a href="#">Explosives Act</a> or applicable transport law (road, rail or maritime) (See <a href="#">WHS Regulations</a>)</p>
Major Hazard Facilities	<p>The <a href="#">WHS Act</a> provisions for <a href="#">Major Hazard Facilities</a> do not apply to a magazine under the <a href="#">Explosives Act</a>.</p>

1.2.3 The [Explosives Regulation](#) includes further detail regarding explosives safety requirements.

1.2.4 Standards such as Australian Standards do have statutory force under the [Explosives Regulation](#), however a person may adopt an alternative measure if they can demonstrate an equivalent level of risk and have permission of the Regulator ([Explosives Regulation](#), s.9)

## 2 Explosives safety obligations

### 2.1 Key obligations

2.1.1 The following key duties and obligations apply under the [Explosives Act](#) (in relation to those applicable to CS Energy).

Subject matter	What is the obligation (in summary)?
Unauthorised explosives	<p>Persons must not manufacture, possess, sell, store, transport or use unauthorised explosives or <a href="#">Prohibited Explosives</a> (s.11)</p>
Authorities	<p>Authorities are required for the following (Part 4):</p> <ul style="list-style-type: none"> <li>• The possession of <a href="#">explosives</a> (Division 2);</li> <li>• The importation and exportation of <a href="#">explosives</a> (Division 3);</li> <li>• The manufacture of <a href="#">explosives</a> (Division 4);</li> <li>• The selling of <a href="#">explosives</a> (Division 5);</li> <li>• The storage of <a href="#">explosives</a> (Division 6);</li> <li>• The transportation of <a href="#">explosives</a> (Division 7); and</li> <li>• The use of <a href="#">explosives</a> (Division 8).</li> </ul> <p>Authority holders must comply with the conditions prescribed for each kind of authority or imposed on a specific authority by the Regulator (s.18)</p> <p>The specific types of licenses available are identified in the <a href="#">Explosives Regulation</a> (s.19) and include for example licences to use and transport explosives and shot firers licenses.</p>
Safety management	<p>Holders of authorities must have in place a Safety Management System if they have</p>



Subject matter	What is the obligation (in summary)?
systems	employees who will perform activities under the license (s.42, <a href="#">Explosives Regulation</a> ).
Handling explosives	<ul style="list-style-type: none"> <li>• A general duty of care is imposed on a person who is doing any act involving <a href="#">explosives</a> to take reasonable precautions and use reasonable care to avoid endangering a person's safety, health or property (s.32).</li> <li>• An employer also has an obligation to ensure that any prospective employee who will work with <a href="#">explosives</a> is an "appropriate person" (s.33). As to who is an "appropriate person" see s.15 which includes reference to a number of factors that may be considered in determining whether the person is an appropriate person (including character, mental and physical health, expertise etc.).</li> </ul>
Storing explosives	<ul style="list-style-type: none"> <li>• <a href="#">Explosives</a> may only be stored where they are manufactured or in approved magazines (s.45). There are restrictions on entry to magazines (s.47).</li> <li>• Persons storing <a href="#">explosives</a> must take reasonable precautions to prevent explosives incidents and to minimise the likely effects of any <a href="#">explosives</a> incident (s.49).</li> <li>• Prescriptive technical obligations apply to the storage of <a href="#">explosives</a> under the <a href="#">Explosives Regulation</a>, (Part 8). This includes that <a href="#">explosives</a> be stored in specific secured areas and places in secured containers.</li> </ul>
Transporting explosives	<ul style="list-style-type: none"> <li>• Persons transporting <a href="#">explosives</a> must ensure that they are transported as required under the Act and delivered to places where they may be lawfully possessed and stored and used (s.50).</li> <li>• Persons may not transport <a href="#">explosives</a> which are too dangerous to transport (s.51).</li> <li>• Prescriptive technical obligations apply to the transport of <a href="#">explosives</a> under the <a href="#">Explosives Regulation</a> (Part 9). This includes compliance to nominated codes and standards as detailed in the <a href="#">Annexure</a>.</li> </ul>
Using explosives	<ul style="list-style-type: none"> <li>• Persons may only use <a href="#">explosives</a> in the way prescribed in the Regulations, and must not use explosives if it may reasonably be expected to endanger any person's safety, health or property (s.54).</li> <li>• Prescriptive technical obligations apply under the <a href="#">Explosives Regulation</a> (Part 10).</li> </ul>

## 2.2 Officer's duties

2.2.1 An [executive officer](#) of a corporation is deemed to have committed an offence if the [executive officer](#) did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting an offence (s.117). In deciding whether such steps were taken, the court must have regard to whether the officer knew, or ought to reasonably have known, of the corporation's conduct, whether the officer was in a position to influence the corporation's conduct and any other relevant matter (s.117).

2.2.2 An action and conviction against an [executive officer](#) may be successful whether or not a similar proceeding is instituted against the corporation or it is convicted of an offence (s.117).

### 3 Consultation and Representation

#### 3.1 Representation

3.1.1 There are no express representation provisions under the [Explosives Act](#). It is likely the general [WHS Act](#) provisions would operate.

#### 3.2 Consultation

3.2.1 Under the [Explosives Regulation](#) (s.46) an authority holder must implement a safety management system which provides for ongoing consultation with employees and contractors of the authority holder who are engaged in carrying out activities under the authority at least once a month about safety in relation to those activities.

#### 3.3 Fair Treatment

3.3.1 Reprisals are prohibited against persons who have made complaints or raised issues under the [Explosives Act](#) (s.126A).

### 4 Explosives Incident Response

#### 4.1 Notifications

4.1.1 An authority holder whose [explosives](#) are involved in [explosives incident](#) must immediately give the chief inspector written notice of the incident and any loss of life, personal injury or property damage caused by the incident (s.55).

4.1.2 Incident scenes must be preserved until an Inspector releases the site (s.57).

### 5 Regulators and Enforcement

#### 5.1 Inspectors

5.1.1 Inspectors appointed under the [Explosives Act](#) have broad powers to enter places and investigate and enforce the [Explosives Act](#) (Part 5).

5.1.2 For example, an inspector may investigate an [explosives incident](#) (s.58), may enter premises, take measurements, test, photograph, copy documents and ask questions (ss.59, 83 and 89-105). In some cases, the chief inspector may authorise the authority holder involved to investigate (s.58).

5.1.3 Tips for dealing with Explosives Inspectors are similar to those identified in this manual in relation to dealing with [WHS Act](#) Inspectors. However note that unlike the [WHS Act](#), it is a reasonable excuse under the [Explosives Act](#) s.59 and s.89 to refuse to answer questions of an inspector. The same applies in relation to production of documents unless they are documents required to be kept under the Act (s.100). Advice from the legal team should be sought if dealing with the explosives inspectorate.

### 6 Penalties

6.1.1 The following key penalties and offences apply.

Explosives Act reference	Offence	Maximum Penalty
s.11	Manufacture, possession, sale, storage, transportation, or use of an unauthorised explosive or <a href="#">prohibited explosive</a> .	<p><i>Individual:</i> 400 <a href="#">penalty units</a> or 6 months imprisonment</p> <p><i>Corporation:</i> 2,000 <a href="#">penalty units</a>.</p>
S 18	Failure to comply with conditions prescribed under a regulation or imposed by the chief inspector.	<p><i>Individual:</i> 200 <a href="#">penalty units</a></p> <p><i>Corporation:</i> 1,000 <a href="#">penalty units</a>.</p>
S 32	<p>Failing to take reasonable precautions and use reasonable care when doing an act involving <a href="#">explosives</a>.</p> <p>See also s.117 which imposes liability on an <a href="#">executive officer</a>.</p>	<p><i>When contravention causes multiple deaths and serious harm to property or the environment:</i>  <i>Individual:</i> 3,000 <a href="#">penalty units</a> or 3 years imprisonment  <i>Corporation:</i> 15,000 <a href="#">penalty units</a></p> <p><i>When contravention causes multiple deaths:</i>  <i>Individual:</i> 2000 <a href="#">penalty units</a> or 3 years imprisonment  <i>Corporation:</i> 10,000 <a href="#">penalty units</a></p> <p><i>When contravention causes death or grievous bodily harm:</i>  <i>Individual:</i> 1,000 <a href="#">penalty units</a> or 2 years imprisonment  <i>Corporation:</i> 5,000 <a href="#">penalty units</a></p> <p><i>When contravention involves exposure to a Substance likely to cause death or grievous bodily harm:</i>  <i>Individual:</i> 750 <a href="#">penalty units</a> or 1 year imprisonment  <i>Corporation:</i> 3,750 <a href="#">penalty units</a></p> <p><i>If contravention causes bodily harm:</i>  <i>Individual:</i> 750 <a href="#">penalty units</a> or 1 year imprisonment  <i>Corporation:</i> 3,750 <a href="#">penalty units</a></p> <p><i>If contravention causes serious harm to property or the environment:</i>  <i>Individual:</i> 750 <a href="#">penalty units</a> or 1 year imprisonment  <i>Corporation:</i> 3,750 <a href="#">penalty units</a>.</p> <p><i>Otherwise</i>  <i>Individual:</i> 500 <a href="#">penalty units</a> or 1 year imprisonment  <i>Corporation:</i> 2,500 <a href="#">penalty units</a>.</p>
ss.34, 36 and 38	Possessing, manufacturing, exporting or importing <a href="#">explosives</a> from another country	<p><i>Individual:</i> 400 <a href="#">penalty units</a> or 6 months imprisonment</p>

Explosives Act reference	Offence	Maximum Penalty
	without an authority.	<i>Corporation:</i> 2,000 <a href="#">penalty units</a> .
ss. 39 and 40	Unlawfully entering or failing to take reasonable care at an explosives factory.	<i>Individual:</i> 200 penalty units or 3 months imprisonment <i>Corporation:</i> 1,000 <a href="#">penalty units</a> .
ss. 41, 42, 43	Selling <a href="#">explosives</a> unlawfully.	<i>Individual:</i> 200 <a href="#">penalty units</a> or 3 months imprisonment <i>Corporation:</i> 1,000 <a href="#">penalty units</a> .
s.44	Storing an <a href="#">explosive</a> without an authority.	<i>Individual:</i> 200 <a href="#">penalty units</a> or 3 months imprisonment <i>Corporation:</i> 1,000 <a href="#">penalty units</a> .
s. 45	Storing an <a href="#">explosive</a> in a place other than that where it can be lawfully stored.	<i>Individual:</i> 400 <a href="#">penalty units</a> or 6 months imprisonment <i>Corporation:</i> 2,000 <a href="#">penalty units</a> .
s.48	Failing to take reasonable care at a magazine.	<i>Individual:</i> 200 <a href="#">penalty units</a> or 3 months imprisonment <i>Corporation:</i> 1,000 <a href="#">penalty units</a> .
s.49	Failing to take reasonable precautions to prevent an <a href="#">explosives incident</a> and to minimise the likely effects of an <a href="#">explosives incident</a> when storing <a href="#">explosives</a> .	<i>Individual:</i> 200 <a href="#">penalty units</a> <i>Corporation:</i> 1,000 <a href="#">penalty units</a>
s.51	Transporting an explosive declared under a regulation to be too dangerous to transport.	<i>Individual:</i> 400 <a href="#">penalty units</a> or 6 months imprisonment <i>Corporation:</i> 2,000 <a href="#">penalty units</a> .
ss.50 and 53	Transporting or using <a href="#">explosives</a> without an authority.	<i>Individual:</i> 200 <a href="#">penalty units</a> <i>Corporation:</i> 1,000 <a href="#">penalty units</a>
s.54	Use of an <a href="#">explosive</a> where if exploding it may reasonably be expected to endanger any person's safety, health or property.	<i>Individual:</i> 200 <a href="#">penalty units</a> <i>Corporation:</i> 1,000 <a href="#">penalty units</a>
s.55	Failing to give written notice to the chief inspector of an incident involving <a href="#">explosives</a> which results in any loss of life, personal injury or property damage.	<i>Individual:</i> 170 <a href="#">penalty units</a> <i>Corporation:</i> 850 <a href="#">penalty units</a>

**Last Amendment**

*Explosives Act 1999* (includes amendments up to 24 November 2017, Act No. 51 of 2016)

*Explosives Regulation 2017* (includes amendments up to 1 September 2017, SL No. 150 of 2017)



## CHAPTER 14 – RADIATION SAFETY

### 1 Introduction

#### 1.1 Applicable Legislation

- 1.1.1 The [Radiation Safety Act](#) is designed to protect persons from health risks associated with exposure to particular sources of ionising radiation and harmful non-ionising radiation. The [Radiation Safety Act](#) regulates the possession and use of [radiation sources](#) and the transportation of [radioactive substances](#). The [Radiation Safety Act](#) imposes restrictions on the acquisition and relocation of [radiation sources](#) and the disposal of radiation apparatus and radioactive material.
- 1.1.2 The [Radiation Safety Act](#) requires a person who possesses a [radiation source](#) for a radiation practice to have an approved [radiation safety and protection plan](#) for the practice.

Legislation
<a href="#">Radiation Safety Act 1999</a>
<a href="#">Radiation Safety Regulation 2010</a>
<a href="#">Radiation Safety (Radiation Safety Standards) Notice 1999</a>
Standards
See <a href="#">Annexure – Standards Radiation Safety</a>
Regulator
<p><b>Radiation Health Unit</b>                      Department of Health                      Website: <a href="https://www.health.qld.gov.au/radiationhealth/">https://www.health.qld.gov.au/radiationhealth/</a></p>

**1 Radiation safety obligations**

**1.1 Outline**

1.1.1 The key elements of the [Radiation Safety Act](#) are its licensing requirements for:

- (a) those in possession of a radiation source; and
- (b) the transportation of [Radioactive Substances](#).

1.1.2 [Radioactive substances](#) may be produced as a by-product of the generation of electricity by CS Energy.

**1.2 Authorities**

1.2.1 Under the [Radiation Safety Act](#), there are three types of licences:

- (c) Possession licences – required for all radiation sources;
- (d) Use licences – required for all radiation sources; and
- (e) Transportation licences – required only for [radioactive substances](#).

Licence	Required for	Responsibilities
Possession	Any person to possess a <a href="#">radiation sources</a> (s.12).	The licensee has many responsibilities under the <a href="#">Radiation Safety Act</a> , for example: <ul style="list-style-type: none"> <li>• to ensure compliance with the relevant radiation safety standards;</li> <li>• to ensure that certificates of compliance are obtained for the relevant radiation sources;</li> <li>• to ensure a <a href="#">radiation safety and protection plan</a> is approved for a radiation practice and that there are training programs and emergency procedures in place;</li> <li>• to appoint a radiation safety Officer as required; and</li> <li>• that the notification requirements are complied with, for example, reporting certain dangerous events.</li> </ul>
Use	To use a radiation source without a licence (s.13). The <a href="#">Radiation Safety Act</a> distinguishes between using a <a href="#">radiation sources</a> and carrying out a radiation practice with <a href="#">radiation sources</a> , which is broader and includes activities associated with using a <a href="#">radiation source</a> such as storage.	Use licences for carrying out radiation practice impose further obligations on the licensee: <ul style="list-style-type: none"> <li>• to ensure an approved <a href="#">radiation safety and protection plan</a> is in place;</li> <li>• to provide adequate training;</li> <li>• to ensure safety procedures are in place to protect persons carrying out a radiation practice.</li> </ul>
Transportation	Transportation of <a href="#">radioactive substances</a> (s.14).  In relation to transport by road, the person in charge of the vehicle must	

Licence	Required for	Responsibilities
	hold a transport licence. Whereas, for any other means of transport, the person or company transporting the material just hold the licence and is responsible for ensuring safety while in transit (s.15).	

## 2 Radiation Security Plan

2.1.1 A possession licensee must have a [security plan](#) and a [transport security plan](#), the details of which are outlined in the following table.

Plan	When is it required	Obligations
Security plan	Where a possession licensee holds a <a href="#">security enhanced source</a> .	<p>The Licensee must</p> <ul style="list-style-type: none"> <li>take reasonable steps to ensure that a copy of the <a href="#">security plan</a> is available and the training programme mentioned in the plan is undertaken (s.34F);</li> <li>ensure that access to a <a href="#">security enhanced source</a> is limited to those provided for under the <a href="#">security plan</a> (s.34G).</li> </ul>
Transport security plan	<p>Where a possession licensee transports a <a href="#">security enhanced source</a> for</p> <ul style="list-style-type: none"> <li>acquisition;</li> <li>relocation; or</li> <li>aggregation (s.34I).</li> </ul>	<p>The Licensee must</p> <ul style="list-style-type: none"> <li>take reasonable steps to ensure that a copy of the <a href="#">security plan</a> is available and the training programme mentioned in the plan is undertaken (s.34Q);</li> <li>ensure that access to a <a href="#">security enhanced source</a> is limited to those provided for under the <a href="#">security plan</a> (s.34R).</li> </ul>

## 3 Representation/Consultation/Fair Treatment

3.1.1 There are no express representation, consultation or fair treatment provisions under the [Radiation Safety Act](#). It is likely the general [WHS Act](#) provisions would operate.

## 4 Radiation Safety Officers

4.1.1 A [PCBU](#) that holds a possession license and under that licence possesses a radiation source for a radiation practice must ensure that a radiation safety officer has been appointed for the practice (s.35).

4.1.2 Only a qualified person who holds a radiation safety officer certificate relevant to a radiation practice may be appointed as a radiation safety officer for the practice.



- 4.1.3 The licensee's approved [radiation safety and protection plan](#) for the practice must state at least the following functions for a radiation safety officer appointed by the licensee for the practice:
- (a) to identify ways, consistent with the plan, of minimising the radiation doses received by persons from the source;
  - (b) to provide, or arrange for the provision of, training about radiation hazards and safe working practices to:
    - (i) persons carrying out the practice; and
    - (ii) the licensee's employees and other persons working for the licensee who may be exposed to radiation emitted from the source; and
    - (iii) other persons prescribed under a regulation;
  - (c) to provide, or arrange for the provision of, training to the persons mentioned in paragraph (b) about precautions that need to be taken to ensure radiation doses received by the persons and other persons from the source, are:
    - (i) for ionising radiation—below the radiation dose limit prescribed under a regulation and as low as reasonably achievable; or
    - (ii) for non-ionising radiation—below the radiation dose limit prescribed under a regulation and minimised as far as is practicable;
  - (d) to identify whether the plan is being complied with;
  - (e) to regularly review the plan to ensure its continued effectiveness;
  - (f) to identify whether the relevant radiation safety standard for the source, or premises at which the practice is being carried out, is being complied with.
- 4.1.4 A radiation safety officer must apply for a certificate from the chief executive and must establish that he/she is a suitable person.

## 5 Officers duties (ss.205 and 205A)

- 5.1.1 If CS Energy commits an offence against the Act then [Executive Officers](#) of CS Energy are taken to have committed the offence and are liable to the penalty for that offence if the [Executive Officer](#) did not take all reasonable steps to ensure that the corporation did not engage in the conduct constituting the offence (s.205).
- 5.1.2 In deciding whether such steps were taken, the court must have regard to whether the [Executive Officer](#) knew, or ought to reasonably have known, of the corporation's conduct, whether the [Executive Officer](#) was in a position to influence the corporation's conduct and any other relevant matter.
- 5.1.3 An action and conviction against an [Executive Officer](#) may be successful whether or not a similar proceeding is instituted against the corporation or it is conviction of an offence.
- 5.1.4 An executive liability provision, to the extent that the conduct which constitutes the offence relates to a security enhanced source, are ss.25, 26 (1) and 27A (1).
- 5.1.5 However, an [Executive Officer](#) will not be liable if they can prove:
- (a) they has exercised reasonable diligence to ensure the corporation complied with the provision; or
  - (b) they were not in a position to influence the conduct of the corporation in relation to the offence.

- 5.1.6 However, if CS Energy commits an offence against a deemed executive liability provision then [Executive Officers](#) of CS Energy are taken to have committed the offence and are liable to the penalty for that offence if the [Executive Officer](#) authorised or permitted the corporation's conduct or the [Executive Officer](#) was directly or indirectly, knowingly concerned in the corporation's conduct (s. 205A).
- 5.1.7 Deemed executive liability provisions include those in relation to relocation, disposal and abandoning of [radioactive substances](#).

## 6 Incident Response

### 6.1 Notifications

- 6.1.1 There are notification requirements under the [Radiation Safety Act](#) that require a possession licensee to give notice where certain events occur to the relevant authority (s.45, Radiation Safety Act).

	Content
<b>What happened</b>	<p>Notice must be given were any of the following events occur:</p> <ul style="list-style-type: none"> <li>the source is, or appears to have been, lost or stolen;</li> <li>there is a radiation incident in relation to the source, for which there are no remediation procedures stated in the licensee's approved <a href="#">radiation safety and protection plan</a> for the practice being carried out with the source at the time;</li> <li>equipment that uses, measures or controls radiation emitted from the source malfunctions with the result, or likely result, that there is, or will be, an unintended emission of the radiation or a person is, or will be, unintentionally exposed to the radiation;</li> <li>the source is damaged;</li> <li>the source is subject to access that is not provided for under an approved security plan or approved transport security plan.</li> </ul>
<b>What notice must include</b>	<p>The notice must be given immediately, orally or in writing and include the following details:</p> <ul style="list-style-type: none"> <li>particulars adequate to identify the source;</li> <li>if the licensee knows the location of the source, its location;</li> <li>if the licensee does not know the location of the source, the last location known to the licensee;</li> <li>the circumstances surrounding the dangerous event;</li> <li>the steps taken, or proposed to be taken, to remedy the consequences of the dangerous event and to prevent the event happening again;</li> <li>if a source is lost or stolen, other information relevant to the recovery of the source.</li> </ul>

**7 Regulators and enforcement**

**7.1 Inspectors**

7.1.1 Inspectors have wide ranging powers to enter and inspect places under the Radiation Safety Act. The powers are outlined as follows:

Power	Content
Entry	<p>An Inspector can enter a place where there is a radiation source for a radiation practice under a possession licence and the inspector reasonably believes the source is at the place for carrying out the practice and it is open for entry (s.111).</p> <p>An Inspector may also enter with the consent of the occupier. However, the Inspector must explain the purpose of the entry and that the occupier is not required to consent (s.112).</p>
Powers after entry	<p>After an Inspector enters a place they may:</p> <ul style="list-style-type: none"> <li>• Search or inspect any part of the place; or</li> <li>• conduct recordings, measurements, tests or analyses</li> <li>• test a security device or other thing at the place to assess the adequacy of measures to deal with the security of a radiation source at the place; or</li> <li>• inquire into the circumstances and probable causes of the following at the place: <ul style="list-style-type: none"> <li>○ a radiation hazard;</li> <li>○ a security risk, or a security breach, concerning a radiation source;</li> <li>○ a risk of harm to the environment concerning a radiation source; or</li> </ul> </li> <li>• require the occupier of the place, or a person at the place, to give the inspector information to help the inspector ascertain whether the <a href="#">Radiation Safety Act</a> is being complied with.</li> </ul>
Additional powers after entry	<p>An Inspector may install and maintain any equipment and materials in or at the place the inspector reasonably requires for conducting a monitoring program.</p>
Stopping vehicle	<p>An Inspector may stop a vehicle if he/she suspects on reasonable grounds, or is aware, of an offence against the Radiation Safety Act.</p>
Seize	<p>An inspector can seize a thing if he/she reasonably believes</p> <ul style="list-style-type: none"> <li>• it is evidence of an offence against the <a href="#">Radiation Safety Act</a> (s.125); or</li> <li>• it is the cause, or is likely to cause, of a radiation hazard that cannot be managed in a way to ensure no person will receive a radiation dose from the thing higher than the radiation dose limit prescribed under a regulation (s.127).</li> </ul>
Require name and address	<p>An Inspector may require the person to state the person's name and residential address where the person is committing an offence or the Inspector reasonably suspects the person has just committed an offence under the <a href="#">Radiation Safety Act</a> (s.142).</p>
Require production of documents	<p>An Inspector may require the production of a document issues or required to be kept under the <a href="#">Radiation Safety Act</a>.</p>
Require information	<p>Where an Inspector reasonably believes an offence has been committed and a person is able to give information about that offence, the Inspector may require the person to give information about the offence at a stated reasonable place and time (s.147).</p>

**8 Penalties**

Radiation Safety Act reference	Offence	Maximum Penalty
s.12	Possessing a radiation source without a licence that is not a <a href="#">security enhanced source</a> .	<i>Individual:</i> 1,000 <a href="#">penalty units</a> <i>Corporation:</i> 5,000 <a href="#">penalty units</a>
	Possessing a radiation source without a licence that is a <a href="#">security enhanced source</a> .	<i>Individual:</i> 2,500 <a href="#">penalty units</a> <i>Corporation:</i> 12,500 <a href="#">penalty units</a>
s.13	Using a radiation source without a licence that is not a <a href="#">security enhanced source</a> .	<i>Individual:</i> 400 <a href="#">penalty units</a> <i>Corporation:</i> 2,000 <a href="#">penalty units</a>
	Using a radiation source without a licence that is a <a href="#">security enhanced source</a> .	<i>Individual:</i> 2,500 <a href="#">penalty units</a> <i>Corporation:</i> 12,500 <a href="#">penalty units</a>
s.14	Transporting a <a href="#">radioactive substance</a> without a transport licence that is not a <a href="#">security enhanced source</a> .	<i>Individual:</i> 400 <a href="#">penalty units</a> <i>Corporation:</i> 2,000 <a href="#">penalty units</a>
	Transporting a <a href="#">radioactive substance</a> without a transport licence that is a <a href="#">security enhanced source</a> .	<i>Individual:</i> 2,500 <a href="#">penalty units</a> <i>Corporation:</i> 12,500 <a href="#">penalty units</a>
s.25	Relocation of a <a href="#">radiation sources</a> that is not a <a href="#">security enhanced source</a> from within Queensland to a place outside Queensland without appropriate approval.	<i>Individual:</i> 400 <a href="#">penalty units</a> <i>Corporation:</i> 2,000 <a href="#">penalty units</a>
	Relocation of a <a href="#">radiation sources</a> that is a <a href="#">security enhanced source</a> from within Queensland to a place outside Queensland without appropriate approval.	<i>Individual:</i> 2,500 <a href="#">penalty units</a> <i>Corporation:</i> 12,500 <a href="#">penalty units</a>
s.26	Disposal of <a href="#">radioactive material</a> unless it is below the maximum concentration or activity prescribed or approval has been granted.	<i>Individual:</i> 2,500 <a href="#">penalty units</a> <i>Corporation:</i> 12,500 <a href="#">penalty units</a>
s.27A	Abandoning a <a href="#">radiation sources</a> .	<i>Individual:</i> 2,500 <a href="#">penalty units</a> <i>Corporation:</i> 12,500 <a href="#">penalty units</a>
s.77	Contravening a term or condition of a licence.	<i>Individual:</i> 200 <a href="#">penalty units</a> <i>Corporation:</i> 1,000 <a href="#">penalty units</a>
s.154	Obstructing an inspector.	<i>Individual:</i> 100 <a href="#">penalty units</a> <i>Corporation:</i> 500 <a href="#">penalty units</a>
ss.119, 120, 121	Failing to comply with an inspector's direction, or failing to give reasonable help to an inspector, or failing to give requested information to an inspector.	<i>Individual:</i> 50 <a href="#">penalty units</a> <i>Corporation:</i> 250 <a href="#">penalty units</a>
s.149	Failing to comply with an inspector's direction in an emergency situation.	<i>Individual:</i> 100 <a href="#">penalty units</a> <i>Corporation:</i> 500 <a href="#">penalty units</a>
s.205	Failure by an <a href="#">Executive Officer</a> to take reasonable steps to ensure the corporation did not engage in the conduct constituting an offence.	See ss.25, 26, and 27.

### WARNING



The table above sets out the offences that may apply under the Radiation Safety Act. There may be additional and separate penalties that apply for breaches of specific Regulations also.

## 9 Enforcement

9.1.1 The [Radiation Safety Act](#) gives inspectors wide powers of investigation (s.105), as follows:

- An inspector may enter any place if its occupier consents to the entry, or it is a public place and the entry is made when the place is open to the public, or the entry is authorised by a warrant. (s.111)
- An inspector may take a full examination of, test or analyse any radioactive substance.(s.117).

### Last Amendment

*Radiation Safety Act 1999* (includes amendments to 24 January 2017, Act No. 65 of 2014)

*Radiation Safety Regulation 2010* (includes amendments to 1 October 2017, SL No. 81 of 2017)



## CHAPTER 15 – FIRE AND EMERGENCY SERVICES

### 1 Introduction

#### 1.1 Applicable Legislation

- 1.1.1 The [Fire and Emergency Services Act 1990](#) establishes the Queensland Fire and Emergency Service and provides for the prevention of and response to fires and certain other incidents endangering persons, property or the environment.

Legislation
<a href="#">Fire and Emergency Services Act 1990</a>
<a href="#">Fire and Emergency Services Regulation 2011</a>
<a href="#">Building Act 1975</a>
<a href="#">Building Fire Safety Regulation 2008</a>
<a href="#">Building Regulation 2006</a>
Standards
See <a href="#">Annexure – Standards Fire and Emergency Services</a>
Regulator
Fire Service Office for the area where the building is located.  Queensland Fire and Emergency Services  Website: <a href="https://www.qfes.qld.gov.au/Pages/default.aspx">https://www.qfes.qld.gov.au/Pages/default.aspx</a>

## 2 Fire and Emergency Services obligations

### 2.1 Key obligations

Content	What is the duty (in summary?)
<b>Building fire safety</b>	<p>CS Energy must:</p> <ul style="list-style-type: none"> <li>as occupier of the building, maintain prescribed fire safety installations to a standard of safety and reliability in the event of fire (s.104D). S.104D is an executive liability provision, meaning that a proceeding for an indictable offence against this Act may be taken at the election of the prosecution (s.151).</li> <li>maintain, free from obstruction, adequate means of escape from the building in the event of fire (s.104C).</li> <li>maintain a fire and evacuation plan to be followed by employees in the event of fire (s.104E).</li> </ul>

2.1.1 CS Energy must maintain its power stations in such a state to ensure employee safety in the event of fire. Specifically, CS Energy must maintain a fire and evacuation plan, and prescribed fire safety installations.

### 2.2 Authorities

2.2.1 CS Energy may be required on the notice of the Commissioner of the service to provide information concerning [dangerous goods](#) stored on the premises (s.96).

2.2.2 CS Energy may be required on the notice of the Commissioner of the service to provide information as to an off-site emergency plan for [dangerous goods](#) (s.97).

## 3 Incidents

### 3.1 Enforcement

3.1.1 The Commissioner of the service may:

3.1.2 give notice requiring an occupier of premises in or on which any [dangerous goods](#) are stored to provide information concerning the [dangerous goods](#) (s.96);

3.1.3 give notice requiring CS Energy to prepare an off-site emergency plan in relation to the Dangerous Goods, which must provide for measures to be taken in preparation for a Hazardous Materials Emergency or, on the occurrence of a Hazardous Materials Emergency, to avoid or limit danger to any person or property outside the premises or to the environment (s.97). CS Energy is then under a duty to implement the off-site emergency plan.

3.1.4 may obtain an injunction from the Supreme Court prohibiting or restricting use of the building where the risk to persons in the event of fire or the risk of spread of fire is sufficiently serious. An injunction may be obtained for a limited or indefinite period of time, requiring steps to be taken to reduce the risk to a reasonable level (s.104R).

**4 Penalties**

Fire and Emergency Services Act reference	Offence	Maximum Penalty
ss.101 and 104	Failure to implement off-site emergency plan.	<i>Individual:</i> 250 <a href="#">penalty units</a> or 1 year imprisonment. <i>Corporation:</i> 1250 <a href="#">penalty units</a> .
s.102	Failure to notify of change of circumstances substantially reducing effectiveness off-site emergency plan.	<i>Individual:</i> 250 <a href="#">penalty units</a> or 1 year imprisonment. <i>Corporation:</i> 1250 <a href="#">penalty units</a> .
s.104C	Failure of an occupier to maintain adequate means of escape in the event of fire.	<i>Individual:</i> 2,000 <a href="#">penalty units</a> or 3 year imprisonment. <i>Corporation:</i> 10,000 <a href="#">penalty units</a> .
s.104D	Failure of an occupier to maintain at all times every prescribed fire safety installation to a standard of safety and reliability in the event of fire.	<i>Individual:</i> 2,000 <a href="#">penalty units</a> or 3 year imprisonment. <i>Corporation:</i> 10,000 <a href="#">penalty units</a> .
s.104E	Failure of an occupier to maintain a plan of action to be taken in the event of fire and provide adequate instructions concerning the action to be taken.	<i>Individual:</i> 2,000 <a href="#">penalty units</a> or 3 year imprisonment. <i>Corporation:</i> 10,000 <a href="#">penalty units</a> .
s.104G	Failure to comply with Chief Commissioner's notice to take steps to remedy non-compliance with the Act.	<i>Individual:</i> 50 <a href="#">penalty units</a> or 6 months imprisonment. <i>Corporation:</i> 250 <a href="#">penalty units</a>
s.104R	Maintaining the building in a state causing serious risk to persons in the event of fire or serious risk of spread of fire so that use of the building should be prohibited or restricted.	Chief Commissioner may obtain Supreme Court injunction prohibiting or restricting use of building for a limited or indefinite period of time.

**Last Amendment**

*Fire and Emergency Service Act 1990 (includes amendments up to 24 January 2018 Act No. 27 of 2016)*





## CHAPTER 16 –BUILDING FIRE SAFETY

### 1 Introduction

#### 1.1 Applicable Legislation

- 1.1.1 The [Building Fire Safety Regulation 2008](#) regulates building fire safety, in particular by providing for fire and evacuation plans and the testing of prescribed fire safety installations.

Legislation
<a href="#">Fire and Emergency Services Act 1990</a>
<a href="#">Fire and Emergency Services Regulation 2011</a>
<a href="#">Building Act 1975</a>
<a href="#">Building Fire Safety Regulation 2008</a>
<a href="#">Building Regulation 2006</a>
Codes of Practice/Guidelines
See <a href="#">Annexure – Codes of Practice Building Fire Safety</a>
Regulator
Queensland Fire and Emergency Services Service Website: <a href="https://www.qfes.qld.gov.au/Pages/default.aspx">https://www.qfes.qld.gov.au/Pages/default.aspx</a>

### 2 Building Fire Safety Obligations

Content	What is the duty (in summary?)
Evacuation route and exits	CS Energy must ensure that:

Content	What is the duty (in summary?)
	<ul style="list-style-type: none"> <li>• the <a href="#">evacuation route</a> from a building is not obstructed (s.8);</li> <li>• any <a href="#">final exists</a> of adjoining buildings are not obstructed (s.9); and</li> <li>• the doors along any <a href="#">evacuation routes</a> can be opened from the inside in a compliant manner (s.10).</li> </ul>
<p><b>Occupancy limits</b></p>	<p>CS Energy must ensure that the number of persons present in the building at any one time, having regard to its:</p> <ul style="list-style-type: none"> <li>• use; and</li> <li>• size of its floor area; and</li> <li>• the number location and dimensions of exits; and</li> <li>• the number, location and dimensions of the paths of travel to each exit; and</li> <li>• whether persons in the building can exit directly onto an open space,</li> </ul> <p>does not cause overcrowding or exceed the maximum number that may be accommodated in compliance with clause D1.13 of the Building Code of Australia.</p>
<p><b>Evacuation planning and practice</b></p> <p>Part 4, Building Fire Safety Regulation</p>	<p>CS Energy must ensure that fire and evacuation plans for the buildings that it occupies are:</p> <ul style="list-style-type: none"> <li>○ kept in written form;</li> <li>○ state all relevant matters upon them;</li> <li>○ includes the evacuation diagram of the building;</li> <li>○ includes any evacuation diagrams made for particular parts of the building (ss.21 (2)(a)-(c)).</li> </ul> <ul style="list-style-type: none"> <li>• Relevant matters which must be included in the fire and evacuation plan include: <ul style="list-style-type: none"> <li>○ the name, if any, and address of the building;</li> <li>○ the name, address, telephone number and electronic contact details of the owner and occupier of the building;</li> <li>○ the evacuation coordination procedures for the building;</li> <li>○ instructions for evacuating the building safely in accordance with the evacuation coordination procedures for the building in the event of a fire or hazardous materials emergency;</li> <li>○ the method of operation of firefighting equipment and manually operated fire alarms in the building;</li> <li>○ the procedures for giving fire and evacuation instructions to persons working in the building and ensuring the instructions</li> </ul> </li> </ul>

Content	What is the duty (in summary?)
	<p>are given;</p> <ul style="list-style-type: none"> <li>○ if the building is a high occupancy building, the name, telephone number and electronic contact details of the fire safety adviser appointed for the building; a description of the building fire safety qualification held by the advisor; the name of the training organisation that issued the qualification, and the date the qualification was issued;</li> <li>○ the name, telephone number and electronic contact details of the person in charge of evacuating the building and the date that person became the evacuation coordinator;</li> <li>○ the name, telephone number and electronic contact details of the person responsible for carrying out the evacuation coordination procedures and the date that person became responsible for the evacuation coordination procedures;</li> <li>○ the name, telephone number and electronic contact details of the persons responsible for giving fire and evacuation instructions or developing or changing the plan (ss.21 (3)).</li> </ul>
<p><b>Record of fire and evacuation instructions and practices</b></p> <p>ss.45 and 46, Building Fire Safety Regulation</p>	<p>CS Energy must keep a record of fire instruction and practice evacuations in the building containing details of which workers were instructed, what they were instructed on, the instructor's name and on what date instruction was undertaken.</p>
<p><b>Inspection, testing and maintenance of prescribed fire safety installations</b></p> <p>ss. 54 and 55, Building Fire Safety Regulation</p>	<p>CS Energy must ensure that each prescribed fire safety installation including special fire services in the building are inspected, tested and maintained by a competent person, and that records of the inspection, testing and maintenance are undertaken in a manner compliant with the Queensland Development Code (<b>QDC</b>) part MP6.1.</p>
<p><b>Mechanical Ventilation</b></p> <p>s.13, Building Fire Safety Regulation</p>	<p>CS Energy must not install or modify a mechanical ventilation system or air-conditioning system to operate so that in the event of fire it is possible for air to flow into any space forming part of a means of escape from any other space in the building.</p>

2.1.1 CS Energy must comply with the [Building Fire Safety Regulation](#) in order to ensure the safety of employees and others in the event of fire.

2.2 **Authorities**

2.2.1 Not applicable.

## 2.3 Officer's duties

2.3.1 There are no express notification provisions under the Building Act or the Building Fire Safety Regulation. It is likely the general [WHS Act](#) provisions would operate.

## 2.4 Consultation and Representation

2.4.1 There are no express representation, consultation or fair treatment provisions under the Building Act or the Building Fire Safety Regulation. It is likely the general WHS Act provisions would operate.

# 3 Incidents

## 3.1 Notifications

3.1.1 There are no express notification provisions under the Building Act or the Building Fire Safety Regulation. It is likely the general [WHS Act](#) provisions would operate.

# 4 Penalties

Building Fire Safety Regulation reference	Offence	Maximum Penalty
ss.7 and 8	Obstructing an <a href="#">evacuation route</a> .	<i>Individual:</i> 30 <a href="#">penalty units</a> <i>Corporation:</i> 150 <a href="#">penalty units</a>
s.9	Obstructing <a href="#">final exist</a> of adjoining building.	<i>Individual:</i> 30 <a href="#">penalty units</a> <i>Corporation:</i> 150 <a href="#">penalty units</a>
s.11	Locking, obstructing or otherwise interfering with a door that is a prescribed exit or situated in the path of travel to a prescribed exit so that it is wholly or partially incapable of being used in the event of fire.	<i>Individual:</i> 30 <a href="#">penalty units</a> <i>Corporation:</i> 150 <a href="#">penalty units</a>
s.13	Installation or modification of mechanical ventilation system to allow air to flow into any space forming part of a means of escape from any other space in the building.	<i>Individual:</i> 30 <a href="#">penalty units</a> <i>Corporation:</i> 150 <a href="#">penalty units</a>
s.16	Overcrowding in building.	<i>Individual:</i> 30 <a href="#">penalty units</a> <i>Corporation:</i> 150 <a href="#">penalty units</a>
s.22	Failure to keep fire and evacuation plans in specified form.	<i>Individual:</i> 30 <a href="#">penalty units</a> <i>Corporation:</i> 150 <a href="#">penalty units</a>
ss.35, 36 and 37	Failure to comply with requirements for evacuation instructions.	<i>Individual:</i> 30 <a href="#">penalty units</a> <i>Corporation:</i> 150 <a href="#">penalty units</a>
s.45	Failing to keep compliant records of fire and evacuation instruction.	<i>Individual:</i> 30 <a href="#">penalty units</a> <i>Corporation:</i> 150 <a href="#">penalty units</a>
s.46	Failure to keep compliant records of fire and evacuation practice instruction.	<i>Individual:</i> 20 <a href="#">penalty units</a> <i>Corporation:</i> 100 <a href="#">penalty units</a>
s.54	Failure to inspect, test and maintain prescribed fire safety installations in a compliant manner.	<i>Individual:</i> 30 <a href="#">penalty units</a>

Building Fire Safety Regulation reference	Offence	Maximum Penalty
		<i>Corporation:</i> 150 <a href="#">penalty units</a>

**Last Amendment**

*Building Fire Safety Regulation 2008* (includes amendments up to 1 January 2017, SL No.221 of 2016)



## CHAPTER 17 –WORKERS' COMPENSATION AND REHABILITATION

### 1 Introduction

#### 1.1 Applicable Legislation

Legislation
<a href="#">Workers' Compensation and Rehabilitation Act 2003</a>
<a href="#">Workers' Compensation and Rehabilitation Regulation 2014</a>
Regulator
Workers' Compensation Regulator
Website Address: <a href="https://www.worksafe.qld.gov.au/">https://www.worksafe.qld.gov.au/</a>

#### 1.2 Legislative Framework

1.2.1 The *Workers' Compensation and Rehabilitation Act 2003* (**Workers' Compensation Act**) provides for the separate delivery and regulation of the workers' compensation scheme. In doing so, it maintains WorkCover as a fully commercial statutory body and provides for the establishment of a statutory authority – the Workers' Compensation Regulatory Authority – to regulate the scheme.

1.2.2 The Workers' Compensation Act applies to all employers in Queensland.

#### 1.3 Workers' Compensation obligations

1.3.1 The key elements of the [Workers' Compensation and Rehabilitation Act](#) are:

- (a) to provide for a system of no fault compensation for [injury](#) to [workers](#);
- (b) to regulate the way in which [workers](#) may sue for [damages](#) at common law in relation to injuries suffered by them (s.5);
- (c) to provide for a system of compulsory insurance (or in certain exceptional cases, self-insurance) for employers in relation to their liability for both no fault compensation and [damages](#) for injury to [workers](#); and

- (d) to protect injured [workers](#) from termination because of their injury for 12 months after the injury occurs (s.232B).

1.3.2 The Workers' Compensation Act is relevant to CS Energy's management of workplace safety and the costs flowing from Workplace injury. As insurance under the Workers' Compensation Act is compulsory, and the premium payable will vary depending on the costs expended by WorkCover on claims against CS Energy, the control of workplace injury will assist in keeping worker's compensation premium costs to a minimum.

## 2 Authorities

- 2.1.1 CS Energy must have a policy of insurance with WorkCover (s.48).
- 2.1.2 An employer who has a wages bill of more than \$4.9million must appoint a Rehabilitation and Return to Work Co-ordinator and implement workplace rehabilitation policies and procedures (ss.226 and 227).

## 3 Incidents and Enforcement

### 3.1 Enforcement

- 3.1.1 The [Workers' Compensation and Rehabilitation Act](#) gives an authorised person wide power of investigation (ss.518-532), including powers to:
  - (a) enter a place, with or without the consent of management, that an authorised person reasonably believes is a Workplace;
  - (b) require a person reasonably believed to be capable of providing information or documents to provide the information or produce the documents;
  - (c) require employers to produce documents for inspection;
  - (d) require a person at the place to give the authorised person other reasonable help;
  - (e) conduct an audit of an employer's wages and contracts; and
  - (f) enter premises with a warrant issued by a magistrate and seize evidence at those premises.

## 4 Penalties

Workers' Compensation Act reference	Offence	Maximum Penalty
ss.48 and 51	Failing to comply with obligation to have insurance.	<p><i>Individual: 275 <a href="#">penalty units</a></i></p> <p><i>Corporation: 1,375 <a href="#">penalty units</a></i></p> <p>Note: In addition, WorkCover may recover the amount of any unpaid premium, together with a penalty equal to 100% of the unpaid premium and (if compensation or damages have</p>

Workers' Compensation Act reference	Offence	Maximum Penalty
		been paid to a Worker) the amount of the payment of compensation or damages, together with a penalty equal to 50% of the payment (s.57).
s.52	Charging a <a href="#">worker</a> for compensation or <a href="#">damages</a> (e.g. by deduction from wages).	<i>Individual:</i> 20 <a href="#">penalty units</a> <i>Corporation:</i> 100 <a href="#">penalty units</a>
s.61	Failure to pay premium within specified time.	Additional premium calculated in accordance with Section 11, <i>Workers' Compensation and Rehabilitation Regulation 2014</i>
s.133	Failure by an employer, other than an employer who is a self-insurer, whose worker sustains an injury for which compensation may be payable must complete a report to WorkCover	<i>Individual:</i> 50 <a href="#">penalty units</a> <i>Corporation:</i> 250 <a href="#">penalty units</a>
s.226	Failing to appoint rehabilitation co-ordinator.	<i>Individual:</i> 50 <a href="#">penalty units</a> <i>Corporation:</i> 250 <a href="#">penalty units</a>
s.227	Failure to have Workplace rehabilitation policy and procedures.	<i>Individual:</i> 50 <a href="#">penalty units</a> <i>Corporation:</i> 250 <a href="#">penalty units</a>
<p><b>Last Amendment</b></p> <p><a href="#">Workers' Compensation and Rehabilitation Act 2003</a> (includes amendments up to 1 January 2010m Act No. 24 of 2017)</p>		





## CHAPTER 18 – COAL MINING

### 1 Introduction

#### 1.1 Applicable Legislation

Legislation
<a href="#">Coal Mining Safety and Health Act 1999 (CMSH Act)</a>
<a href="#">Coal Mining Safety and Health Regulations 2017 (CMSH Regulations)</a>
Codes of Practice/Guidelines
See <a href="#">Annexure – Codes of Practice Coal Mining Safety</a>
Standards
See <a href="#">Annexure – Standards Coal Mining Safety</a>
Regulator
Department of Natural Resources and Mines.  Website: <a href="https://www.dnrm.qld.gov.au/">https://www.dnrm.qld.gov.au/</a>

#### 1.2 Legislative Framework

1.2.1 In Queensland, coal mining safety is regulated separately to other work health and safety legislation and regulation. CS Energy has some obligations under the regime, such as 'holder' of relevant mining authorities, however in the majority the primary operational obligations under the coal mining safety regulatory regime fall on the contracted coal mine 'operator' and its employees who hold appointments under the regime.

1.2.2 The interface between coal mining safety legislation and other safety legislation is outlined below.

Area of influence	When does the CMSH Act apply?
What activities are covered?	<ul style="list-style-type: none"> <li>The <a href="#">CMSH Act</a> concerns <a href="#">coal mines</a> and <a href="#">coal mining operations</a>. This means that it has a broad application, not just to core mining activities, but also, due to the inclusion of <a href="#">on-site activities</a> in the</li> </ul>

Area of influence	When does the CSMH Act apply?
	<p>definition, to many related activities.</p> <ul style="list-style-type: none"> <li>• These related activities include construction of things permitted under relevant tenures, coal treatment and waste disposal facilities, rehabilitation after mine closure, maintenance and testing of plant, equipment and machinery.</li> <li>• However, some activities are expressly excluded, such as transporting product on public roads or railways and air transport (these are likely to be <a href="#">WHS Act</a> and transport regulated, or for rail regulated under the <i>Rail Safety National Law (Queensland) Act 2017</i>).</li> <li>• Also note (under <a href="#">CSMH Regulations</a>, s.370 A) that activities by an electricity entity (such as CS Energy) in relation to its <a href="#">works</a>, if for the purposes of supplying electricity, are not on-site activities.</li> </ul>
<p>What persons are covered?</p>	<p>The <a href="#">CSMH Act</a> applies to everyone who may affect the safety and health of persons at a <a href="#">coal mine</a>, or as a result of <a href="#">coal mining operations</a>, and to persons who may be affected while at a <a href="#">coal mine</a> or as a result of <a href="#">coal mining operations</a>.</p> <p>This means that the <a href="#">CSMH Act</a> does not merely apply at <a href="#">coal mines</a> themselves but also can apply upstream and off-site to others who can influence safety and health related to the operations.</p>

1.2.3 The [CSMH Act](#) is supported by the [CSMH Regulations](#). These provide further details about how the duties under the [CSMH Act](#) must be met including many prescriptive requirements for the technical control of risk.

1.2.4 [Recognised standards](#), as detailed in the Annexure provide practical guidance on how to meet the obligations under the [CSMH Act](#) and [CSMH Regulations](#) ([CSMH Act](#), s.73). Australian and International Standards are also in some instances called up under the [CSMH Act](#) and Regulations. In those instances, compliance to the applicable Standard is mandatory.

1.2.5 The [CSMH Act](#) excludes the application of some other safety and health laws. Specifically:

What legislation is excluded?	What does apply?
<p>WHS Act</p>	<p>The <a href="#">CSMH Act</a> replaces the <a href="#">WHS Act</a> entirely – as outlined in the chapter above in relation to the <a href="#">WHS Act</a>, the <a href="#">WHS Act</a> does not apply to <a href="#">coal mines</a>.</p>
<p>ES Act</p>	<p>The <a href="#">ES Act</a> does have some limited operation at <a href="#">coal mines</a> – it continues to apply but certain 'excluded provisions' have no force – specifically the electrical safety duties and provisions regarding electrical contractor licenses. Similarly, the <a href="#">ES Regulation</a> has very limited application although some requirements (such as for sale of electrical equipment and licensing of electrical workers) do apply.</p>

Example
<p>A person works at a CS Energy <a href="#">coal mine</a> and wishes to perform mechanical work on an electric motor forming part of a vehicle. Even though the <a href="#">CMSH Act</a> is the primary law that applies, the <a href="#">ES Act</a> also applies and the worker can only do this work if they hold an electrical work licence that authorises this kind of electrical work to be done (ES Regulation s.73).</p>

## 2 Coal mining safety obligations

### 2.1 Safety and health obligations

- 2.1.1 The [CMSH Act](#) imposes safety and health duties on many persons or duty holders. As is the case with the [WHS Act](#), a person on whom a safety and health obligation is imposed may be subject to more than 1 safety and health obligation (s.35) Similarly, multiple persons may hold a single duty (s.36).
- 2.1.2 The thrust of the duties under the [CMSH Act](#) is to ensure risk is reduced to an [acceptable level](#). This includes a requirement that risk be reduced to a level which is 'As Low As Reasonably Achievable' (or ALARP), which is essentially the same standard as [SFARP](#) which applies under the [WHS Act](#). It also however, includes a number of additional requirements, including that risk be within acceptable limits (s.29) and that risk is systematically managed through establishment of a [safety and health management system](#) which includes prescribed elements (s.30).
- 2.1.3 The [CMSH Act](#) is express in its requirement that if risk is not at an [acceptable level](#), [operations](#) must cease and all personnel must be withdrawn (s.273).
- 2.1.4 Unlike the [WHS Act](#), the [CMSH Act](#) includes some express defences to any breach of duty under the [CMSH Act](#). Under s.48 the defences include that a person took reasonable precautions and exercised proper diligence to prevent the contravention.
- 2.1.5 Key safety and health obligations under the [CMSH Act](#) can be summarised as follows:

Obligation Holder	What is the duty (in summary?)
<u>Holder</u>	<p>The <a href="#">holder</a> (s.40):</p> <ul style="list-style-type: none"> <li>is accountable for the appointment of any contractual operator for the mine;</li> <li>must give notice to any <a href="#">coal mine operator</a> to ensure the development and implementation of a <a href="#">safety and health management system</a> for the mine, and to prepare and implement principal hazard management for the mine;</li> <li>must include relevant obligations in the contract appointing the <a href="#">coal mine operator</a>; and</li> <li>must give notice of the appointment of the <a href="#">operator</a> to the Regulator (s.49);</li> <li>may appoint only one <a href="#">operator</a> for each mine, although the <a href="#">CMSH Act</a> does permit appointment of different <a href="#">operators</a> for separate parts of surface mines in very limited circumstances (s.53).</li> </ul>
<u>Coal Mine Operator</u>	<p>The <a href="#">Coal Mine Operator</a> (CMO) (s.41):</p> <ul style="list-style-type: none"> <li>must ensure the risk to coal mine workers is at an <a href="#">acceptable level</a>;</li> <li>must not carry out activities that create unacceptable risk on adjacent or</li> </ul>

Obligation Holder	What is the duty (in summary?)
	<p>overlapping tenures;</p> <ul style="list-style-type: none"> <li>• must appoint a <a href="#">Site Senior Executive</a> (SSE) for the mine;</li> <li>• must ensure the <a href="#">SSE</a> for the mine— <ul style="list-style-type: none"> <li>○ develops and implements a <a href="#">safety and health management system</a> for the mine; and</li> <li>○ develops, implements and maintains a management structure for the mine that helps ensure the safety and health of persons at the mine;</li> <li>○ audit and review the effectiveness and implementation of the <a href="#">safety and health management system</a> to ensure the risk to persons from <a href="#">coal mining operations</a> is at an <a href="#">acceptable level</a>;</li> <li>○ provide adequate resources to ensure the effectiveness and implementation of the <a href="#">safety and health management system</a>; and</li> <li>○ must provide relevant notices to the Regulator including in relation to any management appointments (s.50).</li> </ul> </li> </ul>
<p><a href="#">Senior Site Executive</a> (s.42)</p>	<p>The <a href="#">site senior executive</a> (SSE):</p> <ul style="list-style-type: none"> <li>• must ensure the risk to persons from <a href="#">coal mining operations</a> is at an <a href="#">acceptable level</a>;</li> <li>• ensure the risk to persons from any plant or substance provided is at an <a href="#">acceptable level</a>;</li> <li>• develop and implement a <u>single</u> <a href="#">safety and health management system</a> for all persons at the mine (Note – the Regulator is very strict on the requirement that this be only a <i>single</i> system);</li> <li>• develop, implement and maintain a management structure for the mine that helps ensure the safety and health of persons at the mine. The management structure must state: <ul style="list-style-type: none"> <li>○ the responsibilities of the <a href="#">SSE</a>; and</li> <li>○ the responsibilities and competencies required for senior positions in the structure; and</li> <li>○ the names of the persons holding the senior positions and their competencies; and</li> <li>○ the competencies required, and the responsibilities, for each other supervisory position at the mine.</li> </ul> </li> <li>• train coal mine workers so that they are competent to perform their duties;</li> <li>• provide for— <ul style="list-style-type: none"> <li>○ adequate planning, organisation, leadership and control of <a href="#">coal mining operations</a>; and</li> <li>○ the carrying out of critical work at the mine that requires particular</li> </ul> </li> </ul>

Obligation Holder	What is the duty (in summary?)
	<p>technical competencies; and</p> <ul style="list-style-type: none"> <li>○ adequate supervision and control of <a href="#">coal mining operations</a> on each shift at the mine; and</li> <li>○ regular monitoring and assessment of the working environment, work procedures, equipment, and installations at the mine; and</li> <li>○ appropriate inspection of each workplace at the mine including, where necessary, pre-shift inspections.</li> </ul>
<p><b><u>Coal mine workers and persons generally (s.39)</u></b></p>	<p>All coal mine workers and all persons who may influence safety and health related to coal mines must:</p> <ul style="list-style-type: none"> <li>• comply with the <a href="#">safety and health management system</a> and applicable procedures;</li> <li>• share information relevant to safety and health with others who need to know; and</li> <li>• take all reasonable and necessary steps to ensure others are not exposed to unacceptable level of risk.</li> </ul> <p>Coal mine workers must also:</p> <ul style="list-style-type: none"> <li>• carry out their work and activities in a way that does not expose others to unacceptable levels of risk;</li> <li>• ensure that the work under their supervision or leadership is conducted in a way that does not expose others to unacceptable levels of risk; and</li> <li>• participate in risk management practices;</li> <li>• comply with instructions of the <a href="#">CMO</a> and <a href="#">SSE</a> or supervisors;</li> <li>• work only while fit for work; and</li> <li>• not do anything wilful or reckless that may adversely affect safety and health of others.</li> </ul>
<p><b>Contractors (s.43)</b></p>	<p>Contractors:</p> <ul style="list-style-type: none"> <li>• must ensure that the <a href="#">safety and health management system</a> for the mine is complied with.</li> </ul>
<p><b>Designers, manufacturers, importers and suppliers of plant (s.44)</b></p>	<p>Designers, manufacturers, importers and suppliers of plant:</p> <ul style="list-style-type: none"> <li>• must ensure safe design of plant;</li> <li>• must ensure safe construction of plant;</li> <li>• must ensure appropriate testing and examination;</li> <li>• provide appropriate information about safe use of plant;</li> <li>• inform users and coal mine operators about hazards and defects in plant.</li> </ul>

Obligation Holder	What is the duty (in summary?)
Installers and erectors of plant (s.45)	<p>Erectors and installers of plant:</p> <ul style="list-style-type: none"> <li>• must erect and install plant in a safe way; and</li> <li>• ensure nothing about the way the plant was erected or installed makes it unsafe.</li> </ul>
Designers, constructors and erectors of earthworks (s.45A)	<p>Designers of earthworks:</p> <ul style="list-style-type: none"> <li>• must ensure the earthworks are designed so that the risk to persons is not at an unacceptable level.</li> </ul>
Manufacturers, importers and suppliers of substances (s.46)	<p>Manufacturers, importers and suppliers of substances:</p> <ul style="list-style-type: none"> <li>• must ensure the substance is safe when used properly;</li> <li>• must ensure appropriate testing and examination;</li> <li>• provide appropriate information about safe use and disposal.</li> </ul>
Provider of services (s.47)	<p>Any person who provides services at a coal mine must:</p> <ul style="list-style-type: none"> <li>• ensure the safety and health of coal mine workers and other persons is not put at risk as a result of the service; and</li> <li>• ensure the fitness for use of plant is not adversely affected by the service.</li> </ul>

Example
<p>CS Energy uses hazardous chemicals in its operations and supplies these to its <a href="#">coal mine operator</a> for use in their activities at the mine. CS Energy has the obligations of a supplier of that chemical and must ensure that it is provided with adequate information about its safe use and storage by the coal mine operator.</p>

## 2.2 Officer's duties

2.2.1 [Executive officers](#) of a corporation are deemed to also be liable for an offence if a corporation does not meet its duties under the [CMSH Act](#) (s.262). However, it is a defence for the [executive officers](#) to prove either that the officer exercised reasonable diligence to ensure the corporation complied with its obligations, or that the officer was not in a position to influence the conduct of the corporation in relation to the offence. Reasonable diligence is not defined but is likely to include similar elements to [due diligence](#) under the [WHS Act](#) obligations.

**Example**

John Jones is an Executive Officer of CS Energy. John Jones is aware of the risk of spontaneous combustion of coal and coal dust explosions. In order to take reasonable steps to ensure CS Energy complies with its obligations as [Holder](#), John Jones checks that CS Energy has in place appropriate contractual terms with the [Coal Mine Operator](#) regarding its [safety and health management system](#) and compliance to the [CMSH Act](#). John Jones also checks that CS Energy is regularly auditing the [Coal Mine Operator](#)'s compliance to the Act and its contractual obligations, including in relation to appropriate management of the risks of spontaneous combustion and coal dust explosions.

### 2.3 Technical coal mining safety and health obligations

2.3.1 The [CMSH Act](#) and [CMSH Regulations](#) include many technical and systematic requirements for coal mine safety. Key obligations are highlighted in the table summary below.

Subject Matter	What is the obligation (in summary?)
Safety and health management system	<ul style="list-style-type: none"> <li>• <a href="#">Safety and health management system</a> must be in place and provided to persons at a coal mine incorporating risk management elements and practices (<a href="#">CMSH Act</a>, s.62 ).</li> <li>• Must be auditable and documented and include specific requirements such as principal hazard management plans, standard operating procedures, monitoring processes, change management (<a href="#">CMSH Act</a>, ss.62, s.62A, s.63, 64).</li> <li>• Must include certain elements and standard operating procedures (<a href="#">CMSH Regulations</a>, Part 2).</li> </ul>
Principal hazard management plan	<ul style="list-style-type: none"> <li>• A plan must be implemented to manage principal hazards (i.e. potential multiple fatality risks) (s.63).</li> </ul>
Joint interaction management plans for overlapping resource authorities	<ul style="list-style-type: none"> <li>• Where there are overlapping areas, such as with petroleum authorities, to ensure a joint interaction management plan is in place and that consultation has occurred with the other operators in the relevant areas (<a href="#">CMSH Act</a>, s.64E) and also see the <a href="#">CMSH Regulations</a>, s.12BB.</li> </ul>
Plans of coal mine workings	<ul style="list-style-type: none"> <li>• Mine plans must be kept (s.67) including for water, and rescue (refer to <a href="#">CMSH Regulations</a> Part 8)</li> </ul>
Mine record	<ul style="list-style-type: none"> <li>• A mine record must be kept and available including details of all inspections, directives, accidents and high potential incidents at the mine (<a href="#">CMSH Act</a>, s.68).</li> </ul>
Recognised standards	<ul style="list-style-type: none"> <li>• Must comply with Recognised Standards published by the</li> </ul>

Subject Matter	What is the obligation (in summary?)
	<p>Regulator. These have been detailed in the <a href="#">Annexure</a> and include subject matter such as risk management, dust, drugs, emergencies etc.</p> <ul style="list-style-type: none"> <li>Refer to <a href="#">CMSH Act</a>, ss. 72, 73).</li> </ul>
Examinations and certifications	<ul style="list-style-type: none"> <li>CMSH Act includes prescriptive requirements that certain roles such as <a href="#">SSE</a> hold nominated certificates of competency and have been assessed by the Board of Examiners (<a href="#">CMSH Act</a>, Part 10).</li> </ul>
Mines rescue	<ul style="list-style-type: none"> <li>Each mine must have certain mines rescue capabilities established (<a href="#">CMSH Act</a>, Part 13).</li> </ul>
Contraband	<ul style="list-style-type: none"> <li>Persons may be searched to restrict contraband (<a href="#">CMSH Act</a>, s.271).</li> </ul>
Children	<ul style="list-style-type: none"> <li>Children under 16 may not be employed (<a href="#">CMSH Act</a>, ss.272 and 272A).</li> </ul>
Electrical activities, equipment and installations	<ul style="list-style-type: none"> <li>Must comply with prescriptive obligations (<a href="#">CMSH Regulations</a>, Part 4).</li> </ul>
Emergencies	<ul style="list-style-type: none"> <li>Must comply with prescriptive requirements for self-escape, fire and first aid (<a href="#">CMSH Regulations</a>, Ch 2 Part 5)</li> </ul>
Fitness for Work	<ul style="list-style-type: none"> <li>Very detailed fitness for work provisions apply including requirements for health monitoring and health assessment (<a href="#">CMSH Regulations</a>, Ch 2 Part 6).</li> <li>The health assessment provisions (specifically ss.46–49B of the <a href="#">CMSH Regulations</a>) were extensively amended and upgraded in 2017 to reflect new requirements specifically targeted at <a href="#">Diseases</a> including those commonly known as "black lung" following the <a href="#">Queensland parliamentary inquiry into Coal Workers' Pneumoconiosis (CWP)</a>.</li> </ul>
Hazardous substances	<ul style="list-style-type: none"> <li>Must comply with prescriptive obligations (<a href="#">CMSH Regulations</a>, Ch 2 Part 7).</li> </ul>
PPE	<ul style="list-style-type: none"> <li>Must provide PPE and have relevant operating procedures (<a href="#">CMSH Regulations</a>, Ch 2 Part 9).</li> </ul>
Plant	<ul style="list-style-type: none"> <li>Must comply with prescriptive obligations for plant (<a href="#">CMSH Regulations</a>, Ch 2 Part 10).</li> </ul>
Training	<ul style="list-style-type: none"> <li>Must comply with prescriptive obligations (<a href="#">CMSH Regulations</a>, Ch</li> </ul>



Subject Matter	What is the obligation (in summary?)
	2 Part 11)
Work and work environment	<ul style="list-style-type: none"> <li>• Must comply with prescriptive obligations in relation to work and the work environment (<a href="#">CMSH Regulations</a>, Ch 2 Part 12) which includes requirements e.g. for asbestos, dust, work at height, working near water, noise, facilities.</li> <li>• Note that the dust obligations were extensively updated in 2017 to reflect new requirements specifically targeted at <a href="#">Diseases</a> including those commonly known as "black lung" following the <a href="#">Queensland parliamentary inquiry into Coal Workers' Pneumoconiosis (CWP)</a>. These include notification requirements to the regulator which have been dealt with under the heading 'incident response' below.</li> </ul>
Surface mines	<ul style="list-style-type: none"> <li>• Must comply with prescriptive obligations including establishing roles of open-cut examiner and having regulator inspections, particular requirements for explosives, hazardous areas (<a href="#">CMSH Regulations</a>, Ch 3).</li> </ul>
High wall mining	<ul style="list-style-type: none"> <li>• Must comply with prescriptive obligations including certain requirements for mine roads, plant, stockpile and dumps (<a href="#">CMSH Regulations</a>, Ch 3 Part 8).</li> </ul>
Underground mining	<ul style="list-style-type: none"> <li>• Must comply with extensive prescriptive obligations including for fire control, rescue, lighting, escape, communications, electrical equipment, explosives, plant, tools, gas monitoring, mechanical, conveyors, transport, hot work, winders, hoists, mine design, operations, mine sealing, ventilation, heat, and including establishment of position of ERZ controller and relevant inspection requirements (<a href="#">CMSH Regulations</a>, Ch 4).</li> </ul>

### 3 Consultation and representation

#### 3.1 Consultation and representation and unions

- 3.1.1 Consultation and worker participation is recognised as having a very important role under the [CMSH Act](#). The [CMSH Act](#) recognises the CFMEU in Queensland as the relevant union (Sch 3).
- 3.1.2 Safety and health representatives appointed under the [CMSH Act](#) have significant powers. These include both site safety and health representatives (SSHR) who are elected for a particular site (Part 7), and industry safety and health representatives (ISHR) (Part 8) who have a much broader industry wide role.
- 3.1.3 ISHR and SSHR powers include certain powers of entry, access to records and information and the ability to give directives which may extend to stopping operations at the mine if there is a danger. ISHR even have the power to recommend a prosecution for an offence (s.256) which is remarkably broader than the power of HS Representatives under the [WHS Act](#).

- 3.1.4 It is important to ensure that representatives and union powers are only exercised where valid under the [CMSH Act](#), for similar reasons to the need to limit Inspector's powers (explained below). Further advice can be sought from your legal team if required.

#### Example

James Jack is an ISHR. James Jack attends at the mine and wishes to inspect and copy records which form part of the [SHMS](#) for the mine. James Jack must be given access to those records and to be permitted to copy those documents which are part of the SHMS ([CMSH Act](#), s.119).

### 3.2 Fair Conduct

- 3.2.1 The [CMSH Act](#) does include certain prohibitions on unfair conduct. This includes protections from reprisal due to making a complaint or raising issues under the [CMSH Act](#) (s.275 AA).

#### Example

Bill Brown is CS Energy employee and makes a complaint to an ISHR about fatigue at coal mining operations. Bill Brown cannot be refused overtime simply because he has made this complaint.

## 4 Incident Response

- 4.1.1 The [CMSH Act](#) (Part 11) requires an immediate notification be made to an Inspector and an ISHR about a [serious accident](#), [high potential incident](#) or a death at a [coal mine](#). Certain diseases must also be notified. The notification must be made by the [site senior executive](#) (s.198) including the specific information detailed in the section, provided that the serious accident is one which results in a person receiving a bodily injury likely to endanger their life or a permanent injury to health, or is of a type of [HPI prescribed by the CMSH Regulation or a disease prescribed by the CMSH Regulation](#).
- 4.1.2 The scene must be preserved until the Inspector so advises (s.200) for the following types of incidents:
- (a) an incident causing the death of, or a serious bodily injury to, a person;
  - (b) an unplanned ignition of gas, dust, or a combination of gas and dust;
  - (c) damage to, or failure of, haulage equipment used to transport a person in a shaft or slope, if the damage or failure causes a hazard;
  - (d) the failure in service of explosion protection of explosion-protected equipment;
  - (e) a failure of electrical equipment or an electrical installation causing an electric shock to a person;
  - (f) an unplanned ignition or explosion of a blasting agent or explosive;
  - (g) a major structural failure of equipment, if the failure causes a hazard;
- 4.1.3 The [SSE](#) is required to conduct an investigation into a notifiable accident or incident and to report including recommendations for corrective actions (s.201). If it is a type of [serious accident or HPI prescribed by the CMSH Regulation](#), such a report must be forwarded to the Inspectorate and is not admissible in evidence against the [SSE](#) or any other [coal mine worker](#) mentioned in the report, other than in relation to any offence in relation to the falsity of the report (s.201).

- 4.1.4 The CSMH Regulation (s.89A) also require immediate notification to coal mine workers and inspectors, ISHR's and SSHR's following trigger events for dust if the average concentration of respirable dust in the atmosphere of the work environment exceeds prescribed levels set in s.89 of the CSMH Regulation. The SSE is also required to conduct an investigation and analyse the causes under s.89A.

## 5 Regulators and Enforcement

### 5.1 Inspectors

- 5.1.1 Mines Inspectors are appointed under the CSMH Act (Part 9) and have significant powers including to enter mines and access records and require information. Penalties apply for obstructing inspectors in the exercise of their powers. It is wise to ensure that care is taken to limit inspectors to the exercise of their lawful powers, to avoid compromising your personal rights or those of CS Energy. Key tips for dealing with inspectors include the following:
- 5.1.2 Information should not be provided 'voluntarily' to an inspector as it may be a breach of privacy or confidentiality obligations to do so and additionally the information provided voluntarily may be used against you in court or compromise your insurances. You should instead ask the inspector to exercise their compulsory powers as a corporate governance requirement.
- 5.1.3 If an inspector exercises their powers to have you answer questions, and this relates to a high potential incident or an accident, then you can be compelled to cooperate, even if the information or answer may incriminate you, but the Inspector must first give a relevant warning that you are required to participate unless you have a reasonable excuse (s.157). Your answers cannot be used against you in court for most purposes if the compulsory powers are being exercised (s.159).
- 5.1.4 Information subject to a claim of 'legal professional privilege' does not have to be provided. If information exists for the purpose of seeking legal advice or preparing for anticipated litigation you should refer this request to your legal counsel.
- 5.1.5 It is better to limit answers to the facts that you personally know and to avoid speculation or guessing. You should always ask the inspector to clarify any requests either in writing or clearly.
- 5.1.6 You can ask for time out for a break or to seek further medical or legal advice in any dealings with an Inspector. You are also entitled to have a representative or support person with you during any interviews.
- 5.1.7 Inspectors also have the power to give directives under the [CSMH Act](#) which can require any actions to be taken to reduce risk (s.166) or otherwise stop operations (s.167, s.170) or review systems (s.168, s.169). In some cases independent engineering studies can even be required (s.171). You can seek further advice from legal team in the event of any directives being issued.

## 6 Penalties

- 6.1.1 Key offences and penalties for breach of the [CSMH Act](#) and relevant obligations include the following.

CSMH Act Reference	Offence	Maximum Penalty
s.34	Failure to discharge a safety and health obligation	<ul style="list-style-type: none"> <li>- if the contravention caused multiple deaths—                             <ul style="list-style-type: none"> <li>o <i>Individual:</i> <ul style="list-style-type: none"> <li>▪ 2,000 <a href="#">penalty units</a> or 3 years imprisonment; or</li> </ul> </li> <li>o <i>Corporation:</i></li> </ul> </li> </ul>

CMOSH Act Reference	Offence	Maximum Penalty
		<ul style="list-style-type: none"> <li>▪ 10,000 <a href="#">penalty units</a>; or</li> <li>- if the contravention caused death or grievous bodily harm— <ul style="list-style-type: none"> <li>○ <i>Individual:</i> <ul style="list-style-type: none"> <li>▪ 1,000 <a href="#">penalty units</a> or 2 years imprisonment</li> </ul> </li> <li>○ <i>Corporation:</i> <ul style="list-style-type: none"> <li>▪ 5,000 <a href="#">penalty units</a>; or</li> </ul> </li> </ul> </li> <li>- if the contravention caused bodily harm— <ul style="list-style-type: none"> <li>○ <i>Individual:</i> <ul style="list-style-type: none"> <li>▪ 750 <a href="#">penalty units</a> or 1 year's imprisonment</li> </ul> </li> <li>○ <i>Corporation:</i> <ul style="list-style-type: none"> <li>▪ 3,750 <a href="#">penalty units</a>; or</li> </ul> </li> </ul> </li> <li>- if the contravention involved exposure to a substance that is likely to cause death or grievous bodily harm— <ul style="list-style-type: none"> <li>○ <i>Individual:</i> <ul style="list-style-type: none"> <li>▪ 750 <a href="#">penalty units</a> or 1 year's imprisonment</li> </ul> </li> <li>○ <i>Corporation</i> <ul style="list-style-type: none"> <li>▪ 3,750 <a href="#">penalty units</a>; or</li> </ul> </li> </ul> </li> <li>- otherwise— <ul style="list-style-type: none"> <li>○ <i>Individual</i> <ul style="list-style-type: none"> <li>▪ 500 <a href="#">penalty units</a> or 6 months imprisonment</li> </ul> </li> <li>○ <i>Corporation:</i> <ul style="list-style-type: none"> <li>▪ 2,500 <a href="#">penalty units</a>.</li> </ul> </li> </ul> </li> </ul>
s.54	A <a href="#">coal mine operator</a> must not appoint more than 1 <a href="#">site senior executive</a> for a <a href="#">coal mine</a>	<i>Individual:</i> 500 <a href="#">penalty units</a> <i>Corporation:</i> 2,500 <a href="#">penalty units</a>
s.55	The <a href="#">Site Senior Executive</a> must develop, maintain and document a management structure for the mine	<i>Individual:</i> 40 <a href="#">penalty units</a> <i>Corporation:</i> 200 <a href="#">penalty units</a>
s.56	Assigning a supervisor who is not competent to perform the task assigned.	<i>Individual:</i> 100 <a href="#">penalty units</a> <i>Corporation:</i> 500 <a href="#">penalty units</a>
s.59	Failure to assign a person holding an open cut examiner's certificate of competency to carry out the responsibilities and duties prescribed under a regulation in 1 or more surface mine excavations.	<i>Individual:</i> 200 <a href="#">penalty units</a> <i>Corporation:</i> 1,000 <a href="#">penalty units</a>
s.60	Failure to appoint an appropriate person to be underground mine manager to control and manage the mine.	<i>Individual:</i> 400 <a href="#">penalty units</a> <i>Corporation:</i> 2,000 <a href="#">penalty units</a>
s.61	The underground mine manager must appoint an appropriate person as ventilation officer for the mine, unless the manager personally assumes the duties and responsibilities of a ventilation officer	<i>Individual:</i> 200 <a href="#">penalty units</a> <i>Corporation:</i> 1,000 <a href="#">penalty units</a>

CMSH Act Reference	Offence	Maximum Penalty
	for the mine.	
s.63	Failure of a <a href="#">site senior executive</a> to have and review a document management system.	<i>Individual:</i> 200 <a href="#">penalty units</a>
s.102	Failure to suspend Coal Mining Operations on receipt of a report by the safety and health representative.	<i>Individual:</i> 200 <a href="#">penalty units</a> <i>Corporation:</i> 1,000 <a href="#">penalty units</a>
s.103	Restarting Coal Mining Operations after suspension under section 102 before the rick is at an acceptable level.	<i>Individual:</i> 200 <a href="#">penalty units</a> <i>Corporation:</i> 1,000 <a href="#">penalty units</a>
s.104	A site safety and health representative unnecessarily impeding production when exercising powers or performing functions.	<i>Individual:</i> 200 <a href="#">penalty units</a> <i>Corporation:</i> 1,000 <a href="#">penalty units</a>
s.140	Failure to give reasonable help to an inspector without a reasonable excuse.	<i>Individual:</i> 100 <a href="#">penalty units</a>
s.141	Failure to comply with a requirement to answer a question from an inspector without a reasonable excuse.	<i>Individual:</i> 40 <a href="#">penalty units</a>
s.155	Failure to produce a document without a reasonable excuse.	<i>Individual:</i> 200 <a href="#">penalty units</a> <i>Corporation:</i> 1,000 <a href="#">penalty units</a>
s.174	Failure to comply with a directive as soon as reasonably practicable.	<i>Individual:</i> 800 <a href="#">penalty units</a> <i>Corporation:</i> 4,000 <a href="#">penalty units</a>
s.179	False or misleading statements made to an inspector	<i>Individual:</i> 100 <a href="#">penalty units</a>
s.181	Obstructing Inspectors	<i>As above</i>
s.198	Failure to notify an inspector and an industry safety and health representative about the accident, incident or death.	<i>Individual:</i> 40 <a href="#">penalty units</a> <i>Corporation:</i> 200 <a href="#">penalty units</a>
s.200	Interfering with a place at a coal mine that is the site of a serious accident or high potential incident of a type prescribed by regulation, without the permission of an inspector.	<i>Individual:</i> 200 <a href="#">penalty units</a> <i>Corporation:</i> 1,000 <a href="#">penalty units</a>
s.223	A <a href="#">coal mine operator</a> must be a party to a mines rescue agreement for the mine.	<i>Individual:</i> 1,000 <a href="#">penalty units</a> <i>Corporation:</i> 5,000 <a href="#">penalty units</a>

**Last Amendment**

*Coal Mining Safety and Health Act 1999 (includes amendments up to 28 September 2017, Act No. 34 of 2017).*

*Coal Mining Safety and Health Regulation 2017 (includes amendments up to 1 September 2017, SL No. 165 of 2016).*

## ANNEXURE – DICTIONARY

Term	Definition
<p><b>Acceptable level of risk</b> <i>s.700, PGPS Act</i></p>	<p>means:</p> <p>for a risk to a person or property to be at an acceptable level, the activities must be carried out so that the level of risk for the activities:</p> <ul style="list-style-type: none"> <li>(a) is within acceptable safety limits, having regard to each relevant safety requirement; and</li> <li>(b) is as low as is reasonably practicable.</li> </ul> <p>To decide whether the level of risk is within acceptable safety risks and as low as reasonably practicable, regard must be made to –</p> <ul style="list-style-type: none"> <li>(a) the likelihood of injury or illness to a person, or of property damage, from the risk; and</li> <li>(b) the probable severity of the injury, illness or damage; and</li> <li>(c) whether or not the risk is avoidable by reasonable means.</li> </ul>
<p><b>Acceptable level</b> <i>s.29, CMSH Act</i></p>	<p>means:</p> <p>for risk to a person from coal mining operations to be at an acceptable level, the operations must be carried out so that the level of risk from the operations is—</p> <ul style="list-style-type: none"> <li>(a) within acceptable limits; and</li> <li>(b) as low as reasonably achievable.</li> </ul> <p>To decide whether risk is within acceptable limits and as low as reasonably achievable regard must be had to—</p> <ul style="list-style-type: none"> <li>(a) the likelihood of injury or illness to a person arising out of the risk; and</li> <li>(b) the severity of the injury or illness.</li> </ul>
<p><b>ADG Code</b> <i>Schedule 4, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</i></p>	<p>The code called 'Australian Code for the Transport of Dangerous Goods by Road and Rail', seventh edition, originally endorsed by the Australian Transport Council, as amended from time to time</p>
<p><b>AFM hours</b> <i>s.257, Heavy Vehicle National law</i></p>	<p>The work hours and rest times prescribed. See the Heavy Vehicle (Fatigue Management) National Regulation</p>
<p><b>Appropriately marked</b> <i>s.79, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</i></p>	<p>means</p> <ul style="list-style-type: none"> <li>(a) A receptacle, other than a cargo transport unit or an overpack, that has a capacity of more than 500 kilograms or litres is “appropriately marked” if it is marked and labelled in accordance with chapters 5.2 and 5.3.3 of the ADG Code.</li> <li>(b) Another package of dangerous goods, other than an overpack, is</li> </ul>

Term	Definition
	<p>“appropriately marked” if it is marked and labelled in accordance with chapter 5.2 of the ADG Code</p> <p>(c) An overpack is “appropriately marked” if it is marked and labelled in accordance with</p> <ul style="list-style-type: none"> <li>(i) if the overpack is transported only as part of a retail distribution load—section 7.3.3 of the ADG Code; or</li> <li>(ii) otherwise—section 5.1.2 of the ADG Code</li> </ul> <p>(d) A package of dangerous goods packed in limited quantities is also “appropriately marked” if it is marked and labelled in accordance with chapter 3.4 of the ADG Code</p> <p>A package of dangerous goods to be transported as a retail distribution load is also “appropriately marked” if it is marked and labelled in accordance with chapter 7.3 of the ADG Code</p>
<p><b>Asbestos</b> <i>Schedule 19, WHS Regulations</i></p>	<p>means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:</p> <ul style="list-style-type: none"> <li>(a) actinolite asbestos;</li> <li>(b) granitite (or amosite) asbestos (brown);</li> <li>(c) anthophyllite asbestos;</li> <li>(d) chrysotile asbestos (white);</li> <li>(e) crocidolite asbestos (blue);</li> <li>(f) tremolite asbestos;</li> <li>(g) a mixture that contains 1 or more these minerals.</li> </ul>
<p><b>Asbestos containing material (ACM)</b> <i>Schedule 19, WHS Regulations</i></p>	<p>means any material or thing that, as part of its design, contains <a href="#">asbestos</a>.</p>
<p><b>Asbestos management plan</b> <i>ss.429 and 432, WHS Regulations</i></p>	<p>means a plan for management of <a href="#">naturally occurring asbestos</a>, <a href="#">asbestos</a> and <a href="#">ACM</a> which must include the following information:</p> <ul style="list-style-type: none"> <li>(a) the identification of <a href="#">naturally occurring asbestos</a>, <a href="#">asbestos</a> or <a href="#">ACM</a>; and</li> </ul> <p><i>Example— a reference or link to the asbestos register for the workplace and signage and labelling.</i></p> <ul style="list-style-type: none"> <li>(b) decisions, and reasons for decisions, about the management of <a href="#">naturally occurring asbestos</a>, <a href="#">asbestos</a> or <a href="#">ACM</a> at the workplace; and</li> </ul> <p><i>Example— safe work procedures and control measures</i></p> <ul style="list-style-type: none"> <li>(c) procedures for detailing incidents or emergencies involving <a href="#">naturally occurring asbestos</a>, <a href="#">asbestos</a> or <a href="#">ACM</a> at the workplace; and</li> </ul>

Term	Definition
<b>Asbestos register</b> <b>s.425, WHS Regulations</b>	<p>(d) workers carrying out <a href="#">work involving asbestos</a>.</p> <p><i>Example— consultation, responsibilities, information and training</i></p> <p>means the register of asbestos , which must:</p> <p>(a) record any asbestos or ACM identified to be at the workplace under section 422, or likely to be present at the workplace from time to time including—</p> <p>(i) the date on which the asbestos or ACM was identified; and</p> <p>(ii) the location, type and condition of the asbestos or ACM; or</p> <p>(b) state that no asbestos or ACM is identified at the workplace if the person knows that no asbestos or ACM is identified, or is likely to be present from time to time, at the workplace.</p>
<b>Asbestos related work</b> <b>Schedule 19, WHS Regulations</b>	<p>means work involving Asbestos (other than Asbestos Removal Work) that is permitted under the exceptions set out in ss.419 (3),(4) and (5).</p>
<b>Asbestos removal work</b> <b>s.5, WHS Regulations</b>	<p>means:</p> <ul style="list-style-type: none"> <li>• work involving the removal of asbestos or ACM; or</li> <li>• for part 8.10 of the <a href="#">WHS Regulations</a>, class A asbestos removal work or class B Asbestos Removal Work.</li> </ul>
<b>Asbestos removalist</b> <b>s.5, WHS Regulations</b>	<p>means a <a href="#">PCBU</a> who carries out Asbestos Removal Work.</p>
<b>Asbestos waste</b> <b>s.5, WHS Regulations</b>	<p>means Asbestos or ACM removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.</p>
<b>Asbestos-contaminated dust or debris (ACD)</b> <b>s.5, WHS Regulations</b>	<p>means dust or debris that has settled within a Workplace and is, or is assumed to be, contaminated with Asbestos.</p>
<b>Authorised activity</b> <b>s.22, PGPS Act</b>	<p>for a petroleum authority, means an activity that its holder is, under this Act or under the authority, entitled to carry out in relation to the authority.</p>
<b>Authorised officer</b> <b>Schedule 4, Transport Operations (Road Use Management) Act 1995</b>	<p>Means a person who holds an appointment as an authorised officer under s.20 s. 20 provides that:</p> <p>(1) Every police officer is an authorised officer</p> <p>(2) The chief executive may appoint any of the following persons to be an authorised officer—</p> <p>(a) officers and employees of the public service;</p> <p>(b) other persons prescribed under a regulation</p>
<b>Authorised officer</b>	<p>means:</p>



Term	Definition
Part 1.2, s.5, HVNL	<ol style="list-style-type: none"> <li>a police officer declared by a law of a participating jurisdiction to be an authorised officer for the purposes of this Law; or</li> <li>a person who holds office under this Law as an authorised officer.</li> </ol>
BFM hours s.253, HVNL	<p>The work hours and rest times prescribed. See the Heavy Vehicle (Fatigue Management) National Regulation</p>
Cargo transport unit Schedule 4, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008	<p>means any of the following:</p> <ul style="list-style-type: none"> <li>a <a href="#">tank vehicle</a>;</li> <li>a vehicle transporting freight;</li> <li>a <a href="#">portable tank</a>;</li> <li>a bulk container;</li> <li>a freight container;</li> <li>a <a href="#">MEGC</a>.</li> </ul>
Causes s.34A, WHS Act	<p>For Part 2A (Industrial Manslaughter provisions), person's conduct causes death if it substantially contributes to the death.</p>
Coal mine s.9, CSMH Act	<p>means:</p> <p>is any of the following places:</p> <ol style="list-style-type: none"> <li>a place where <a href="#">on-site activities</a> are carried on, continuously or from time to time, within the boundaries of land the subject of a mining tenure;</li> <li>a place where On-site activities are carried on, continuously or from time to time, on land adjoining, adjacent to, or contiguous with, the boundaries of land the subject of a mining tenure and within which is a place mentioned in paragraph (a);</li> <li>a place where On-site activities are carried on, continuously or from time to time, unlawfully because land at the place is not the subject of a mining tenure;</li> <li>a place that was a coal mine while works are done to secure it after its abandonment;</li> <li>a place where tourism, education or research related to coal mining happens that is declared under a regulation to be a coal mine.</li> </ol> <p>(2) A coal mine includes buildings for administration, accommodation and associated facilities within the boundaries of land the subject of the mining tenure for the mine or on land adjoining, adjacent to, or contiguous with the boundaries of the land the subject of the mining tenure.</p> <p>(3) Despite s.9 (1)(d), a place that was a coal mine is not a coal mine after its abandonment merely because work is being done at the place by or for the State:</p> <ol style="list-style-type: none"> <li>to ensure public safety; or</li> <li>to rehabilitate it; or</li> <li>to secure it.</li> </ol>
Coal mining operations Schedule 3, CSMH Act	<p>means activities, including <a href="#">on-site activities</a>, carried out at a <a href="#">coal mine</a> that are associated with the following in relation to coal or coal seam gas – exploration, extracting, the processing and treatment installing and maintaining equipment used for extraction, processing and treatment.</p>
Coal mine operator (CMO) s.21, CSMH Act	<p>means:</p> <ul style="list-style-type: none"> <li>for a <a href="#">coal mine</a> is—</li> </ul> <ol style="list-style-type: none"> <li>the <a href="#">holder</a>; or</li> <li>if another person has been appointed as the coal mine operator under</li> </ol>

Term	Definition
	<p>s.53 and the appointment is notified to the chief inspector under s.49, the other person.</p> <p>(2) If:</p> <ul style="list-style-type: none"> <li>(a) another person mentioned in subsection (1)(b) is appointed as the coal mine operator for a separate part of a surface mine; and</li> <li>(b) the appointment is notified to the chief inspector under section 49;</li> </ul> <p>the person's responsibilities and safety and health obligations under this Act as a coal mine operator for a coal mine are limited to the separate part of the surface mine.</p> <p>(3) If:</p> <ul style="list-style-type: none"> <li>(a) 1 or more persons are appointed as coal mine operators for separate parts of a surface mine; and</li> <li>(b) the appointments are notified to the chief inspector under section 49; the holder's responsibilities and safety and health obligations under this Act as a coal mine operator for the coal mine are limited to the part of the mine to which the appointments do not apply.</li> </ul> <p>(4) For this s.21, a part of a surface mine is taken to be a separate part of a surface mine only if:</p> <ul style="list-style-type: none"> <li>(a) the part is geographically separated from the rest of the mine; and</li> <li>(b) there is no physical overlapping of coal mining operations between the part and the operations in another part of the mine; and</li> <li>(c) the coal mine operator for the part is in control of— <ul style="list-style-type: none"> <li>(i) the coal mining operations carried out in the part of the mine; and</li> <li>(ii) the resources associated with the operations.</li> </ul> </li> </ul> <p>(5) A person may be appointed coal mine operator for more than 1 mine or separate part of a surface mine.</p>
<p><b>Coal mine worker</b> <i>Schedule 3, CSMH Act</i></p>	<p>means an individual who carries out work at a <a href="#">coal mine</a> and includes the following individuals who carry out work at a coal mine—</p> <ul style="list-style-type: none"> <li>(a) an employee of the coal mine operator;</li> <li>(b) a contractor or employee of a contractor.</li> </ul>
<p><b>Coal mining CSG operating plant</b> <i>s.671, PGPS Act</i></p>	<p>means an <a href="#">operating plant</a> which is:</p> <ul style="list-style-type: none"> <li>• used to explore for, extract, produce, process, release or transport coal seam gas; and</li> <li>• either that activity is carried out under a mineral hydrocarbon mining lease or the person who holds the mining lease the area of which includes the area on which the activity is carried out also holds a petroleum lease the area of which includes the area.</li> </ul>
<p><b>Code of Practice</b> <i>s.275, WHS Act</i></p>	<p>means a Code of Practice which has been approved under s.274 of the <a href="#">WHS Act</a>. For Part 2A (Industrial Manslaughter provision), a list of applicable Codes of Practice has been included in the Annexures to this manual.</p>
<p><b>Conduct</b> <i>s.34A, WHS Act</i></p>	<p>For Part 2A (Industrial Manslaughter provisions), conduct means an act or omission to perform an act.</p>
<p><b>Conduct</b> <i>s. 48L, ES Act 2002</i></p>	<p>For Part 2B (Industrial Manslaughter provisions), conduct means an act or omission to perform an act.</p>

Term	Definition
<b>Compliance plate</b> <i>Schedule 4, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</i>	means a plate that must be attached to a portable tank, MEGC or tank vehicle under part 6 of the ADG Code, and includes identification plates
<b>Confined space</b> <i>s.5, WHS Regulations</i>	means an enclosed or partially enclosed space that: <ul style="list-style-type: none"> <li>a) is not designed or intended primarily to be occupied by a person; and</li> <li>b) is, or is designed or intended to be, at normal atmospheric pressure while any person is in the space; and</li> <li>c) is or is likely to be a risk to health and safety from:                             <ul style="list-style-type: none"> <li>• an atmosphere that does not have a safe oxygen level; or</li> <li>• contaminants, including airborne gases, vapours and dusts, that may cause injury from fire or explosion; or</li> <li>• harmful concentrations of any airborne contaminants; or</li> <li>• engulfment;</li> </ul> </li> </ul> but does not include a mine shaft or the workings of a mine.
<b>Confined space entry permit</b> <i>s.67, WHS Regulations</i>	means a permit to enter a confined space which must: <ul style="list-style-type: none"> <li>(a) be completed by a competent person; and</li> <li>(b) be in writing; and</li> <li>(c) state the following—                             <ul style="list-style-type: none"> <li>i. the confined space to which the permit relates;</li> <li>ii. the names of persons permitted to enter the space;</li> <li>iii. the period of time during which the work in the space will be carried out;</li> <li>iv. measures to control risk associated with the proposed work in the space; and</li> </ul> </li> <li>(d) contain space for an acknowledgement that work in the confined space has been completed and that all persons have left the confined space.</li> </ul>
<b>Construction project</b> <i>s. 292 WHS Regulations</i>	means a project that involves construction work where the cost of the Construction Work is \$250,000 or above.
<b>Construction work</b> <i>s.289, WHS Regulations</i>	means any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a <a href="#">structure</a> . It also includes any installation, removal, prefabrication, testing, assembly, or preparatory work done in connection with any form of Construction Work. It does not include the manufacture of <a href="#">plant</a> , prefabrication of elements other than at a place specifically established for the construction work, for use in the construction work, the construction or assembly of a structure that is to be transported to another place, testing, maintenance and repair work of a minor nature carried out in connection with a structure or mining or the exploration for extraction of minerals.
<b>Damages</b> <i>s.10, Workers Compensation and Rehabilitation Act</i>	means damages for injuries sustained by a <a href="#">worker</a> in circumstances creating, independently of the Act, a legal liability in the <a href="#">worker's</a> employer to pay the damages to the <a href="#">worker</a> or (in the case of death) a dependent of the deceased <a href="#">worker</a> .

Term	Definition
<p><b>Dangerous electrical event</b> <i>s.12, ES Act</i></p>	<p>means any of the following:</p> <ul style="list-style-type: none"> <li>(a) the coming into existence of circumstances in which a person is not Electrically Safe, if: <ul style="list-style-type: none"> <li>○ the circumstances involve high voltage Electrical Equipment; and</li> <li>○ despite the coming into existence of the circumstances, the person does not receive a shock or injury;</li> </ul> </li> <li>(b) the coming into existence of the following circumstances: <ul style="list-style-type: none"> <li>○ if a person had been at a particular place at a particular time, the person would not have been Electrically Safe;</li> <li>○ the person would not have been electrically safe because of circumstances involving high voltage electrical equipment;</li> </ul> </li> <li>(c) an event that involves Electrical Equipment and in which significant property damage is caused directly by electricity or originates from electricity;</li> <li>(d) the performance of Electrical Work by a person not authorised under an electrical work licence to perform the work;</li> <li>(e) the performance of electrical work by a person if, as a result of the performance of the work, a person or property is not Electrically Safe;</li> <li>(f) the discovery by a licensed electrical Worker of electrical equipment that has not been marked as required under the ES Act.</li> </ul>
<p><b>Dangerous goods</b> <i>Schedule 6, Fire and Emergency Services Act</i></p>	<p>means goods defined under the ADG Code as dangerous goods or <a href="#">goods too dangerous to be transported</a>. Consult the ADG Code.</p>
<p><b>Dangerous goods</b> <i>Schedule 4, Transport Operations (Road Use Management) Act 1995</i></p>	<p>means:</p> <ul style="list-style-type: none"> <li>• goods prescribed under a regulation to be dangerous goods; or</li> <li>• for implied references in relation to <a href="#">goods too dangerous to be transported</a>—see chapter 5AB</li> </ul>
<p><b>Dangerous goods</b> <i>s.33, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</i></p>	<p>(1) Goods are dangerous goods if:</p> <ul style="list-style-type: none"> <li>(a) the chief executive has made a determination that the goods are dangerous goods; or</li> <li>(b) the goods satisfy the criteria stated, or referred to, in part 2 of the ADG Code.</li> </ul> <p>(2) However, goods that satisfy the criteria stated, or referred to, in part 2 of the ADG Code are not dangerous goods if:</p> <ul style="list-style-type: none"> <li>(a) the chief executive has made a determination that the goods are not dangerous goods; or</li> <li>(b) the goods are described as not subject to the ADG Code in a special provision in chapter 3.3 of the ADG Code that is applied to the goods by column 6 of the dangerous goods list.</li> </ul>
<p><b>Dangerous goods driver licence</b></p>	<p>means a dangerous goods driver licence that is in force under part 18, division 3.</p>

Term	Definition
<p><b>Schedule 4, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</b></p>	
<p><b>Dangerous incident</b> <i>s.37, WHS Act</i></p>	<p>means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to :-</p> <ul style="list-style-type: none"> <li>a) an uncontrolled escape, spillage or leakage of a Substance; or</li> <li>b) an uncontrolled implosion, explosion or fire; or</li> <li>c) an uncontrolled escape of gas or steam; or</li> <li>d) an uncontrolled escape of a pressurised Substance; or</li> <li>e) electric shock; or</li> <li>f) the fall or release from a height of any Plant, Substance or thing; or</li> <li>g) the collapse, overturning, failure or malfunction of, or damage to, any Plant that is required to be authorised for use under a regulation; or</li> <li>h) the collapse or partial collapse of a Structure; or</li> <li>i) the collapse or failure of an excavation or of any shoring supporting an excavation; or</li> <li>j) the inrush of water, mud, or gas in workings, in an underground excavation or tunnel; or</li> <li>k) the interruption of the main system of ventilation in an underground excavation or tunnel; or</li> <li>l) any other event prescribed under a regulation.</li> </ul>
<p><b>Dangerous situation</b> <i>Schedule 2, PGPS Act</i></p>	<p>means a situation relating to petroleum or fuel gas, a geothermal energy activity or a Green House Gas (GHG) stream in which an inspector reasonably believes an imminent risk of material harm to persons or property is likely if action is not taken to avoid, eliminate or minimize the risk.</p>
<p><b>Demolition work</b> <i>Schedule 19, WHS Regulations</i></p>	<p>means work to demolish or dismantle a structure, or part of a structure that is load-bearing or otherwise related to the physical integrity of the structure, but does not include:</p> <ul style="list-style-type: none"> <li>a) the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work; or</li> <li>b) the removal of power, light or telecommunication poles.</li> </ul>
<p><b>Demountable tank</b> <i>Schedule 4, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</i></p>	<p>means a tank, other than a portable tank, that:</p> <ul style="list-style-type: none"> <li>(a) is designed to be carried on a vehicle; and</li> <li>(b) does not form part of and is not permanently attached to the vehicle; and</li> <li>(c) is designed to be removable.</li> </ul>
<p><b>Design</b> <i>Schedule 5, WHS Act</i></p>	<p>in relation to a plant, substance or structure, includes:</p> <ul style="list-style-type: none"> <li>• design of part of the plant, substance or structure; and</li> <li>• redesign or modify a design.</li> </ul>
<p><b>Dimension requirements</b> <i>s.101, HVNL</i></p>	<p>means:</p> <ul style="list-style-type: none"> <li>• a prescribed dimension requirement under s.101 (refer to the Heavy Vehicle (Mass, Dimension</li> </ul>

Term	Definition
	<p style="text-align: center;">and Loading) National Regulation</p> <ul style="list-style-type: none"> <li>(g) a requirement as to a dimension limit relating to a heavy vehicle under a condition to which a mass or dimension authority is subject (where the dimension limit is more restrictive than the prescribed requirement);</li> <li>(h) a requirement as to a dimension limit under a PBS vehicle approval from the regulator; or</li> <li>(i) a requirement as to a dimension limit indicated by an official traffic sign;</li> <li>(j) a requirement as to a dimension limit for a component vehicle as prescribed by a heavy vehicle standard.</li> </ul>
<p><b>Disease</b> <i>s.198 (6), CMSH Act</i></p>	<p>means those diseases prescribed under Sch 1 A in the CMSH Regulations. These currently include:</p> <ul style="list-style-type: none"> <li>(1) chronic obstructive pulmonary disease</li> <li>(2) coal workers' pneumoconiosis</li> <li>(3) legionellosis</li> <li>(4) occupational asthma</li> <li>(5) occupational cancer</li> <li>(6) silicosis</li> </ul>
<p><b>Dispute</b> <i>s.102A, WHS Act</i></p>	<p>For Part 5, Division 7A (Work Health and Safety dispute provisions) means a dispute about a WHS matter that exists between any of the following persons –</p> <ul style="list-style-type: none"> <li>(a) a person conducting a business or undertaking;</li> <li>(b) a worker affected by the WHS matter;</li> <li>(c) a health and safety representative affected by the WHS matter;</li> <li>(d) a relevant union for the WHS matter.</li> </ul>
<p><b>Dive safety log</b> <i>s.180, WHS Regulations</i></p>	<p>means the log required under s.180, for general diving work which contains the following information about each dive carried out by a worker:</p> <ul style="list-style-type: none"> <li>(a) the name of the worker who carries out the dive;</li> <li>(b) the name of any other person with whom the dive is carried out;</li> <li>(c) the name of the person appointed under section 177 to supervise the diving work;</li> <li>(d) the date and location of the dive;</li> <li>(e) the time each diver enters and leaves the water;</li> <li>(f) the maximum depth of the dive;</li> <li>(g) any incident, difficulty, discomfort or injury that occurs or is experienced during the dive;</li> <li>(h) if the dive was carried out using a dive computer—the dive</li> </ul>

Term	Definition
	<p>time;</p> <ul style="list-style-type: none"> <li>(i) if the dive was carried out using dive tables—the repetitive dive group, if available, and either the bottom time or the dive time;</li> <li>(j) if the repetitive group and surface interval result in a repetitive factor—the surface interval and the repetitive factor;</li> <li>(k) if the dive is carried out using EANx— <ul style="list-style-type: none"> <li>i. the oxygen content of the EANx; and</li> <li>ii. the maximum operating depth of the EANx;</li> </ul> </li> <li>(l) if the dive is carried out using mixed gas— <ul style="list-style-type: none"> <li>iii. the oxygen content and the nitrogen content (if any) of the gas; and</li> </ul> </li> <li>(m) the maximum operating depth of the mixed gas; and</li> <li>(n) the minimum operating depth of the bottom mix.</li> </ul>
Diving work	<p>includes:</p> <ul style="list-style-type: none"> <li>• <a href="#">general diving work</a>;</li> <li>• <a href="#">incidental diving work</a>;</li> <li>• <a href="#">limited scientific diving work</a>; and</li> <li>• <a href="#">high risk diving work</a>.</li> </ul>
Due diligence s.27, WHS Act	<p>Due diligence is a standard of action required of CS energy's <a href="#">officers</a> to ensure that CS Energy complies with its health and safety duties. It includes taking reasonable steps to:</p> <ul style="list-style-type: none"> <li>(a) acquire and keep up to date knowledge of work health and safety matters;</li> <li>(b) to gain an understanding of the nature of the operations of the business or undertaking of CS Energy and generally of the hazards and risks associated with those operations; and</li> <li>(c) to ensure that CS Energy has available for use, and uses, appropriate resources and processes to eliminate or minimize risks to health and safety; and</li> <li>(d) to ensure that CS Energy has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and</li> <li>(e) to ensure that CS Energy has, and implements, processes for complying with any duty or obligation; and</li> <li>(f) to verify the provision and use of the aforementioned</li> </ul>

Term	Definition
<p><b>Electrical equipment</b> s.14, ES Act</p>	<p>resources and processes.</p> <p>means any apparatus, appliance, cable, conductor, fitting, insulator, material, meter or wire that:</p> <ul style="list-style-type: none"> <li>(a) is used for controlling, generating, supplying, transforming or transmitting electricity at a voltage greater than extra low voltage; or</li> <li>(b) is operated by electricity at a voltage greater than extra low voltage; or</li> <li>(c) is part of an <a href="#">electrical installation</a> located in an area in which the atmosphere presents a risk to health and safety from fire or explosion; or</li> <li>(d) is, or is part of, a cathodic protection system.</li> </ul> <p>Electrical equipment does not include any apparatus, appliance, cable, conductor, fitting, insulator, material, meter or wire that is part of a vehicle if:</p> <ul style="list-style-type: none"> <li>(a) the equipment is part of a unit of the vehicle that provides propulsion for the vehicle; or</li> <li>(b) the electricity source for the equipment is a unit of the vehicle that provides propulsion to the vehicle.</li> </ul>
<p><b>Electrical installations</b> s.15, ES Act</p>	<p>(1) An electrical installation is a group of items of electrical equipment that—</p> <ul style="list-style-type: none"> <li>• are permanently electrically connected together; and</li> </ul> <ul style="list-style-type: none"> <li>(a) can be supplied with electricity from the works of an electricity entity or from a generating source; and</li> <li>(b) do not include items that are works of an electricity entity.</li> </ul> <p>(2) An item of electrical equipment may be part of more than 1 electrical installation.</p> <p>(3) In s.15 (1)(a)—</p> <ul style="list-style-type: none"> <li>(a) an item of electrical equipment connected to electricity by a plug and socket outlet is not permanently electrically connected; and</li> <li>(b) connection achieved through using works of an electricity entity is not a consideration in determining whether or not electrical equipment is electrically connected.</li> </ul>
<p><b>Electrical risk</b> s.10, ES Act</p>	<p>means in relation to a person –</p> <ul style="list-style-type: none"> <li>(a) The risk to the person of death, shock or injury caused directly by electricity or originating from electricity; or</li> <li>(b) in relation to property, the risk to property of: damage caused by a cathodic protection system; or</li> <li>(c) loss or damage caused directly by electricity or originating</li> </ul>



Term	Definition
<p><b>Electrical work</b> <i>s.18, ES Act</i></p>	<p>from electricity.</p> <p>means connecting electricity supply wiring to <a href="#">electrical equipment</a> or disconnecting electricity supply wiring from <a href="#">electrical equipment</a>; or the manufacturing, constructing, installing, testing, replacing, maintaining, repairing, altering, removing of <a href="#">electrical equipment</a>.</p> <p>There is a list in Section s.18 (2) of the ES Act that prescribes various circumstances in which work with <a href="#">electrical equipment</a> is not Electrical Work. These may be relevant to the activities of CS energy, for example, replacing electrical equipment or a component of electrical equipment if that task can be safely performed by a person who does not have expertise in carrying out Electrical Work.</p>
<p><b>Electrically safe</b> <i>s.10, ES Act</i></p>	<p>means:</p> <ul style="list-style-type: none"> <li>(a) for a person or property, that the person or property is free from <a href="#">electrical risk</a>;</li> <li>(b) for electrical equipment or an electrical installation, that all persons and property are free from <a href="#">electrical risk</a> from the equipment or installation;</li> <li>(c) for the way electrical equipment, an electrical installation or the works of an electricity entity are operated or used, that all persons and property are free from <a href="#">electrical risk</a> from the operation or use of the equipment, installation or works;</li> <li>(d) for the way <a href="#">electrical work</a> is performed, that all persons are free from <a href="#">electrical risk</a> from the performance of the work;</li> <li>(e) for the way a business or undertaking is conducted, that all persons are free from <a href="#">electrical risk</a> from the conduct of the business or undertaking; and</li> <li>(f) for the way electrical equipment or an electrical installation is installed or repaired, that all persons are free from <a href="#">electrical risk</a> from the installing or repairing of the equipment or installation.</li> </ul>
<p><b>Electricity entity</b> <i>Schedule 2, ES Act</i></p>	<p>means:</p> <ul style="list-style-type: none"> <li>(a) a generation entity , transmission entity or distribution entity ; or</li> <li>(b) a special approval holder that is authorised under the <i>Electricity Act</i> to do something that a generation entity , transmission entity or distribution entity may do under that Act; or</li> <li>(c) a railway manager, or light rail manager for a light rail, that is exempted by the <i>Electricity Act</i>, section 20Q or 20QA, from the requirements of section 88A of that Act; or</li> <li>(d) the Authority under the <i>Queensland Rail Transit Authority Act 2013</i>; or</li> <li>(e) Airtrain Citylink Limited ACN 066 543 315.</li> </ul>

Term	Definition
<b>Environmental health event</b> <i>s.47, Public Health Act</i>	means an event involving exposure to a substance or other thing that is known to have, or is reasonably suspected of having, an adverse effect on human health. Exposure may happen in connection with: <ul style="list-style-type: none"> <li>(a) A single identifiable event; or</li> <li>(b) A situation that happens over a period of time.</li> </ul>
<b>Evacuation route</b> <i>s.5, Building Fire Safety Regulations</i>	means path of travel from a common area of the building, through a final exit of the building, to a place of safety outside the building.
<b>Excavation</b> <i>Schedule 19, WHS Regulations</i>	means a trench, tunnel or shaft, but does not include— <ul style="list-style-type: none"> <li>(a) a mine; or</li> <li>(b) a water bore to which the Water Act 2000 applies; or</li> <li>(c) a trench for use as a place of interment.</li> </ul>
<b>Excavation work</b> <i>Schedule 19, WHS Regulations</i>	means work to— <ul style="list-style-type: none"> <li>(a) make an <a href="#">excavation</a>; or</li> <li>(b) fill or partly fill an <a href="#">excavation</a>.</li> </ul>
<b>Executive officer</b> <i>s.34A, WHS Act</i>	For Part 2A (Industrial Manslaughter provision), means, of a corporation, a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.
<b>Executive officer</b> <i>Sch 3, CMSH Act</i>	means a person who is: <ul style="list-style-type: none"> <li>(a) a member of the governing body of the corporation; or</li> <li>(b) concerned with, or takes part in, the corporation's management, whatever the person's position is called and whether or not the person is a director of the corporation.</li> </ul>
<b>Executive officer</b> <i>Schedule 2, Radiation Safety Act</i>	of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.
<b>Executive officer</b> <i>Schedule 2, PGPS Act</i>	of a corporation, means a person who is concerned with, or takes part in, its management, whether or not the person is a director or the person's position is given the name of executive officer.
<b>Executive officer</b> <i>Schedule 2, Explosives Act</i>	of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.
<b>Executive officer</b> <i>Schedule 4, Transport Operations (Road Use Management) Act 1995</i>	of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director, or the person's position is given the name of executive officer.
<b>Executive safety manager</b>	means: <ul style="list-style-type: none"> <li>(1) For authorised activities for a petroleum authority, geothermal tenure or GHG authority that, under ss.670(6)(a) and (7), are jointly an operating plant,</li> </ul>

Term	Definition
<p><b>s.687, PGPS Act</b></p>	<p>the executive safety manager is—</p> <ul style="list-style-type: none"> <li>(a) if the holder of the authority or tenure is an individual—the holder; or</li> <li>(b) the senior managing officer of the corporation or organisation responsible for the management and safe operation of the authorised activities for the authority or tenure.</li> </ul> <p>(2) For a coal mining-CSG operating plant, the executive safety manager is the site senior executive appointed under the Coal Mining Safety and Health Act.</p> <p>(3) Otherwise, the executive safety manager is—</p> <ul style="list-style-type: none"> <li>(a) if the operator is an individual—the operator; or</li> <li>(b) the senior managing officer of the corporation or organisation responsible for the management and safe operation of the operating plant.</li> </ul> <p>(4) In this section— senior managing officer, of a corporation, means the person in Australia who is the most senior officer (however called) of the corporation in Australia responsible for managing the corporation.</p>
<p><b>Explosive</b> <i>Schedule 2, Explosives Act</i></p>	<p>includes –</p> <ul style="list-style-type: none"> <li>(a) A substance or a thing containing a substance, manufactured or used with a view to produce – <ul style="list-style-type: none"> <li>i. A practical effect by explosion; or</li> <li>ii. A pyrotechnic effect; and</li> </ul> </li> <li>(b) A substance or thing declared under a regulation to be an explosive.</li> </ul> <p><i>Examples of explosives – ammunition, detonators, gunpowder, nitroglycerine, pyrotechnics (including fireworks).</i></p>
<p><b>Explosives incident</b> <i>Schedule 2, Explosives Act</i></p>	<p>means any of the following events involving an explosive -</p> <ul style="list-style-type: none"> <li>(a) An explosive is or appears to have been lost or stolen;</li> <li>(b) an accidental explosion, fire or spillage;</li> <li>(c) death of or injury to any person;</li> <li>(d) unexpected property damage;</li> </ul> <p>an event, including a misfire, with potential to cause any of the above, other than an event that normally happens when handling or using an explosive.</p>
<p><b>Exposure standard for noise</b></p>	<p>means:</p> <p>(1) in relation to a person –</p> <ul style="list-style-type: none"> <li>(a) LAeq,8h of 85 dB(A); or</li> </ul>

Term	Definition
<p><b>s.56, WHS Regulations</b></p>	<p>(b) LC,peak of 140 dB(C).</p> <p>(2) For s.56 (1)—                      LAeq,8h means the eight-hour equivalent continuous A-weighted sound pressure level in decibels (dB(A)) referenced to 20 micro pascals, determined in accordance with AS/NZS 1269.1:2005 (Occupational noise management—Measurement and assessment of noise immission and exposure).                      LC,peak means the C-weighted peak sound pressure level in decibels (dB(C)) referenced to 20 micro pascals, determined in accordance with AS/NZS 1269.1:2005 (Occupational noise management—Measurement and assessment of noise immission and exposure).</p>
<p><b>Fall prevention device</b>  <b>s.79 (5), WHS Regulations</b></p>	<p>Includes:</p> <ul style="list-style-type: none"> <li>• a secure fence; and</li> <li>• edge protection; and</li> <li>• working platforms; and</li> <li>• covers.</li> </ul>
<p><b>Fatigue-Regulated heavy vehicle</b>  <b>s.7, HVNL</b></p>	<p>means:</p> <ul style="list-style-type: none"> <li>(a) a motor vehicle with a GVM of more than 12t;</li> <li>(b) a combination with a GVM of more than 12t;</li> <li>(c) a fatigue-regulated bus.</li> <li>(d) a truck, or a combination</li> <li>(e) a truck, that has a machine or implement attached                         <ul style="list-style-type: none"> <li>(i) if the GVM of the truck or combination with the attached machine or implement is more than 12t; and</li> <li>(ii) whether or not the truck or combination has been built or modified primarily to operate as a machine or implement off-road, on a road-related area, or on an area of road that is under construction.</li> </ul> </li> </ul>
<p><b>Final exit</b>  <b>Schedule 3, Building Fire Safety Regulations</b></p>	<p>means an exit:</p> <ul style="list-style-type: none"> <li>(a) directly connecting a common area in the building and a place of safety outside the building; and</li> <li>(b) to which any of the following applies—                         <ul style="list-style-type: none"> <li>(i) the exit is shown on an evacuation diagram for the building or a part of the building;</li> <li>(ii) the exit was required, and has continued to be required, to be kept as an exit under a building development approval for the building;</li> </ul> </li> </ul>

Term	Definition
	(iii) the exit is indicated as an exit by a sign at, or adjacent to, the exit.
<b>Final exit door</b> <i>Schedule 3, Building Fire Safety Regulations</i>	means a door at a final exit of a building.
<b>Fire and evacuation instructions</b> <i>Schedule 3, Building Fire Safety Regulations</i>	means general evacuation instructions, first-response evacuation instructions or evacuation coordination instructions for the building.
<b>Friable asbestos</b> <i>s.5 WHS Regulations</i>	means material that: <ul style="list-style-type: none"> <li>• is in a powder form or that can be crumbled, pulverised or reduced into a powder by hand pressure when dry; and</li> <li>• contains asbestos.</li> </ul>
<b>Fuel gas</b> <i>s.11, PGPS Act</i>	means: <ul style="list-style-type: none"> <li>(a) <a href="#">LPG</a>; or</li> <li>(b) processed natural gas - that is, a Substance that:                             <ul style="list-style-type: none"> <li>• is in a gaseous state at standard temperature and pressure; and</li> <li>• consists of naturally occurring hydrocarbons and other Substances; and</li> <li>• is more than half, by volume, methane; and</li> <li>• has been processed to be suitable for use by consumers of fuel gas; or</li> </ul> </li> <li>(c) another Substance prescribed under a regulation that is similar to LPG or processed natural gas.</li> </ul>
<b>Fumigant</b> <i>s.5A, Pest Management Act</i>	means a substances that: <ul style="list-style-type: none"> <li>(a) is capable of producing a gas or vapour; and</li> <li>(b) is ordinarily used to do any of the following when in a gaseous or vaporous state:                             <ul style="list-style-type: none"> <li>• kill a pest; or</li> <li>• sterilise grain or seed to prevent germination; or</li> <li>• perform another function prescribed under a regulation for this subparagraph.</li> </ul> </li> </ul>
<b>Fumigation Activity</b> <i>Schedule 3, Pest Management Act</i>	means: <ul style="list-style-type: none"> <li>(a) preparing a fumigant for use, including measuring, mixing or weighing the fumigant; or</li> <li>(b) using a fumigant to —                             <ul style="list-style-type: none"> <li>• kill a pest; or</li> <li>• sterilise grain or seed to prevent germination; or</li> <li>• perform another function prescribed under a regulation for this</li> </ul> </li> </ul>

Term	Definition
<b>Gas device</b> <i>Schedule 2, PGPS Act</i>	subparagraph.  means a gas device Type A or gas device Type B as prescribed in section 724 of the <a href="#">PGPS Act</a> . These include major industrial gas devices.
<b>Gas system</b> <i>Schedule 2, PGPS Act</i>	means a system that consists of installed <a href="#">gas devices</a> , containers, fittings, flues or pipes in any combination.
<b>Gas work</b> <i>Schedule 2, PGPS Act</i>	means the work of installing, removing, altering, repairing, servicing, testing or certifying the <a href="#">gas system</a> of a <a href="#">gas device</a> .
<b>General Diving Work</b> <i>Schedule 19, WHS Regulations</i>	means work carried out in or under water while breathing compressed gas, and includes— <ul style="list-style-type: none"> <li>(a) incidental diving work; and</li> <li>(b) limited scientific diving work;</li> </ul> but does not include high risk diving work.
<b>Goods too dangerous to be transported</b> <i>s.34, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</i>	goods are too dangerous to be transported if: <ul style="list-style-type: none"> <li>(a) they are goods stated or described in appendix A to the ADG Code; or</li> <li>(b) the chief executive has made a determination that they are goods too dangerous to be transported; or</li> <li>(c) they are goods, other than goods mentioned in paragraph (a) or (b), that are so sensitive or unstable that they cannot be safely transported even if the relevant requirements of this regulation and the ADG Code are complied with</li> </ul>
<b>Hazardous chemical</b> <i>Schedule 19, WHS Regulations</i>	means a <a href="#">substance</a> , mixture or article that satisfies the criteria for a hazard class in the Global Harmonized System of Classification and Labelling of Chemicals.
<b>Hazardous manual task</b> <i>Schedule 19, WHS Regulation</i>	means a task that requires a person to lift, lower, push, pull, carry or otherwise move, hold or restrain any person, animal or thing that involves one or more of the following <ul style="list-style-type: none"> <li>• repetitive or sustained force;</li> <li>• high or sudden force;</li> <li>• repetitive movement'</li> <li>• sustained or awkward posture;</li> <li>• exposure to vibration.</li> </ul>
<b>Hazardous material</b> <i>Schedule 6, Fire and Emergency Services Act</i>	means: <ul style="list-style-type: none"> <li>(a) all dangerous goods, combustible liquids and chemicals; or</li> <li>(b) any other substance with potential to cause harm to persons, property or the environment because of 1 or more of the following—                             <ul style="list-style-type: none"> <li>(i) the chemical properties of the substance;</li> <li>(ii) the physical properties of the substance;</li> <li>(iii) the biological properties of the substance.</li> </ul> </li> </ul>

Term	Definition
<b>Hazardous materials emergency</b> <i>Schedule 6, Fire and Emergency Services Act</i>	means a situation involving <a href="#">hazardous materials</a> or suspected <a href="#">hazardous materials</a> that includes a loss of control, or an imminent risk of loss of control, of the materials or anything that may impact on the materials if the loss, or imminent risk of loss of control causes, or has the potential to cause, material harm to persons, property or the environment.
<b>Health</b> <i>s.5, WHS Act</i>	means physical and psychological health.
<b>Health monitoring report</b> <i>s.374, WHS Regulations</i>	must include the following: <ul style="list-style-type: none"> <li>(a) the name and date of birth of the worker;</li> <li>(b) the name and registration number of the registered medical practitioner;</li> <li>(c) the name and address of the person conducting the business or undertaking who commissioned the health monitoring;</li> <li>(d) the date of the health monitoring;</li> <li>(e) any test results that indicate whether or not the worker has been exposed to a hazardous chemical;</li> <li>(f) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring;</li> <li>(g) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;</li> <li>(h) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.</li> </ul>
<b>Heavy vehicle</b> <i>s.6, HVNL</i>	means a vehicle with a GVM or ATM of more than 4.5t.
<b>Heavy vehicle</b> <i>Schedule 4, Transport Operations (Road Use Management) Act 1995</i>	means a heavy vehicle for the purposes of the HVNL (Queensland), as provided for in s.6 of the HVNL.
<b>High potential incident (HPI)</b> <i>s.198, CSMH Act</i>	A high potential incident (HPI) at a coal mine is an event, or a series of events, that causes or has the potential to cause a significant adverse effect on the safety or health of a person. Certain HPI are prescribed by the CSMH Regulation for the purposes of notification to the inspectorate, these are prescribed in s.13 and Schedule 1C as follows: <ol style="list-style-type: none"> <li>1. an unplanned ignition of gas, dust, or a combination of gas and dust</li> <li>2. the spontaneous combustion of coal or other material in an underground mine</li> <li>3. the entrapment of a person</li> <li>4. an electric shock to a person</li> </ol>

Term	Definition
	<p>5. an unplanned event causing the withdrawal of a person from the mine or part of the mine</p> <p>6. an abnormal circumstances declaration</p> <p>7. an unplanned event that causes only 1 escape way from the mine to be available for use</p> <p>8. a fire on a vehicle or plant</p> <p>9. an incident involving an explosive</p> <p>10. a following incident that endangers the safety or health of a person—</p> <p>(a) a fire;</p> <p>(b) a ventilation failure causing a dangerous accumulation of methane or other gas;</p> <p>(c) an inrush;</p> <p>(d) a coal or rock outburst;</p> <p>(e) damage to, or failure of, haulage equipment used to transport a person in a shaft or slope;</p> <p>(f) an unplanned movement of, or failure to stop, a vehicle or plant;</p> <p>(g) the failure in service of explosion protection of explosion-protected equipment;</p> <p>(h) a failure of electrical equipment or an electrical installation;</p> <p>(i) an unplanned ignition or explosion of a blasting agent or explosive;</p> <p>(j) a failure of strata control;</p> <p>(k) the exposure of a person to a hazardous substance;</p> <p>(l) an unforeseen hazard requiring a review of the mine's safety and health management system;</p> <p>(m) the unplanned immersion of a person in liquid;</p> <p>(n) an unplanned movement of earth or coal;</p> <p>(o) a structural failure of equipment;</p> <p>(p) a collision involving a vehicle or plant</p>
<p><b>High risk construction work</b> <i>s.291, WHS Regulations</i></p>	<p>means any <a href="#">construction work</a> that involves one of the activities or circumstances listed in Section 291 of the <a href="#">WHS Regulations</a>, this includes any <a href="#">construction work</a> that:</p> <p>(a) involves a risk of a person falling more than 2 metres; or</p> <p>(b) is carried out on a telecommunication tower; or</p> <p>(c) involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the</p>



Term	Definition
	<p><a href="#">structure</a>; or</p> <p>(d) involves, or is likely to involve, the disturbance of <a href="#">asbestos</a>; or</p> <p>(e) involves structural alterations or repairs that require temporary support to prevent collapse; or</p> <p>(f) is carried out in or near a <a href="#">confined space</a>; or</p> <p>(g) is carried out in or near—</p> <p>(i) a shaft or trench with an excavated depth greater than 1.5 metres; or</p> <p>(ii) a tunnel; or</p> <p>(h) involves the use of explosives; or</p> <p>(i) is carried out on or near pressurised gas distribution mains or piping; or</p> <p>(j) is carried out on or near chemical, fuel or refrigerant lines; or</p> <p>(k) is carried out on or near energised electrical installations or services; or</p> <p>(l) is carried out in an area that may have a contaminated or flammable atmosphere; or</p> <p>(m) involves tilt-up or precast concrete; or</p> <p>(n) is carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor that is in use by traffic other than pedestrians; or</p> <p>(o) is carried out in an area at a workplace in which there is any movement of powered mobile plant; or</p> <p>(p) is carried out in an area in which there are artificial extremes of temperature; or</p> <p>(q) is carried out in or near water or other liquid that involves a risk of drowning; or</p> <p>(r) involves diving work.</p>
<p><b>High risk diving work</b> <i>Schedule 19, WHS Regulations</i></p>	<p>means work—</p> <p>(a) carried out in or under water or any other liquid while breathing compressed gas; and</p> <p>(b) involving one or more of the following—</p> <ul style="list-style-type: none"> <li>• <a href="#">construction work</a>;</li> <li>• work of the kind described in section 289(3)(d);</li> <li>• inspection work carried out in order to determine whether or not work described in subparagraph (i) or (ii) is necessary;</li> <li>• the recovery or salvage of a large structure or large item of plant for commercial purposes;</li> </ul>

Term	Definition
	but does not include minor work carried out in the sea or the waters of a bay or inlet or a marina that involves cleaning, inspecting, maintaining or searching for a vessel or mooring.
<b>High risk plant</b> Schedule 1, part 1, s.1 (6) WHS Act	The following are specified high risk plant: <ul style="list-style-type: none"> <li>• air-conditioning units;</li> <li>• amusement devices;</li> <li>• cooling towers;</li> <li>• escalators;</li> <li>• lifts; and</li> <li>• LP gas cylinders.</li> </ul>
<b>High risk work</b> Schedule 3, WHS Regulations	includes: <ul style="list-style-type: none"> <li>• the erection or dismantling of scaffolding;</li> <li>• dogging and rigging work;</li> <li>• the operation of cranes and hoists;</li> <li>• the operation of reach stackers;</li> <li>• forklift operation; and</li> <li>• pressure equipment operation.</li> </ul>
<b>Holder</b> Schedule 3, CSMH Act	for a coal mine, means the holder under the <i>Mineral Resources Act 1989</i> of an exploration permit, mineral development licence or mining lease for the coal mine.
<b>Holder</b> s.678A, PGPS Act	means the holder of a petroleum authority, geothermal tenure or GHG tenure.
<b>HML heavy vehicle</b>	Means a heavy vehicle to which the higher mass limits mentioned in s.1 of Schedule 5 of the <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i>
<b>Import</b> Schedule 5, WHS Regulations	means to bring into Queensland from outside Australia.
<b>Incidental diving work</b> Schedule 19, WHS Regulations	means <a href="#">general diving work</a> that— <ul style="list-style-type: none"> <li>• is incidental to the conduct of the business or undertaking in which the diving work is carried out; and</li> <li>• involves limited diving; and</li> <li>• is carried out while being accompanied and supervised in the water by a person who has the qualifications or experience specified in s.171.</li> </ul>
<b>Injury</b> s.32, <i>Workers            Compensation and            rehabilitation Act</i>	means an injury is personal injury arising out of, or in the course of, employment if— <ul style="list-style-type: none"> <li>• for an injury other than a psychiatric or psychological disorder—the employment is a significant contributing factor to the injury; or</li> <li>• for a psychiatric or psychological disorder—the employment is the major significant contributing factor to the injury.</li> </ul> An injury includes: <ul style="list-style-type: none"> <li>• a disease;</li> <li>• an aggravation of a condition;</li> <li>• loss of hearing; and</li> <li>• death from an injury, disease or aggravation of a condition.</li> </ul>
<b>Intelligent access service</b>	means a person certified by TCA as a service provider for monitoring, by using

Term	Definition
<b>provider</b> s.403, HVNL	an approved intelligent transport system, the relevant monitoring matters for an intelligent access vehicle.
<b>Intelligent access vehicle</b> s.403, HVNL	means a heavy vehicle: <ul style="list-style-type: none"> <li>• for which a mass or dimension exemption is in force with intelligent access conditions (as referred to in s.402 (1)); or</li> <li>• for which an HML authority is in force with intelligent access conditions (as referred to in s.402 (2)).</li> </ul>
<b>Limited diving</b> Schedule 19, WHS Regulations	means diving that does not involve any of the following— <ul style="list-style-type: none"> <li>• diving to a depth below 30m;</li> <li>• the need for a decompression stop;</li> <li>• the use of mechanical lifting equipment or a buoyancy lifting device;</li> <li>• diving beneath anything that would require the diver to move sideways before being able to ascend;</li> <li>• the use of plant that is powered from the surface;</li> <li>• diving for more than 28 days during a period of 6 months.</li> </ul>
<b>Limited scientific diving work</b> Schedule 19, WHS Regulations	means <a href="#">general diving work</a> that: <ul style="list-style-type: none"> <li>• is carried out for the purpose of professional scientific research, natural resource management or scientific research as an educational activity; and</li> <li>• involves only limited diving.</li> </ul>
<b>Loading requirements</b> s. 5 and s.110 Heavy Vehicle National Law	means the prescribed requirements (see the Heavy Vehicle (Mass, Dimension and Loading) National Regulation
<b>LPG</b> s.11, PGPS Act	also called "LP gas" and "liquefied petroleum gas" means a Substance that: <ul style="list-style-type: none"> <li>• is in a gaseous state at standard temperature and pressure; and</li> <li>• is predominantly propane, propylene or butane; and</li> <li>• has been processed to be suitable for use by consumers.</li> </ul>
<b>Major hazard facility</b> s.535, WHS Regulations	means a facility at which <a href="#">schedule 15 chemicals</a> are present or likely to be present in a quantity which exceeds their threshold quantity, or a facility which is determined by the regulator to be a Major Hazard Facility.
<b>Major incident</b> s.531, WHS Regulations	means an incident at a <a href="#">major hazard facility</a> that results from an uncontrolled event at the facility involving, or potentially involving schedule 15 chemicals, and that exposes a person to serious risk to health or safety emanating from an immediate or imminent exposure to that occurrence. This may include the escape, spillage or leakage of the chemical, or implosion, explosion or fire related to it.
<b>Major incident hazard</b> Schedule 19, WHS Regulation	means a hazard that could cause, or contribute to causing, a <a href="#">major incident</a> .
<b>Mass requirement</b> s.5, HVNL	means: <ol style="list-style-type: none"> <li>1 a prescribed mass requirement under s.95 (see the Heavy Vehicle (Mass, Dimension and Loading) National Regulation</li> <li>2 a requirement as to a mass limit relating to a heavy vehicle under a condition to which a mass or dimension authority is subject (where the mass limit is lower than the prescribed requirement);</li> <li>3 a requirement as to a mass limit under a PBS vehicle approval</li> </ol>

Term	Definition
	<p>(issued by the regulator);</p> <p>4 a requirement as to a mass limit indicated by an official traffic sign; or</p> <p>5 a requirement as to a mass limit under the GVM (gross vehicle mass) or GCM (gross combination mass) for a heavy vehicle; or</p> <p>6 a requirement as to a mass limit for a component vehicle as stated by the manufacturer or as prescribed by a heavy vehicle standard.</p>
<p><b>Minor risk breach</b> s.98, HVNL</p>	<p>means a contravention that is less than the <a href="#">substantial risk breach lower limit</a> for the requirement.</p>
<p><b>MEGC</b> Schedule 4, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</p>	<p>means multiple-element gas container</p>
<p><b>Modification of a major hazard facility</b> s.534, WHS Regulations</p>	<p>means a change or proposed change that would have the effect of creating or significantly increasing the chances of a <a href="#">major incident hazard</a> not previously identified or present.</p>
<p><b>Naturally occurring asbestos</b> Schedule 19, WHS Regulations</p>	<p>means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.</p>
<p><b>Non-friable asbestos</b> s. 5 WHS Regulations</p>	<p>means material containing Asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.</p>
<p><b>Notifiable incident</b> s.35 WHS Act</p>	<p>means:</p> <ul style="list-style-type: none"> <li>• A death of a person;</li> <li>• A <a href="#">serious injury or illness</a> of a person; or</li> <li>• A <a href="#">dangerous incident</a>.</li> </ul>
<p><b>Officer</b> Schedule 5, WHS Act</p>	<p>of a corporation under the <a href="#">WHS Act</a> is defined in the same manner as an Officer of a corporation under section 9 of the <i>Corporations Act 2001</i>. As CS Energy is GOC, includes an officer of a statutory authority (see s.252 <a href="#">WHS Act</a>) which is defined as a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of a public authority.</p> <p>Directors of the Board of a corporation will be Officers, as may members of the executive leadership team. Other people <u>may</u> be considered Officers depending on the nature of their role and responsibilities.</p>
<p><b>Officer</b> Schedule 2, ES Act</p>	<p>of a corporation under the ES Act is defined in the same manner as an Officer of a corporation under section 9 of the <i>Corporations Act 2001</i>. As CS Energy is GOC, includes an officer of a statutory authority (see s.190C <a href="#">ES Act</a>) which is defined as a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of a public authority.</p>
<p><b>On-site activities</b></p>	<p>(1) Are activities carried on principally for, or in connection with, exploring for</p>

Term	Definition
s.10, <i>CMSH Act</i>	<p>or winning coal and include the following—</p> <ul style="list-style-type: none"> <li>(a) constructing— <ul style="list-style-type: none"> <li>(i) things required or permitted to be constructed under an exploration permit, mineral development licence or mining lease; or</li> <li>(ii) for a place mentioned in section 9(1)(c)—things that are required or permitted to be constructed under an exploration permit, mineral development licence or mining lease;</li> </ul> </li> <li>(b) treating coal and disposing of waste substances;</li> <li>(c) rehabilitating of a place after coal mining operations;</li> <li>(d) maintaining and testing plant, equipment or machinery.</li> </ul> <p>(2) On-site activities do not include the following—</p> <ul style="list-style-type: none"> <li>(a) airborne geophysical surveys;</li> <li>(b) transporting product from a coal mine on public roads or public railways or on any other railway;</li> <li>(c) constructing and installing surface railways;</li> <li>(d) air transport to and from a coal mine;</li> <li>(e) pastoral activities;</li> <li>(f) underground gasification activities on land the subject of <ul style="list-style-type: none"> <li>(i) a mineral development licence or a mining lease for activities relating to mineral (f); or</li> <li>(ii) an exploration permit if the chief inspector has made a declaration under section 52A;</li> </ul> </li> <li>(g) an activity declared not to be an on-site activity under a regulation.</li> </ul>

Term	Definition
<p><b>Operating plant</b> <i>s.670, PGPS Act</i></p>	<p>an <i>operating plant</i> is any of the following—</p> <p>(1) a facility used to explore for, produce or process <a href="#">petroleum</a>, including machinery used for completing, maintaining, repairing, converting or decommissioning a petroleum well; <i>Example of machinery used for maintaining or repairing a petroleum well—</i> machinery known in the petroleum and gas industry as a work over rig</p> <p>(2) a facility that—</p> <ul style="list-style-type: none"> <li>(a) is related to the exploration, production or processing of petroleum; and</li> <li>(b) is used to take, interfere with or treat associated water and any petroleum incidentally collected with the water;</li> </ul> <p>(3) a petroleum facility;</p> <p>(4) a pipeline authorised under a petroleum authority, other than a pipeline that transports only produced water without any petroleum;</p> <p>(5) a distribution pipeline;</p> <p>(6) a distribution system;</p> <p>(7) a bulk fuel gas storage facility;</p> <p>(h) a facility that is in the area of a geothermal tenure and is used for—</p> <ul style="list-style-type: none"> <li>(a) geothermal exploration other than for wet geothermal production; or</li> <li>(b) geothermal production other than wet geothermal production;</li> </ul> <p><i>Examples—the following facilities if they are not used for wet geothermal production:</i></p> <ul style="list-style-type: none"> <li>(a) a drilling rig for a geothermal well</li> <li>(b) equipment used for injecting into, maintaining or repairing a geothermal well</li> <li>(c) pipes and associated valves used in the geothermal production process</li> </ul> <p>(l) a facility that is in the area of a GHG authority and is—</p> <ul style="list-style-type: none"> <li>(i) used for GHG storage exploration or GHG stream storage; or</li> <li>(ii) involved in GHG storage injection testing;</li> </ul> <p>(m) a GHG stream pipeline under the GHG storage Act.</p> <p>(3) However, if a facility has, under a regulation under the <i>Work Health and Safety Act 2011</i>, been classified as a major hazard facility, it is an operating plant only to the extent to which that Act does not apply to the facility.</p> <p>(4) Subsection (2) applies for a facility or pipeline even if it is:</p> <ul style="list-style-type: none"> <li>(a) an on-site activity as defined under the <i>Coal Mining Safety and Health Act</i>; or</li> <li>(b) an operation as defined under the <i>Mining and Quarrying Safety and Health Act 1999</i>.</li> </ul> <p>(5) An <i>operating plant</i> is also a place, or a part of a place, at which a following activity is carried out, but only to the extent of the carrying out of the activity:</p> <ul style="list-style-type: none"> <li>(c) an LPG delivery network prescribed under a regulation;</li> <li>(d) tanker delivery of bulk fuel gas;</li> <li>(e) cylinder storage at premises prescribed under a regulation;</li> <li>(f) an authorised activity under an authority if the activity is a geophysical survey for data acquisition;</li> </ul>

Term	Definition
	<p>(da) an underground gasification activity;</p> <p>(g) another activity prescribed under a regulation and associated with the delivery, storage, transport, treatment or use of petroleum or fuel gas.</p> <p>(6) An <i>operating plant</i> is also—</p> <p>(a) all of the authorised activities for a petroleum authority, geothermal tenure or GHG authority; or</p> <p>(b) all of the authorised activities for a mineral hydrocarbon mining lease that are not a coal mining operation or an on-site activity under the Coal Mining Safety and Health Act.</p> <p>(7) For subsection (6)(a) and (b)—</p> <p>(a) the operating plant is all of the authorised activities jointly; and</p> <p>(b) the authorised activities are an operating plant severally only if they are an operating plant under subsection (2) or (5).</p> <p>(8) To remove any doubt, for subsection (2) it is declared that the following are not an operating plant—</p> <p>(a) a facility relating to geothermal energy to the extent any part of its processes happen after an isolation valve or distribution point where the pipeline transporting the energy ends at the entry to the facility;</p> <p>(b) a facility that produces a GHG stream at its source before the stream enters a GHG pipeline that transports the stream, or the stream is otherwise transported, to a GHG storage site under the GHG storage Act.</p> <p>(9) A reference to an operating plant includes a reference to each stage of the plant that has commenced.</p> <p>(10) In this section—</p> <p><i>geothermal exploration</i> see the Geothermal Act, section 13.</p> <p><i>geothermal well</i> see the Geothermal Act, schedule 3.</p> <p><i>GHG storage exploration</i> see the GHG storage Act, section 15.</p> <p><i>GHG storage injection testing</i> see the GHG storage Act, section 16.</p> <p>The following matters are prescribed under the <a href="#">PGPS Regulation</a> for this definition:</p> <p>(7) Activities prescribed for definition of <i>operating plant</i></p> <p>(8) For section 670(5)(a) of the Act, the activity prescribed is an LPG delivery network for non-automotive LPG if—</p> <p>a. the network includes filling, with non-automotive LPG, a fuel gas container with a water capacity of more than 30L; or</p> <p>b. the total capacity of fuel gas containers in the network for non-automotive LPG is more than 5000L.</p> <p>(9) For section 670(5)(c) of the Act, the activity prescribed is the storage of LPG cylinders at premises if the total capacity of the cylinders at the premises is more than 5000L.</p> <p>(10) For section 670(5)(e) of the Act, the following activities are prescribed—</p> <p>a. an activity involving the use of gas devices at a place if the total gas capacity of the devices at the place is 50GJ/hr or more at any time;</p>

Term	Definition
	<ul style="list-style-type: none"> <li>b. an activity involving the use of fuel gas to produce theatrical or other special effects;</li> <li>c. an activity involving the collection, transportation or use of a gas prescribed under section 5(1) as petroleum;</li> </ul> <p>Example—the collection of landfill gas and its use in power generation</p> <ul style="list-style-type: none"> <li>d. an activity associated with the exploration for storing, or the storage, treatment or use of, carbon dioxide for sequestration.</li> </ul>
<p><b>Operator of operating plant</b> s.673, PGPS Act</p>	<p>of <u>operating plant</u>, means:</p> <ul style="list-style-type: none"> <li>(a) for a coal mining-CSG operating plant, the relevant site senior executive under the <i>CMSH Act</i>;</li> <li>(b) otherwise, the operator is the person who has the role of being responsible for the management and safe operation of the plant.</li> </ul> <p>The operator does not include a person who in relation to the plant is subject to the control of another person who has the role of being responsible for the management and safe operation of the plant.</p> <p><i>Examples -</i></p> <p>1 <i>The operator of a drilling rig is the operations manager or another senior officer of the drilling company that is operating the drilling rig and not the person employed as the driller or rig manager.</i></p> <p>2 <i>The operator of a tanker delivery bulk LPG business is the manager of the delivery operation and not the person employed as the tanker driver.</i></p>
<p><b>Operator of a facility</b> s. 533, WHS Regulations</p>	<p>means the person conducting the business or undertaking of operating the facility who has management and control of the facility, and the power to direct that the whole facility be shut down.</p>
<p><b>Owner of a high risk plant</b> s.702, WHS Regulations</p>	<p>means a person who holds legal title to the Plant and includes a mortgagee in possession, a lessee, a licensee, a trustee or a person in control, including as a company administrator, receiver, receiver and manager or liquidator.</p>
<p><b>Packaging</b> Schedule 4, <i>Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</i></p>	<p>includes inner packaging, outer packaging, overpacks, large packaging, IBCs, MEGCs, tanks (including the tank of a tank vehicle), bulk containers, freight containers, drums, barrels, jerry cans, boxes and bags.</p>
<p><b>Party in the chain of responsibility</b> s.214 and s.227, HVNL</p>	<p>Means each of the following: For speeding:</p> <ul style="list-style-type: none"> <li>(a) an employer of the vehicles driver if the driver is an employed driver;</li> <li>(b) a prime contractor for the vehicle's driver if the driver is a self-employed driver;</li> <li>(c) an operator of the vehicle;</li> <li>(d) a scheduler for the vehicle;</li> </ul>



Term	Definition
	<ul style="list-style-type: none"> <li>(e) a loading manager for any goods in the vehicle;</li> <li>(f) a commercial consignor of any goods for transport by the vehicle that are in the vehicle;</li> <li>(g) a consignee of any goods in the vehicle if Division 4 applies;</li> </ul> <p>For fatigue:</p> <ul style="list-style-type: none"> <li>(a) an employer of the vehicle's driver;</li> <li>(b) a prime contractor of the vehicle's driver;</li> <li>(c) an operator of the vehicle;</li> <li>(d) a scheduler for the vehicle;</li> <li>(e) a consignor of any goods for transport by the vehicle that area in the vehicle;</li> <li>(f) a consignee of any goods in the vehicle;</li> <li>(g) a loading manager for any goods in the vehicle;</li> <li>(h) a loader of any goods in the vehicle;</li> <li>(i) an unloader of any goods in the vehicle.</li> </ul>
Penalty unit	<p>This is defined in the <i>Penalties and Sentences Act 1992</i>. The value of a Penalty Unit is indexed in July annually. The Penalty Unit value under the <a href="#">WHS Act</a> is \$100.</p> <p>However in the event the offence is contained in a different piece of legislation the value of the Penalty Unit is \$117.80.</p> <p>Unless otherwise specified the maximum fine that can be imposed on a body corporate is an amount equal to 5 times the maximum fine for an individual (s.181B).</p>
<p>Person Conducting a Business or Undertaking (PCBU)</p> <p><i>Section 5 WHS Act</i></p>	<p><a href="#">PCBU</a> is broadly defined to covers employers, principal contractors, head contractors, partners in partnership, unincorporated associations, franchisors and the Crown. CS Energy is a <a href="#">PCBU</a> for the purposes of the <a href="#">WHS Act</a>. In some circumstances an individual may be a <a href="#">PCBU</a> (for example sole traders). CS Energy's workers and Officers are not considered to be <a href="#">PCBU</a>s but rather are subject to their own separate duties (see part 6 and 7).</p>
<p>Person Conducting a Business or Undertaking (PCBU)</p> <p>s.21, <i>ES Act</i></p>	<p>PCBU is broadly defined to covers employers, principal contractors, head contractors, partners in partnership, unincorporated associations, franchisors and the Crown. CS Energy is a PCBU for the purposes of the ES Act. In some circumstances an individual may be a PCBU (for example sole traders). CS Energy's workers and officers are not considered to be PCBU's but rather are subject to their own separate duties.</p>
<p>Person with management or control of a workplace</p> <p>s.20, <i>WHS Act</i></p>	<p>means a <a href="#">PCBU</a> whose business or undertaking includes, in whole or in part, the management or control of the workplace.</p>
<p>Person with management or control of fixtures, fittings, or Plant at a workplace</p>	<p>means a <a href="#">PCBU</a> whose business or undertaking includes, in whole or in part, the management or control of fixtures, fittings or Plant at the workplace.</p>

Term	Definition
<i>s.21, WHS Act</i>	
<b>Pest</b> <b>Schedule 3, Pest Management Act</b>	<p>means:</p> <ul style="list-style-type: none"> <li>(a) generally—means an arthropod, bird, mollusc, or rodent, or another biological entity prescribed under a regulation, that injuriously affects, or may injuriously affect— <ul style="list-style-type: none"> <li>i. a place by transmitting disease, a toxin or another pest in the place or by causing physical damage to the place or a thing in the place; or</li> <li>ii. a person by transmitting disease, a toxin or another pest to the person or by causing distress to, or an adverse physiological or social effect in, the person; and</li> </ul> </li> <li>(b) for the definitions <a href="#">fumigant</a> and <a href="#">fumigation activity</a>—includes a fox or rabbit.</li> </ul>
<b>Pest control activity</b> <b>Schedule 3, Pest Management Act</b>	<p>means:</p> <ul style="list-style-type: none"> <li>(a) preparing a pesticide for use, including measuring, mixing or weighing the pesticide; or</li> <li>(b) using a pesticide to— <ul style="list-style-type: none"> <li>• kill, stupefy or repel a <a href="#">pest</a>; or</li> <li>• inhibit the feeding of a <a href="#">pest</a>; or</li> <li>• modify the physiology of a <a href="#">pest</a> to alter its natural development or reproductive capacity.</li> </ul> </li> </ul>
<b>Pest management activity</b> <b>Schedule 3, Pest Management Act</b>	<p>means a <a href="#">fumigation activity</a> or <a href="#">pest control activity</a>.</p>
<b>Pest management technician</b> <b>Schedule 3, Pest Management Act</b>	<p>means an individual who holds a licence.</p>
<b>Pesticide</b> <b>Schedule 3, Pest Management Act</b>	<p>means a chemical or biological entity that is ordinarily used to—</p> <ul style="list-style-type: none"> <li>a) kill, stupefy or repel a <a href="#">pest</a>; or</li> <li>b) inhibit the feeding of a <a href="#">pest</a>; or</li> <li>c) modify the physiology of a <a href="#">pest</a> to alter its natural development or reproductive capacity.</li> </ul>

Term	Definition
<p><b>Petroleum</b> <i>s.10, PGPS Act</i></p>	<p>means a:</p> <ul style="list-style-type: none"> <li>(a) Substance consisting of hydrocarbons that occur naturally in the earth's crust; or</li> <li>(b) Substance necessarily extracted or produced as a by-product of extracting or producing a hydrocarbon mentioned in paragraph (a); or</li> <li>(c) a fluid that: <ul style="list-style-type: none"> <li>(i) is extracted or produced from coal or oil shale by a chemical or thermal process or that is a by-product of that process; and</li> <li>(ii) consists of, or includes, hydrocarbons; or</li> </ul> </li> <li>(d) Substance prescribed under a regulation, consisting of, or including, hydrocarbons; or</li> <li>(e) gas that occurs naturally in the earth's crust, as prescribed under a regulation.</li> </ul> <p>The term petroleum does not include alignite, coal, lignite, peat, shale from which gasification or retorting product may be extracted or produced, torbanite or water. A Substance does not cease to be petroleum merely because it is injected or reinjected into a natural underground reservoir.</p>
<p><b>Petroleum facility</b> <i>s.17, PGPS Act</i></p>	<p>means a facility for the distillation, processing, refining, storage or transport of petroleum, other than a distribution pipeline.</p>
<p><b>Placard load</b> <i>s.85, Transport Operations (Road Use Management) Act 1995</i></p>	<p>means a load of dangerous goods, explosives or radioactive substances that may be transported by a motor vehicle only if a placard about the load is placed on the vehicle or on a thing carried by the vehicle</p>

Term	Definition
<p><b>Placard load</b> s.83 and Schedule 4, <i>Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</i></p>	<p>Means a load that contains dangerous goods and must be placarded under section 83</p> <p>(1) A load that contains dangerous goods must be placarded if:</p> <ul style="list-style-type: none"> <li>(a) it contains: <ul style="list-style-type: none"> <li>(i) dangerous goods in a receptacle with a capacity of more than 500L; or</li> <li>(ii) more than 500kg of dangerous goods in a receptacle; or</li> </ul> </li> <li>(b) it contains an aggregate quantity of dangerous goods of 250 or more and those goods include: <ul style="list-style-type: none"> <li>(i) dangerous goods of UN division 2.1 that are not aerosols; or</li> <li>(ii) dangerous goods of UN division 2.3; or</li> <li>(iii) dangerous goods of packing group I; or</li> </ul> </li> <li>(c) it contains dangerous goods of category A of UN division 6.2; or</li> <li>(d) it contains an aggregate quantity of dangerous goods of UN division 6.2 (other than category A) of 10 or more; or</li> <li>(e) it contains an aggregate quantity of dangerous goods of 1000 or more.</li> </ul> <p>(2) However, a retail distribution load complying with chapter 7.3 of the ADG Code is not a load that must be placarded.</p>
<p><b>Plant</b> Schedule 5, <i>WHS Regulations</i></p>	<p>includes any machinery, equipment, appliance, container, implement or tool. It also includes any component of those things, or anything fitted or connected to them.</p>
<p><b>Portable tank</b> Schedule 4, <i>Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</i></p>	<p>means a multimodal tank that:</p> <ul style="list-style-type: none"> <li>• is designed primarily to be loaded on to a vehicle or ship; and</li> <li>• has a capacity of more than 450L; and</li> <li>• is equipped with skids, mountings, stabilisers and accessories to facilitate mechanical handling; and</li> <li>• is capable of being loaded and unloaded without removing its service equipment or structural equipment; and</li> <li>• is capable of being lifted when full.</li> </ul>
<p><b>Present or likely to be present</b> s.532, <i>WHS Regulations</i></p>	<p>means:</p> <p>(1) A reference in this regulation to hazardous chemicals, including schedule 15 chemicals, being present or likely to be present at a facility is a reference to the quantity of hazardous chemicals that would, if present, meet the maximum capacity of the facility, including—</p> <ul style="list-style-type: none"> <li>(a) the maximum capacity of process vessels and interconnecting pipe systems that contain the hazardous chemicals; and</li> <li>(b) the maximum capacity of storage tanks and vessels used for the hazardous chemicals; and</li> <li>(c) the maximum capacity of other storage areas at the facility that could contain the hazardous chemicals; and</li> <li>(d) the maximum capacity of pipe work outside process areas to</li> </ul>

Term	Definition
	<p>contain the hazardous chemicals; and</p> <p>(e) the maximum quantity of hazardous chemicals that would, in the event of failure, escape into the facility from a pipe work that is situated off the premises but is connected to the facility; and</p> <p>(f) the maximum quantity of hazardous chemicals loaded into or onto, or unloaded from, vehicles, trailers, rolling stock and ships that are from time to time present at the facility in the course of the facility's operations.</p> <p>(2) Subsection (1) applies with any necessary changes to hazardous chemicals that are likely to be present at a proposed facility.</p> <p>(3) Schedule 15 chemicals present or likely to be present in the tailings dam of a mine are not to be considered in determining whether a mine is a facility or a major hazard facility.</p>
<p><b>Prescribed electricity entity</b> s.66, <i>ES Act</i></p>	<p>for part 5 of <i>ES Act</i> means an electricity entity, other than a generation entity, declared under a regulation to be a prescribed electricity entity for this part.</p>
<p><b>Prime contractor</b> s.5, <i>HVNL</i></p>	<p>Prime contractor of a driver of a heavy vehicle means a person who engages the driver to drive the vehicle under a contract for services.</p>
<p><b>Principal contractor for construction work</b> s.293, <i>WHS Regulations</i></p>	<p>where CS Energy commissions a construction project with a value over \$250,000, it will be considered the Principal Contractor for the project. CS Energy may appoint another person who has management or control of the Workplace to discharge the duties of a principal contractor. Further information about the obligations on a principal contractor and valid appointment can be found under "Construction Work".</p>
<p><b>Principal hazard management plans</b> s.63, <i>CMSH Act</i></p>	<p>must:</p> <ul style="list-style-type: none"> <li>• identify, analyse and assess risk associated with principal hazards (i.e. risks which may cause multiple fatalities); and</li> <li>• include standard operating procedures and other measures to control risk.</li> </ul>
<p><b>Prohibited carcinogen</b> <i>Schedule 19, WHS Regulations</i></p>	<p>means a substance:</p> <p>(a) listed in schedule 10, table 10.1, column 2 of the <a href="#">WHS Regulations</a>; and</p> <p>(b) present in a concentration of—</p> <ul style="list-style-type: none"> <li>• for a solid or liquid—0.1% or more, determined as a weight/weight (w/w) concentration; and</li> <li>• for a gas—0.1% or more, determined as a volume/volume (v/v) concentration.</li> </ul>
<p><b>Prohibited explosives</b> <i>Schedule 1, Explosives Regulation</i></p>	<p>means explosives identified in Schedule 1 of the <a href="#">Explosives Regulation</a>.</p>
<p><b>Radiation</b> <i>Schedule 2, Radiation Safety Act</i></p>	<p>means ionising radiation or non-ionising radiation.</p>

Term	Definition
<b>Radiation apparatus</b> <i>Schedule 2, Radiation Safety Act</i>	includes an apparatus that would, if assembled or repaired, and when energised, be capable of emitting an amount of ionising radiation, during a particular period, higher than the amount prescribed, for the period, under a regulation.
<b>Radiation safety and protection plan</b> s.28, Radiation Safety Act	is a plan for the practice for which a possession licensee is allowed to possess a radiation source under the licence which must state: <ul style="list-style-type: none"> <li>(a) particulars, and an assessment, of all the radiation hazards specific to the practice and source the licensee knows, or ought reasonably to know, exist or might arise;</li> <li>(b) the radiation safety and protection measures to deal with the hazards;</li> <li>(c) any other measures necessary to deal with the hazards;</li> <li>(d) how the licensee proposes to monitor and review the implementation and effectiveness of the measures;</li> <li>(e) the functions of the radiation safety officer to be appointed for the practice;</li> <li>(f) particulars of a training program for persons carrying out the practice;</li> <li>(g) other particulars prescribed under a regulation.</li> </ul>
<b>Radiation security plan</b> s.34A, Radiation Safety Act	is a plan for the security of a security enhanced source that a possession licensee is allowed to possess under the licence which must state: <ul style="list-style-type: none"> <li>(a) particulars of the security enhanced source the licensee is allowed to possess;</li> <li>(b) the radiation practice for which the licensee is allowed to possess the source;</li> <li>(c) particulars, and an assessment, of all the security risks relating to the practice and source the licensee knows, or ought reasonably to know, exist or might arise;</li> <li>(d) persons who have access to the source under the possession licensee's licence and the type of access each person has to the source;</li> <li>(e) other persons to whom the plan applies;</li> <li>(f) the security measures for the source;</li> <li>(g) any other measures necessary to deal with risks to the security of the source;</li> <li>(h) how the licensee proposes to monitor and review the implementation and effectiveness of the measures;</li> <li>(i) particulars of a training program for persons to whom the plan applies;</li> <li>(j) if the possession licensee is a corporation—the name of the</li> </ul>

Term	Definition
	<p>nominated person for the licensee; and</p> <p>(k) other particulars prescribed under a regulation.</p>
<p><b>Radiation source</b> <i>Schedule 2, Radiation Safety Act</i></p>	<p>means a <a href="#">radioactive substance</a> or a radiation apparatus.</p>
<p><b>Radioactive material</b> <i>Schedule 2, Radiation Safety Act</i></p>	<p>means material that spontaneously emits ionising radiation as a result of the radioactive decay of a radionuclide in it, but does not include a mineral within the meaning of the <i>Mineral Resources Act 1989</i> situated within the boundaries of land the subject of a mining lease, mineral development licence or exploration permit within the meaning of that Act.</p>
<p><b>Radioactive substance</b> <i>Schedule 2, Radiation Safety Act</i></p>	<p>means radioactive material (whether or not it is sealed) which contains more than the concentration or activity of a radionuclide prescribed under a regulation, or prescribed under a regulation to be a radioactive Substance.</p>
<p><b>Reasonable steps defence</b> s.618, <i>HVNL</i></p>	<p>in summary is a defence to prove that:</p> <p>(a) the person did not know, and could not reasonably be expected to have known, of the contravention concerned; and</p> <p>(b) either the person took all reasonable steps to prevent the contravention, or there were no steps the person could reasonably be expected to have taken to prevent the contravention.</p>
<p><b>Reasonably practicable (or SFARP)</b> s.18, <i>WHS Act</i></p>	<p>Reasonable practicability or 'So Far as Reasonably Practicable' is the qualification to almost all duties and obligations under the <a href="#">WHS Act</a>. It requires a duty holder to assess that which is, or was at a particular time, able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including –</p> <p>(a) the likelihood of the hazard or the risk concerned occurring; and</p> <p>(b) the degree of harm that might result from the hazard or the risk; and</p> <p>(c) what the person concerned knows, or ought reasonably to know, about –</p> <p>(i) the hazard or the risk; and</p> <p>(ii) ways of eliminating or minimizing the risk; and</p> <p>(d) the availability and suitability of ways to eliminate or minimize the risk; and</p> <p>(e) after assessing the extent of the risk and the available ways of eliminating or minimizing it, the cost associated with available ways of eliminating or minimizing the risk, including whether the cost is grossly disproportionate to the risk.</p> <p>In practical terms, this means that where there is evidence that a serious risk may eventuate and there are reasonably practicable options to eliminate it, the action to exercise those options must be taken.</p>

Term	Definition
<b>Rehabilitation and return to work coordinator</b> <i>s.41, Workers' Compensation and Rehabilitation Act</i>	means a person who— <ul style="list-style-type: none"> <li>(a) is appropriately qualified to perform the functions of a rehabilitation and return to work coordinator under this Act; and</li> <li>(b) has the functions prescribed under a regulation.</li> </ul>
<b>Restricted carcinogen</b> Schedule 19, WHS Regulations	means a substance— <ul style="list-style-type: none"> <li>(a) listed in schedule 10, table 10.2, column 2 of the <a href="#">WHS Regulations</a> for a use listed in column 3; and</li> <li>(b) present in a concentration of—                             <ul style="list-style-type: none"> <li>▪ for a solid or liquid—0.1% or more, determined as a weight/weight (w/w) concentration; and</li> <li>▪ for a gas—0.1% or more, determined as a volume/volume (v/v) concentration.</li> </ul> </li> </ul>
<b>Restricted hazardous chemicals</b> s.382, WHS Regulations	means a restricted hazardous chemical mentioned in Schedule 10, table 10.3, column 2 of the <a href="#">WHS Regulations</a> .
<b>Resulting records</b> <i>s.678A, PGPSA</i>	for a Safety Management Plan means prescribed records that are appropriate for the plant demonstrating that the SMS has been implemented and monitored. In summary these include records of formal safety assessments, monitoring, maintenance, operations, incidents and investigations.
<b>Safe Work Method Statement</b> Schedule 19, WHS Regulations	means in relation to high risk construction work—a safe work method statement mentioned in s.299 (as revised under s.302)
<b>Safety and health management system</b> Schedule 3, CSMH Act	(for a <a href="#">coal mine</a> ) means a safety and health management system that complies with s.62 of the CSMH Act and section 62A of the CSMH Act (if applicable). This means that the system must include the elements defined in those sections as follows: <ol style="list-style-type: none"> <li>1. A safety and health management system for a coal mine is a system that incorporates risk management elements and practices that ensure safety and health of persons who may be affected by coal mining operations.</li> <li>2. A safety and health management system must be an auditable documented system that forms part of an overall management system that includes organisational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining a safety and health policy.</li> <li>3. The safety and health management system must be adequate and effective to achieve an acceptable level of risk by—                             <ul style="list-style-type: none"> <li>(a) defining the coal mine operator's safety and health policy; and</li> <li>(b) containing a plan to implement the coal mine operator's safety</li> </ul> </li> </ol>



Term	Definition
	<p>and health policy; and</p> <ul style="list-style-type: none"> <li>(c) stating how the coal mine operator intends to develop the capabilities and support mechanisms necessary to achieve the policy; and</li> <li>(d) including principal hazard management plans and standard operating procedures; and</li> <li>(e) containing a way of— <ul style="list-style-type: none"> <li>i. measuring, monitoring and evaluating the performance of the safety and health management system; and</li> <li>ii. taking the action necessary to prevent or correct matters that do not conform with the safety and health management system; and</li> </ul> </li> <li>(f) containing a plan to regularly review and continually improve the safety and health management system so that risk to persons at the coal mine is at an acceptable level; and</li> <li>(g) if there is a significant change to the coal mining operations of the coal mine—containing a plan to immediately review the safety and health management system so that risk to persons is at an acceptable level.</li> </ul> <p>Also under s.62A, if coal mining operations at a coal mine include activities related to mining incidental coal seam gas, the single safety and health management system must include a plan to achieve an acceptable level of risk in relation to the activities. (3) In deciding whether the safety and health management system for the coal mine is adequate and effective to achieve an acceptable level of risk, regard must be had to the requirements for a safety management system under the Petroleum and Gas (Production and Safety) Act 2004.</p>
<p><b>Safety management system</b> <i>s.674 and Schedule 2, PGPS Act</i></p>	<ul style="list-style-type: none"> <li>(a) A safety management system, for an operating plant, is— <ul style="list-style-type: none"> <li>i. the system made under section 674 as in force from time to time; and</li> <li>ii. an auditable documented system that forms part of an overall management system for the plant.</li> </ul> </li> <li>(b) If the plant has stages, a reference to the term includes the parts of the safety management plan developed for each stage.</li> </ul> <p>Content requirements for safety management systems are specified in s.675. These are detailed and must also including joint interaction management plan for any overlapping areas.</p>
<p><b>Safety management system</b> <i>s.42 Explosives Regulation</i></p>	<p>means a system that incorporates risk management elements and practices that ensure the safety and health of persons who may be affected by activities carried out under an authority.</p> <p>It must be a written and auditable system and include the content prescribed under regulation 43 including certain systems such as training and auditing as well as operational procedures such as supervision, drugs and alcohol, waste, transport, weather, and so on.</p>

Term	Definition
<b>Safety requirement</b> <b>s.669, PGPS Act</b>	means the safety requirements prescribed by the <a href="#">PGPS Regulation</a> Ch 2 Part 2.
<b>Security enhanced source</b> <i>Schedule 2, Radiation Safety Act</i>	means a <a href="#">radiation source</a> , or an aggregation of <a href="#">radiation sources</a> , prescribed under a regulation to be a security enhanced source.
<b>Security plan</b> <b>s.34A, Radiation Safety Act</b>	is a plan for the security of a security enhanced source that a possession licensee is allowed to possess under the licence which must include: <ul style="list-style-type: none"> <li>(a) particulars of the security enhanced source the licensee is allowed to possess;</li> <li>(b) the radiation practice for which the licensee is allowed to possess the source;</li> <li>(c) particulars, and an assessment, of all the security risks relating to the practice and source the licensee knows, or ought reasonably to know, exist or might arise;</li> <li>(d) persons who have access to the source under the possession licensee's licence and the type of access each person has to the source;</li> <li>(e) other persons to whom the plan applies;</li> <li>(f) the security measures for the source;</li> <li>(g) any other measures necessary to deal with risks to the security of the source;</li> <li>(h) how the licensee proposes to monitor and review the implementation and effectiveness of the measures;</li> <li>(i) particulars of a training program for persons to whom the plan applies;</li> <li>(j) if the possession licensee is a corporation—the name of the nominated person for the licensee;</li> <li>(k) other particulars prescribed under a regulation.</li> </ul>
<b>Senior officer</b> <b>s. 34A, WHS Act</b>	For Part 2A (Industrial Manslaughter provisions), a senior officer of a person conducting a business or undertaking, means: <ul style="list-style-type: none"> <li>(a) if a person is a corporation – an executive officer of the corporation; or</li> <li>(b) otherwise – the holder of an executive position (however described) in relation to the person who makes, or takes part in making, decisions affecting all, or a substantial part, of the person's function.</li> </ul>
<b>Senior officer</b> <b>s. 48L, ES Act</b>	For Part 2B (Industrial Manslaughter provisions), a senior officer of a person conducting a business or undertaking, means: <ul style="list-style-type: none"> <li>(a) if a person is a corporation – an executive officer of the</li> </ul>

Term	Definition
	<p>corporation; or</p> <p>(b) otherwise – the holder of an executive position (however described) in relation to the person who makes, or takes part in making, decisions affecting all, or a substantial part, of the person's function.</p>
<p><b>Serious accident</b> <i>s.16, CMSH Act</i></p>	<p>A serious accident at a coal mine is an accident at a coal mine that causes—</p> <p>(a) the death of a person; or</p> <p>(b) a person to be admitted to a hospital as an in-patient for treatment for the injury.</p> <p>Certain serious accidents are prescribed for under CMSH Regulation s.14 requiring a report about the incident to be provided to the Inspector under CMSH Act s.201. These are:</p> <p>(a) an unplanned ignition of gas, dust, or a combination of gas and dust</p> <p>(b) the spontaneous combustion of coal or other material in an underground mine</p> <p>(c) an inrush</p> <p>(d) the failure in service of explosion protection of explosion-protected</p> <p>(e) equipment</p> <p>(f) an electric shock to a person</p> <p>(g) an unplanned ignition or explosion of a blasting agent or explosive</p> <p>(h) a major failure of strata control</p> <p>(i) the entrapment of a person</p> <p>(j) an abnormal circumstances declaration</p> <p>(k) a major structural failure of equipment.</p>
<p><b>Serious electrical incident</b> <i>s.11, ES Act</i></p>	<p>is an incident involving electrical equipment if, in the incident:</p> <p>1. a person is killed by electricity;</p> <p>(a) a person receives a shock or injury from electricity, and is treated for the shock or injury by or under the supervision of a doctor; or</p> <p>(b) a person receives a shock or injury from electricity at high voltage, whether or not the person is treated for the shock or injury by or under the supervision of a doctor.</p>
<p><b>Serious injury or illness</b> <i>s.36, WHS Act</i></p>	<p>means an injury or illness requiring the person to have; -</p>

Term	Definition
	<p>1. immediate treatment as an inpatient in a hospital; or</p> <p>(a) immediate treatment for-</p> <ul style="list-style-type: none"> <li>i. the amputation of any part of his or her body; or</li> <li>ii. a serious head injury; or</li> <li>iii. a serious eye injury; or</li> <li>iv. a serious burn; or</li> <li>v. the separation of his or her skin from an underlying tissue (for example, de gloving of scalping) or</li> <li>vi. a spinal injury; or</li> <li>vii. the loss of a bodily function; or</li> <li>viii. serious lacerations; or</li> </ul> <p>(b) medical treatment within 48 hours of exposure to a Substance.</p>
<p><b>Severe risk breach lower limit</b> s.97, HVNL</p>	<p>means a mass equalling 120% of the maximum mass (rounded up to the nearest 0.1t) permitted for the vehicle under that mass requirement.</p>
<p><b>Site safety manager</b> ss.692 and 694, PGPS Act</p>	<p>Any person appointed under the SMS for Operating Plant as the site safety manager (s.692) or otherwise the operator (s.694)</p>
<p><b>Site senior executive</b> s.25, CSMH Act</p>	<p>(1) is the most senior officer employed or otherwise engaged by the <a href="#">coal mine operator</a> for the coal mine who—</p> <ul style="list-style-type: none"> <li>(c) is located at or near the coal mine; and</li> <li>(d) has responsibility for the coal mine.</li> </ul> <p>(2) Subsection (1)(a) does not require an officer with responsibility for exploration activities under an exploration permit or mineral development licence to be located at or near the coal mine.</p> <p>(3) If the officer only has responsibility for a separate part of a surface mine, the officer's responsibilities and safety and health obligations under this Act as a site senior executive for a coal mine are limited to the separate part of the surface mine for which the officer has responsibility.</p>
<p><b>Specified P &amp; G Act Activity</b> Schedule 1, WHS Act</p>	<p>An authorised activity for an authority mentioned in the P &amp; G Act s.670 (6) that is not individual operating plant under the P &amp; G Act because of s.670(7)(b) of that Act.</p>
<p><b>Stage</b> s.672, PGPS Act</p>	<p>(1) A <i>stage</i>, of an operating plant, means any of the following for the plant—</p> <ul style="list-style-type: none"> <li>• commissioning; <ul style="list-style-type: none"> <li>• operation;</li> <li>• maintenance or modification;</li> <li>• decommissioning.</li> </ul> </li> </ul> <p>(2) A <i>stage</i>, of an operating plant, also includes construction work for an operating plant or proposed operating plant if—</p> <ul style="list-style-type: none"> <li>(i) the work is within or part of an existing operating plant; or</li> <li>(ii) the work is adjacent to existing operating plant and the safety management plan for the plant provides that the plan applies to the work; or</li> <li>(iii) the work is the process called 'rigging up and down' of a drill rig and any associated plant or equipment required</li> </ul>

Term	Definition
<p><b>Standard hours</b> <i>s.249 Heavy Vehicle National law</i></p>	<p>The work hours and rest times prescribed. See the Heavy Vehicle (Fatigue Management) National Regulation</p>
<p><b>Structure</b> <i>Schedule 5, WHS Act</i></p>	<p>means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:</p> <ol style="list-style-type: none"> <li>1. buildings, masts, towers, framework, pipelines, transport infra Structure, and underground works (shafts or tunnels); and</li> <li>2. any component; and</li> <li>3. any part of a Structure.</li> </ol> <p>But note for the purpose of Ch 6 <i>Construction Work</i> in the WHS Regulation, a structure does not include Plant unless:</p> <ul style="list-style-type: none"> <li>• the plant is a ship or submarine, pipe or pipeline, underground tank or designed or used to provide support, access or containment during work in connection with construction work; or</li> <li>• work on the plant relates to work that is carried out in connection with construction work; or</li> <li>• the plant is fixed plant on which outage work or overhaul work that involves or may involve work being carried out by 5 or more <a href="#">PCBUs</a> at any point in time.</li> </ul>
<p><b>Substance</b> <i>Schedule 5, WHS Act</i></p>	<p>means any natural or artificial Substance, whether in the form of a solid, liquid, gas or vapour.</p>
<p><b>Substantial risk breach lower limit</b> <i>s.97, HVNL</i></p>	<p>means the higher of the following—</p> <ul style="list-style-type: none"> <li>• a mass equalling 105% of the maximum mass (rounded up to the nearest 0.1t) permitted for the vehicle under that mass requirement;</li> <li>• 0.5t.</li> </ul>
<p><b>Supply</b> <i>s.6, WHS Act</i></p>	<p>includes a Supply and resupply of the thing by way of sale, exchange, lease, hire or hire-purchase, whether as principal or agent. Supply occurs through the passing of possession of thing to the person or an agent of the person to be supplied. It does not include:</p> <ul style="list-style-type: none"> <li>• the return of possession of a thing to the owner of the thing at the end of a lease or other agreement; or</li> <li>• a prescribed supply.</li> </ul>
<p><b>Tank</b> <i>s.19, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</i></p>	<p>means</p> <ul style="list-style-type: none"> <li>• a receptacle for dangerous goods; and</li> <li>• service equipment or structural equipment that enables the receptacle to transport the goods</li> </ul>
<p><b>Tank Vehicle</b> <i>Schedule 4, Transport Operations (Road Use Management – Dangerous Goods)</i></p>	<p>means a vehicle:</p> <ul style="list-style-type: none"> <li>• of which a <a href="#">tank</a> forms a part; or</li> <li>• to which a <a href="#">tank</a> other than a portable tank is attached</li> </ul>

Term	Definition
<p><i>Regulation 2008</i></p> <p><b>Telephone Advisory Service</b> s.152 (4), <i>Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</i></p>	<p>For the transport of dangerous goods, means a service providing access by a continuously monitored telephone not located on the vehicle carrying the goods to a person competent to give advice about—</p> <ul style="list-style-type: none"> <li>• the construction and properties of the receptacles in which the dangerous goods are being transported; and</li> <li>• the use of equipment on or in vehicles on which the dangerous goods are being transported; and</li> <li>• the properties of the dangerous goods; and</li> <li>• methods of safely handling the dangerous goods; and</li> <li>• methods of safely containing and controlling the dangerous goods in a dangerous situation.</li> </ul>
<p><b>Tier 1 Major Hazard Facility</b> Schedule 19, WHS Regulations</p>	<p>means a Major Hazard Facility that, in relation to schedule 15 chemicals that are stored or handled at the facility in a quantity that exceeds 10% of their threshold quantity, only conducts storage, repacking or distribution functions.</p>
<p><b>Tier 2 Major Hazard Facility</b> Schedule 19, WHS Regulations</p>	<p>means a Major Hazard Facility that, in relation to schedule 15 chemicals that are stored or handled at the facility in a quantity that exceeds 10% of their threshold quantity, processes the schedule 15 chemicals into other products if the processing is likely to involve chemical reactions, changes in state of the chemicals, and operations at high or low temperatures or pressures.</p>
<p><b>Tier 3 Major Hazard Facility</b> Schedule 19, WHS Regulations</p>	<p>means a Major Hazard Facility that, in relation to schedule 15 chemicals that are stored or handled at the facility in a quantity that exceeds 10% of their threshold quantity, processes the schedule 15 chemicals into other products using multiple or complex processes at high or low temperatures or pressure.</p>
<p><b>Transport security plan</b> s.34H, Radiation Safety Act</p>	<p>is a plan for the security of a radioactive substance that is a security enhanced source during the transport of the source which includes:</p> <ol style="list-style-type: none"> <li>(a) particulars of the security enhanced source to be transported;</li> <li>(b) particulars of the transport arrangements for the source;</li> <li>(c) particulars, and an assessment, of all the security risks relating to the transport of the source the transport security plan holder of the plan knows, or ought reasonably to know, exist or might arise;</li> <li>(d) persons who have access to the source and the type of access each person has to the source;</li> <li>(e) other persons to whom the plan applies;</li> <li>(f) the period for which the plan applies;</li> <li>(g) the transport security measures for the source;</li> <li>(h) any other measures necessary to deal with risks to the security of the source;</li> <li>(i) how the transport security plan holder proposes to monitor</li> </ol>

Term	Definition
	<p>and review the implementation and effectiveness of the measures;</p> <p>(j) particulars of a training program for persons to whom the plan applies;</p> <p>(k) if the transport security plan holder is a corporation—the name of the nominated person for the holder;</p> <p>(l) other particulars prescribed under a regulation.</p>
<p><b>UN Model Regulations</b> <i>Schedule 7, Explosives Regulation</i></p>	<p><i>17<sup>th</sup> Revised Edition of the Recommendations on the Transport of Dangerous Goods – Model Regulations published by the United Nations, New York and Geneva 2011</i></p>
<p><b>Underground essential services</b> <i>s.304, WHS Regulations</i></p>	<p>means essential services that use pipes, cables or other associated plant located underground.</p>
<p><b>Underground essential services information</b> <i>s.304, WHS Regulations</i></p>	<p>in relation to proposed <a href="#">excavation work</a>, means the following information about <a href="#">underground essential services</a> that may be affected by the excavation—</p> <ul style="list-style-type: none"> <li>• the essential services that may be affected;</li> <li>• the location, including the depth, of any pipes, cables or other plant associated with the affected essential services;</li> <li>• any conditions on the proposed <a href="#">excavation work</a>.</li> </ul>
<p><b>Work Health and Safety management plan</b></p>	<p>For a construction project must include the following:</p> <ul style="list-style-type: none"> <li>• the names, positions and health and safety responsibilities of all persons at the workplace whose positions or roles involve specific health and safety responsibilities in connection with the project;</li> <li>• the arrangements in place, between any persons conducting a business or undertaking at the workplace where the construction project is being undertaken, for consultation, cooperation and the coordination of activities in relation to compliance with their duties under the Act and this regulation;</li> <li>• the arrangements in place for managing any work health and safety incidents that occur;</li> <li>• any site-specific health and safety rules, and the arrangements for ensuring that all persons at the workplace are informed of these rules;</li> <li>• the arrangements for the collection and any assessment, monitoring and review of safe work method statements at the workplace.</li> </ul>
<p><b>Work Health and Safety Prosecutor</b> <i>Part 4, WHS Act</i></p>	<p>On a date to be set by proclamation of the relevant provision of the <i>Work Health and Safety and Other Legislation Amendment Act 2017</i> (Qld), an independent office for work health and safety prosecutions will be established. The office will be headed by a WHS Prosecutor and appointed by the Governor-in-Council for a five year renewable terms.</p>
<p><b>Work Health and Safety Officer (WHSO)</b> <i>Part 5A, WHS Act</i></p>	<p>From 1 July 2018, the role of WHSOs will be reintroduced, but it will not be a mandatory requirement. The general functions of WHSO will include, amongst others:</p>

Term	Definition
	<ul style="list-style-type: none"> <li>notifying the PCBU about WHS matters;</li> <li>identifying hazards and risks to health and safety in the workplace and reporting on them to the PCBU;</li> <li>undertaking annual assessments of risks to health and safety arising from the work carried out by the PCBU and reporting on them to the PCBU;</li> <li>investigating incidents; and</li> <li>establishing appropriate WHS training programs within the PCBU.</li> </ul>
<b>Work involving asbestos</b> <i>s.419, WHS Regulations</i>	means work involving manufacturing, supplying, transporting, storing, removing, using, installing, handling, treating, disposing of or disturbing <a href="#">asbestos</a> or <a href="#">ACM</a> .
<b>Worker</b> <i>s.7, WHS Act</i>	means a person is a Worker if the person carries out work in any capacity for CS Energy. This includes: <ul style="list-style-type: none"> <li>an employee; or</li> <li>a contractor or subcontractor; or</li> <li>an employee of a contractor or subcontractor; or</li> <li>an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or</li> <li>an out Worker; or</li> <li>an apprentice or trainee; or</li> <li>a student gaining work experience; or</li> <li>a volunteer; or</li> <li>a person of a prescribed class (see the Regulations).</li> </ul>
<b>Worker</b> <i>s.11, Workers' Compensation and Rehabilitation Act</i>	is a person who— <ul style="list-style-type: none"> <li>works under a contract; and</li> <li>in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953 (Cwlth), schedule 1, part 2-5.</li> </ul> Schedule 2 of the Workers Compensation and Rehabilitation Act provides a detailed definition of persons who are Workers (Part 1) and persons who are not Workers (Part 2).
<b>Worker</b> <i>s.22, ES Act</i>	a person is a worker if the person carries out work in any capacity for CS Energy. This includes <ul style="list-style-type: none"> <li>an employee; or</li> <li>a contractor or subcontractor; or</li> <li>an employee of a contractor or subcontractor; or</li> <li>an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or</li> </ul>



Term	Definition
	<ul style="list-style-type: none"> <li>• an outworker; or</li> <li>• an apprentice or trainee; or</li> <li>• a student gaining work experience; or</li> <li>• a volunteer; or</li> <li>• a person of a prescribed class.</li> </ul>
<p><b>Workplace</b> <i>s.8, WHS Act</i></p>	<p>Any place where work is carried out for a PCBU or where a worker goes or is likely to go while at work. This includes:</p> <p>(a) a vehicle, vessel, aircraft or other mobile structure; and (b) any waters and any installation on land, on the bed of any waters or floating on any waters.</p> <p>Schedule 2, ES Act provides that a workplace under the ES Act means a workplace under the WHS Act, s.8.</p>
<p><b>Works of an electricity entity</b> <i>s.25, ES Act</i></p>	<p>means the electrical equipment, and electric line associated equipment, controlled or operated by the entity to generate, transform, transmit or supply electricity. An example of works of an electricity entity: an overhead distribution system of a distribution entity, including transformers and switches</p> <p>An example of what is not works of an electricity entity: appliances or fixed wiring in an electricity entity's workshop or offices.</p>

## ANNEXURE –QUEENSLAND LAWS THAT HAVE RELEVANCE TO HEALTH AND SAFETY, APPLICABLE TO CS ENERGY

Name and Link	Manual reflects amendments to
<a href="#">Building Act 1975</a>	1 January 2018
<a href="#">Building Fire Safety Regulation 2008</a>	1 July 2017
<a href="#">Coal Mining Safety and Health Act 1999</a>	28 September 2017
<a href="#">Coal Mining Safety and Health Regulation 2017</a>	1 September 2017
<a href="#">Electrical Safety Act 2002</a>	23 October 2017
<a href="#">Electrical Safety Regulation 2013</a>	31 August 2017
<a href="#">Explosives Act 1999</a>	25 November 2017
<a href="#">Explosives Regulation 2017</a>	1 September 2017
<a href="#">Fire and Emergency Services Act 1990</a>	3 July 2017
<a href="#">Fire and Emergency Services Regulation 2011</a>	1 July 2017
<a href="#">Heavy Vehicle National Law Act 2012</a> [Note: At 10 December 2018, significant amendments to the HVNL Act will commence. The Manual does not reflect these amendments].	1 July 2017
<a href="#">Pest Management Act 2001</a>	1 November 2017
<a href="#">Pest Management Regulation 2003</a>	1 October 2017
<a href="#">Petroleum and Gas (Production and Safety) Act 2004</a>	28 September 2017
<a href="#">Petroleum and Gas (Production and Safety) Regulation 2017</a>	1 September 2017

Name and Link	Manual reflects amendments to
<a href="#"><u>Public Health Act 2005</u></a>	1 January 2018
<a href="#"><u>Public Health Regulation 2005</u></a>	20 June 2017
<a href="#"><u>Radiation Safety Act 1999</u></a>	1 September 2015
<a href="#"><u>Radiation Safety Regulation 2010</u></a>	1 October 2017
<a href="#"><u>Transport Operations (Road Use Management – Dangerous Goods) Regulation 2008</u></a>	1 September 2017
<a href="#"><u>Transport Operations (Road Use Management) Act 1995</u></a>	1 October 2017
<a href="#"><u>Work Health and Safety Act 2011</u></a> [Note: The Manual also refers to amendments under the <i>Work Health and Safety and Other Legislation Amendment Act 2017 (Qld)</i> that will commence on a date to be fixed by proclamation].	13 November 2017
<a href="#"><u>Work Health and Safety Regulation 2011</u></a>	1 July 2017
<a href="#"><u>Workers' Compensation and Rehabilitation Act 2003</u></a>	1 January 2018
<a href="#"><u>Workers' Compensation and Rehabilitation Regulation 2014</u></a>	31 August 2017

## ANNEXURE – CODES OF PRACTICE WORK HEALTH AND SAFETY

Codes of Practice under the WHS Act	Link
<b>Abrasive Blasting Code of Practice 2013</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0005/58154/abrasive-blasting-cop-2013.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0005/58154/abrasive-blasting-cop-2013.pdf</a>
<b>Concrete Pumping Code of Practice 2005</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0009/58158/concrete-pumping-cop-2005.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0009/58158/concrete-pumping-cop-2005.pdf</a>
<b>Confined Spaces Code of Practice 2011</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0010/58159/confined-spaces-cop-2011.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0010/58159/confined-spaces-cop-2011.pdf</a>
<b>Demolition Work Code of Practice 2013</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0020/58160/demolition-work-cop-2013.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0020/58160/demolition-work-cop-2013.pdf</a>
<b>First Aid in the Workplace Code of Practice 2014</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0004/58162/first-aid-in-the-workplace-cop-2014.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0004/58162/first-aid-in-the-workplace-cop-2014.pdf</a>
<b>Formwork Code of Practice 2016</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0016/115081/formwork-cop-2016.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0016/115081/formwork-cop-2016.pdf</a>
<b>Hazardous Manual Tasks Code of Practice 2011</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0008/58166/hazardous-manual-tasks-cop-2011.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0008/58166/hazardous-manual-tasks-cop-2011.pdf</a>
<b>How to Manage and Control Asbestos in the Workplace Code of Practice 2011</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0011/58169/how-to-manage-control-asbestos-workplace-cop-2011.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0011/58169/how-to-manage-control-asbestos-workplace-cop-2011.pdf</a>
<b>How to Manage Work Health and Safety Risks Code of Practice 2011</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0003/58170/how-to-manage-whs-risks-cop-2011.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0003/58170/how-to-manage-whs-risks-cop-2011.pdf</a>
<b>How to Safely Remove Asbestos Code of Practice 2011</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0009/58194/how-to-safely-remove-asbestos-cop-2011.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0009/58194/how-to-safely-remove-asbestos-cop-2011.pdf</a>
<b>Labelling of Workplace Hazardous Chemicals Code of Practice 2011</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0010/58168/labelling-workplace-hazardous-chemicals-cop-2011.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0010/58168/labelling-workplace-hazardous-chemicals-cop-2011.pdf</a>
<b>Managing Noise and Preventing Hearing Loss at Work Code of Practice 2011</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0009/58176/managing-noise-preventing-hearing-loss-cop-2011.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0009/58176/managing-noise-preventing-hearing-loss-cop-2011.pdf</a>
<b>Managing the Risk of Falls at Workplaces Code of Practice 2011</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0004/58171/managing-risk-falls-workplaces-cop-2011.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0004/58171/managing-risk-falls-workplaces-cop-2011.pdf</a>
<b>Managing Risks of Hazardous Chemicals in the Workplace Code of Practice 2013</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0005/58172/managing-risks-hazardous-chemicals-cop-2013.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0005/58172/managing-risks-hazardous-chemicals-cop-2013.pdf</a>
<b>Managing Risks of Plant in the Workplace Code of Practice 2013</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0006/58173/managing-risks-Plant-cop-2013.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0006/58173/managing-risks-Plant-cop-2013.pdf</a>

Codes of Practice under the WHS Act	Link
	<a href="#">2013.pdf</a>
<b>Managing the Work Environment and Facilities Code of Practice 2011</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0003/58206/managing-work-environment-facilities-cop-2011.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0003/58206/managing-work-environment-facilities-cop-2011.pdf</a>
<b>Manual Tasks Involving the Handling of People Code of Practice 2001</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0007/58174/manual-tasks-people-handling-cop-2001.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0007/58174/manual-tasks-people-handling-cop-2001.pdf</a>
<b>Mobile Crane Code of Practice 2006</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0008/58175/mobile-crane-cop-2006.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0008/58175/mobile-crane-cop-2006.pdf</a>
<b>Occupational Diving Work Code of Practice 2015</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0010/58177/occupational-diving-work-cop-2005.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0010/58177/occupational-diving-work-cop-2005.pdf</a>
<b>Preparation of Safety Data Sheets for Hazardous Chemicals Code of Practice 2011</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0011/58178/preparation-safety-data-sheets-hazardous-chemicals-cop-2011.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0011/58178/preparation-safety-data-sheets-hazardous-chemicals-cop-2011.pdf</a>
<b>Scaffolding Code of Practice 2009</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0010/58195/scaffolding-cop-2009.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0010/58195/scaffolding-cop-2009.pdf</a>
<b>Steel Construction Code of Practice 2004</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0003/58197/steel-construction-cop-2004.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0003/58197/steel-construction-cop-2004.pdf</a>
<b>Traffic Management for Construction or Maintenance Work Code of Practice 2008</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0018/58203/traffic-management-construction-cop-2008.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0018/58203/traffic-management-construction-cop-2008.pdf</a>
<b>Welding Processes Code of Practice 2013</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0019/58204/welding-processes-cop-2013.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0019/58204/welding-processes-cop-2013.pdf</a>
<b>Work Health and Safety Consultation, Cooperation and Coordination Code of Practice 2011</b>	<a href="https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0020/58205/whs-consultation-cooperation-coordination-cop-2011.pdf">https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0020/58205/whs-consultation-cooperation-coordination-cop-2011.pdf</a>

## ANNEXURE – STANDARDS WORK HEALTH AND SAFETY

Name of standard	Relevant section(s) of WHS Regulation	Mandatory or preferred
AS/NZS 2299.1:2007 (Occupational diving operations—Standard operational practice)	Clause 183, 184	Mandatory
AS/NZS 4005.2:2000 (Training and certification of—recreational divers—Recreational SCUBA dive supervisor) Note: This Standard has been withdrawn, however it is still called up in the WHS Regulations.	Clause 171	Mandatory
AS 4964:2004 (Method for the qualitative identification of asbestos in bulk samples)	Clause 419	
AS1940 (The Storage and Handling of Flammable and Combustible Liquids)		

A number of Codes and other Guidelines also apply to specific types of work.

Name	What does it relate to?
<a href="#">Australian Code for Transport of Dangerous Goods by Road and Rail, 7.5 Edition 2017</a> (the ADG Code). (NB. This document itself imports a number of Australian Standards and other documents) (Refer to Chapters 2, 11, 14 and 16 of this manual).	Major Hazard Facilities Hazardous Chemicals Fire and Emergency Services
<a href="#">Globally Harmonized System of Classification and Labelling of Chemicals, Fourth Revised Edition Published by the United Nations (GHS)</a>	Major Hazard Facilities Hazardous Chemicals
<a href="#">Guideline to what is Operating Plant under the Petroleum and Gas Production and Safety Act 2004 and interaction with the Work Health and Safety Act 2011</a>	Major Hazard Facilities

## ANNEXURE – STANDARDS PUBLIC HEALTH

Name of standard
<a href="#">Standard for the Uniform Scheduling of Drugs and Poisons dealing with paint, compiled by the Australian Health Ministers' Advisory Council</a> (the uniform standard)

## ANNEXURE – STANDARDS PEST MANAGEMENT

Name of standard	Relevant section(s) of Pest Management Regulation	Mandatory or preferred
AS/NZS 1715:1994—Selection, use and maintenance of respiratory protective devices	Reg 17(2)(a)	Mandatory
AS/NZS 1716:2003—Respiratory protective devices	Reg 17(2)(b)	Mandatory

## ANNEXURE - CODES OF PRACTICE ELECTRICAL SAFETY

Codes of Practice under the Electrical Safety Act	Link	This Manual Reflects amendments to date
<b>Electrical Safety Code of Practice 2010—Electrical Equipment Rural Industry</b>	<a href="https://www.worksafe.qld.gov.au/_d/ata/assets/pdf_file/0008/59678/es-code-of-practice-rural-industry.pdf">https://www.worksafe.qld.gov.au/_d/ata/assets/pdf_file/0008/59678/es-code-of-practice-rural-industry.pdf</a>	1 January 2014
<b>Electrical Safety Code of Practice 2010—Working Near Overhead and Underground Electric Lines</b>	<a href="https://www.worksafe.qld.gov.au/_d/ata/assets/pdf_file/0006/59676/es-code-of-practice-2010-working-near-overhead-underground-electric-lines.pdf">https://www.worksafe.qld.gov.au/_d/ata/assets/pdf_file/0006/59676/es-code-of-practice-2010-working-near-overhead-underground-electric-lines.pdf</a>	1 January 2014
<b>Electrical Safety Code of Practice 2010—Works</b>	<a href="https://www.worksafe.qld.gov.au/_d/ata/assets/pdf_file/0009/59679/es-code-of-practice-works.pdf">https://www.worksafe.qld.gov.au/_d/ata/assets/pdf_file/0009/59679/es-code-of-practice-works.pdf</a>	1 January 2014
<b>Electrical Safety Code of Practice 2013—Managing Electrical Risks in the Workplace</b>	<a href="https://www.worksafe.qld.gov.au/_d/ata/assets/pdf_file/0007/59677/es-code-of-practice-risk-management.pdf">https://www.worksafe.qld.gov.au/_d/ata/assets/pdf_file/0007/59677/es-code-of-practice-risk-management.pdf</a>	1 January 2014

## ANNEXURE – STANDARDS ELECTRICAL SAFETY

Name of standard	Relevant section(s) of ES Regulation	Mandatory or preferred
AS/NZS 3012 (Electrical installations—Construction and demolition sites)	ss.71 (1)(a); 104	Mandatory
AS/NZS 3760 (In-service safety inspection and testing of electrical equipment)	ss. 110; 113; 117 (2)(b); 118; 120 (1)(d)(ii); 194 (2)(c)(ii)	Mandatory
AS/NZS 4417 (Regulatory compliance mark for electrical and electronic equipment)	Part 7 defining standard	Mandatory
AS/NZS 3820 (Essential safety requirements for electrical equipment)	ss. 126; 191; 192 (1);	Mandatory
AS/NZS 4417 (Regulatory compliance mark for electrical and electronic equipment)	Schedule 3, part 1	Mandatory
AS/NZS 5000.1 (Electric cables—Polymeric insulated)	Schedule 4, s. 5 (b)	Mandatory
AS/NZS 3560.1 (Electric cables—Cross-linked polyethylene insulated—Aerial bundled—For working voltages up to and including 0.6/1(1.2)kV)	Schedule 4, s. 5 (b)	Mandatory
AS/NZS 3105 (Approval and test specification—Electrical portable outlet devices)	Schedule 9	Mandatory
AS/NZS 4961 (Electric cables—Polymeric insulated—For distribution and service applications)	Schedule 9	Mandatory
AS/NZS 3000 (Electrical installations) NB: Known as the Australian/New Zealand Wiring Rules.	Schedule 9	Mandatory



## ANNEXURE – STANDARDS PETROLEUM & GAS SAFETY

Name of code, standard of document	What the safety requirement applies to	Mandatory or preferred	Link
<b>Exploring for and producing petroleum</b>			
'APIA code of practice Upstream PE gathering networks CSG industry version 3.0' (June 2014) published by the Australian Pipeline Industry Association	pipelines constructed from polyethylene	preferred	
Code of Practice for coal seam gas well head emissions detection and reporting	operating plant that is a prescribed well for exploring, producing or processing coal seam gas	mandatory	<a href="https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0003/239088/code-csg-well-head.pdf">https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0003/239088/code-csg-well-head.pdf</a>
Construction and abandonment code	a prescribed well, proposed prescribed well or abandoned prescribed well for exploring for or producing coal seam gas; drilling a bore; converting a petroleum well to a bore	mandatory	<a href="https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0009/238608/code-practice-coal-seam-gas-wells-bores.pdf">https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0009/238608/code-practice-coal-seam-gas-wells-bores.pdf</a>
'Managing risks of plant in the workplace—Code of Practice 2013' published by Workplace Health and Safety Queensland, Department of Justice and Attorney-General	operating plant that is a drilling rig	preferred	
AS 2885	pipelines constructed from steel	preferred	
ISO 10405 'Petroleum and natural gas industries—Care and use of casing and tubing' (2006)	petroleum exploration and production drilling and completion; wellhead production; plant design, manufacture, operation and maintenance (petroleum exploration and drilling)	preferred	
ISO 10407 'Petroleum and natural gas industries—Drilling and Production equipment—Drill stem design and operating limits' (1993)	petroleum exploration and drilling	preferred	
ISO 10414 'Petroleum and natural gas industries—field testing of drilling fluids' Part 1 'Water-based fluids' (2008)	petroleum exploration and drilling	preferred	

Name of code, standard of document	What the safety requirement applies to	Mandatory or preferred	Link
Part 2 'Oil-based fluids' (20011)			
ISO 10423 'Petroleum and natural gas industries—drilling and production equipment—wellhead and Christmas tree equipment' (2009)	petroleum exploration and drilling	preferred	
ISO 10424 'Petroleum and natural gas industries—rotary drilling equipment'  Part 1 'Rotary drill stem elements' (2004)	petroleum exploration and drilling	preferred	
ISO 10427 'Petroleum and natural gas industries—casing centralizers'  Part 1 'Bow-spring casing centralizers' (2001)  Part 2 'Centralizer placement and stop-collar testing' (2004)  Part 3 'Performance testing of cementing float equipment' (2003)	petroleum exploration and drilling	preferred	
ISO 10432 'Petroleum and natural gas industries—downhole equipment—subsurface safety valve equipment' (2004)	petroleum exploration and drilling	preferred	
ISO 11960 'Petroleum and natural gas industries—steel pipes for use as casing or tubing for wells' (2014)	petroleum exploration and drilling	preferred	
ISO 11961 'Petroleum and natural gas industries—steel pipes for use as drill pipe—specification' (2008)	petroleum exploration and drilling	preferred	
ISO 13500 'Petroleum and natural gas industries—drilling fluid material—specifications and tests' (2008)	petroleum exploration and drilling	preferred	
ISO 13533 'Petroleum and natural gas industries—drilling and production equipment—drill-through equipment' (2001)	petroleum exploration and drilling	preferred	
ISO 13534 'Petroleum and natural gas industries—drilling and production equipment—inspection, maintenance, repair and remanufacture of hoisting	petroleum exploration and drilling	preferred	

Name of code, standard of document	What the safety requirement applies to	Mandatory or preferred	Link
equipment' (2000)			
ISO 13535 'Petroleum and natural gas industries—drilling and production equipment—hoisting equipment' (2000)	petroleum exploration and drilling	preferred	
ISO 13626 'Petroleum and natural gas industries—drilling and production equipment—drilling and well-servicing structures' (2003)	petroleum exploration and drilling	preferred	
ISO 13679 'Petroleum and natural gas industries—procedures for testing casing and tubing connections' (2002)	petroleum exploration and drilling	preferred	
ISO 14693 'Petroleum and natural gas industries—drilling and well-servicing equipment' (2003)	petroleum exploration and drilling	preferred	
ISO 15136 'Petroleum and natural gas industries—progressing cavity pump systems for artificial lift' Part 1 'Pumps' (2009)	petroleum exploration and drilling	preferred	
ISO 15546 'Petroleum and natural gas industries—aluminium alloy drill pipe' (2011)	petroleum exploration and drilling	preferred	
<b>Transmission pipelines</b>			
AS 2885 'Pipelines - Gas and liquid petroleum - General requirements' (2008)	design, construction, operation and maintenance of transmission pipelines	mandatory	
<b>Fuel gas distribution</b>			
AS 1697 'Installation and maintenance of steel pipe systems for gas' (2005)	design and construction of high pressure distribution systems	preferred	
AS 2033 'Installation of polyethylene pipe systems' (2008)	installation of distribution systems	preferred	
AS/NZS 2648.1 'Underground marking tape—non-detectable tape' (1995)	installation of buried distribution systems and consumer pipes	preferred	
AS 2885 'Pipelines - Gas and liquid petroleum - General requirements' (2008)	pipelines constructed from steel	preferred	

Name of code, standard of document	What the safety requirement applies to	Mandatory or preferred	Link
AS 3723 'Installation and maintenance of plastics pipe systems for gas' (1989)	installation and maintenance of distribution systems	preferred	
AS 4041 'Pressure piping' (2006)	installation of distribution pipelines, facilities and consumer piping	preferred	
AS/NZS 4129 'Fittings for polyethylene (PE) pipes for pressure applications' (2008)	installation of distribution systems	preferred	
AS/NZS 4645 'Gas distribution network management' Part 1 'Network management' (2008) Part 2 'Steel pipe systems' (2008) Part 3 'Plastic pipe systems' (2008)	installation of distribution systems	preferred	
AS/NZS 1425 'LP gas fuel systems for vehicle engines' (2013)	design, installation, certification, repair, service and inspection of motor fuel gas systems	preferred	
AS/NZS 1596 'The storage and handling of LP gas' (2014)	storing and handling LPG, including installing and handling fuel gas containers	preferred	
AS/NZS 2229 'Fuel dispensing equipment for explosive atmospheres' (2004)	design and construction of LPG liquid dispensing systems	preferred	
AS 4732 'LP gas fuel systems for marine engines' (2002)	design, installation and certification of gas fuel systems in vessels	preferred	
<b>Gas work</b>			
AS 3814 'Industrial and commercial gas-fired appliances' (2015)	design and certification of gas devices (type B)	preferred	
AS/NZS 5601 'Gas installations' Part 1 'General installations' (2013) (including all of sections 3 to 6) Part 2 'LP Gas installations in caravans and boats for non-propulsive purposes' (2013) (including all of sections 3 to 9)	installation of gas systems	preferred	
AS 61508 'Functional safety of	installation and operation	preferred	

Name of code, standard of document	What the safety requirement applies to	Mandatory or preferred	Link
electrical / electronic / programmable electronic safety-related systems' Part 0 'Functional safety and AS61508' (2006) Part 1 'General requirements' (2011) Part 2 'Requirements for electrical / electronic / programmable electronic safety- related systems' (2011) Part 3 'Software requirements' (2011) Part 4 'Definitions and abbreviations' (2011) Part 5 'Examples of methods for the determination of safety integrity levels' (2011) Part 6 'Guidelines on the application of AS 61508.2 and AS 61508.3' (2011) Part 7 'Overview of techniques and measures' (2011)	of gas systems		
AS/IEC 61511 'Functional safety—safety instrumented systems for the process industry sector' Part 1 'Framework, definitions, systems, hardware and software requirements' (2004) Part 2 'Guidelines for the application of AS/IEC 61511—1' (2004) Part 3 'Guidance for the determination of the required safety integrity levels' (2004)	installation and operation of gas systems	preferred	
<b>Other safety requirements</b>			
AS 1210 'Pressure vessels' (2010)	materials, design, manufacture, testing, inspection, certification and despatch of fired and unfired pressure vessels	preferred	
AS/NZS 1677 'Refrigerating systems'	design of gas devices (type B) that use flammable hydrocarbon	mandatory	

Name of code, standard of document	What the safety requirement applies to	Mandatory or preferred	Link
Part 1 'Refrigerant classification' (1998) Part 2 'Safety requirements for fixed applications' (1998)	gas as a refrigerant		
AS 2030 'The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases' Part 1 'Cylinders for compressed gases other than acetylene' (2009)	verification, filling, inspection and maintenance of cylinders	preferred	
AS 2337 'Gas cylinder test stations' Part 1 'General requirements, inspection and tests—gas cylinders' (2004) Part 2 'LP gas fuel vessels for automotive use' (2004) Part 3 'Transportable gas cylinders—periodic inspection and testing of composite gas cylinders' (ISO11623:2002, MOD) (2006)	inspection and testing of fuel gas containers	mandatory	
AS/NZS 2739 'Natural gas (NG) fuel systems for vehicle engines' (2009)	design, installation and certification of natural gas (CNG) fuel systems in vehicles	preferred	
AS 2746 'Working areas for gas-fuelled vehicles' (2008)	design and operation of workshops where gas devices in gas fuelled vehicles are installed or repaired	preferred	
AS 2809 'Road tank vehicles for dangerous goods' Part 1 'General requirements' (2008) Part 2 'Tankers for flammable liquids' (2008) Part 3 'Tankers for compressed liquefiable gases' (2008) Part 5 'Tankers for bitumen-based products' (2005)	design of road tank vehicles	preferred	
AS/NZS 2865 'Safe working in a confined space' (2001)	work carried out in a confined space	preferred	
AS 2885	a stated pipeline licence	mandatory	

Name of code, standard of document	What the safety requirement applies to	Mandatory or preferred	Link
	incidental activity to which the standard applies		
AS 3645 'Essential requirements for gas equipment' (2010)	design, construction, supply and use of gas devices (type A)	mandatory	
AS/NZS 3788 'Pressure equipment—in-service inspection' (2006)	inspection of tanks	mandatory	
AS 4332 'The storage and handling of gases in cylinders' (2004)	storage, handling and distribution of cylinders to which the standard applies, other than those to which AS/NZS 1596 'The storage and handling of LP gas' (2014) applies	preferred	
AS 4983 'Gas fuel systems for forklifts and industrial engines' (2010)	design, installation and certification of gas fuel systems for forklifts and industrial engines	preferred	
AS/NZS 60079 'Explosive atmospheres' Part 10.1 'Classification of areas—Explosive gas atmospheres' (2009)	design of a gas system for fuel gas or petroleum	preferred	
AS/NZS 60079 'Explosive atmospheres' Part 0 'Equipment—General requirements' (2012) Part 10.1 'Classification of areas—Explosive gas atmospheres' (2009)	assessing the hazardous nature of a gas system for fuel gas or petroleum	preferred	

## ANNEXURE – CODES OF PRACTICE ROAD TRANSPORT SAFETY

Name
<p><a href="#"><u>Australian Code for Transport of Dangerous Goods by Road and Rail, 7.5 Edition 2017</u></a></p> <p>(The ADG Code) (NB. This document itself imports a number of Australian Standards and other documents) (Refer to Chapters 2, 11, 14 and 16 of this manual).</p>

## ANNEXURE – STANDARDS EXPLOSIVES SAFETY

Name of standard
UN Model Regulations - 17th Revised Edition of the Recommendations on the Transport of Dangerous Goods – Model Regulations published by the United Nations, New York and Geneva 2011
UN Tests and Criteria – 5th Revised Edition of the Recommendations on the transport of Dangerous Goods – Manual of Tests and Criteria (2010) published by the United Nations
AS 2187 – Explosives – storage, transport and use (1998) and (2006)
Explosives information bulletin number 53 – Storage requirements for security sensitive ammonium nitrate (SSAN)
The Australian Explosives Code – 3rd edition of the Australian code for the transport of explosives by road and rail approved by the Workplace Relations Ministers' Council
The Australian Dangerous Goods Code – 7.5 edition of the Australian code for the transport of dangerous good by road and rail approved by the Australian Transport Council
Mobile manufacturing code – version 1.2 of the Code of practice – mobile processing units (2005) published by the Australian Explosives Industry and Safety Group
Precursor code – Code of good practice – precursors for explosives (1999) published by the Australian Explosives Manufacturers Safety Committee.
Queensland Fireworks code – 1st edition of the Queensland Code of Practice, control of outdoor fireworks displays (2003) published by the Department of Natural Resources and Mines
Australian Standard mentioned in QDC, part MP6.1.

## ANNEXURE – STANDARDS RADIATION SAFETY

Name of standard	Relevant section(s) of Radiation Safety Regulation	Mandatory or preferred
AS/NZS 2211.1-2004 (Safety of laser products, Part 1: Equipment classification, requirements and user's guide)  Note: This Standard has been superseded; however it is still called up in the Radiation Regulation 1999.	Reg 17(2)(a)	Mandatory
Standard for radiation apparatus used to carry out plain film diagnostic radiography		Mandatory



Standard for radiation apparatus used to carry out radioscopy		Mandatory
Standard for radiation apparatus used to carry out computed tomography		Mandatory
Standard for radiation apparatus used to carry out film-screen mammography		Mandatory
Standard for radiation apparatus used to carry out intra-oral dental diagnostic radiography		Mandatory
Standard for Class 4 lasers used to carry out cosmetic or health related procedures on human beings		Mandatory
Standard for radiation apparatus used to carry out plain film radiography of inanimate objects		Mandatory
Standard for cabinet radiation apparatus used to carry out fluoroscopic or radiographic imaging of inanimate objects		Mandatory
Standard for radiation apparatus used to carry out diagnostic radiography of animals		Mandatory
Standard for radiation apparatus used to carry out industrial radiography		Mandatory
Standard for radiation apparatus used to carry out chemical analysis		Mandatory
Standard for radiation apparatus used to carry out industrial gauging		Mandatory
Standard for sealed radioactive substances incorporated in sealed source apparatus used to carry out industrial radiography		Mandatory
Standard for sealed radioactive substances incorporated in sealed source apparatus used to carry out chemical analysis		Mandatory
Standard for sealed radioactive substances incorporated in sealed source apparatus used to carry out industrial gauging		Mandatory
Standard for sealed radioactive substances incorporated in sealed source apparatus used to carry out borehole logging		Mandatory

Standard for sealed radioactive substances incorporated in sealed source apparatus used to carry out moisture/density measurements		Mandatory
Standard for radiation apparatus used to carry out sterilisation		Mandatory
Standard for sealed radioactive substances incorporated in sealed source apparatus used to carry out sterilisation		Mandatory

## ANNEXURE – CODES OF PRACTICE EMERGENCY SERVICES

Name
<a href="#">Australian Code for Transport of Dangerous Goods by Road and Rail, 7.5 Edition 2017</a> <b>(The ADG Code)</b> (NB. This document itself imports a number of Australian Standards and other documents) (Refer to Chapters 2, 11, 14 and 16 of this manual).

## ANNEXURE – STANDARDS BUILDING FIRE SAFETY

Name
Building Code of Australia

## ANNEXURE –STANDARDS UNDER COAL MINING SAFETY

Recognised Standards under the Coal Mining Safety and Health Act	Link	This Manual Reflects amendments to date
RS1: Underground electrical equipment and electrical installations	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0019/240382/recognised-standard-01.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0019/240382/recognised-standard-01.pdf</a>	November 2016
RS2: Control of risk management practices	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0018/240381/recognised-standard-02.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0018/240381/recognised-standard-02.pdf</a>	18 July 2003
RS3: Explosion protection of diesel engines	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0017/240380/recognised-standard-03.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0017/240380/recognised-standard-03.pdf</a>	12 December 2003
RS4: Underground non-flameproof diesel vehicles	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0007/240379/recognised-standard-04.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0007/240379/recognised-standard-04.pdf</a>	18 July 2003
RS5: Quality of incombustible dust, sampling and analysis of roadway dust in underground coal mines	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0006/240378/recognised-standard-05.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0006/240378/recognised-standard-05.pdf</a>	18 July 2003
RS6: Inspections for underground coal mines	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0005/240377/recognised-standard-06.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0005/240377/recognised-standard-06.pdf</a>	25 June 2004
RS7: Criteria for the assessment of drugs in coal mines	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0004/240376/recognised-standard-07.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0004/240376/recognised-standard-07.pdf</a>	12 October 2009
RS8: Conduct of mine emergency exercises	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0020/240374/recognised-standard-08.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0020/240374/recognised-standard-08.pdf</a>	25 June 2009
RS9: Monitoring of sealed areas	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0018/240372/recognised-standard-09.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0018/240372/recognised-standard-09.pdf</a>	5 November 2009
RS10: Mine surveying and drafting	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0017/240371/recognised-standard-10.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0017/240371/recognised-standard-10.pdf</a>	September 2011
RS11: Training in coal mines	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0016/240370/recognised-">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0016/240370/recognised-</a>	July 2012

Recognised Standards under the Coal Mining Safety and Health Act	Link	This Manual Reflects amendments to date
	<a href="#">standard-11.pdf</a>	
RS 12: Place change mining operations in underground coal mines	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0007/986065/recognised-standard-12.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0007/986065/recognised-standard-12.pdf</a>	November 2016
RS 13: Tyre, wheel and rim management	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0004/986071/recognised-standard-13.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0004/986071/recognised-standard-13.pdf</a>	November 2016
RS14: Monitoring respirable dust in coal mines	<a href="https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0012/978879/recognised-standard-14.pdf">https://www.dnrm.qld.gov.au/_data/asets/pdf_file/0012/978879/recognised-standard-14.pdf</a>	November 2016
Guidelines and Guidance Notes - a number of guidelines and guidance notes are also issued in addition to the above. These do not have the same force as recognised standards but are relevant for reference and can be accessed at the following link.	<a href="https://www.business.qld.gov.au/industry/mining/safety-health/mining-safety-health/legislation-standards-guidelines/recognised-standards-guidelines-guidance-notes">https://www.business.qld.gov.au/industry/mining/safety-health/mining-safety-health/legislation-standards-guidelines/recognised-standards-guidelines-guidance-notes</a>	

Australian Standards and international mandated under the Coal Mining Safety and Health Act	Reference
AS/NZS 3584.2:2003 'Diesel engine systems for underground coal mines—Explosion protected'	CMSH Reg 261
AS 2380.7 'Electrical equipment for explosive atmospheres—Explosion-protection techniques—Intrinsic safety i', section 1.6.2.	CMSH Reg Sch 9
AS/NZS 62013.1 'Caplights for use in mines susceptible to firedamp'	CMSH Reg Sch 9
AS 1826 'Electrical equipment for explosive atmospheres—Special protection—Type of protection s',	CMSH Reg Sch 9
AS 1939 'Degrees of protection provided by enclosures for electrical equipment (IP Code)'.	CMSH Reg Sch 9
AS 2985 'Workplace Atmospheres – Method for sampling and gravimetric determination of respirable dust'	CMSH Reg s.89A
Guidelines for the use of the ILO International Classification of Radiographs of Pneumoconiosis, Revised Edition 2011	CMSH Reg Sch 9