

Workplace Health and Safety Queensland

Transitional provisions for the *Work Health and Safety Regulation 2011*

To smooth the transition to the [Work Health and Safety Regulation 2011](#) (WHS Regulation 2011) from the [Workplace Health and Safety Regulation 2008](#) (WHS Regulation 2008), a number of transitional arrangements have been included that delay the commencement of certain parts of the regulation to give duty holders time to comply with the new arrangements.

For example:

- Under s.43 of the WHS Regulation 2011 there is a new requirement for business operators to develop procedures to deal with workplace emergencies. To provide time for duty holders' time to comply with the new requirements under s.43, s.716 provides that the emergency plan need only be prepared by 30 June 2012.
- Existing authorisations such as plant registration, plant design registration, high risk work licences, demolition licences and asbestos removal licences are being rolled over until the date they are due to expire unless there are new requirements to be met by the dates outlined below.

Below is a list of transitional provisions included in the *Work Health and Safety Regulation 2011*:

Subject area	Chapter/ Part in the WHS Regulation 2011	Key points	Commencement
Training of health and safety representatives (HSRs)	Part 2.1	Section 21 Outlines the training requirements for HSRs.	HSRs will be able to exercise all their powers under the Work Health and Safety Act 2011 (WHS Act 2011) including issuing Provisional Improvement Notices (PINs) and the power to direct workers to cease work) until 31 December 2012. After this time, if they have not undertaken the required training, they will not be able to continue to direct workers to cease work. As all qualified HSRs have already completed PINs training, they will not be required to undertake further training on the matter.

<p>Training requirements for WHS entry permit holders (EPHs)</p>	<p>Part 2.4</p>	<p>Section 25 Outlines the training requirements for EPHs.</p>	<p>Any person appointed as an authorised representative under the <i>Workplace Health and Safety Act 1995</i> (WHS Act 1995) will have their current term of appointment rolled over as if the appointment were made under the WHS Act 2011. Any conditions on the appointment made under the WHS Act 1995 will continue to apply to their appointment. The authorised representative's identity card issued under the WHS Act 1995 will be taken to be the person's WHS entry permit under the WHS Act 2011.</p>
<p>Emergency plans</p>	<p>Part 3.2</p>	<p>Section 43 Requires business operators to develop procedures to deal with workplace emergencies including:</p> <ul style="list-style-type: none"> • evacuation procedures • notifying emergency service organisations at the earliest opportunity • medical treatment and assistance • effective communication • testing of the emergency procedures, including the frequency of testing • information, training and instruction to relevant workers in relation to implementing the emergency procedures. 	<p>1 July 2012 (s.716).</p>
<p>Remote or isolated work</p>	<p>Part 3.2</p>	<p>Section 48 Requires business operators to have a communication system for remote and isolated work. The person conducting a business or undertaking (PCBU) must:</p> <ul style="list-style-type: none"> • manage risks to the health and safety of a worker associated with remote or isolated work • provide a system of work that includes effective communication with the worker. <p><i>remote or isolated work</i>, in relation to a worker, means work that is isolated from the assistance of other persons because of location, time or the nature of the work.</p>	<p>1 January 2013 (s.2).</p>

Falling objects	Part 3.2, Division 10	Sections 54 and 55 The WHS Regulation 2008 only applies to the construction industry. Although the WHS Regulation 2011 imposes a requirement to control risks associated with falling objects across all industries, this is considered to be part of the general duty of care.	1 January 2012.
Hazardous Manual Tasks	Chapter 4, Part 4.2	Sections 60 and 61 No equivalent in WHS Regulation 2008, but is considered to be part of the general duty of care.	1 January 2012.
Falls	Chapter 4, Part 4.4	Sections 78 to 80 The WHS Regulation 2008 on falls only applies to the construction industry. However, managing the risk of people falling in all workplaces is part of the general duty of care.	1 January 2012.
		Section 80 This is a new provision – rescue and emergency procedures to be in place if fall arrest system is used as a control.	1 January 2012 for the construction industry, where it is not a new requirement. 1 January 2013 for all other industries (s.717).
Noise	Chapter 4, Part 4.1	Section 58 Audiometric testing now required for workers 'frequently' required to wear personal protective (PPE) to protect against exposure to noise <i>above</i> exposure standard'.	1 January 2013. For workers commencing work in 2012, persons conducting a business or undertaking will have up to 12 months to test them (s.777).
High Risk Work (HRW)	Chapter 4, Part 4.5	The following HRW licences have transitional arrangements: (i) reach stacker – new licence category (ii) vehicle mounted concrete placing boom unit – new training units of competency (iii) reciprocating steam engines and steam turbines – new	All HRW licences are being rolled over until the date they are due to expire. In the case of the new licence classes of reach stacker and standard boiler operation, operators may continue to operate on equivalent licence classes until 1 January 2013 (s.726). For the vehicle mounted concrete placing booms and reciprocating steam engines and steam turbines operators will need to obtain a new licence to operate this plant from 1 January 2013.

		<p>(iv) training units of competency boiler classes will be reduced from three to two levels (standard and advanced) with new units of competency.</p>	
		The WHS Regulation 2008 allows operators of vehicle loading cranes and bridge and gantry cranes (remote control only) to also perform dogging work when the load is lifted within their view. This is not allowed under the WHS Regulation 2011 – a dogger will also be required.	1 January 2013 (s.726).
Demolition work	Chapter 4, Part 4.6	Section 142 Persons proposing to conduct demolition work are required to notify the regulator at least 5 days before the work commences	1 July 2012 (s.2).
Diving	Chapter 4, Part 4.8	Sections 183 and 184 Competency requirements for high risk diving supervisor cannot be met by certain operators.	1 January 2013 (s.778).
Plant and Structures	Chapter 5	All earthmoving machinery to be fitted with ROPS and FOPS, section 217.	1 January 2013 (s.2).
		Registration of plant is for five years, (one year under the WHS Regulation 2008), section 272.	1 January 2013 (ss.2 and 272A).
		Design registration for concrete placement booms with delivery booms and prefabricated formwork.	1 January 2013 (s.779).
		Registration of lifts in domestic premises.	1 January 2013 (s.780).
Construction	Chapter 6		No new provisions that require a lead in time.
Hazardous Chemicals	Chapter 7	Replaces the Australian Dangerous Goods (ADG) Code with the Globally Harmonised System of Classification and Labelling of Chemicals (GHS)	Current chemical classification and labelling provisions and GHS system will operate concurrently until 31 December 2016, after which classification and labelling will be required only in accordance with GHS (s.781).

		as part of the transition process to a single labelling system in Australia.	
		Hazardous chemicals in pipe work are to be identified by a label, sign or some other way, section 343 .	1 January 2013 (s.2).
		Person conducting a business or undertaking must notify the regulator of any abandoned tank previously used to store flammable gases and flammable liquids, section 367 .	1 January 2013 (section 782).
		Person conducting a business or undertaking not to use, handle or store prohibited or restricted carcinogens unless authorised by the regulator, sections 380 and 381 .	1 January 2013 for proposed new use (s.783).
		Existing pipeline builder's duties, section 390 .	1 January 2013 (s.784).
Asbestos	Chapter 8	Asbestos registers (sections 425, 426, 427, 428, 449 and 450) and asbestos management plan (sections 429 and 430) required for workplace buildings built up to 31 December 2003 (WHS Regulation 2008 has a 1 January 1990 cut off date).	Asbestos registers – 1 July 2013 for those not currently covered (s.758). Asbestos management plans – 1 July 2013 for those not currently covered (s.759).
		Asbestos management plans and training required for naturally occurring asbestos, sections 432 and 433 .	1 January 2013 (s.2).
		Persons conducting a business or undertaking to provide health monitoring for certain workers involved in removal or other asbestos-related work, Part 8.5, Division 1 (sections 435 to 444) .	1 January 2013 (s. 2).
		Requirement to notify the regulator of – <ul style="list-style-type: none"> demolition of a pre 31 December 2003 structure or plant in an emergency, 	Notifications effective from 1 January 2012. However, notification of supervisor details for class B asbestos removal work is not notifiable while work is being done by a transitional B class licence holder (up to 31 December 2013) - (s.754).

		<p>section 454 and 455</p> <ul style="list-style-type: none"> licensed asbestos removal work, section 466 asbestos fibre levels exceeding 0.02 fibres/ml during Class A asbestos removal work, section 476. 	
		<p>Requirement for independent competent person to do clearance inspections and clearance certificates for removal of more than 10m2 of non-friable asbestos, sections 473 and 474.</p>	<p>1 January 2014. From 1 January 2012, a clearance inspection must still be done by an independent* competent person but this includes a 'person who has acquired through training, qualifications and experience the knowledge and skills to carry out the task'.</p> <p>From 1 January 2014, a competent person must be a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds either a certificate for the Vocational Education and Training (VET) course for an asbestos assessor or a tertiary qualification in occupational health and safety (OHS), occupational hygiene, science, building, construction or environmental health (s.761).</p> <p>* Note: 'independent', for clearance inspections and air monitoring under the WHS Regulation 2011, means—</p> <p>(a) not involved in the removal of the asbestos; and</p> <p>(b) not involved in a business or undertaking involved in the removal of the asbestos;</p> <p>in relation to which the inspection or monitoring is conducted.</p> <p>If it is not reasonably practicable for the licensed asbestos assessor or competent person to be independent, the duty holder may apply to the regulator for an exemption from the requirement that the assessor or competent person be independent.</p>
		<p>New licence category for individual 'asbestos assessors' required for clearance inspections, clearance certificates and air monitoring for Class A asbestos removal work, section 489.</p>	<p>1 January 2014. From 1 January 2012, a clearance inspection and clearance certificate must still be done by an independent* asbestos assessor who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds either a certificate for the VET course for an asbestos assessor or a tertiary qualification in OHS, industrial hygiene, science, building construction or environmental health. However, the assessor does not have to hold a</p>

			<p>licence until 1 January 2014 (section 760).</p> <p>As the new VET course for asbestos assessors is in the process of becoming available, WHSQ will accept the pre-1 January 2012 situation in relation to the competence of a person doing asbestos assessor work until such time as the VET course for asbestos assessors is reasonably available within Queensland. This means a person who does not hold tertiary qualification in one of the specified fields but has acquired through training, qualifications and experience the knowledge and skills to carry out the task would be able to continue to do asbestos assessor work until they can meet the new requirement of holding a certificate for the VET course for asbestos assessors.</p> <p>*See note in row above about meaning of 'independent'.</p>
		<p>Requirement to hold a Class A or Class B removal licence. Both Class A and Class B licences are business licences which must be held by a PCBU (under the WHS Regulation 2008 B class certificates can be held by individuals), sections 485, 487 and 491.</p>	<p>Applicants for new licences will have until 31 December 2013 to meet new criteria for asbestos removal licences, including training for workers and supervisors.</p> <p>Existing friable asbestos removal certificates will continue as transitional class A asbestos removal licences under the WHS Regulation 2011 until 31 December 2013 (s.745) under existing terms and conditions (ss.746, 747, 748 and 749).</p> <p>If an applicant applies for a class A asbestos removal licence and the specified VET course for a supervisor is not reasonably available, then it is sufficient to support the application if each named supervisor is a competent person as specified in Information Paper AR2. However, it is a condition of approval of the licence that each named supervisor undertakes the VET course for asbestos removal supervisors by 31 December 2013 (s.756).</p> <p>Existing bonded asbestos removal certificates will continue as transitional class B asbestos removal licences under the WHS Regulation 2011 until 31 December 2013 (s.750) under existing terms and conditions (ss.751, 752, 753 and 754).</p> <p>If an applicant applies for a class B asbestos removal licence and the specified VET course for a supervisor is not reasonably available, then it is sufficient compliance if each person named as a supervisor holds a transitional class B asbestos removal licence. However, it is a condition of approval of the licence that each named supervisor undertakes the VET course for asbestos removal supervisors by 31 December 2013 (s.757).</p>
		<p>Class A licence holder must have a certified WHS</p>	<p>Existing Class A licence holders wanting to apply for a new Class A licence will have two years (until 31</p>

		management system, section 493.	December 2013) to obtain a certified WHS management system (s.745).
		Globally Harmonised System (GHS) labelling of containers and asbestos waste (ss.471, 472, 483 and 484).	Introductory period for GHS – until 31 December 2016 (s.781).
Major Hazard Facilities (MHF)	Chapter 9	MHF operators will now be required to have a licence to operate and the regulator will charge a fee for the licence, section 535.	MHF operators will have until 1 January 2013 to comply with any new duties and to meet the new licensing requirements (s.775).
		Existing facility with schedule 15 chemicals exceeding 10 per cent of threshold quantity, section 536.	MHF operators will have until 1 July 2012 to give notice (s.785).

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