

CS Energy Legal Health & Safety Compliance Manual

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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 or Principal Health and Safety Specialist. The Head of Health Safety and Environment and the CS Energy 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 following material changes to health and safety obligations applicable to CS Energy's business activities.



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

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User Note: *According to the Penalties and Sentences Act 1992 (Qld) (s 181B), where a maximum fine for an offence does not expressly prescribe a maximum fine for a body corporate different from the maximum fine for an individual, the maximum fine is taken only to be the maximum for an individual. If a body corporate is found guilty of the offence, the court may impose a maximum fine of an amount equal to 5 times the maximum fine of an individual.*

In various sections of this manual, the maximum fine for a body corporate has been included by way of example and convenience. If an included penalty is silent on the maximum applicable to a body corporate, this principle is to be applied.



CHAPTER 1 – WORK HEALTH AND SAFETY ACT

1 Introduction

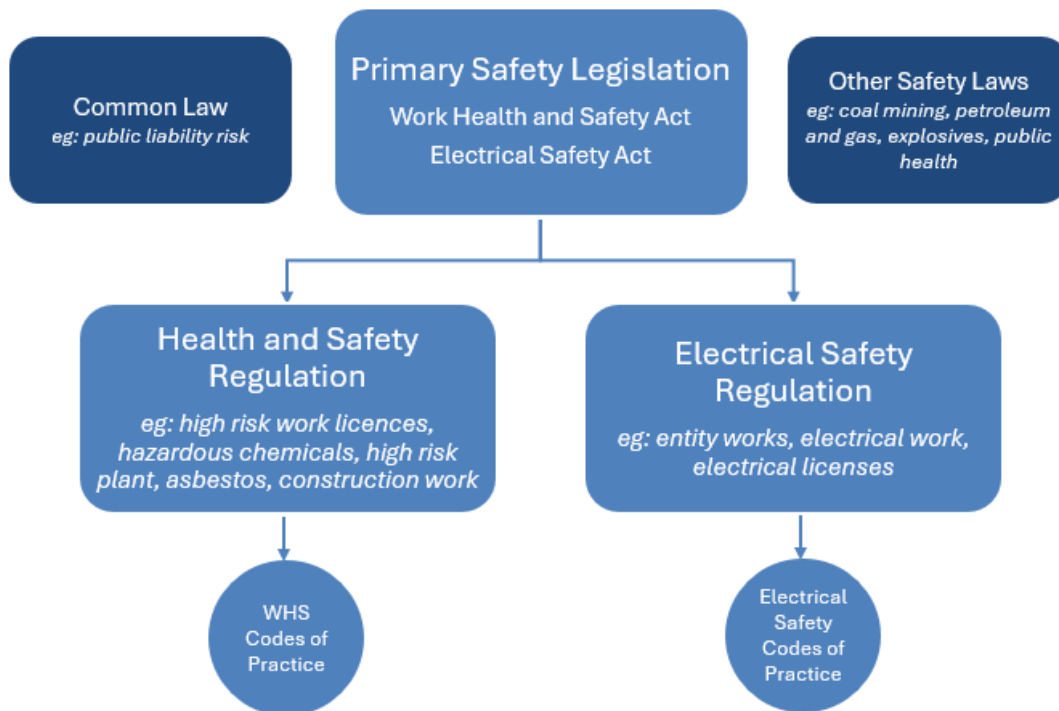
1.1 Applicable Legislation

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), part of the Office of Industrial Relations, is the Regulator that enforces the WHS Act in Queensland. Telephone: 1300 362 128 Website: https://www.worksafe.qld.gov.au/ In addition, there is 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 \(WHS Act\)](#) and the [Electrical Safety Act \(ES Act\)](#) - are part of a broader regulatory framework¹ as shown below:

¹ 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](#). Codes of Practice are evidence of what is known, about a risk to health and safety, and what action is reasonably practicable in guarding against it ([WHS Act](#), s.275). A PCBU is required to comply with Codes of Practice unless it can demonstrate that the alternative method followed provides a standard of health and safety that is equivalent to or higher than that under the Code of Practice. From 1 July 2018, the status of Codes of Practice requires 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>	<u>Coal Mining Safety and Health Act</u>
<u>Other mine</u>	<u>Mining and Quarrying Safety and Health Act</u>
<u>Operating Plant</u> (on certain petroleum, gas geothermal and mining tenures)	<u>Petroleum and Gas (Production and Safety) Act</u> However, the <u>WHS Act</u> does apply to the following for <u>operating plant</u> (in summary): <ul style="list-style-type: none"> • <u>Construction work</u> (provided it is not commissioning an operating plant or 'rigging up and down' of a drill rig); and • the management of hazardous chemicals and major hazard facilities; and • Specified PGPS Act authorised Activity which essentially captures other authorised activities on relevant tenures such as operation of roads and camps; in which case the <u>WHS Act</u> and <u>PGPS Act</u> may apply concurrently, except for <u>major hazard facilities</u> which are taken to be solely WHS regulated.

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	<u>Electrical Safety Act</u> prevails over the WHS Act in relation to electrical risk.
Operating plant	<u>Petroleum and Gas (Production and Safety) Act</u> prevails for matters related to the design or construction of operating plant that impacts on the integrity or safe use of the plant.

Example
<p><i>CS Energy trucks earth moving equipment from a CS Energy power station onto a mine site (less than 4.5t GVM and ATM). While the truck driver is at the CS Energy power station the <u>WHS Act</u> and <u>ES Act</u> applies, but once the truck driver enters the mine site then the <u>CMSH Act</u> applies instead of the <u>WHS Act</u>.</i></p>

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 with the contractor to do the abrasive blasting.

By engaging the specialist contractor CS Energy has delegated the task and control over the abrasive blasting, however CS Energy still retains its duty as a [PCBU](#) to ensure [SFARP](#) that the health and safety of persons is not put at risk. The contractor also has a concurrent safety duty as a [PCBU](#).

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.

2.2 Health and Safety Duties of PCBUs



PCBU

Primary Health and Safety Duty of PCBU

- All activities
- Duties owed to workers and others

Other Health and Safety Duties of PCBUs

- Managing or controlling a workplace
- Managing or controlling plant, fixtures or fittings
- Designing plant, substances or structures
- Manufacturing plant, substances or structures
- Importing plant, substances or structure
- Importing plant, substances or structure
- Supplying plant, substances or structures
- Installing, constructing or commissioning plant or structures

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

2.2.2 The [WHS Act](#) (s.19) imposes the primary duty of care on PCBUs 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 specific PCBUs.

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 PCBU to ensure SFARP the health and safety of:</p> <ul style="list-style-type: none"> • workers (including contractors) engaged or caused to be engaged by the PCBU, whose activities in carrying out work are influenced or directed by the PCBU, while the workers are at work in the business or undertaking; and • other persons are not put at risk from work carried out as part of the conduct of the business or undertaking. <p>Includes provision and maintenance of:</p> <ul style="list-style-type: none"> • safe work environment; • safe plant and structures; • safe systems of work; • safe use, handing and storage of plant, substances and structures; • adequate facilities; • adequate information, training and instruction, supervision; • monitoring health of workers; and • accommodation, where a PCBU has provided accommodation to workers.

PCBU Activity	What is the duty (in summary)?
<p>Managing or controlling a workplace (s.20)</p>	<p>The duty of PCBU with management or control of a workplace is to ensure SFARP the:</p> <ul style="list-style-type: none"> • workplace and anything arising from it; and • entry and exit; <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>The duty of PCBU with management or control of plant, fixtures and fittings is to ensure SFARP the:</p> <ul style="list-style-type: none"> • fixtures; • fittings; and • plant; <p>at a workplace, 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>The duty of a designer is to ensure SFARP:</p> <ul style="list-style-type: none"> • The design of the plant, substances or structures, is without risk to the health and safety of persons who, at a workplace may use, handle, store, construct, or carry out any reasonably foreseeable activity at the workplace in relation to its manufacture, assembly, decommissioning, dismantling or disposal or be at the workplace or in the vicinity of it and who are exposed to the plant, substance or structure; and • it carries out or arranges for any necessary calculations, analysis, testing or examination; and • the provision of 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.
<p>Manufacturing plant, substances or structures used or reasonably expected to be used as or at workplaces (s.23)</p>	<p>The duty of a Manufacturer is to ensure SFARP:</p> <ul style="list-style-type: none"> • the plant, substances or structures are manufactured to be without risks to the health and safety of persons who at the workplace may use, handle, store, construct, or carry out any reasonably foreseeable activity at the workplace 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 plant, substance or structure; and • it carries out or arranges for any necessary calculations, analysis, testing or examination; and • the provision of adequate information with the plant, substance or structure about purpose, results of any calculations, analysis, testing or examination and conditions for use and provide such current information to certain persons on request.
<p>Importing plant, substances or structures used or reasonably expected to be used as or at workplaces (s.24)</p>	<p>The duty of an importer is to ensure SFARP:</p> <ul style="list-style-type: none"> • the plant, substance or structure imported is without risk to the health and safety of persons who at the workplace may use, handle, store, construct, or carry out any reasonably foreseeable activity at the workplace 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 plant, substance or structure; and • it carries out or arranges for or ensures any necessary calculations, analysis, testing or examination have been carried out; and • the provision of adequate information with the plant, substance or structure about purpose, results of any calculations, analysis, testing or examination


PCBU Activity	What is the duty (in summary)?
	and conditions for use and provide such current information to certain persons on request.
Supplying plant, substances or structures used or reasonably expected to be used as or at workplaces (s.25)	<p>The duty of a supplier is to ensure SFARP:</p> <ul style="list-style-type: none"> the plant, substance or structure supplied is without risk to the health and safety of persons who at a workplace may use, handle, store, construct, or carry out any reasonably foreseeable activity at the workplace 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 plant, substance or structure; and carry out or arrange for or ensure any necessary calculations, analysis, testing or examination have been carried out; and the provision of adequate information with the plant, substance or structure about purpose, results of any calculations, analysis, testing or examination and conditions for use and provide such current information to certain persons on request.
Installing, constructing or commissioning plant or structures used or reasonably expected to be used as or at workplaces (s.26)	<p>The duty of an installer is to ensure SFARP the:</p> <ul style="list-style-type: none"> way in which it is installed, constructed or commissioned ensures the plant or structure 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 workplace or in the vicinity of it and who are exposed to the plant or structure.
Conducting business or undertaking – codes of practice (s.26A)	<p>A PCBU must, if the Minister approves a code of practice:</p> <ul style="list-style-type: none"> comply with the code; or 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.

Example
<p>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.</p> <p>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.</p> <p>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.</p> <p>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. 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.</p>

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

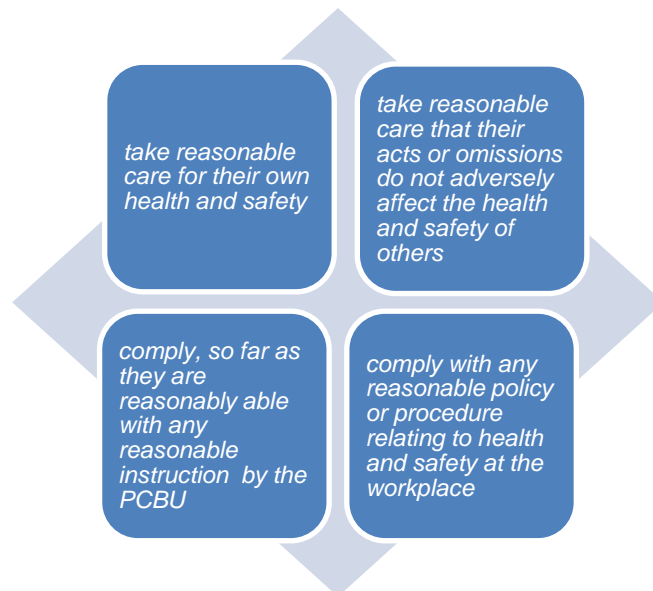
 In addition to the above [PCBU](#) duties, the industrial manslaughter offence may apply to a [PCBU](#) (in addition to [Senior Officers](#)). A [PCBU](#) will have committed an offence if a worker dies or is injured and later dies, in the course of carrying out work for the business or undertaking (which may include 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
<i>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.</i>

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 complies with 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"> Following changes in legislation and case law Following changes in codes of practice and standards Participating in training on safety skills such as risk assessment technique Participating in industry benchmarking and safety conferences
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"> Reviewing business critical risk reviews and bowtie analyses Receiving reports at meetings and in writing in relation to operational safety performance and issues Be aware of the safety and health systems and plans for the business Call for safety impact assessments for any operational changes
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"> Reviewing levels of financial resources Considering human resources levels and competencies Confirming a Safety Management System is in place and implemented Responding to any change from safety impact assessments
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"> Monitor the WHS system is in place for incidents, hazards and risks Confirm that timely action is taken in response to the above Consider trends and positive performance information designed for critical risk management Confirm good records are kept and accessible
Comply	Ensure that the corporation has and implements processes for complying with any duty or obligation under the WHS Act .	<ul style="list-style-type: none"> Check that notifiable incidents are being reported to the WHS Regulator as required under the legislation Require staff to report non-conformances regularly Have legal compliance reviews against systems and procedures
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"> Auditing Benchmarking Personal site visits, interviews and inspections

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. The Regulator has taken enforcement action against individual Officers, including where no enforcement action has been taken against a PCBU.

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 (which may include 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 .

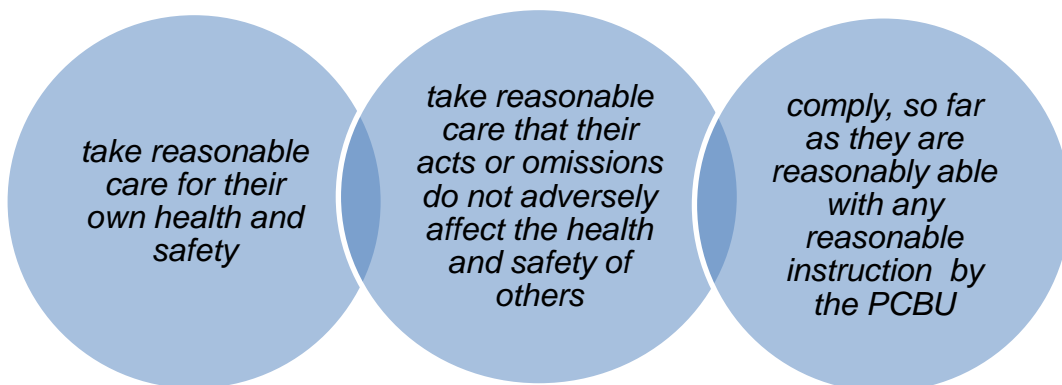
Example
<i>John Jones is an Officer of CS Energy. John Jones is aware of the risk of vehicles colliding. In order to exercise due diligence, John Jones models compliance to the traffic rules and also regularly seeks reports and information about the management of traffic rules on site. John Jones also 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.</i>

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
<i>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.</i>

3 Other obligations of PCBU's

3.1 An 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 duties (in summary)?
Managing risks	WHS Regulations Part 3	<p>To support the primary duty and the health and safety duties of PCBU's, the WHS Regulations require the management of risk so that risk is reduced SFARP 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 WHS Regulations.</p> <p>See further below.</p>
Technical obligations	WHS Regulations 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); construction work; plant; hazardous substances; 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 below.</p>
Authorisations	WHS Act Part 4	<p>The WHS Act 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 below.</p>
Consultation	WHS Act s.46 (Horizontal Consultation) and WHS Act ss.47 – 49 (Vertical Consultation)	<p>The WHS Act requires two kinds of consultation for PCBU's regarding health and safety matters: vertical consultation with workers, and horizontal consultation with concurrent duty holders such as other PCBU's.</p> <p>See further below.</p>
Representatives and committees	WHS Act ss.50 – 103	<p>The WHS Act 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 WHS Act 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.</p> <p>See further below.</p>
Unions	WHS Act Part 7	<p>The WHS Act 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</p>


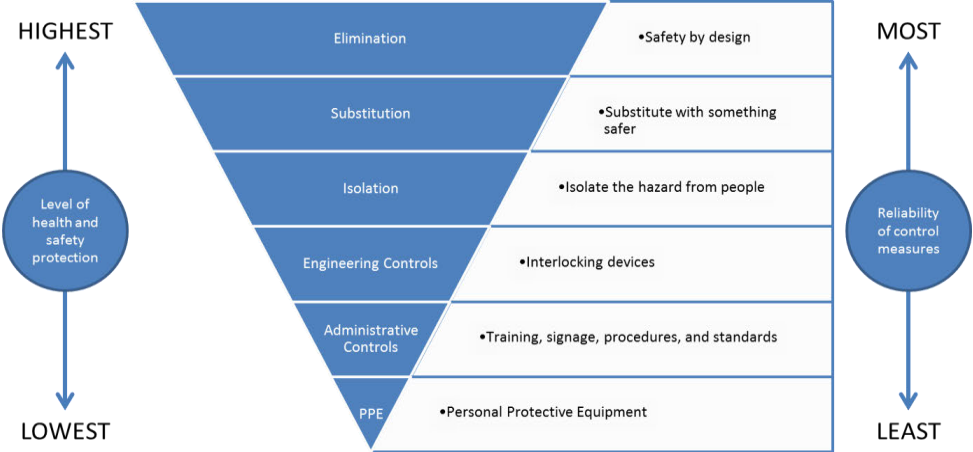
Subject Matter	Reference	What are the duties (in summary)?
		incidents. These powers are not unfettered but are important to observe. See further below .
Fair treatment	WHS Act Part 6	The WHS Act includes a number of protections to ensure the fair treatment of all persons in relation to health and safety issues, such as prohibitions on discriminatory and misleading conduct. See further below .
Incident response	WHS Act Part 3	The WHS Act 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 below .
Dealing with regulators and enforcement	WHS Act 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 WHS Act , including issuing of notices or taking other enforcement action such as prosecutions in courts. See further below .

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 that could give rise to risks to health and safety (s.34 of WHS Regulations).
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 SFARP (s.35 of WHS Regulations). 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 SFARP.</p> <p>This takes into account:</p> <div data-bbox="419 651 1345 887" 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 have first been considered.</p> <p>Risk matrices or risk assessment tools are often used to record this kind of analysis.</p>
Control of risks	<p>Control measures must be implemented, monitored and maintained according to the hierarchy of controls as follows (s.36 of WHS Regulations):</p> <div data-bbox="419 1120 1396 1570" style="text-align: center;">  </div> <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"> • substituting (wholly or partly) the hazard giving rise to the risk with something that gives rise to a lesser risk; • isolating the hazard from any person exposed to it; • implementing engineering controls. <p>If any risk then remains, the duty holder must minimise the remaining risk, SFARP, by implementing administrative controls. If any risk then remains, the duty holder must minimise the remaining risk, SFARP, by ensuring the provision and use of suitable personal protective equipment, but only as a last resort.</p>

Risk Management Step	Activity
Maintain and review	<p>CS Energy has a duty to not only implement the control measures but also to ensure that a control measure is reviewed and maintained so that it remains effective, including by ensuring that the control measure is and remains:</p> <ul style="list-style-type: none"> • fit for purpose; and • suitable for the nature and duration of the work; and • installed, set up and used correctly (s.37 of WHS Regulations). <p>Risk assessments should be reviewed and, as necessary, control measures should be revised on a regular basis so as to maintain, SFARP, 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 of WHS Regulations).</p>

Example
<p><i>CS Energy has identified a risk of light vehicles colliding. CS Energy has a primary duty of care as PCBU 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, 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.</i></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.
- 3.3.3 The WHS Regulations specify the following requirements for particular types of work, locations and activities:



Activity	Requirements under WHS Regulations
High risk work	A high risk work licence is required to carry out high risk work , unless an exception applies (Part 4.5). See further below .
Demolition work	A licence to carry out demolition work is required to carry out demolition work (Part 4.6). See further below .
Hazardous chemicals	An authorisation is required to use, handle or store a prohibited carcinogen or restricted carcinogen . See below Chapter 6 (Part 7.1).
Asbestos removal	Licences are required to carry out asbestos removal work . See below Chapter 4 (WHS Regulations) , Part 8.10).
Major Hazard Facilities	A major hazard facility must be licensed. See below Chapter 5 (WHS Regulations) , Chapter 9.1).
Registerable plant	The design of plant specified in schedule 5 , part 1 of the WHS Regulations , must be registered .


Example
<p><i>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.</i></p>



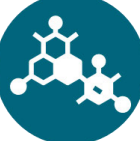

3.4 Technical Safety and Health Obligations

- 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
<p>General workplace management Part 3.2 WHS Regulations</p>	<p>The WHS Regulations require that a PCBU manage the risks of a general workplace through various means including by ensuring that:</p> <ul style="list-style-type: none"> • information, training and instruction provided to a worker is suitable and adequate having regard to the nature of the work, the associated risks at the time the information, training or instruction is provided and the control measures implemented (Part 3.2, Div 1); • SFARP provision of and access to adequate first aid equipment and facilities to administer first aid (Part 3.2, Div 3); • an emergency plan is prepared and maintained with the specified details (Part 3.2, Div 4); • 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); • for isolated or remote workers, a system of work that includes effective communication with the worker is in place (Part 3.2, Div 6); • no person at the workplace is exposed to a substance or a mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture (Part 3.2, Div 7); • risks associated with hazardous atmospheres and ignition sources in a hazardous atmosphere are managed appropriately in accordance with Part 3.1 (Part 3.2, Div 8); • 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 • the risks to health and safety associated with an object falling are appropriately managed (Part 3.2, Div 10).

Reference	Technical obligation
<p>Psychosocial risks Part 3.2, Div 11</p>	 <p>See Chapter 7 below.</p>
<p>Noise Part 4.1, WHS Regulations</p>	<p>A PCBU must manage the risks posed by noise emissions and ensure that workers are not exposed to levels of noise that exceed the Exposure Standard for Noise (s.57).</p> <p>Separate duties apply to designers, manufacturers, importers and suppliers of plant (s.59).</p>
<p>Hazardous manual tasks Part 4.2, WHS Regulations</p>	<p>The WHS Regulations require that a PCBU manages the risks relating to musculoskeletal disorders associated with hazardous manual tasks (s.60).</p> <p>In managing the risks involved with completing hazardous manual tasks regard must be had to all relevant matters that may contribute to musculoskeletal disorders, including:</p> <ul style="list-style-type: none"> • postures, movements, forces and vibration relating to the hazardous manual tasks; and • the duration and frequency of the hazardous manual tasks; and • workplace environmental conditions that may affect the hazardous manual tasks or the worker performing it; and • the design of the work area; and • the layout of the workplace; and • the systems of work used; and • the nature, size, weight or number of persons, animals or things involved in carrying out the hazardous manual tasks. <p>Separate duties apply to designers, manufacturers, importers and suppliers of plant (s.61).</p>
<p>Confined spaces Part 4.3 WHS Regulations</p>	 <p>See Chapter 2 below.</p>
<p>Falls Part 4.4, WHS Regulations</p>	<p>A PCBU 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"> • in or on an elevated work platform from which a person could fall; or • in the vicinity of an opening through which a person could fall; or • in the vicinity of an edge over which a person could fall; or • on a surface through which a person could fall; or • in any other place from which a person could fall. <p>SFARP a PCBU 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"> • a surface that is structurally capable of supporting all persons and things that may be located or placed on it; and • barriers around its perimeter and any openings to prevent a fall; and • an even and readily negotiable surface and gradient; and


Reference	Technical obligation
	<ul style="list-style-type: none"> • a safe means of entry and exit. • Where it is not reasonably practicable to eliminate the risk of a fall, adequate protection to minimise the risk of a fall must be provided, by providing and maintaining a safe system of work including: <ul style="list-style-type: none"> • providing a fall prevention device if it is reasonably practicable to do so; or • if it is not reasonably practicable to provide a fall prevention device, providing a work positioning system; or • if it is not reasonably practicable to comply with either above paragraph, by providing a fall arrest system, SFARP. • A safe system of work could include temporary work platforms, providing training and safe work procedures. <p>Separate duties apply if a PCBU implements a fall arrest system as a measure to control risk (s.80).</p>
<p>High risk work Part 4.5, WHS Regulations</p>	<p>A person must not carry out high risk work unless that person holds a licence for that class of work, subject to the exemptions in s.82 (WHS Regulations) (s.81).</p> <p>A PCBU must not direct or allow a worker to undertake high risk work unless the worker provides written evidence of the relevant training, certification or licence (s.85).</p> <p>A PCBU must ensure that the person supervising the high risk work provides direct supervision, which involves the oversight by the person supervising for the purposes of:</p> <ul style="list-style-type: none"> • directing, demonstrating, monitoring and checking the person’s work in a way that is appropriate to the person’s level of competency; and • ensuring a capacity to respond in an emergency situation (s.84).
<p>Construction work and demolition work Part 4.6 and Ch 6 WHS Regulations</p>	 <p>See Chapter 3 below.</p>
<p>Plant and structures Chapter 5, WHS Regulations</p>	<p>There are a series of prescriptive technical obligations in relation to ensuring that plant and structures are safe. These obligations are imposed on PCBUs that design, manufacture, import or supply that plant or structures and support the general health and safety duties imposed. These obligations are extended to PCBUs that install, construct or commission plant or structures that are to be used or could reasonably be expected to be used, as, or at, a workplace and persons with management or control of plant at a workplace.</p> <p>The Managing Risks of plant in the workplace Code of Practice 2021 provides extensive guidance in relation to:</p> <ul style="list-style-type: none"> • the risk management process for plant in the workplace; • controlling risks throughout the lifecycle of plant; • specific control measures for plant; • plant registration; and • keeping records. <p>Obligations under the WHS Regulations include the following:</p> <ul style="list-style-type: none"> • Installation, assembly, construction and commissioning of plant - persons with management or control of plant at a workplace must 'manage' the risks associated with the carrying out of installation, assembly, construction, commission of plant. This means to apply the risk management process to reduce risk SFARP according to the

Reference	Technical obligation
	<p>hierarchy of control as set out in Part 3.1 of the WHS Regulations as was explained above in this manual under the heading managing risks.</p> <ul style="list-style-type: none"> • Proper use of plant - persons with management or control of plant at a workplace must take all reasonable steps to ensure that plant 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. • Alterations to plant - persons with management or control of plant at a workplace must, SFARP, prevent alterations to or interference with the plant that are not authorised. • Maintaining and inspecting plant – persons with management or control of plant at a workplace must ensure that maintenance, inspection, and if necessary testing is carried out 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 not reasonably practicable, annually. • Storing plant - persons with management or control of plant at a workplace must ensure SFARP that when plant is not in use it is left in a state so that it does not create a risk to workers or other people in the workplace. • Decommissioning, dismantling and disposing of plant – persons with management or control of plant at a workplace must ensure that plant 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 plant includes inspections that ensure SFARP, that risks associated with the activities are monitored.
<p>Hazardous chemicals Ch 7 WHS Regulations</p>	 <p>See Chapter 6 below.</p>
<p>Asbestos Ch 8 WHS Regulations</p>	 <p>See Chapter 4 below.</p>
<p>Respirable dust & crystalline silica</p>	 <p>See Chapter 4A below.</p>
<p>Major Hazard Facilities Ch 9 WHS Regulations</p>	 <p>See Chapter 5 below.</p>

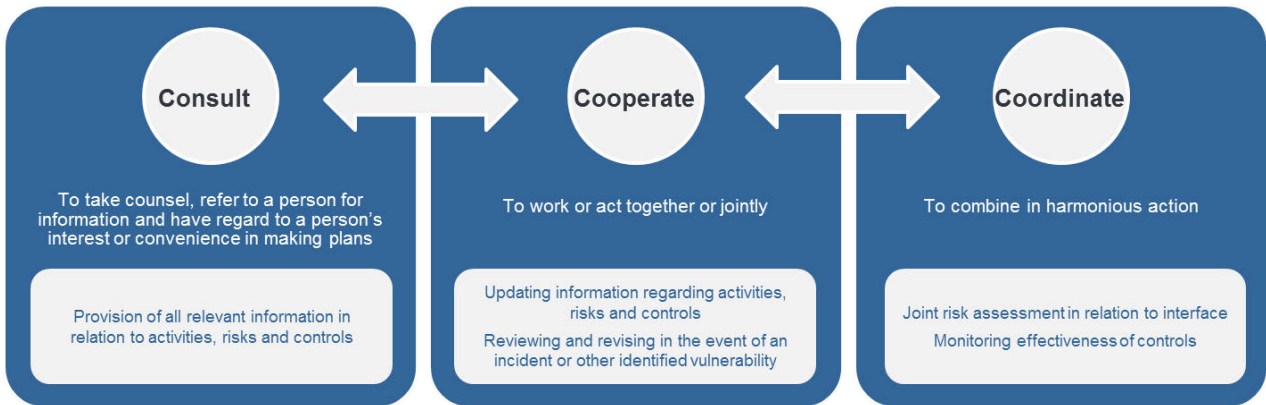
Example

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).

WARNING

 The obligations in relation to technical obligations are prescriptive. Advice should be sought when undertaking any technical activities.

4 Consultation and Representation

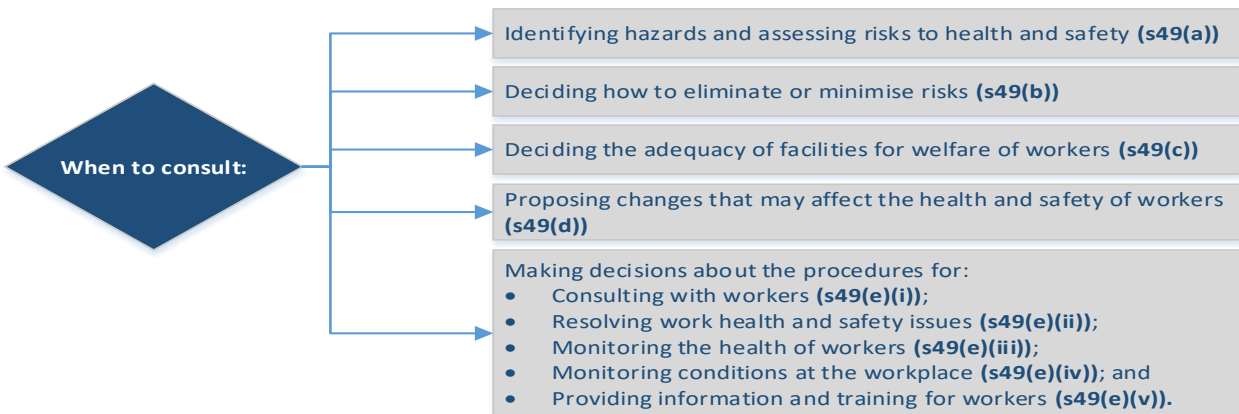


4.1 Horizontal and Vertical Consultation, Coordination and Cooperation

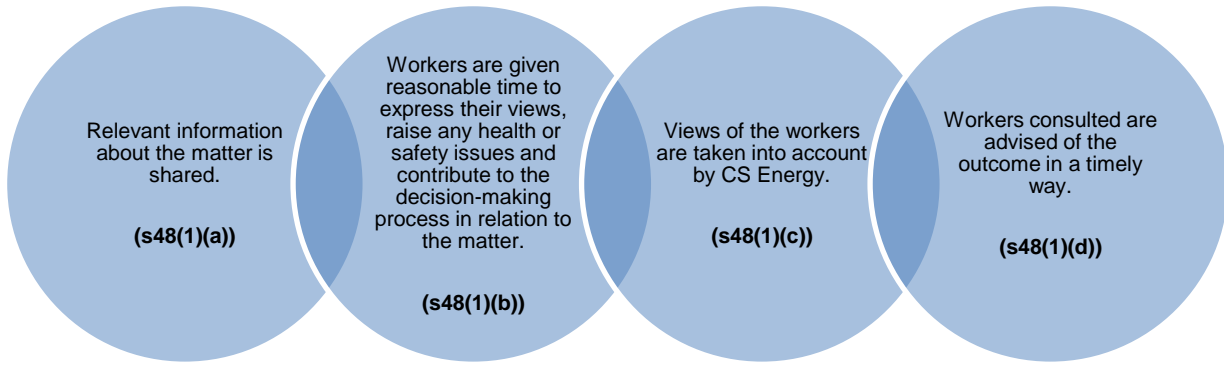
4.1.1 The [WHS Act](#) (Part 5) imposes a number of duties on [PCBUs](#), including CS Energy, to consult horizontally and vertically. CS Energy must [SFARP](#) consult:

- (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:

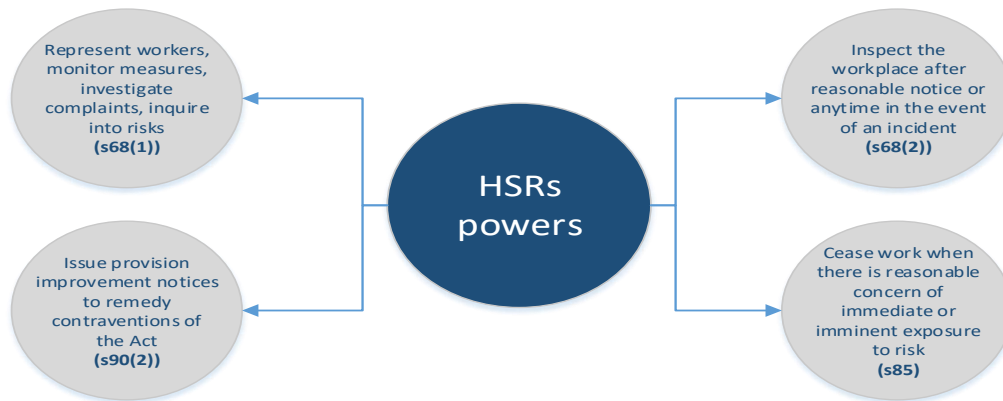
CCC Activity	What is required?
<p>Consultation</p>	<p>Consultation with other duty holders includes sharing information and consulting about:</p> <ul style="list-style-type: none"> • what each duty holder will be doing, how, when and where and what plant, substance or structure may be used; • who has control or influence over aspects of the work or the environment in which the work is being undertaken; • ways in which the activities of each duty holder may affect the work environment; • ways in which the activities of each duty holder may affect what others do; • identifying the workers that are or will be involved in the activity and who else may be affected by the activity; • what procedures or arrangements may be in place for the consultation and representation of workers, and for issue resolution; • what information may be needed by another duty holder for health and safety purposes; • what each duty holder knows about the hazards and risks associated with their activity; • whether the activities of others may introduce or increase hazards or risks; • what each duty holder will be providing for health and safety, particularly for controlling risks; and • 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.
<p>Coordination</p>	<ul style="list-style-type: none"> • Co-ordination requires duty holders to work together so that each person can meet their duty of care effectively and without leaving any gaps in health and safety protection. PCBUs including CS Energy must plan and organise activities together with other duty holders. • 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 duty holder 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.
<p>Cooperation</p>	<ul style="list-style-type: none"> • 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 PCBUs seeking to consult.

Example

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 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 or following specific events outlined in section 50B(1) of the WHS Act, the election of HSRs (s. 50). PCBUs must not intentionally hinder, prevent or discourage a worker from making such a request (s. 50A).
- 4.2.2 Where a request is made for the election of HSRs, certain procedural steps must be followed (ss.51-67). PCBUs must not intentionally hinder, prevent or discourage the election of a HSR or a deputy HSR, or the conducting of an election (s. 62A).
- 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 as soon as practicable](#) (s. 74). 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 (being an initial 5-day course of training) for the role within 28 days of being elected or, if training is not reasonably available to the representative, as soon as practicable (s. 21, [WHS Regulations](#)). Refresher training (being 1 day) is then mandatory at at least every 12 months, with the entitlement to the first refresher training commencing 12 months after the initial training (s. 21, [WHS Regulations](#)).
- 4.2.5 HSRs hold a number of powers, including:



- 4.2.6 These powers are, however, subject to a number of conditions (ss.68(3), 69, 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:

- (a) If there is a HSR and the representative consents – the representative; and
- (b) 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. The PCBU must allow all parties to the issue to enter and remain at the workplace for the purpose of attending discussions with a view to resolving the issue. 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) a work group determination matter;
- (b) a work group variation matter;
- (c) access to information by a HSR;
- (d) the giving of a notice or information to a HSR;
- (e) specific matters relating to training for a HSR;
- (f) a health and safety committee matter;
- (g) a WHS issue resolution process; and
- (h) cessation of work matters.

4.5.2 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 s.102B of 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, alters the position of a worker to the worker's detriment or treats a worker less favourably than other workers (s.105, [WHS Act](#)). Discriminatory conduct may also occur to prospective workers if the person refuses or fails to engage a prospective worker or treats the prospective worker less favourably than another prospective worker would be treated in offering terms of engagement. In commercial arrangements, discriminatory conduct is where a person terminates the commercial arrangement with another person, or the person refuses or fails to enter into a commercial arrangement with another person.

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 2009* (Cth) 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 or ES 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>Must:</p> <ul style="list-style-type: none"> • (14 days to 24 hours' notice) give between 24 hours and 14 days written notice (with prescribed details) during usual working hours (s. 122) • (when and where) be exercised: <ul style="list-style-type: none"> - during usual working hours (s. 126) - in the area of the workplace where the relevant workers work (s. 127(a)); or - in any other work area that directly affects the health or safety of those workers (s. 127(b)) • (permits required) <ul style="list-style-type: none"> - hold both a WHS right of entry permit and a right of entry permit under the FW Act (s. 124) - have a WHS entry permit and photographic identification available for inspection by any person on request (s. 125) • (reasonable requests) comply with a reasonable request by the relevant PCBU to comply with any WHS or other legislated requirement (s. 128) 	<p>On entry, can:</p> <ul style="list-style-type: none"> • (consultation) consult on WHS matters with relevant worker(s) who wish to participate in those discussions (s. 121(1)) • (advise) provide advice on those WHS matters to the relevant worker(s) who wish to participate in those discussions (s. 121(1)) • (warning) 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 (s. 121(2)) <p>Does not have to:</p> <ul style="list-style-type: none"> • (disclosure) disclose the name of any worker at the workplace (s. 130(1)) – if chose to do so, may only do so with the worker's consent (s. 130(2)) 	<p>Cannot:</p> <ul style="list-style-type: none"> • enter any part of a workplace that is used only for residential purposes (s. 129) • intentionally and unreasonably delay, hinder or obstruct any person or disrupt work (s. 146), but note separate rights of individuals and WHS Reps in relation to stopping work • engage in any conduct that sits outside the permit holder's right to consult and advise (s. 121) <p>PCBU can make reasonable requests of permit holder, such as:</p> <ul style="list-style-type: none"> • attend site induction • wear appropriate PPE • be escorted and monitored (escort cannot listen to discussions between permit holder and workers) • take a particular route to the relevant area of the workplace

4.7.4 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](#))).

4.7.5 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>Must:</p> <ul style="list-style-type: none"> • (suspicion) have a reasonable suspicion before entering the workplace that the contravention has occurred or is occurring (s. 117(2)) • (when and where) be exercised: <ul style="list-style-type: none"> - during usual working hours (s. 126) - in the area of the workplace where the relevant workers work (s. 127(a)); or - in any other work area that directly affects the health or safety of those workers (s. 127(b)) • (permits required) <ul style="list-style-type: none"> - hold both a WHS right of entry permit and a right of entry permit under the Fair Work Act (s. 124) - have WHS entry permit and photographic identification available for inspection by any person on request (s. 125) • (notice of entry) (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 (s. 119) • (reasonable requests) comply with a reasonable request by the relevant PCBU to comply with any WHS or other legislated requirement that applies to the workplace (s. 128) 	<p>On entry, can:</p> <ul style="list-style-type: none"> • (inspection) inspect any work system, plant, substance, structure or other thing (s. 118(a)) • (consultation) <ul style="list-style-type: none"> - consult with relevant workers (s. 118(b)) - consult with the relevant PCBU (s. 118(c)) • (documents) <ul style="list-style-type: none"> - 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 (unless to do so would contravene a law of the Commonwealth or a law of a State). - on the giving of 24 hours' notice, enter to inspect employee records or information held by another person (ss. 118 and 120) • (warning) 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 (s. 118(e)) <p><i>These rights are only in relation to the suspected contravention.</i></p> <p>Does not have to:</p> <ul style="list-style-type: none"> • (prior notice) prior to entry give particulars of the suspected contravention • (disclosure) disclose the name of any worker at the workplace (s. 130(1)) – if chose to do so, may only do so with the worker's consent (s. 130(2)) 	<p>Cannot:</p> <ul style="list-style-type: none"> • enter any part of a workplace that is used only for residential purposes (s. 129) • intentionally and unreasonably delay, hinder or obstruct any person or disrupt work (s. 146), but note separate rights of individuals and WHS Reps in relation to stopping work • engage in any conduct that sits outside the permit holder's right to inquire (s. 118) • use or disclose information or a document obtained as part of his or her inquiry except for specified reasons (s. 148) <p>PCBU can make reasonable requests of permit holder, such as:</p> <ul style="list-style-type: none"> • attend site induction • wear appropriate PPE • be escorted and monitored (escort cannot listen to discussions between permit holder and workers) • take a particular route to the relevant area of the workplace

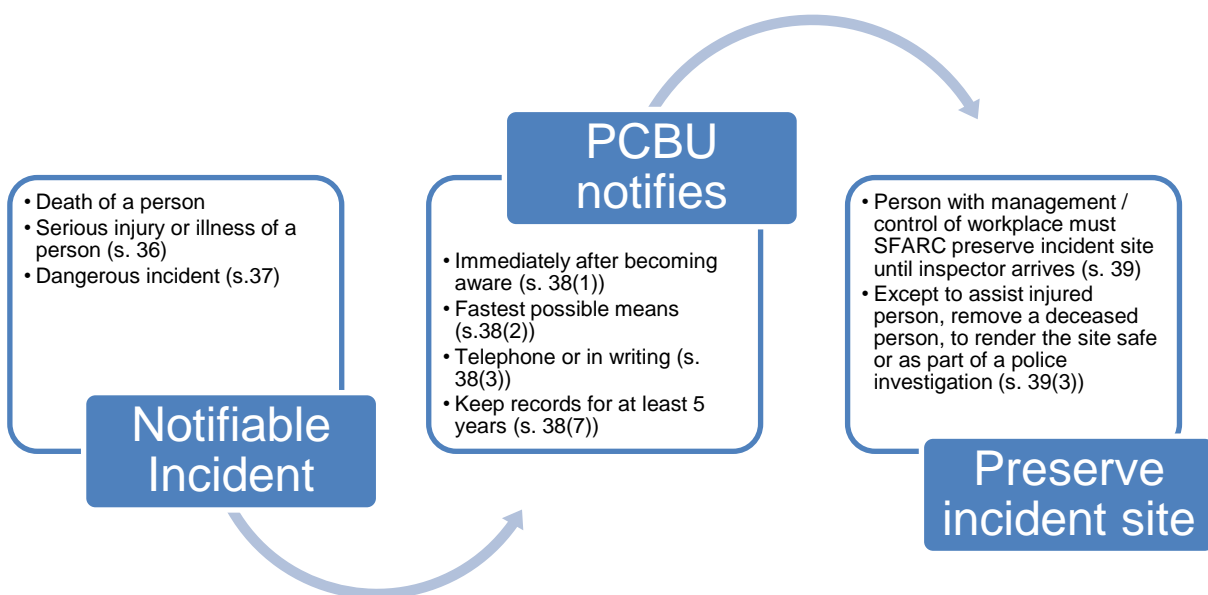
Example

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 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) is 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:
- notifying the [PCBU](#) about WHS matters;
 - identifying hazards and risks to health and safety in the workplace and reporting them to the PCBU;
 - immediately notifying the PCBU about any incident or immediate or imminent risks to health and safety;
 - investigating, or assisting in the investigation of, incidents;
 - accompanying and assisting an inspector during inspections; and
 - establishing WHS training programs on WHS matters.

5 WHS Incident Response



5.1 Duty to Notify of Notifiable Incidents (s.38, WHS Act)

- 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.

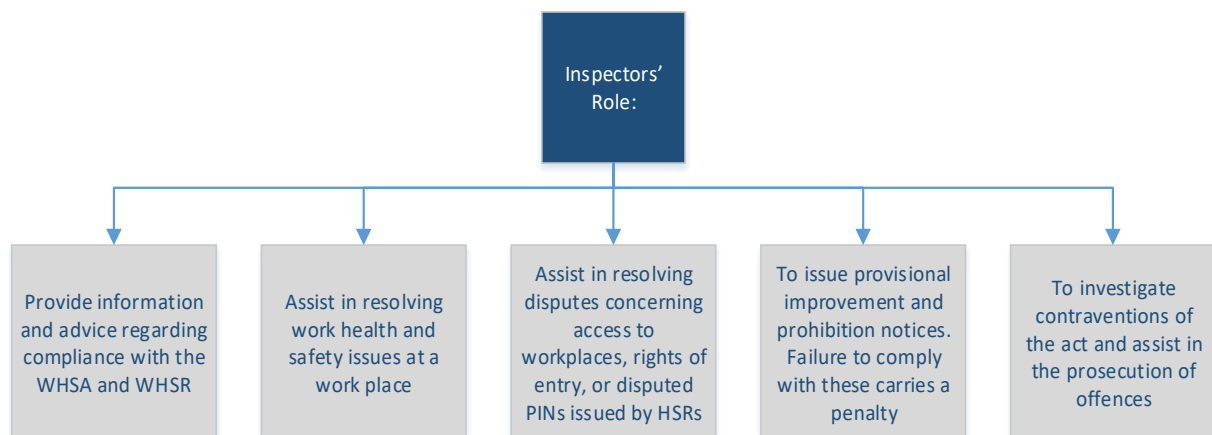
5.2 Duty to Preserve Incident Sites (s.39, WHS Act)

- 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 earlier 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](#)).

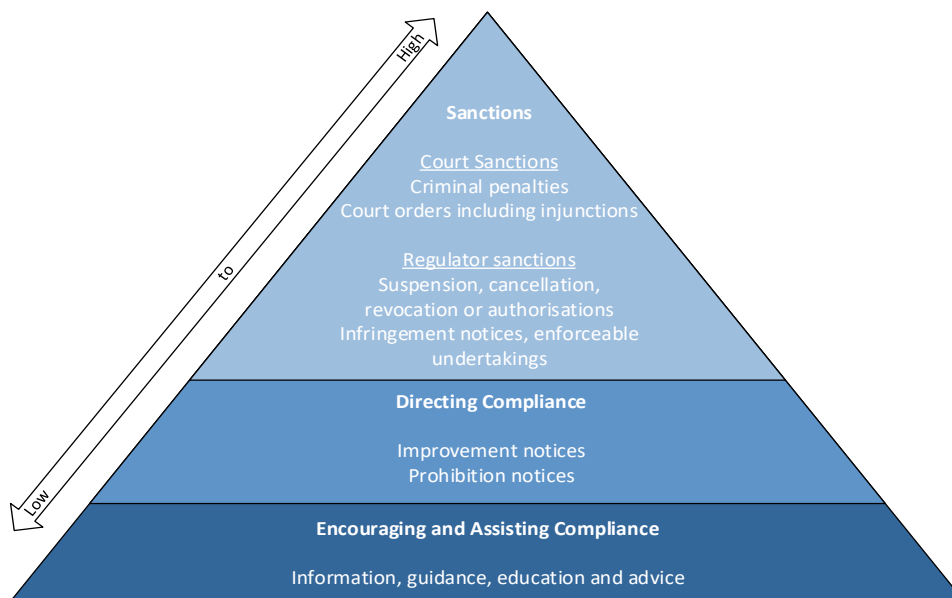


- 6.1.2 Penalties apply for obstructing Inspectors in the exercise of their powers. However, care should be taken to limit Inspectors to the exercise of their lawful powers, to avoid compromising your personal rights or those of CS Energy. Key tips for dealing with inspectors include the following:

- (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, along with the Work Health and Safety Prosecutor (**WHS Prosecutor**), 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 If an inspector enters a workplace, they may require a person to tell them who has custody or access to a document or require a person who has custody of a document to give the document


to the inspector. An inspector may also require a person to attend before the inspector and answer questions put by the inspector. Within 30 days after an inspector enters a workplace, they have further powers to require persons to produce a document, give written answers to particular question, or attend before the inspector to answer questions (s. 171, [WHS Act](#)).

6.2.4 For a category 3 offence, an inspector with the written authorisation of the WHS prosecutor 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](#)).

6.2.5 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 (s 216, [WHS Act](#)) if it is breached (Part 11, [WHS Act](#)).

6.3 WHS Prosecutors

6.3.1 The [WHS Prosecutor](#) is appointed with the functions to conduct and defend court or tribunal proceedings. The [WHS Prosecutor](#) is also 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 [PCBUs](#)).

↑ Severity	Category 1	Engaging in conduct , without reasonable excuse, <i>that exposes an individual to whom a duty is owed</i> , to a risk of death or serious injury or illness and the duty holder engages in the conduct with negligence or is reckless as to the risk	Corporation: 30,000 penalty units Officers: 6,000 penalty units / 5 years imprisonment Workers and other persons: 3,000 penalty units / 5 years imprisonment
	Category 2	Engaging in conduct , without reasonable excuse, <i>that exposes an individual to whom a duty is owed</i> , to a risk of death or serious injury or illness	Corporation: 15,000 penalty units Officers: 3,000 penalty units Workers and other persons: 1,500 penalty units
	Category 3	Fails to comply with the duty	Corporation: 5,000 penalty units Officers: 1,000 penalty units Workers and other persons: 500 penalty units

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 Recent change to category 1 offence

7.2.1 Category 1 offences under the WHS Act were expanded on 30 August 2024 to also capture negligent conduct (as well as reckless conduct). This represents a significant change to the threshold required for a category 1 offence.

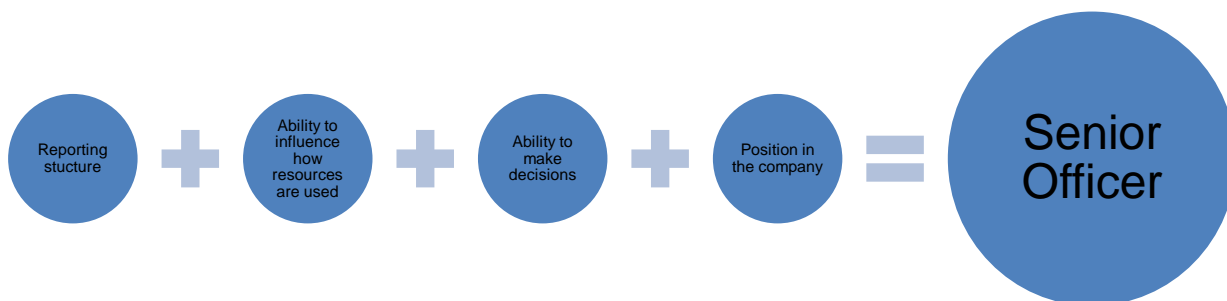
7.3 Industrial Manslaughter

7.3.1 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:

- an individual to whom a health and safety duty is owed dies, or is injured and later dies;
- the [PCBU](#)'s, or [Senior Officer](#)'s, [conduct causes](#) the death of the [worker](#); and
- the [PCBU](#), or [Senior Officer](#), is negligent about [causing](#) the death of the individual by the conduct.

7.3.2 The industrial manslaughter offences were expanded on 30 August 2024 to now extend to the death of a person to whom a health and safety duty is owed (rather than being limited to the death of a worker).

7.3.3 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:



7.3.4 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.

7.3.5 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.

7.3.6 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.

7.3.7 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	
	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.

	The table below sets out some 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
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WHS Act reference	Offence	Maximum Penalty ²
Offences about Incidents		
s.31(1)	Without reasonable excuse, person engages in conduct that exposes an individual to whom a health and safety duty is owed to a risk of death or serious injury or illness and the person engages in the conduct with negligence or is reckless as to the risk to an individual of death or serious injury.	Individual: 3,000 penalty units or 5 years imprisonment Individual PCBU or officer of a PCBU: 6,000 penalty units or 5 years imprisonment Body corporate: 30,000 penalty units
s.32	Person fails to comply with their health and safety duty and the failure exposes an individual to a risk of death or serious injury or illness.	Individual: 1,500 penalty units Individual PCBU or officer of a PCBU: 3,000 penalty units Body corporate: 15,000 penalty units
s.33	Person fails to comply with their health and safety duty	Individual: 500 penalty units Individual PCBU or officer of a PCBU: 1,000 penalty units Body corporate: 5,000 penalty units
ss.34C, 34D	Industrial manslaughter: a person's conduct causes the death of an individual to whom the person has a health and safety duty and the person is negligent about causing the death	Individual: 20 years imprisonment Body corporate: 100,000 penalty units
s.38	Failure to notify notifiable incidents	Individual PCBU: 100 penalty units Body corporate: 500 penalty units
s.38	Failure to keep records of notifiable incidents	Individual PCBU: 50 penalty units Body corporate: 250 penalty units
s.39	Failure to preserve incident sites by person with management or control of a workplace	Individual: 100 penalty units Body corporate: 500 penalty units

² Where a maximum penalty specified by the WHS Act is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

WHS Act reference	Offence	Maximum Penalty ²
Offences about Authorisations and Permits		
s.41	Failure to authorise a workplace which requires authorisation	Individual PCBU : 500 penalty units Body corporate: 2,500 penalty units
s.42	Failure to authorise plant or substance which requires authorisation	Any individual <i>person</i> who uses the plant or substance or individual PCBU who directs the use : 200 penalty units . Body corporate: 1,000 penalty units
s.43	Failure to authorise work which requires authorisation	Any <i>individual person</i> who performs work or individual PCBU who directs work to be undertaken: 200 penalty units . Body corporate: 1,000 penalty units .
s.44	Failing to have prescribed qualifications or experience	Individual <i>person</i> who performs work without prescribed qualifications or experience or individual PCBU who directs work to be undertaken: 200 penalty units . Body corporate: 1,000 penalty units .
s.45	Failure to comply with conditions of authorisation	Individual : 200 penalty units Body corporate: 1,000 penalty units
Offences about Consultation and Participation		
s.46	Failure to consult with other duty holders	Individual : 200 penalty units Body corporate: 1,000 penalty units
s.47	Failure to consult with workers	Individual : 200 penalty units Body corporate: 1,000 penalty units
s.52	Failure to negotiate for agreement for work group	Individual : 100 penalty units Body corporate: 500 penalty units
s.53	Failure to notify workers of outcome of negotiations	Individual : 20 penalty units Body corporate: 100 penalty units
s.56	Failure to negotiate with workers' representative	Individual : 100 penalty units Body corporate: 500 penalty units
s.57	Failure to provide notice to workers	Individual : 20 penalty units Body corporate: 100 penalty units
s.61	Failure to provide resources, facilities and assistance reasonably necessary for election of HSRs	Individual : 100 penalty units . Body corporate: 500 penalty units
s.70	Failure of general obligations of PCBU to HSRs	Individual : 100 penalty units Body corporate: 500 penalty units
s.71	Failure to protect personal or medical information of workers	Individual : 100 penalty units . Body corporate: 500 penalty units

WHS Act reference	Offence	Maximum Penalty ²
s.72	Failure to train HSRs	Individual : 100 penalty units . Body corporate: 500 penalty units
s.74	Failure to provide list of HSRs	Individual : 20 penalty units Body corporate: 100 penalty units
s.75	Failure to establish a Health and Safety Committee when requested	Individual: 50 penalty units Body corporate: 250 penalty units
s.79	Failure to comply with obligations to a Health and Safety Committee	Individual : 100 penalty units Body corporate: 500 penalty units
s.97	Failure to display a Provisional Improvement Notice	Individual : 50 penalty units Body corporate: 250 penalty units
s.97	Intentional removal, destruction, damage or defacement of a Provisional Improvement Notice	Individual: 50 penalty units Body corporate: 250 penalty units
s.97A	Failure to provide a Provisional Improvement Notice to regulator	Individual : 50 penalty units Body corporate: 250 penalty units
s.99	Contravening a Provisional Improvement Notice	Individual : 500 penalty units Body corporate: 2,500 penalty units
s. 102C	Contravention of an order made by the QIRC for prompt settlement of a dispute	Individual: 100 penalty units Body corporate: 500 penalty units
s.103F	Failure for the PCBU to meet the general obligations to a WHSO	Individual: 50 penalty units Body corporate: 250 penalty units
s. 103I	Failure of the PCBU to display an up-to-date list of each WHSO for the business or undertaking	Individual : 40 penalty units Body corporate: 200 penalty units
s.104	Engaging in discriminatory conduct for a prohibited reason	Individual: 1,000 penalty units . Body corporate: 5,000 penalty units
s.107	Requesting, instructing, inducing, encouraging, authorising or assisting another person engaging in discriminatory conduct	Individual : 1,000 penalty units Body corporate: 5,000 penalty units
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	Individual : 1,000 penalty units Body corporate: 5,000 penalty units
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 WHS Act	Individual : 1,000 penalty units Body corporate: 5,000 penalty units
s.118	Refusal to or failure to allow WHS entry permit holder to inspect and make copies of any document that is relevant to a suspected contravention	Individual: 100 penalty units Body corporate: 500 penalty units
s.144	Refusing or unduly delaying entry into a workplace by a WHS entry permit holder who is entitled to enter the workplace, without a reasonable excuse	Individual: 500 penalty units Body corporate: 2,500 penalty units
s.145	Intentionally and unreasonably hindering or obstructing a WHS entry permit holder in entering a workplace or in exercising any rights at a workplace	Individual: 500 penalty units Body corporate: 2,500 penalty units

WHS Act reference	Offence	Maximum Penalty ²
s.148	Unauthorised use or disclosure of information or documents in an inquiry into a suspected contravention of the WHS Act or ES Act for a purpose that is not related to the inquiry or rectifying the suspected contravention	Individual : 500 penalty units Body corporate: 2,500 penalty units
s.155	Failure or refusal to comply with requirements by regulator to obtain information in relation to a possible contravention of WHS Act or that will assist the regulator to monitor or enforce compliance with WHS Act	Individual : 100 penalty units Body corporate: 500 penalty units
s.165	Failure to give reasonable help to inspector who enters a workplace and exercises general powers of entry	Individual : 100 penalty units Body corporate: 500 penalty units
Offences about Inspectors and Regulators		
s.171	Failure to produce documents and answer Inspector's questions	Individual : 100 penalty units Body corporate: 500 penalty units
s.177	Tampering or attempting to tamper a thing or something restricting access to a thing without an inspector's approval	Individual : 100 penalty units Body corporate: 500 penalty units
s.177	Failure to permit seizure of a thing by Inspector	Individual : 100 penalty units Body corporate: 500 penalty units
s.185	Refusal or failure to provide inspector with name and residential address if person committing an offence against the WHS Act or if person in circumstances that lead or has information that leads inspector to reasonably suspect the person has just committed an offence under the WHS Act	Individual : 100 penalty units Body corporate: 500 penalty units
s.188	Hindering or obstructing an Inspector	Individual : 500 penalty units . Body corporate: 2,500 penalty units
s.189	Impersonating an Inspector	Individual : 500 penalty units Body corporate: 2,500 penalty units
s.190	Assaulting, threatening or intimidating an Inspector	Individual : 1,000 penalty units or 2 years imprisonment. Body corporate: 5,000 penalty units
s.193	Failure to comply with improvement notice issued by Inspector	Individual : 500 penalty units Body corporate: 2,500 penalty units
s.197	Failure to comply with prohibition notice issued by Inspector	Individual : 1000 penalty units Body corporate: 500 penalty units
s.200	Failure to comply with non-disturbance notice issued by Inspector	Individual : 500 penalty units Body corporate: 2,500 penalty units
s.210	Failure to display notices issued by Inspector	Individual : 50 penalty units Body corporate: 250 penalty units
s.210	Intentional removal, destruction damage or defacement of notice displayed	Individual : 50 penalty units. Body corporate: 250 penalty units

WHS Act reference	Offence	Maximum Penalty ²
s.219	Contravening a WHS undertaking	Individual: 500 penalty units Body corporate: 2,500 penalty units
s.242	Failure to comply, without reasonable excuse, with an order made by a court regarding a WHS undertaking	Individual: 500 penalty units Body corporate: 2,500 penalty units
s.268	Giving false or misleading information in course of complying with the WHS Act	Individual: 100 penalty units Body corporate: 500 penalty units
s.268	Supplying a false or misleading document in course of complying with the WHS Act	Individual: 100 penalty units Body corporate: 500 penalty units
s.271	Disclosing or allowing access to confidential information (if received as an exercise of power under the WHS Act)	Individual: 100 penalty units Body corporate: 500 penalty units
Offences about Insurance, Indemnity and Other Arrangements		
s.272A	Entering into a contract of insurance of other arrangement that purports to insure or indemnify a person for a liability for all or part of a monetary penalty under the WHS Act	Individual: 500 penalty units Body corporate: 2,500 penalty units
s.272A	Providing a contract of insurance or an indemnity for for a liability for all or part of a monetary penalty under the WHS Act	Individual: 500 penalty units Body corporate: 2,500 penalty units
s.272A	Taking the benefit of a contract of insurance or other arrangement, or an indemnity that purports to insure or indemnify a person for a liability for all or part of a monetary penalty under the WHS Act	Individual: 500 penalty units Body corporate: 2,500 penalty units
s.273	Charging levies or fees on workers for WHS	Individual: 50 penalty units Body corporate: 250 penalty units

Example
<p><i>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.</i></p>

<p>Last Amendment</p> <p><i>Work Health and Safety Act 2011 (includes amendments up to 30 August 2024, Act No. 44 of 2024)</i></p> <p><i>Work Health and Safety Regulation 2011 (includes amendments up to 27 September 2024, SL No. 241 of 2024).</i></p>



CHAPTER 2 – CONFINED SPACES

1 Introduction

1.1 Applicable Legislation

Legislation
WHS Regulation 2011, Part 4.3
Codes of Practice
Currently in Queensland, the Code of Practice that relates to Confined Spaces is the Confined Spaces Code of Practice 2021. 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 duties

- 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 2021](#) 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 Some of the key obligations in relation to [confined spaces](#) are summarised below:

Activity	What is the duty (in summary)?
Designer, manufacturer, importer, supplier or constructor of the plant or structure	<p>A designer, manufacturer, importer or supplier of the plant or structure, and a person who installs or constructs the plant or structure, that includes a space that is, or is intended to be a confined space, must ensure, SFARP:</p> <ul style="list-style-type: none"> the need for any person to enter a confined space and the risk of a person inadvertently entering a confined space are eliminated; or where not reasonably practicable to eliminate: <ul style="list-style-type: none"> the need or risk is minimised; and

Activity	What is the duty (in summary)?
s.64, WHS Regulations	<ul style="list-style-type: none"> ○ the space is designed with a safe means of entry and exit; and ○ the risk to the health and safety of any person who enters the space is eliminated or if not reasonably practicable is minimised.
PCBU s.65, WHS Regulations	A PCBU must ensure, SFARP , that a worker does not enter a confined space before part 4.3 division 3 has been complied with in relation to that space.
Manage risk s.66, WHS Regulations	<p>A PCBU must ensure that a risk assessment is conducted by competent person, is in writing and has regard to all relevant matters, including:</p> <ul style="list-style-type: none"> • whether the work can be carried out without the need to enter the confined space; and • the nature of the confined space; and • 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 • the work required to be carried out in the confined space; and • the type of emergency procedures including rescue, required. <p>The PCBU 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>
Permit s.67, WHS Regulations	<p>A PCBU must ensure that a worker has a confined space entry permit for the work before entering the confined space. The permit must:</p> <ul style="list-style-type: none"> • be completed by a competent person; and • be in writing; and • state the following— <ul style="list-style-type: none"> ○ the confined space to which the permit relates; ○ the names of persons permitted to enter the confined space; ○ the period of time during which the work in the confined space will be carried out; ○ measures to control risk associated with the proposed work in the confined space which must: <ul style="list-style-type: none"> ▪ be based on the risk assessment conducted; and ▪ include the <ul style="list-style-type: none"> • control measures to be implemented for safe entry; and • details of the system of work; <ul style="list-style-type: none"> • contain space for an acknowledgement that work in the confined space has been completed and that all persons have left the confined space.
Signage s.68, WHS Regulations	<p>A PCBU must erect signage immediately before work, while work is being carried out in preparation for and in the completion of work in a confined space which:</p> <ul style="list-style-type: none"> • identifies the confined space; and • informs workers that they must not enter the space unless they have a confined space entry permit; and • be clear and prominently located next to each entry to the confined space.
Communication and Safety Monitoring s.69, WHS Regulations	<p>A PCBU must ensure that a worker does not enter a confined space to carry out work unless the PCBU provides a system of work that includes:</p> <ul style="list-style-type: none"> • continuous communication with the worker from outside the space; and • 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.

Activity	What is the duty (in summary)?
<p>Specific controls <i>ss.70 – 73, WHS Regulations</i></p>	<p>A PCBU must, SFARP:</p> <ul style="list-style-type: none"> • eliminate or if elimination is not reasonably practicable, 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 confined space; • ensure that purging or ventilation of any contaminant in the atmosphere of the space is carried out and 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; • that while work is being carried out in a confined space, the concentration of any flammable gas, vapour or mist in the atmosphere of the space is less than 5% of its LEL, or if that is not reasonably practicable, that the atmospheric concentration of the flammable gas, vapour or mist is: <ul style="list-style-type: none"> ○ equal to or greater than 5% but less than 10% of its LEL—the person must ensure that any worker is immediately removed from the space unless a suitably calibrated, continuous-monitoring flammable gas detector is used in the space; or ○ equal to or greater than 10% of its LEL—the person must ensure that any worker is immediately removed from the space; • 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. <p>A person must ensure that, while work is being carried out in a confined space the atmosphere of the space is at a safe oxygen level, or if that is not reasonably practicable and the atmosphere in the space has an oxygen level less than 19.5% by volume, any worker carrying out work in the space is provided with air supplied respiratory equipment.</p>
<p>Emergency Procedures <i>s.74, WHS Regulations</i></p>	<p>A PCBU must:</p> <ul style="list-style-type: none"> • establish and practice as necessary first aid and rescue procedures to be followed in the event of an emergency in a confined space; • that first aid and rescue procedures are initiated from outside the confined space as soon as practicable in an emergency; • ensure that the entry and exit openings of the confined space are large enough to allow emergency access, are not obstructed and plant, equipment and personal protective equipment provided for first aid or emergency rescue are maintained in good working order.
<p>Personal Protective Equipment in Emergencies <i>s.75, WHS Regulations</i></p>	<p>A PCBU must ensure that:</p> <ul style="list-style-type: none"> • air supplied respiratory equipment is available for use by, and is provided to, the worker in an emergency in which: <ul style="list-style-type: none"> ○ the atmosphere in the confined space does not have a safe oxygen level; ○ the atmosphere in the space has a harmful concentration of an airborne contaminant; or ○ there is a serious risk of the atmosphere in the space becoming affected as set out above. • Suitable personal protective equipment is available for use by, and is provided to, the worker in an emergency in which: <ul style="list-style-type: none"> ○ an engulfment has occurred in the confined space; or ○ there is a serious risk of engulfment occurring while the worker is in the space.
<p>Information, training and instruction</p>	<p>A PCBU must ensure workers who could enter a confined space or carry out any function in relation to a confined space (or the emergency procedures) are provided with suitable and adequate information, training and instruction in relation to:</p>

Activity	What is the duty (in summary)?
s.76, WHS Regulations	<ul style="list-style-type: none"> the nature of all hazards relating to a confined space; the need for, and the appropriate use of, control measures to control risks to health and safety associated with those hazards; the selection, fit, use, wearing, testing, storage and maintenance of any personal protective equipment; the contents of any confined space entry permit that may be issued in relation to work carried out by the worker in a confined space; and emergency procedures.

Example
<p><i>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.</i></p>

WARNING
 <p>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.</p>

3 Penalties

3.1.1 The below table sets out some of the penalties in relation to confined spaces [under the WHS Regulations](#):

Reference	Offence	Penalty ³
s. 65	Failure of a PCBU to ensure, SFARP , that a worker does not enter a confined space before part 4.3, division 3 has been complied with in relation to that space.	PCBU : 60 penalty units .
s.66(2)	Failure of a PCBU 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 confined space 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).	PCBU : 36 penalty units .
s.66(3)	Failure of a PCBU to ensure that the risk assessment conducted is recorded in writing.	<i>Individual</i> : 12 ½ penalty units <i>Corporation</i> : 60 penalty units
s.66(5)	Failure of a PCBU to ensure that the risk assessment is reviewed and as necessary revised by a competent person to reflect any review and revision of control measures	PCBU : 36 penalty units .
s.67(1)	A PCBU at a workplace directs a worker to enter a confined space to carry out work without a confined space entry permit for the work.	PCBU : 60 penalty units .

³ Where a maximum penalty specified by the WHS Regulations is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Penalty ³
s.67(4)	Failure of a PCBU to ensure that, when the work for which the entry permit was issued is completed all workers leave the confined space .	PCBU : 60 penalty units .
s.68	Failure of a PCBU to ensure that appropriate signage is erected.	PCBU : 36 penalty units .
s.69	Failure of a PCBU to ensure that a worker does not enter a confined space to carry out work unless the person provides a system of work with the required details.	PCBU : 60 penalty units .
s.70	Failure of a PCBU to, SFARP , eliminate or minimise any risk associated with work in a confined space and the: <ul style="list-style-type: none"> introduction of any substance or condition into the space from or by any plant or services connected to the space; activation or energising in any way of any plant or services connected to the space. 	PCBU : 36 penalty units .
s.71(1)	Failure of a PCBU to ensure: <ul style="list-style-type: none"> that purging or ventilation of any contaminant in the atmosphere of the space is carried out, SFARP; and 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 the atmosphere of the space has a safe oxygen level. 	PCBU : 60 penalty units .
s.71(2)	Failure of a PCBU to ensure that, while work is being carried out in a confined space the atmosphere of the space is at a safe oxygen level, or if that is not reasonably practicable and the atmosphere in the space has an oxygen level less than 19.5% by volume, any worker carrying out work in the space is provided with air supplied respiratory equipment.	PCBU : 60 penalty units
s.72(1)	Failure of a PCBU to ensure, SFARP , that while work is being carried out in a confined space , the concentration of any flammable gas, vapour or mist in the atmosphere of the space is less than 5% of its LEL.	PCBU : 60 penalty units .
s.72(2)	Failure of a PCBU to ensure that, while work is being carried out in a confined space if it is not reasonably practicable to comply with s.72(1), that the atmospheric concentration of the flammable gas, vapour or mist is: <ul style="list-style-type: none"> equal to or greater than 5% but less than 10% of its LEL—the person must ensure that any worker is immediately removed from the space unless a suitably calibrated, continuous-monitoring flammable gas detector is used in the space; or equal to or greater than 10% of its LEL—the person must ensure that any worker is immediately removed from the space; 	PCBU : 60 penalty units
s.73	Failure of a PCBU to ensure 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.	PCBU : 60 penalty units .

Reference	Offence	Penalty ³
s.74	<p>Failure of a PCBU to:</p> <ul style="list-style-type: none"> establish and practice first aid and rescue procedures to be followed in the event of an emergency in a confined space; and ensure that first aid and rescue procedures are initiated from outside the confined space as soon as practicable in an emergency. 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. 	PCBU : 60 penalty units .
s.75	<p>Failure of a PCBU 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.</p> <p>Failure of a PCBU to ensure that suitable personal protective equipment is available for use by, and is provided to, the worker in an emergency.</p>	PCBU : 60 penalty units .
s.76 (1)	<p>Failure of a PCBU to provide information, training and instruction in relation to:</p> <ul style="list-style-type: none"> the nature of all hazards relating to a confined space; the need for, and the appropriate use of, control measures; the selection, fit, use, wearing, testing, storage and maintenance of any personal protective equipment; the contents of any confined space entry permit that may be issued in relation to work carried out by the worker in a confined space; emergency procedures. 	PCBU : 60 penalty units .
s.76 (2)	Failure of a PCBU to keep a record of all training provided to a worker for 2 years.	<i>Individual</i> : 12 ½ penalty units <i>Body corporate</i> : 60 penalty units
s.77	<p>Failure of a PCBU to keep:</p> <ul style="list-style-type: none"> 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 notifiable incident occurs; and a copy of the confined space entry permit at least until the work to which it relates is completed or 2 years after notifiable incident occurs. 	<i>Individual</i> : 12 ½ penalty units <i>Body corporate</i> : 60 penalty units
s.77 (5)	Failure of a PCBU 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 notifiable incident .	PCBU : 36 penalty units .

Last Amendment

Work Health and Safety Act 2011 (includes amendments up to 30 August 2024, Act No. 44 of 2024)

Work Health and Safety Regulation 2011 (includes amendments up to 27 September 2024, SL No. 241 of 2024).



CHAPTER 3 – CONSTRUCTION WORK

1 Introduction

1.1 Applicable Legislation

Legislation
WHS Regulations 2011, Chapter 6
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, including manufacturing of construction elements Code of Practice 2022. 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: Model Code of Practice - Construction Work - 21102022 .pdf.pdf (safeworkaustralia.gov.au) 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 duties


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 [PCBUs](#) at any one time.
- 2.1.4 Some of the key obligations can be summarised as follows.

Activity	What is the duty (in summary)?
<p>Consultation - designer of structure and person who commissions construction work</p>	<p>PCBU that commissions construction work in relation to a structure must SFARP consult with the designer of the whole or any part of the structure about how to ensure that risks to health and safety arising from the design during the construction work are eliminated SFARP or, if it is not reasonably practicable to eliminate the risks, minimised SFARP (s. 294, WHS Regulations).</p>
<p>Designer of structure</p>	<p>The designer of a structure or any part of a structure that is to be constructed must give the PCBU who commissioned the design a written report that specifies the hazards relating to the design of the structure (s. 295, WHS Regulations).</p> <p>If the PCBU commissions a construction project but did not commission the design of the construction project, the person must take all reasonable steps to obtain a copy of the written report.</p>
<p>PCBU who engages a principal contractor</p>	<p>PCBUs who commission a construction project and engage a principal contractor must give the principal contractor any information the PCBU has in relation to hazards and risks at or in the vicinity of the workplace where the construction work is to be carried out (s. 296, WHS Regulations).</p>
<p>Duty of PCBU to 'manage' risks</p>	<p>PCBU must 'manage' the risks associated with the carrying out of construction work. This means to apply the risk management process to reduce risk SFARP according to the hierarchy of control as set out in Part 3.1 of the WHS Regulations as was explained above in this manual under the heading managing risks. (s.297, WHS Regulations).</p>
<p>Duty to manage security of workplace</p>	<p>Person with management or control of a workplace at which construction work is carried out must ensure SFARP the workplace is secured from unauthorised access (s.298, WHS Regulations).</p>
<p>Safe Work Method Statements for high risk construction work</p>	<p>Safe Work Method Statements (SWMS) must be prepared for high risk construction work before the work commences. The duties to prepare them fall generally upon the PCBU carrying out the work (s.299, WHS Regulations) and that person also must ensure the compliance with them (s300, WHS Regulations) but the obligation to collect and review them also falls on the principal contractor (ss.301,302, 303, WHS Regulations)</p>
<p>Excavation work</p>	<p>Specific obligations apply to the management of excavation work particularly requiring the identification and management of underground essential services (s.304, WHS Regulations) and the duty to 'manage' the risks associated with excavation work. This means to apply the risk management process to reduce risk SFARP according to the hierarchy of control as set out in Part 3.1 of the WHS Regulations as was explained above in this manual under the heading managing risks. Specific obligations also apply for trenches (s.306, WHS Regulations).</p>
<p>Falls (including scaffolding)</p>	<p>Specific obligations apply to the risk of falling persons and objects (Chapter 6.3, Division 4, WHS Regulations). 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.</p>
<p>Principal contractor obligations</p>	<p>For construction projects which have a value of more than \$250,000 there are particular obligations which fall upon the principal contractor. That will be the client (CS Energy) unless it ensures that another party is validly appointed in writing to take management and control of the workplace and to perform the obligations of principal contractor.</p> <p>The principal contractor obligations include:</p> <ul style="list-style-type: none"> • signage identifying principal contractor (s.308, WHS Regulations);

Activity	What is the duty (in summary)?
	<ul style="list-style-type: none"> • preparation of a WHS Management Plan for the project (includes site rules) (s.309, WHS Regulations); • duty to inform all persons of that plan before they commence (s.310, WHS Regulations) • duty to review – must remain up-to-date (s.311, WHS Regulations); • must obtain the SWMS before high risk construction work commences (s.312, WHS Regulations); • obligations to put in place arrangements for ensuring compliance at the workplace with the requirements regarding (ss.314 and 315, WHS Regulations): <ul style="list-style-type: none"> ○ facilities; ○ first aid; ○ emergency plans; ○ personal protective equipment (PPE); ○ airborne contaminants; ○ hazardous atmospheres; ○ storage of substances; ○ falling objects; ○ falls; ○ construction materials and waste; ○ storage of plant; ○ traffic; and ○ essential services.
<p>Inductions and training</p>	<p>Workers must be provided with specific construction inductions and training (ss.315 – 327, WHS Regulations). Workers also have personal obligations to have available construction cards and certifications.</p>

Example
<p><i>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.</i></p>

WARNING
<p> There can only be one principal contractor for each construction project 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"> - there are two or more construction projects within the meaning of WHS Regulations – that is, each involves a contract for construction work valued at \$250,000 or more; and - the workplaces associated with each construction project are defined as separate and distinct. <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 2021](#) 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 Some of the key duties can be summarised as follows:

Requirement	What is the duty (in summary)?
Provide notice	<p>Written notice must be given to the regulator at least 5 days prior to commencing demolition work which involves:</p> <ul style="list-style-type: none"> • demolition of a structure, or a part of a structure that is load-bearing or otherwise related to the physical integrity of the structure, that is at least 6 metres in height • demolition work involving load shifting machinery on a suspended floor, and • demolition work involving explosives (s.142, WHS Regulations).
Asbestos register	<p>Prior to commencing any demolition work a copy of the Asbestos Register for the workplace must be obtained.</p> <p>Where there is no Asbestos Register work must not be carried out until the structure or plant has been inspected to determine whether asbestos or Asbestos Containing Materials (ACM) are fixed to or installed in the structure or plant.</p>
Licence to carry out demolition work	<p>A PCBU that commissions demolition work to be carried out at a workplace must hold a licence to carry out demolition work. A person must not carry out, or direct or allow, demolition work to be carried out without holding a licence to carry out demolition work (s.143, WHS Regulations).</p> <p>Duties of the licensee:</p> <ul style="list-style-type: none"> • nominate a competent person as a supervisor of demolition work; • ensure that a person is nominated to supervise the demolition work is readily available to a worker (s.144, WHS Regulations); • the demolition work is carried out safely and competently (s.144, WHS Regulations); <p>The Regulator may impose conditions on a licence including:</p> <ul style="list-style-type: none"> • control measures that must be implemented in relation to the carrying out of work or activities under the licence; • the recording or keeping of information; • requiring the licence holder to undertake training and instruction or obtain information; • the provision of information to the regulator; • the nature of work or activities authorised by the licence; • the circumstances in which work or activities authorised by the licence may be carried out (s.144L, WHS Regulations).

3 Penalties

3.1.1 The below table sets out some of the penalties in relation to construction work under the WHS Regulations:

Reference	Offence	Penalty ⁴
Duties of designer of structure and person who commissions construction work		
s.294	Failure by a PCBU who commissions construction work to, SFARP , 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 penalty units <i>Body corporate:</i> 60 penalty units
s.295	Failure of a designer to give the PCBU 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 construction work and are associated only with the particular design and not with other designs of the same type of structure .	<i>Individual:</i> 12 ½ penalty units <i>Body corporate:</i> 60 penalty units
s.295	Failure of a PCBU who commissioned a construction project , 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 penalty units <i>Body corporate:</i> 60 penalty units
s.296	Failure of a PCBU that commissions a construction project and engages a principal contractor to give the principal contractor any information in relation to hazards and risks at or in the vicinity of the workplace .	<i>Individual:</i> 12 ½ penalty units <i>Body corporate:</i> 60 penalty units
Duties of PCBU - General		
s.298	Failure of a Person with management of control of a workplace at which construction work is carried out to ensure, SFARP , that the workplace is secured from unauthorised access.	36 penalty units
Duties of PCBU - high risk construction work		
s.299	Failure of a PCBU , before high risk construction work commences, to ensure there is a safe work method statement.	PCBU: 60 penalty units
s.300	Failure of a PCBU to ensure that high risk construction work is carried out in accordance with the safe work method statement for the work and arrangements are in place for compliance.	PCBU: 60 penalty units
s.300	Failure of a person to ensure that high risk construction work that is carried out not in accordance with safe work method statement is stopped immediately and only resumed in accordance with the statement	<i>Individual:</i> 60 penalty units <i>Body corporate:</i> 300 penalty units
s.301	Failure of a PCBU to ensure, before the high risk construction work commences, that a copy of the safe work method statement for the work is given to the principal contractor .	<i>Individual:</i> 12 ½ penalty units <i>Body corporate:</i> 60 penalty units
s.302	Failure of a PCBU to ensure that a safe work method statement is reviewed and, as necessary, revised if relevant control measures are revised.	PCBU: 36 penalty units

⁴ Where a maximum penalty specified by the WHS Regulations is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

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

Reference	Offence	Penalty ⁴
s.306D(3)	<p>Failure of a PCBU, who intends to do construction work must, before the work starts, to use control measures, which comply with the WHS Regulations, to:</p> <ul style="list-style-type: none"> • prevent a person falling any distance; or • if prevention is not practicable— <ul style="list-style-type: none"> ○ to arrest a person's fall; and ○ to prevent or minimise the risk of death or injury to a person when the fall is arrested. 	PCBU: 60 penalty units
s.306D(4)	Failure of a PCBU to use a control measure provided for under the WHS Regulations in compliance with the WHS Regulations	PCBU: 60 penalty units
s.306I	Failure of a PCBU 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 penalty units
s.306K	Failure of a PCBU , that intends to perform construction work 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 penalty units
s.306L (3)	<p>Failure of a PCBU to prevent a ladder being used unless</p> <ul style="list-style-type: none"> • the person using the ladder— <ul style="list-style-type: none"> ○ has at least 3 limbs holding, wrapped around or standing on the ladder in any combination; or ○ is prevented from falling by a control measure, for example, a strap commonly known as a pole strap; or ○ is using a fall arrest harness system that is not attached to the ladder; and • the ladder is secured— <ul style="list-style-type: none"> ○ at or near the top to prevent it moving; or ○ at or near the bottom to prevent it moving. 	PCBU: 60 penalty units
s.306L (5)	Failure of a PCBU 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 penalty units
s.306M (1)	<p>Failure of a PCBU to ensure that a ladder, other than a trestle ladder, used for work—</p> <ul style="list-style-type: none"> • complies with requirements; and • is used only for the purpose for which it is designed; and • is no longer than— <ul style="list-style-type: none"> ○ for a single ladder—6.1m; or ○ for an extension ladder used to do electrical work within the meaning of the ES Act—9.2m; or ○ for another extension ladder—7.5m. 	PCBU: 60 penalty units
ss.306M (6) - (8)	<p>Failure of a person to ensure that—</p> <ul style="list-style-type: none"> • the bottom of the ladder is on a stable surface; • the rungs of the ladder are approximately level; • a ladder is not used to support a platform • a ladder is placed at the correct angle 	Person: 60 penalty units
s.306N	Failure of a PCBU to ensure, prior to work commencing that each trestle ladder must be secured to prevent it moving and edge	PCBU: 60 penalty units

Reference	Offence	Penalty ⁴
	protection is erected along the outer edge of the length of the platform	
s.306O (3)	Failure of a PCBU to ensure the platform has an unobstructed surface that is— <ul style="list-style-type: none"> • if the work is light work—at least 225mm wide along the length of the platform; or • if the work is not light work—at least 450mm wide along the length of the platform. 	PCBU: 60 penalty units
s.306O (5)	Failure of a PCBU to ensure: <ul style="list-style-type: none"> • the platform has an unobstructed surface at least 450mm wide along the length of the platform; and • the platform is not higher than 5m. 	PCBU: 60 penalty units
ss.306P and 306Q	A PCBU must not erect, or allow another person to erect, the scaffolding if— <ul style="list-style-type: none"> • the erection and dismantling of the scaffolding is housing construction work and a person could fall at least 3m in erecting the scaffolding; or • the erection and dismantling of the scaffolding is not housing construction work and a person could fall at least 2m in erecting the scaffolding. 	PCBU: 60 penalty units
Additional duties of principal contractor		
s.308	The principal contractor for a construction project must ensure that adequate signage is displayed.	Principal contractor: 36 penalty units
s.309	The principal contractor for a construction project must prepare a written WHS management plan for the workplace before work on the project commences.	Principal contractor: 60 penalty units
s.310	The principal contractor for a construction project must ensure, SFARP , that each person who is to carry out construction work in connection with the project is, before commencing work, made aware of— <ul style="list-style-type: none"> • the content of the WHS management plan for the workplace; and • the person's right to inspect the WHS management plan. 	Principal contractor: 36 penalty units
s.311	The principal contractor for a construction project must review and, as necessary, revise the WHS management 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.	Principal contractor: 36 penalty units
s.312	The principal contractor for a construction project must take all reasonable steps to obtain a copy of the safe work method statement relating to high risk construction work before the high risk construction work commences.	Principal contractor: 36 penalty units
s.313	The principal contractor for a construction project 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 notifiable incident .	<i>Individual:</i> 12 ½ penalty units <i>Body corporate:</i> 60 penalty units

Reference	Offence	Penalty ⁴
s.313 (3)	The principal contractor must ensure that the WHS management plan is readily accessible to any person who is to carry out construction work in connection with the construction project .	Principal contractor: 36 penalty units
s.314	Failure of a principal contractor for a construction project 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 WHS Regulations .	Principal contractor: 60 penalty units
s.315A	Failure of a principal contractor to ensure that an amenity is maintained in a hygienic, safe and serviceable condition, including by ensuring that there is a system for compliance.	Principal contractor: 60 penalty units
s.315E	Failure of PCBU using a control measure to ensure that it complies with the respective provision under the WHS Regulations .	PCBU: 60 penalty units
s.315F	Failure of principal contractor 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.	Principal contractor: 60 penalty units
s.315G	Failure of the principal contractor before work starts to ensure that hording is erected in accordance with the requirements.	Principal contractor: 60 penalty units
s.315H	Failure of the principal contractor to comply with requirements in relation control measures for demolition work or work erecting or dismantling formwork	Principal contractor: 60 penalty units
s.315J	Failure of the principal contractor to ensure control measures are used to prevent component of catch platform from falling on persons	Principal contractor: 60 penalty units
s.315L	Failure of the principal contractor to comply with control measure requirements when load is lifted over adjoining area	Principal contractor: 60 penalty units
s.315M	Failure of the principal contractor to do certain things before closure of part or all of an adjoining area before construction work starts	Principal contractor: 60 penalty units
General construction induction training		
s.316	Failure of a PCBU to ensure that general construction induction training is provided to a worker engaged by the person who is to carry out construction work .	PCBU: 36 penalty units
s.317	A PCBU must not direct or allow a worker to carry out construction work unless— <ul style="list-style-type: none"> the worker has successfully completed general construction induction training; and if the worker completed the training more than 2 years previously—the worker has carried out construction work in the preceding 2 years. 	PCBU: 36 penalty units
Duties of workers		
s.326	A worker carrying out construction work must keep available for inspection under the WHS Act evidence of his or her general construction induction training.	Individual worker: 36 penalty units
s.327	A person who holds a general construction induction training card must not intentionally or recklessly alter the card.	Individual: 36 penalty units

Last Amendment

Work Health and Safety Act 2011 (includes amendments up to 30 August 2024, Act No. 44 of 2024)

Work Health and Safety Regulation 2011 (includes amendments up to 27 September 2024, SL No. 241 of 2024).



CHAPTER 4 – ASBESTOS

1 Introduction

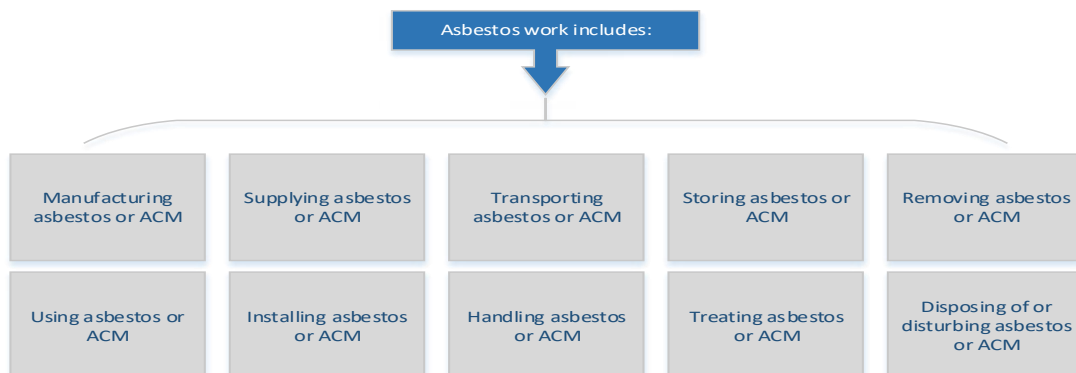
1.1 Applicable legislation

Legislation
WHS Regulations, 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 and How to Safely Remove Asbestos Code of Practice . 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 duties

2.1 Prohibitions and Exceptions


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



2.1.2 A summary of these duties are set out below:

PCBU Activity	What is the duty (in summary)?
<p>General duty <i>Part 8.2, WHS Regulations</i></p>	<p>A PCBU must ensure that:</p> <ul style="list-style-type: none"> • exposure of a person at the workplace to airborne asbestos is eliminated SFARP or if not reasonably practicable to eliminate, minimised SFARP (s.420); and • the exposure standard for asbestos is not exceeded at the workplace.
<p>Identification of asbestos <i>Part 8.3, WHS Regulations</i></p>	<p>A PCBU has a duty to identify asbestos in the workplaces over which it has management or control, (s.422).</p> <p>A person with management or control of a workplace must ensure SFARP that all asbestos or ACM at the workplace is identified by a competent person (s.422).</p> <p>Where a material cannot be identified but a competent person reasonably believes that it is asbestos or ACM, a PCBU must assume the material is asbestos.</p> <p>This information must be recorded in an asbestos register. The asbestos register must include information which identifies whether or not there is asbestos identified in the workplace, and if so, when it was located, as well as its location, type and condition (ss.424 and 425). The asbestos register must be reviewed and, as necessary, revised if:</p> <ul style="list-style-type: none"> • the asbestos management plan is review, • further asbestos or ACM is identified; or • asbestos is removed from, or disturbed, sealed or enclosed at, the workplace (s.426).
<p>Management of asbestos <i>Part 8.3, WHS Regulations</i></p>	<p>A person with management or control of the workplace where asbestos or ACM is identified or is likely to be present must ensure that a written asbestos management plan for the workplace is prepared, maintained and reviewed.</p> <p>An asbestos management plan must include information relating to the following:</p> <ul style="list-style-type: none"> • the identification of asbestos or ACM; and • decisions, and reasons for decisions, about the management asbestos or ACM at the workplace; • procedures for detailing incidents or emergencies involving asbestos or ACM at the workplace; • workers carrying out work involving asbestos or ACM.
<p>Naturally occurring asbestos <i>Part 8.4, WHS Regulations</i></p>	<p>A person with management or control of the workplace where naturally occurring asbestos is identified or is likely to be present must ensure that a written asbestos management plan for the workplace is prepared, maintained and reviewed in relation to the naturally occurring asbestos .</p> <p>An asbestos management plan must include information relating to the following:</p> <ul style="list-style-type: none"> • the identification of naturally occurring asbestos; and • decisions, and reasons for decisions, about the management of naturally occurring asbestos at the workplace; • procedures for detailing incidents or emergencies involving naturally occurring asbestos at the workplace; • workers carrying out work involving naturally occurring asbestos.
<p>Permitted activities</p>	<p>In some circumstances a PCBU is permitted to undertake some limited activities in relation to asbestos, however all activities must be undertaken in accordance with the WHS Regulations.</p>

PCBU Activity	What is the duty (in summary)?
Removal of Asbestos <i>Part 8.7, WHS Regulations</i>	<p>Where CS Energy commissions the removal of asbestos, it has a duty to ensure that the work is carried out by a licensed asbestos removalist (s.458 (1)). This requirement does not apply if the asbestos to be removed is 10 meters squared or less of non-friable asbestos or ACM 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>Asbestos must, SFARP, be removed prior to the demolition (s.452) or refurbishment (s.456) of a workplace. There are various provisions relating to precautions that must be taken by asbestos removalist. These provisions will not apply to CS Energy unless it is CS Energy's employees carrying out the asbestos removal work.</p>

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

Example
<p><i>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.</i></p>

3 Penalties

3.1.1 Note that this is not an exhaustive list of all offences related to [asbestos under the WHS Act](#). 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](#).

Reference	Offence	Maximum Penalty ⁵
s.419(1)	PCBU carrying out, or directing to carry out, work involving asbestos where prohibited	PCBU : 60 penalty units .
s.420(2)	PCBU exceeding exposure standard for asbestos in a workplace	PCBU : 60 penalty units .
s.422(1)	Failure by person with management or control of a workplace to have asbestos or ACM at the workplace identified by a competent person	Person with management or control of a workplace: 60 penalty units .
s.423(2)	Failure to ensure sample of material at the workplace is analysed for the presence of asbestos or ACM by prescribed laboratories	Individual: 12 ½ penalty units . Body corporate: 60 penalty units .
s.424	Failure by person with management or control of a workplace to indicate presence or location of asbestos or ACM identified at the workplace	Person with management or control of a

⁵ Where a maximum penalty specified by the WHS Regulations is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Maximum Penalty ⁵
		workplace: 60 penalty units .
ss.425(1) and (2); 426 and 427	Failure by person with management or control of a workplace to prepare, maintain, review or allow access to asbestos register	Person with management or control of a workplace: 36 penalty units .
ss.429(2), (3), and (5); s.430(1)	Failure by person with management or control of a workplace to prepare, maintain, review or allow access to asbestos management plan	Person with management or control of a workplace: ss.429(2) and (3): 60 penalty units . ss.429(5) and 430(1): 36 penalty units .
s.432	Failure by persons with management or control of a workplace to ensure an asbestos management plan for the workplace is prepared, maintained and made readily accessible in relation to naturally occurring asbestos	Person with management or control of a workplace: 60 penalty units .
s.433	Failure by person with management or control of a workplace to ensure that asbestos management plan in relation to naturally occurring asbestos is reviewed and as necessary revised	Person with management or control of a workplace: 36 penalty units .
s.434	Failure by PCBU to provide training in relation to naturally occurring asbestos	PCBU : 60 penalty units .
s.435(1)	Failure by PCBU to provide health monitoring for asbestos removalist	PCBU : 60 penalty units .
s.436	Failure by PCBU to ensure health monitoring for asbestos removalist includes prescribed considerations	PCBU : 60 penalty units .
s.438	Failure by PCBU to pay costs for health monitoring for asbestos removalist	PCBU : 36 penalty units .
s.439	Failure by PCBU to provide information that must be provided to registered medical practitioner who is carrying out health monitoring for asbestos removalist	PCBU : 36 penalty units .
s.440	Failure by PCBU to take reasonable steps to obtain a health monitoring report	PCBU : 60 penalty units .
s.441	Failure by PCBU to provide health monitoring report to worker	PCBU : 60 penalty units .
s.442	Failure by PCBU to provide health monitoring report to regulator	PCBU : 60 penalty units .
s.443	Failure by PCBU to provide health monitoring report to other relevant PCBUs	PCBU : 60 penalty units .
s.444	Failure to keep as a confidential record health monitoring report for at least 40 years after the record is made and as identified as a record in relation to the worker	Individual: 12 ½ penalty units .

Reference	Offence	Maximum Penalty ⁵
		Body corporate: 60 penalty units .
s.445(1)	Failure by PCBU to train workers reasonably believed to be involved in asbestos removal work or carrying out asbestos removal work in the identification and suitable control measures for asbestos .	PCBU : 60 penalty units .
ss.445(3) and (4)	Failure to ensure a record is kept for the training undertaken and failure to keep record available for inspection	Individual: 12 ½ penalty units . Body corporate: 60 penalty units .
s.446	Failure by PCBU to limit use of high pressure spray or compressed air equipment on asbestos or ACM	PCBU : 36 penalty units
s.452	Failure by person with management or control of a workplace to identify and remove asbestos before demolition	Person with management or control of a workplace 60 penalty units .
s.456(3)	Failure by person with management or control of a workplace to identify and remove asbestos before refurbishment	Person with management or control of a workplace: 60 penalty units .
s.458(1)	Failure by PCBU to ensure asbestos removalist is licensed	PCBU : 60 penalty units .
s.466	Failure by asbestos removalist to notify Regulator of asbestos removal at least 5 days before the removalist commences licensed asbestos removal work	Asbestos removalist: 36 penalty units

Last Amendment

Work Health and Safety Act 2011 (includes amendments up to 30 August 2024, Act No. 44 of 2024)

Work Health and Safety Regulation 2011 (includes amendments up to 27 September 2024, SL No. 241 of 2024).



CHAPTER 4A – RESPIRABLE DUST & CRYSTALLINE SILICA

1 Introduction

1.1 Applicable Legislation

Legislation
WHS Regulation
Codes of Practice
Managing respirable dust hazards in coal-fired power stations Code of Practice. Managing respirable crystalline silica dust exposure in construction and manufacturing of construction elements Code of Practice For other Codes of Practice that may be relevant see Annexure – Codes of Practice Work Health and Safety .
Standards/Guidelines
See Annexure – Standards Work Health and Safety
Regulator
Regulator under the WHS Act. See above .

2 Respirable dust duties

- 2.1.1 As set out in chapter 1 above, duty holders must ensure that no person at the [workplace](#) is exposed to a [substance](#) or a mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture (Part 3.2, Div 7 of the WHS Act).
- 2.1.2 In December 2023, the the Managing respirable dust hazards in coal-fired power stations Code of Practice 2023 (**Dust Code of Practice**) commenced. The Dust Code of Practice applies to all respirable dusts (except asbestos) in coal-fired power stations for which AS2985:2009 Workplace atmospheres – Method for sampling and gravimetric determination of respirable dust applies and includes coal dust and ash (containing variable percentages of respirable crystalline silica) and respirable crystalline silica.
- 2.1.3 While there are no specific technical duties prescribed in the WHS Regulations relating to respirable dust, the Dust Code of Practice provides practical guidance, which includes guidance on:
- consultation;
 - identifying respirable dust hazards;
 - assessing the risks from respirable dust exposure;
 - controlling respirable dust risks;
 - reviewing control measures;
 - health monitoring; and
 - information, training, instruction and supervision.

3 Crystalline silica

- 3.1.1 WHSQ's Managing respirable crystalline silica dust exposure in construction and manufacturing of construction elements Code of Practice 2022 provides practical guidance in relation to crystalline silica. The Code of Practice applies where the construction work includes work that involve using materials that:
- (a) contain 1% or more of crystalline silica content; or
 - (b) generate respirable crystalline silica or make respirable crystalline silica airborne.
- 3.1.2 Any construction work that includes a risk of exposure to respirable crystalline silica is classed as high risk construction work in accordance with s. 291(l) of the WHS Regulations.
- 3.1.3 From 1 July 2024, working with engineered stone in the manufacturing, supply, processing and installation of benchtops, panels and slabs is prohibited (s. 529D of the WHS Regulations). Further, from 1 September 2024, amendments to the WHS Regulations introduced stronger regulation around the processing of crystalline silica substances (**CSS**). In accordance with new section 529B of the WHS Regulations, processing is 'controlled' if control measures are implemented, so far as is reasonably practicable, to eliminate or minimise risks arising from the processing and at least one of the following control measures is used during the processing:
- (a) the isolation of a person from dust exposure;
 - (b) a fully enclosed operator cabin, fitted with a high efficiency air filtration system;
 - (c) an effective wet dust suppression method;
 - (d) an effective on-tool extraction system;
 - (e) an effective local exhaust ventilation system.
- 3.1.4 Should a person still be at risk of exposure to respirable crystalline silica (**RCS**) despite these control measures, suitable respiratory protective equipment must be provided and worn (s 529B(1)(c)). If it is not reasonably practicable to use a control measure during the processing of a CSS, the processing will be controlled if suitable respiratory protective equipment is provided and worn (s 529B(2)). Businesses are also required to undertake a risk assessment of CSS processing, to determine if the activity is high risk.
- 3.1.5 Section 529C of the WHS Regulations provides that a PCBU must not carry out, or direct or allow a worker to carry out, the processing of a CSS unless the processing is controlled. The offence bears a maximum penalty of 60 penalty units.
- 3.1.6 Further, a PCBU must ensure a worker receives crystalline silica training if the PCBU reasonably believes the worker may be:
- (a) involved in the processing of a CSS that is high risk; or
 - (b) at risk of exposure to RCS because of the processing of a CSS that is high risk.

That training must be either vocational educational training accredited, or approved by the regulator. A record of training undertaken must be kept by the PCBU for inspection while a worker is processing the CSS, and for a further five years after the worker stops being a worker for the PCBU.

4 Penalties

- 4.1.1 Some of the offences relating to crystalline silica under the WHS Act include:

Reference	Offence	Maximum Penalty ⁶
s.529C	PCBU carrying out, or directing or allowing a worker to carry out, the processing of a CSS unless the processing is controlled.	PCBU: 60 penalty units.

⁶ Where a maximum penalty specified by the WHS Regulations is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Maximum Penalty ⁶
s.529CA(1)	PCBU failing to, before the processing starts, assess the processing of the CSS to determine whether the processing of the substance at the workplace is reasonably likely to result in a risk to the health of a person in the workplace	PCBU: 60 penalty units.
s.529CA(4)	PCBU failing to ensure that an assessment made under s.529CA(1) is recorded in writing.	Individual: 12 ½ penalty units. Body corporate: 60 penalty units.
s.529CB	PCBU failing to, before the processing starts, ensure a plan in compliance with s.529CB(2).	PCBU: 60 penalty units.
s.529CC(1)	PCBU failing to ensure the processing of the CSS is carried out in accordance with a silica risk control plan prepared in relation to the processing, including by ensuring: <ul style="list-style-type: none"> • that the plan is available to all workers at the workplace; and • the plan is provided to all workers before they start processing. 	PCBU: 60 penalty units.
s.529CC(2)	PCBU failing to immediately stop (or as soon as safe to do so) the processing of CSS that is high risk and is not carried out in compliance with s.529CC(1), and ensure it is resumed only in accordance with the silica risk control plan prepared in relation to the processing.	PCBU: 60 penalty units.
s.529CC(3)	PCBU failing to ensure the silica risk control plan prepared in relation to the processing is reviewed and, as necessary, revised if a relevant control measure in relation to the processing is revised under s.38.	PCBU: 36 penalty units.
s.529CD(1)	PCBU failing to ensure a worker receives crystalline silica training, if required.	PCBU: 60 penalty units.
s.529CD(2)	PCBU failing to keep a record of the training undertaken by the worker, while the worker is carrying out the processing and for 5 years after they cease to be a worker for the PCBU.	PCBU: 60 penalty units.
s.529CD(3)	PCBU failing to keep the record of training available for inspection under the Act.	Individual: 12 ½ penalty units. Body corporate: 60 penalty units.
S.529CE	PCBU failing to give the regulator the results of air monitoring in an approved form and as soon as reasonably practicable, but no later than 14 days, after the day they receive the results (where the PCBU is carrying out the processing of CSS that is high risk, and the results show the airborne concentration of RCS has exceeded the workplace exposure standard for crystalline silica).	PCBU: 60 penalty units.

Last Amendment

Work Health and Safety Act 2011 (includes amendments up to 30 August 2024, Act No. 44 of 2024)

Work Health and Safety Regulation 2011 (includes amendments up to 27 September 2024, SL No. 241 of 2024).



CHAPTER 5 – MAJOR HAZARD FACILITIES

1 Introduction

1.2 Applicable Legislation

Legislation	
	WHS 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: Workplace Health and Safety Queensland – Office of Industrial Relations Telephone: 1300 362 128 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](#).

1.2.1 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. 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 Regulations 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](#).

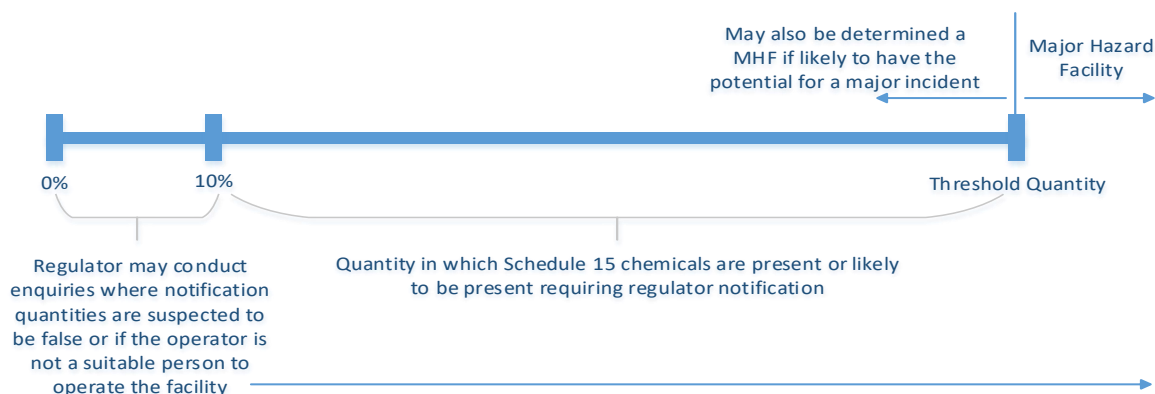
1.3.4 Other specific requirements for non-operating plant under the [PGPS Act](#) would still need to be dealt with by the safety case, for example installation, maintenance and repair requirements of gas systems and gas transport.

2 Major Hazard Facilities duties

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).



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



2.2.1 A summary of the duties is set out below:

Activity	What is the duty (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"> • 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; • 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; • 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; • a description of the consultation with workers that— <ul style="list-style-type: none"> ▪ occurred in the preparation of the safety case outline; and ▪ will occur in the preparation of the safety case; • a draft of the emergency plan prepared or to be prepared under s.557 (WHS Regulations); and • a summary of any arrangements that are to be made in relation to the security.
Identify major incidents and major incident hazards	<p>The operator of a determined major hazard facility of a must identify and document <u>major incidents</u> and <u>major incident hazards</u>. 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>

Activity	What is the duty (in summary)?
Conduct a safety assessment	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 major incidents and major incident hazards as well as the range of control measures considered and implemented (s.555, WHS Regulations).
Control measures	The operator of a major hazard facility must implement control measures that eliminate, SFARP , the risk of a major incident occurring. If elimination is not reasonably practicable, the risk must be minimised SFARP (s.556, WHS Regulations).
Emergency Plan	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 major incident occurring, the matters specified in schedule 16 of the WHS Regulations , and provides for the testing of the emergency procedures, including the frequency of testing. 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 major incident , or events that could be reasonably expected to lead to a major incident (s.557, WHS Regulations).
Safety management system	The operator of a determined major hazard facility must prepare and implement, SFARP , a safety management system, which comprehensively integrates all aspects of risk control in relation to the occurrence and potential occurrence of major incidents , 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).
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

3.1.1 Set out below are some of the offences that may apply in relation to major hazard facilities under the WHS Regulations:

Reference	Offence	Maximum Penalty ⁷
s.536	Failure to notify regulator of presence of schedule 15 chemicals which exceed 10% of their threshold quantity	<i>Individual: 60 penalty units Corporation: 300 penalty units</i>
s.551	Failure of operator of a determined major hazard facility to provide safety case outline within 3 months after the determination is made	<i>Individual: 36 penalty units Corporation: 180 penalty units</i>
s.553	Failure of operator of a determined major hazard facility to alter or provide copy of altered safety case outline to regulator as required	<i>Individual: 36 penalty units Corporation: 180 penalty units</i>
s.554	Failure of operator of a determined major hazard facility to identify or document all major incident or major incident hazards which could occur at major hazard facility , including in relation to the security of the facility	<i>Individual: 60 penalty units Corporation: 300 penalty units</i>
s.555	Failure of operator of a determined major hazard facility to conduct, document or keep a copy of a safety assessment for a major hazard facility	<i>Individual: 60 penalty units Corporation: 300 penalty units For failing to keep copy: Individual: 36 penalty units Corporation: 180 penalty units</i>
s.556	Failure of operator of a determined major hazard facility to implement control measures	<i>Individual: 60 penalty units Corporation: 300 penalty units</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 penalty units Corporation: 300 penalty units</i>
s.558	Failure of operator of a determined major hazard to establish safety management system	<i>Individual: 60 penalty units Corporation: 300 penalty units</i>

⁷ Where a maximum penalty specified by the WHS Regulations is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Maximum Penalty ⁷
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:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.560	Failure of operator of a determined major hazard to provide safety case to regulator	<i>Individual:</i> 36 penalty units <i>Corporation:</i> 180 penalty units
s.571	Failure of operator of licensed major hazard facility to provide required information for visitors	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
ss.572 and 573	Failure of operator of licensed major hazard facility to provide required information to the local community in general or in relation to a major incident	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.574	Failure of operator of a major hazard facility to provide safety role for workers	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.575	Failure of operator of a major hazard facility to consult with workers as required	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.576	Failure of worker to comply with duties at licensed major hazard facility	<i>Individual worker:</i> 36 penalty units

Last Amendment

Work Health and Safety Act 2011 (includes amendments up to 30 August 2024, Act No. 44 of 2024)

Work Health and Safety Regulation 2011 (includes amendments up to 27 September 2024, SL No. 241 of 2024).



CHAPTER 6 – HAZARDOUS CHEMICALS

1 Introduction

1.1 Applicable Legislation

Legislation
WHS Regulation, 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 , Labelling of Workplace Hazardous Chemicals Code of Practice and Preparation of Safety Data Sheets for Hazardous Chemicals Code of Practice . 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 duties

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 this chapter 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.
- 2.1.3 Some of the key duties are as follows:

PCBU Activity	What is the duty (in summary)?
Providing information and induction	<p>A PCBU must ensure that:</p> <ul style="list-style-type: none"> hazardous chemicals are used, handled or stored at the workplace are correctly labelled including in containers and pipework (ss.341 to 343, WHS Regulations); current safety data sheets are obtained from the manufacturer, importer or supplier of the hazardous chemicals at prescribed times including when the hazardous chemical is first supplied for use (s.344, WHS Regulations); the safety data sheets are readily accessible to relevant workers in the workplace, persons at the workplace if they are likely to be affected by the

PCBU Activity	What is the duty (in summary)?
	<p>hazardous chemical and they ask for the safety data sheet and emergency service workers (s.344, WHS Regulations)</p> <ul style="list-style-type: none"> • a compliant register of hazardous chemicals used, handled or stored at the workplace exists and is maintained in order to ensure that the information is up to date including a list of the hazardous chemicals used, handled or stored and the current safety data sheet for each hazardous chemical listed (s.346, WHS Regulations); • the register of hazardous chemicals is readily accessible to a worker involved in using, handling or storing a hazardous chemical and anyone else who is likely to be affected by a hazardous chemical at the workplace (s.346, WHS Regulations); • a manifest is kept where there are hazardous chemicals prescribed in Schedule 11 of the WHS Regulations used, handled or stored of a quantity greater than the manifest quantity (s.347, WHS Regulations); and • any worker who uses handles, generates stores or is likely to be exposed to a hazardous chemical is provided with an induction, information, training and supervision as is necessary to protect that worker from risks to health and safety (s.379, WHS Regulations).
<p>Managing risk</p>	<p>A PCBU must:</p> <ul style="list-style-type: none"> • manage risks to health and safety associated with using, handling, generating or storing hazardous chemicals in a workplace (s.351, WHS Regulations) by having regard to: <ul style="list-style-type: none"> ○ the hazardous properties of the hazardous chemical, ○ any potential hazardous chemical or physical reactions between the hazardous chemical and another substance of mixture. ○ the nature of work to be carried out with the hazardous chemical, and ○ any structure, plant or system of work that is used in the use, handling, generation or storage of the hazardous chemical or that could interact with the hazardous chemical at the workplace (s.351, WHS Regulations); • review and when necessary revise control measures following: <ul style="list-style-type: none"> ○ any changes to the safety data sheet for the hazardous chemical or the register of hazardous chemicals; or ○ a health monitoring report of a worker contains any of the prescribed findings; or ○ if monitoring of airborne hazardous chemicals reveals that the relevant exposure standards have been exceeded; or ○ at a minimum, at least once every 5 years. (s.352, WHS Regulations); • identify the risks of physical or chemical reactions in relation to hazardous chemicals (s.354, WHS Regulations); • ensure that ignition sources are not introduced to areas where there is a risk of fire or explosion (s.355, WHS Regulations). <p>Safety signs displayed should warn of the particular hazard associated with the hazardous 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 Regulations).</p>
<p>Stability of hazardous chemicals</p>	<p>A PCBU must ensure, SFARP, that hazardous chemicals 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 hazardous chemicals (s.356, WHS Regulations).</p>

PCBU Activity	What is the duty (in summary)?
Spills and damage	<p>A PCBU, SFARP, must ensure that:</p> <ul style="list-style-type: none"> • provision is made for a spill containment system in a workplace where there is a risk of a spill or leak of a hazardous chemical including any resulting effluent (s.357, WHS Regulations). • containers of hazardous chemicals and any associated pipe work or attachments are protected against damage caused by an impact or excessive loads (s.358, WHS Regulations).
Emergency plans and safety equipment	<p>A PCBU, SFARP, must ensure that:</p> <ul style="list-style-type: none"> • the workplace is provided with fire protection and firefighting equipment designed for the types of hazardous chemicals at the workplace in the quantities in which they are used, handled, generated or stored and the conditions under which they are used, handled, generated or stored, having regard to: <ul style="list-style-type: none"> ○ the fire load of the hazardous chemicals; ○ the fire load from other sources; and ○ the compatibility of the hazardous chemicals with other substances and mixtures (s.359, WHS Regulations); • emergency equipment is always available for use in an emergency (s.360, WHS Regulations); and • if safety equipment is used to control an identified risk, safety equipment must be provided, maintained and readily accessible to persons at the workplace (s.362, WHS Regulations). <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 PCBU, SFARP, must ensure that:</p> <ul style="list-style-type: none"> • storage and handling systems for hazardous chemicals 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 having regard to the health and safety of workers and other persons in the workplace (s.363, WHS Regulations); • sufficient information, training and instruction is given to persons who operate, test, maintain or demossiiion a system used for the use, handling or storage of hazardous chemicals; and • 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 notifiable incident. (s.364, WHS Regulations).
Health monitoring	<p>A PCBU must:</p> <ul style="list-style-type: none"> • provide health monitoring to a worker carrying out work involving ongoing work at a workplace using, handling, generating or storing hazardous chemicals, where there significant risks to the worker's health because of exposure, and in other prescribed circumstances (s.368, WHS Regulations); • if required to provide health monitoring, give information about the health monitoring requirements to a person who is likely to be engaged to carry out work using, handling, generating or storing a hazardous chemical and a worker, before they commence work using, handling, generating or storing a hazardous chemical (s.369, WHS Regulations); • 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); • provide for all expenses relating to health monitoring (s.372, WHS Regulations);

PCBU Activity	What is the duty (in summary)?
	<ul style="list-style-type: none"> provide relevant information to the registered medical practitioner (s.373, WHS Regulations); take all reasonable steps to obtain the health monitoring report from the registered medical practitioner as soon as practicable after the monitoring is carried out (s.374, WHS Regulations); provide the health monitoring report as soon as practicable after obtaining the report to the worker (s.375, WHS Regulations); provide the health monitoring report to the regulator as soon as practicable after obtaining the report if the report contains prescribed advice and recommendations (s.376, WHS Regulations); and keep health monitoring records for at least 30 years after the record is made (s.378, WHS Regulations).
Lead	Lead is dealt with as a separate category of hazardous chemical 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).

There are separate obligations imposed on manufacturers, importers and suppliers of hazardous chemicals.

2.2 Authorities Required

2.2.1 CS Energy must apply for authorisation from the WHS Regulator to use, handle or store prohibited carcinogens, restricted carcinogens or [restricted hazardous chemicals](#).

2.2.2 Chapter 7, division 8 provides a framework for the use, handling and storage of prohibited and restricted 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

3.1.1 Set out below are some of the offences that may apply in relation to hazardous chemicals under the WHS Regulations:

Reference	Offences	Maximum Penalty ⁸
ss.341, 342 and 343	Failure to label hazardous chemicals	Individual: 60 penalty units Corporation: 300 penalty units
s.344	Failure to obtain and give access to safety data sheets.	<i>Failing to obtain:</i> Individual: 60 penalty units Corporation: 300 penalty units <i>Failing to give access:</i> Individual: 36 penalty units Corporation: 180 penalty units

⁸ Where a maximum penalty specified by the WHS Regulations is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offences	Maximum Penalty ⁸
s.346	Failure to prepare, keep or maintain hazardous chemicals register	<p><i>Failing to ensure a register is maintained:</i></p> <p><i>Individual: 60 penalty units</i></p> <p><i>Corporation: 300 penalty units</i></p> <p><i>Failing to make hazardous chemicals register accessible:</i></p> <p><i>Individual: 36 penalty units</i></p> <p><i>Corporation: 180 penalty units</i></p>
s.347	Failure to prepare and keep a manifest of hazardous chemicals in prescribed manner	<p><i>Failing to prepare:</i></p> <p><i>Individual: 60 penalty units</i></p> <p><i>Corporation: 300 penalty units</i></p> <p><i>Failing to keep in prescribed manner:</i></p> <p><i>Individual: 36 penalty units</i></p> <p><i>Corporation: 180 penalty units</i></p>
s.348	Failure to notify Regulator in the prescribed manners if manifest quantities are exceeded	<p><i>Individual: 60 penalty units</i></p> <p><i>Corporation: 300 penalty units</i></p>
s.349	Failure to display outer warning placards	<p><i>Individual: 60 penalty units</i></p> <p><i>Corporation: 300 penalty units</i></p>
s.350	Failure to display warning placards	<p><i>Individual: 60 penalty units</i></p> <p><i>Corporation: 300 penalty units</i></p>
s.352	Failure to review control measures in prescribed manners	<p><i>Individual: 60 penalty units</i></p> <p><i>Corporation: 300 penalty units</i></p>
s.353	Failure to display safety signs where required under prescribed circumstances	<p><i>Individual: 60 penalty units</i></p> <p><i>Corporation: 300 penalty units</i></p>
s.354	Failure to identify risks of physical or chemical reactions	<p><i>Individual: 60 penalty units</i></p> <p><i>Corporation: 300 penalty units</i></p>
s.355	Failure to prevent risks of fire and explosion	<p><i>Individual: 60 penalty units</i></p> <p><i>Corporation: 300 penalty units</i></p>
s.356	Failure to keep hazardous chemicals stable	<p><i>Individual: 60 penalty units</i></p> <p><i>Corporation: 300 penalty units</i></p>
s.357	Failure to contain and manage spills	<p><i>Individual: 60 penalty units</i></p> <p><i>Corporation: 300 penalty units</i></p>

Reference	Offences	Maximum Penalty ⁸
s.358	Failure to protect hazardous chemicals from damage	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.359	Failure to provide fire protection and firefighting equipment in the prescribed capacities	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.360	Failure to provide emergency equipment	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.361	Failure to give copy of emergency plan to emergency services organisation or revise plan in accordance with recommendations	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.362	Failure to provide, maintain and make readily accessible safety equipment	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.363	Failure to control risks arising from storage or handling systems in the prescribed manners	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.364	Failure to ensure containers used for storage of hazardous chemicals are in the prescribed form	<i>Individual:</i> 12 ½ penalty units <i>Corporation:</i> 60 penalty units
ss.365, 366 and 367	Failure to comply with requirements for storage and handling systems no longer in use	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.368	Failure to provide health monitoring	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.369	Failure to inform of requirements to undergo health monitoring	<i>Individual:</i> 36 penalty units <i>Corporation:</i> 180 penalty units
s.370	Failure to ensure appropriate health monitoring is provided	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.371(1)	Failure to ensure health monitoring is supervised by registered medical health practitioner with experience	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.371(2)	Failure to consult worker in relation to the selection of the registered medical practitioner	<i>Individual:</i> 36 penalty units <i>Corporation:</i> 180 penalty units
s.372	Failure to pay for costs of health monitoring	<i>Individual:</i> 36 penalty units <i>Corporation:</i> 180 penalty units
s.373	Failure to provide required information to registered medical practitioner	<i>Individual:</i> 36 penalty units <i>Corporation:</i> 180 penalty units

Reference	Offences	Maximum Penalty ⁸
s.374	Failure to obtain health monitoring report	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.375	Failure to provide health monitoring report to worker	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.376	Failure to provide health monitoring report to Regulator	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.377	Failure to provide health monitoring report to all other PCBUs who have a duty to provide health monitoring for the worker	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.378	Failure to keep health monitoring records in prescribed manner for prescribed time	<i>Individual:</i> 12 ½ penalty units <i>Body corporate:</i> 60 penalty units
s.379	Failure to provide instruction, information, training and supervision to workers in prescribed circumstances.	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units

Last Amendment

Work Health and Safety Act 2011 (includes amendments up to 30 August 2024, Act No. 44 of 2024)

Work Health and Safety Regulation 2011 (includes amendments up to 27 September 2024, SL No. 241 of 2024).



CHAPTER 7 – PSYCHOSOCIAL HAZARDS

1 Introduction

1.1 Applicable Legislation

Legislation
WHS Regulation, Part 3.2, Division 11
Codes of Practice/Guidelines
Managing the risk of psychosocial hazards at work Code of Practice
Regulator
Regulated by the Regulator under the WHS Act. See above .

2 Psychosocial hazard duties

2.1 Key duties

2.1.1 The WHS Act defines “health” to include both physical and psychological health. Pursuant to s.19(1) of the WHS Act, PCBUs must manage risks to both physical and psychological health SFARP. The WHS Regulations expressly require PCBUs to manage psychosocial risks under part 3.1 (the general risk management requirements) of the WHS Regulations.

2.1.2 A psychosocial risk is a risk to the health or safety of a worker or other person from a psychosocial hazard. The WHS Regulations define psychosocial hazard to be a hazard that (s.55A):

- (a) arises from or related to:
 - (i) the design or management of work; or
 - (ii) a work environment; or
 - (iii) plant at a workplace; or
 - (iv) workplace interactions or behaviours; and
- (b) may cause psychological harm, whether or not the hazard may also cause physical harm.

2.1.3 Some common psychosocial hazards include the following:



Example

CS Energy is undertaking major maintenance on one of its assets. CS Energy knows that this is a peak workload for its workers involved in the maintenance and has arranged for additional practical support to be available during the maintenance period.

2.1.4 In managing the psychosocial risk, the risk must either be eliminated SFARP or, if its not reasonably practicable to eliminate, the risk must be minimised SFARP. The hierarchy of control measures in s.36 of the WHS Regulations applies, but in managing the psychosocial risks, PCBUs must have regard to all relevant matters, including:


- (a) the duration, frequency or severity of the exposure of workers and other persons to psychosocial hazards; and
- (b) how the psychosocial hazards may interact or combine; and

- (c) the design of work, including job demands and tasks; and
- (d) the systems of work, including how work is managed, organised and supported; and
- (e) the design and layout, and environmental conditions, of the workplace, including the provision of—
 - (i) safe means of entering and exiting the workplace; and
 - (ii) facilities for the welfare of workers; and
- (f) the design and layout, and environmental conditions, of workers' accommodation; and
- (g) the plant, substances and structures at the workplace; and
- (h) workplace interactions or behaviours; and
- (i) the information, training, instruction and supervision provided to workers.

2.1.5 PCBUs should refer to the Managing the Risk of Psychosocial Hazards at Work Code of Practice 2022 which provides practical guidance on how to manage psychosocial hazards.

3 Sexual harassment and sex or gender-based harassment

- 3.1.1 From 1 September 2024, the WHS Regulations require PCBUs to specifically manage the risk to the health or safety of workers, or other persons, from sexual harassment or sex or gender-based harassment at work (s.55C).
- 3.1.2 Sexual harassment refers to conduct that would contravene the *Anti-Discrimination Act 1991* (Qld) or the *Sex Discrimination Act 1984* (Cth). Sex or gender-based harassment takes its meaning from the *Industrial Relations Act 2016* (Qld), schedule 5.
- 3.1.3 In determining the control measures to implement, the PCBU must have regard to all relevant matters in relation to the risk of sexual harassment or sex or gender-based harassment (s.55F), including:
 - (a) matters relating to characteristics of the workers, such as the workers':
 - (i) age;
 - (ii) gender;
 - (iii) sex;
 - (iv) sexual orientation; or
 - (v) disability, and
 - (b) matters relating to characteristics of the workplace or work environment, such as:
 - (i) a work environment that may give rise to a workplace culture, or system of work, in which unacceptable or inappropriate behaviour is, or may be, permitted;
 - (ii) a lack of diversity in the workplace generally or in particular decision-making positions; and
 - (iii) other matters about the workplace or work environment that may affect a person's behaviour in relation to a worker.
- 3.1.4 PCBUs must review and, as necessary, revise the control measures if a person reports sexual harassment or sex or gender-based harassment at work (s.55G).
- 3.1.5 PCBUs must also comply with section 55D of the WHS Regulations and, for example, consider how the risk of sexual harassment may interact and combine with other psychosocial hazards.

WARNING	
	<p>From 1 March 2025, PCBU's must:</p> <ul style="list-style-type: none"> • prepare a written prevention plan to manage an identified risk to the health or safety of workers, or other persons, from sexual harassment and sex or gender-based harassment at work; • implement the prevention plan; • take reasonable steps to ensure workers are made aware of the prevention plan and know how to access it; and • review the plan: <ul style="list-style-type: none"> ○ as soon as practicable after a report of sexual harassment or sex or gender-based harassment at work is made; ○ if a health and safety committee for the workplace or a worker's health and safety representative requests a review of the plan – as soon as practicable after the request is made; or ○ otherwise, every three years. <p>A maximum penalty of 60 penalty units will apply.</p>

4 Penalties

4.1.1 The penalties that may apply are the same as those for other breaches of the WHS Act set out in Chapter 1 Part 7.

<p>Last Amendment <i>Work Health and Safety Act 2011</i> (includes amendments up to 30 August 2024, Act No. 44 of 2024) <i>Work Health and Safety Regulation 2011</i> (includes amendments up to 27 September 2024, SL No. 241 of 2024).</p>



CHAPTER 8 – PUBLIC HEALTH

1 Introduction

1.1 Applicable Legislation

Legislation	
Public Health Act	Public Health Regulation
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 Duties

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;
- (f) destroy or remove animals; or
- (g) stop using a place (s.21).

2.2 Paint (Chapter 2, Part 7, Public Health Act and Part 10, Public Health Regulation)

2.2.1 A person manufacturing, selling, supplying or using paint must comply with the current [Poisons Standard](#) dealing with paint, compiled by Secretary of the Australian Department of Health (s.60).

3 Penalties

3.1.1 Set out below are some of the offences that may apply under the Public Health Act:

Reference	Offences	Maximum Penalty ⁹
s.23	Failing to comply with a public health order.	<i>Individuals:</i> 200 penalty units . <i>Corporation:</i> 1,000 penalty units . Further penalties may apply.
s.60	Failure by a person manufacturing, selling, supplying or using paint to comply with the current Poisons Standard .	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s. 346	Failure to comply with a direction by an emergency officer made under s. 345(1) (a) – (h) or (4).	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units

Last Amendment

Public Health Act 2005 (includes amendments up to 2 August 2024, Act No. 23 of 2024)

Public Health Regulation 2018 (includes amendments up to 1 July 2024, SL No. 22 and 92 of 2024)

⁹ Where a maximum penalty specified by the Public Health Act is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.



CHAPTER 9 – PEST MANAGEMENT

1 Introduction

1.1 Applicable legislation

Legislation	
	Medicines and Poisons Act
	Medicines and Poisons (Pest Management Activities) Regulation (Pest Management Activities Regulation)
	Medicines and Poisons (Poisons and Prohibited Substances) Regulation
Standards	
	See Annexure – Standards Pest Management
Regulator	
Name:	Queensland Health
Telephone:	+61 7 3234 0111
Website:	https://www.health.qld.gov.au/public-health/

2 Pest management duties

2.1 Key duties

- 2.1.1 The main object of the [Medicines and Poisons Act](#) is to ensure particular substances are made, sold, used and disposed of in an appropriate, effective and safe way, to ensure health risks arising from the use of the substances are appropriately managed, and to ensure persons who are authorised to carry out activities using the substances have the necessary competencies to carry out the activities safely. The Act establishes a licensing regime to regulate and ensure the safety of [pest control activities](#) and [fumigation activities](#).
- 2.1.2 If a qualified person is carrying out a pest management activity and an incident happens involving the exposure, spillage or other release of a fumigant or pesticide that is likely to require medical treatment, the qualified person must notify the Chief Executive, orally or in writing, about the incident (s. 49, Pest Management Activities Regulation).
- 2.1.3 The Pest Management Activities Regulation covers more detailed requirements regarding:
- providing pre and post treatment pest control advice and activity risk management plans in high-risk environments;
 - conduct of licensed technicians, and procedures to be followed, before carrying out, during carrying out, and when finalising pest management activities;
 - labels, containers and storage in relation to fumigants or pesticides;
 - keeping records of pest management activities;
 - disposal of pesticides or fumigants; and
 - responding to and reporting incidents, such as leakages or escapes.

2.2 Authorities

- 2.2.1 The Medicines and Poisons Act makes it an offence to carry out a pest management activity unless it is carried out in the authorised way or the person has a reasonable excuse (s.44). According to s 31, a person carries out a regulated activity with a regulated substance in an 'authorised way' if –
- (a) the person is authorised (under section 54(4), 57 or 62) to carry out the regulated activity with the regulated substance; and
 - (b) the person complies with any requirements prescribed for the person (under section 91(1)) for carrying out the regulated activity with the regulated substance; and
 - (c) the person complies with any substance management plan that applies to the person.
- 2.2.2 Application for a substance authority, including a pest management licence, must be made to the chief executive and in accordance with other requirements (s.75).

Example
<p><i>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 Medicines and Poisons Act.</i></p>

3 Penalties

- 3.1.1 Set out below are some of the offences that may apply in relation to pest management under the Medicines and Poisons Act:

Reference	Offences	Maximum Penalty ¹⁰
s.44	Carrying out a pest management activity unless the person carries out the activity in the authorised way or has a reasonable excuse.	Individual: 200 penalty units Body corporate: 1,000 penalty units
s. 45	Offering to carry out pest management activities for a pest management business unless the person has a pest management licence or employs someone else with a pest management licence to carry out the pest management activity.	Individual: 200 penalty units Body corporate: 1,000 penalty units
s.46	The manager (being a person who is authorised to carry out a pest management activity or operates a pest management business) must not permit or require another person to carry out a pest management activity for the manager if the manager knows the other person is not authorised, unless the manager has a reasonable excuse.	Individual: 200 penalty units Body corporate: 1,000 penalty units
s. 160	Failure to comply with help requirement when required, without reasonable excuse.	Individual: 50 penalty units Body corporate: 250 penalty units
s. 166	Tampering with a seized thing without an inspector's approval or reasonable excuse.	Individual: 100 penalty units Body corporate: 500 penalty units

¹⁰ Where a maximum penalty specified by the Medicines and Poisons Act is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offences	Maximum Penalty ¹⁰
s. 176	Failure to give name/address when required by inspector, without reasonable excuse.	Individual: 50 penalty units
s. 178	Failure to comply with document production requirement without reasonable excuse.	Individual: 50 penalty units Body corporate: 250 penalty units
s. 179	Failure to comply with document certification requirement, without a reasonable excuse.	Individual: 50 penalty units Body corporate: 250 penalty units
s. 181	Failure to give information about an offence if required by an inspector, without reasonable excuse.	Individual: 50 penalty units Body corporate: 250 penalty units

Last Amendment

Medicines and Poisons Act 2019 (includes amendments up to 1 July 2024)

Medicines and Poisons (Pest Management Activities) Regulation 2021 (includes amendments up to 1 December 2023)

Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 (includes amendments up to 1 December 2023)



CHAPTER 10 – ELECTRICAL SAFETY

1 Introduction

1.1 Applicable Legislation

Legislation
Electrical Safety Act (ES Act) Electrical Safety Regulation (ES Regulation)
Codes of Practice
See Annexure - Codes of Practice Electrical Safety
Standards
See Annexure - Standards Electrical Safety for relevant mandated 'Australian Standards' that that apply in relation to electrical safety in Queensland.
Regulator
Electrical Safety Office is the Regulator that enforces the ES Act and ES Regulation in Queensland. Website: https://www.worksafe.qld.gov.au/about-us/about-the-electrical-safety-office Phone: 1300 326 128

Contact details for Regional office locations are found at: <https://www.worksafe.qld.gov.au/contact-us/regional-office-locations>

Online Enquiries relating to electrical health and safety can be made using the following link: <https://www.worksafe.qld.gov.au/contact-us>

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 ES Act concerns the prevention of persons being killed or injured by electricity and the prevention of property being destroyed or damaged by electricity. The ES Act applies to everyone who may affect the electrical safety of others by their acts or omissions.
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 WHS Act does not apply in relation to electrical safety in circumstances where the ES Act has application. Therefore, where the WHS Act and the ES Act both apply, the ES Act takes precedence.
CMSH Act	The ES Act has some operation at coal mines – the ES Act continues to apply but certain 'excluded provisions' have no force – specifically the electrical safety duties and provisions regarding electrical contractor licenses. Similarly, the ES Regulation have very limited application although some requirements (such as for sale of electrical equipment and licencing of electrical workers) do apply.
PGPS Act	The ES Act has some operation at petroleum plants and Green House Gas storage plants – the ES Act continues to apply but certain 'excluded provisions' have no force – specifically the electrical safety duties and provisions regarding electrical contractor licenses. Similarly, the ES Regulation 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 [CMSH Act](#) is the primary law that applies, the [ES Act](#) 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, [ES Regulation](#)).

- 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

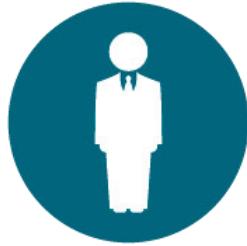


Other Persons

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).
- 2.1.2 Under the [ES Act](#), duty holders include:
- (a) [PCBUs](#) including CS Energy;
 - (b) [Electricity entities](#) including CS Energy;
 - (c) [Officers](#) [Note, there is a specific offence of industrial manslaughter that may apply to [Senior Officers](#) set out at [paragraph 6.4](#)]
 - (d) [Workers](#);
 - (e) 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 may 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
<ul style="list-style-type: none"> • 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 [PCBUs](#) 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)	Must ensure SFARP that its works are: <ul style="list-style-type: none"> • electrically safe; • operated in a way that is electrically safe; and • inspected, tested and maintained.
All business activities (s.30)	Primary duty to ensure SFARP the person's business or undertaking is conducted in a way that is electrically safe including: <ul style="list-style-type: none"> • ensuring that all electrical equipment used in the conduct of the business is electrically safe; • if the business or undertaking includes the performance of electrical work, ensuring the electrical safety of all persons and property likely to be affected by the electrical work; and • 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 electrically safe.
Controlling electrical equipment (s.38)	It is the duty of person who is in control of electrical equipment to ensure SFARP that the electrical equipment is electrically safe . This duty does not apply to the person in control of electrical equipment to the extent that the electrical equipment is located at premises in which the person lives.

Obligation holder/PCBU Activity	What is the duty (in summary)?
<p>Designing electrical equipment of an electrical installation (s.31)</p>	<p>Duty of designer to ensure SFARP that:</p> <ul style="list-style-type: none"> the electrical equipment or installation is designed to be electrically safe; and 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 electrical equipment or installation must be used and installed to ensure the equipment or installation is electrically safe.
<p>Manufacturing electrical equipment (s.32)</p>	<p>Duty of manufacturer to ensure SFARP that:</p> <ul style="list-style-type: none"> the processes followed in the manufacture of the electrical equipment ensures that the electrical equipment, when made, will be electrically safe; the electrical equipment, when made, is electrically safe. <p>The duty includes ensuring that electrical equipment, when made is tested and examined to ensure it is electrically safe.</p>
<p>Importing electrical equipment (s.33)</p>	<p>Duty of an importer to ensure SFARP that:</p> <ul style="list-style-type: none"> the electrical equipment is electrically safe; the electrical equipment is designed to be electrically safe; and the electrical equipment is tested and examined to ensure it is electrically safe.
<p>Supplying electrical equipment (s.34)</p>	<p>It is the duty of the supplier to ensure, SFARP, that when the electrical equipment leaves the supplier, it is accompanied by information about the way the electrical equipment must be used to ensure that its use is electrically safe.</p>
<p>Additional duties of designer, manufacturer, importer or supplier of electrical equipment (s.35)</p>	<p>Additional duties of designer, manufacturer, importer or supplier of electrical equipment include:</p> <ul style="list-style-type: none"> complying with any electrical safety notification that applies to them; and complying with any requirements of any recall order that applies to them.
<p>Installing electrical equipment or electrical installation (s.36)</p>	<p>Duty of an installer to ensure SFARP that:</p> <ul style="list-style-type: none"> the way the electrical equipment or installation is installed is electrically safe; the processes followed for installing the electrical equipment or installation ensure that when installed, it will be electrically safe; and after the electrical equipment or installation is installed the person tests and examines it to ensure it is electrically safe.
<p>Repairing electrical equipment or electrical installation (s.37)</p>	<p>Duty of the repairer to ensure SFARP that:</p> <ul style="list-style-type: none"> the way the electrical equipment or installation is repaired is electrically safe; the processes followed for repairing the electrical equipment or installation ensure that, when repaired, it will be electrically safe; the electrical equipment or installation when repaired is electrically safe; and the electrical equipment or installation, when repaired, is tested and examined to ensure it is electrically safe.

Example

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, it provides relevant information from the manufacturer about the parts to ensure they can be safely installed and used.

WARNING

 In addition to the above duties, the industrial manslaughter offence may apply to a [PCBU](#) (in addition to a [Senior Officer](#)). 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 (which may include during a work break) and the conduct caused the death and the [PCBU](#) was negligent about causing the death of the worker by the conduct. This is further discussed at [paragraph 6.4](#).


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 (which may include 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:

<i>Take reasonable care for their own electrical safety</i>	<i>Take reasonable care that their acts or omissions do not adversely affect the electrical safety of other persons or property</i>	<i>Comply, so far as they are reasonably able with any reasonable instruction by the PCBU</i>
<i>Comply, so far as they are reasonably able with any reasonable instruction about electrical equipment by the person in control of the electrical equipment</i>	<i>Comply with any reasonable policy or procedure relating to electrical safety at the workplace</i>	

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.

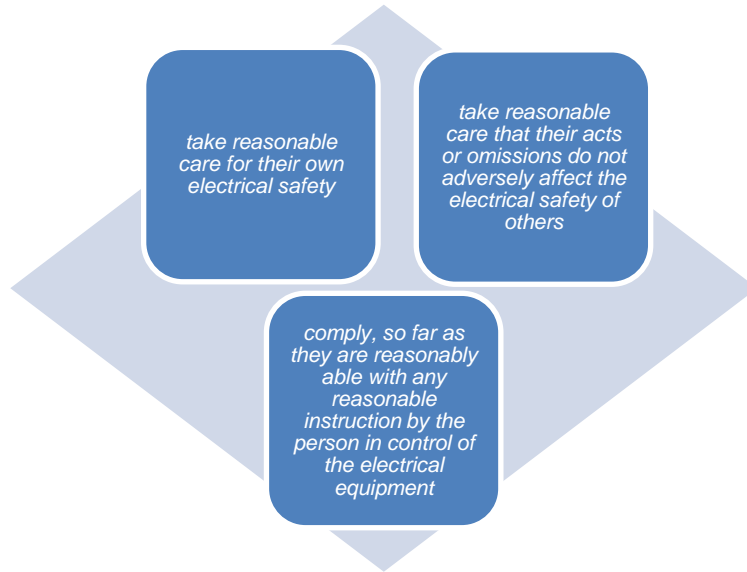
Example
<i>Bill Brown wishes to install a new electrical part in an electrical installation. Although Bill Brown believes he can probably do the job without isolating the entire circuit, the instructions of CS Energy are that the entire circuit must be de-energised and locked out before work can begin.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

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 duties 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>Safety Requirements</p>	<p>Parts 3, 5, 6 and 7 (ES Regulation) prescribe the safety requirements for electrical work. These cover the following content which is prescriptive in relation to the following subject matter:</p> <ul style="list-style-type: none"> • Electrical work on energised equipment; • High voltage live line work; • Testing of work; • Electrical equipment with serious defects; • Documents about electrical work; • Misrepresentations about electrical equipment or electrical work; • Misrepresentations about lawful authority to contract for the performance of electrical work; • Overhead and underground electric lines; • Electrical installations; • Electric lines;

PCBU Activity	What are the duties (in summary)?
	<ul style="list-style-type: none"> • Installation of approved safety switches in domestic residences; • Installation of ceiling insulation; • Electrically conductive ceiling insulation; • Workplace electrical installations; • All work; • Construction work; • Manufacturing work; • Amusement work; • Rural industry work; • In-scope electrical equipment.
<p>Authorisations</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"> • Electrical work licences; • Electrical work licence requirements; • Electrical contractor licence requirements; • Eligibility requirements for renewal or reinstatement of an electrical licence; • Application requirements; • Cancellation or suspension of licence; • Register of electrical licences; • Examinations for assessing competency; • Operation of trade contractor's licence; • Advertising by licenced electrical contractor; • Performance of electrical work without electrical licence; • Details to be included in register of workers; • Competency assessments; and • Requirements for registered training organisations
<p>Electrical equipment</p>	<p>Part 8 (ES Regulation), 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"> • Warning signs; • Prohibitions on the sale of electrical equipment; • Labelling and inspection of electrical equipment; and • Hiring electrical equipment.
<p>Works of an electricity entity</p>	<p>Part 9 (ES Regulation), prescribes the requirements in relation to works of an electricity entity. These cover the following content which is prescriptive in relation to the following subject matter:</p> <ul style="list-style-type: none"> • Earthing and protection; • Substations; • Electric lines and control cables; • Termination requirements for low voltage overhead service lines; • Service lines generally; and • Maintenance of works.

PCBU Activity	What are the duties (in summary)?
Electricity supply	<p>Part 10 (ES Regulation), 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"> • Connection to source of electricity; • Private generating plants; • Testing; and • Requests and advice to distribution entities.
Cathodic protection systems	<p>Part 13 (ES Regulation), 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> <ul style="list-style-type: none"> • Installation and design; • Operating requirements; • Testing requirements; • System requirements; and • Registration of registrable systems.

Example
<p><i>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.</i></p>

3.4 Battery Energy Storage Systems

- 3.4.1 Battery energy storage systems can be used to store power from renewables, such as solar and wind, for later use.
- 3.4.2 The ES Act generally applies to the installation, maintenance and use of battery energy storage systems. While the ES Act and ES Regulation do not contain any duties or obligations specific to battery energy storage systems, the following standards are applicable:
- (a) *AS/NZS5139 Electrical installations – safety of battery systems for use with conversion equipment*; and
 - (b) *AS/NZS3000 Electrical installations* (also known as the the A/NZ Wiring Rules).
- 3.4.3 Further, to assist persons to discharge their duties under the ES Act and ES Regulation, a voluntary [Best Practice Guide: Battery Storage Equipment – Electrical Safety Requirements](#) has been developed that covers electrical safety for the battery storage equipment generally.

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

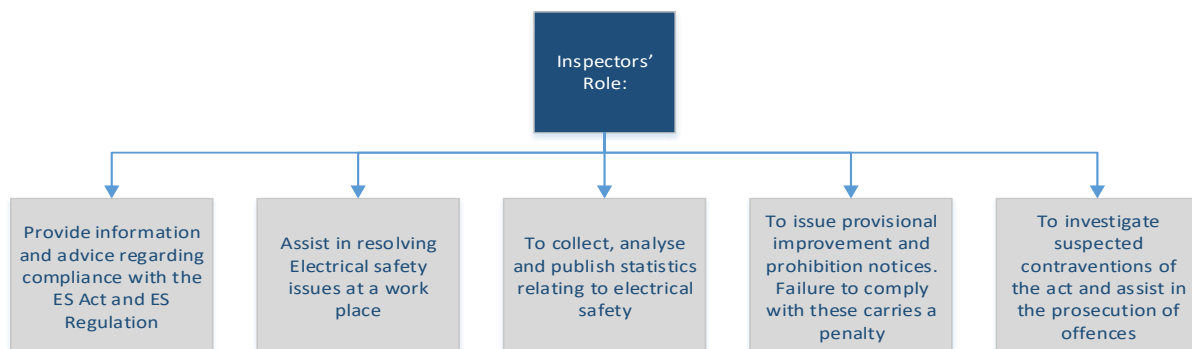
- 5.1.1 The [ES Regulation](#) (Part 14) requires that a [PCBU](#) notify the Regulator, by the fastest means possible, immediately after becoming aware that a [serious electrical incident](#) or [dangerous electrical event](#) arising out of the conduct of the business or undertaking has occurred. A record of each [serious electrical incident](#) or [dangerous electrical event](#) must be kept for at least 5 years after the notice is given to the regulator. Notice may be given by telephone or in writing

- 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; or
 - (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 Regulations](#) (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.

7 Penalties

7.1.1 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:


Severity ↑	Category 1:	Engage in conduct, without reasonable excuse, that exposes an individual to whom a duty is owed, to a risk of death or serious injury or illness and the duty holder was reckless as to that risk	<p>Corporation: 30,000 penalty units</p> <p>Officers: 6,000 penalty units Gaal up to 5 years</p> <p>Workers & other persons: 3,000 penalty units Gaal up to 5 years</p>	
	Category 2:	Engage in conduct, without reasonable excuse, that exposes an individual to whom a duty is owed, to a risk of death or serious injury or illness	<p>Corporation: 15,000 penalty units</p> <p>Officers: 3,000 penalty units</p> <p>Workers & other persons: 1,500 penalty units</p>	
	Category 3:	Fails to comply with the duty	<p>Corporation: 5,000 penalty units</p> <p>Officers: 1,000 penalty units</p> <p>Workers & other persons: 500 penalty units</p>	

7.2 Industrial Manslaughter

7.2.1 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 (which may include during a work break);
- the [PCBU](#)'s, or [Senior Officer](#)'s, [conduct causes](#) the death of the [worker](#); and
- the [PCBU](#), or [Senior Officer](#), is negligent about [causing](#) the death of the [worker](#).

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.

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.

7.2.2 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 some maximum penalties that may apply for other [breaches](#) of the [ES Act](#) or [ES Regulation](#). These are set out in [penalty units](#).

Reference	Offence	Maximum Penalty ¹¹
Offences about Ministerial recall orders		
s.40K	Supplier not providing reasonable help to the responsible person in relation to the recall order.	Individual: 50 penalty units Body corporate: 250 penalty units
Offences about electrical safety		
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 PCBU or Senior Officer: 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.	Individual: 500 penalty units Body corporate: 2,500 penalty units
s.56	A PCBU conducts a business or undertaking that includes the performance of electrical work without an electrical contractor licence.	PCBU: 400 penalty units
s.57	A holder of an electrical work licence who performs or supervises electrical work, or a holder of an electrical contractor licence who performs electrical work , without complying with all conditions and restrictions of the licence.	400 penalty units
s.57AA	A PCBU fails to ensure that electrical work is carried out or supervised by a person whose electrical work license authorises them to undertake the work.	PCBU: 400 penalty units
s.57AB	Failure by a PCBU to keep register of licensed workers in required form and to make register available immediately upon request of an inspector.	PCBU: 100 penalty units
s.57AC (2)(a)	Failure by a licence holder to notify the relevant person, in writing, within 14 days of suspension, cancellation, surrender, expiry or amendments in relation to electrical work license.	40 penalty units
ss.57AC (2)(b) and (c)	Failure by a licence holder to notify the relevant person, in writing, within 14 days of electrical work license being renewed or reinstated or changes of other prescribed details.	Individual: 10 penalty units
s. 67	Failure of prescribed electricity entity to have and give effect to a safety management system.	400 penalty units
Offences about Inspectors and Regulators		

¹¹ Where a maximum penalty specified by the ES Act is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Maximum Penalty ¹¹
s.57B	Failure to comply with direction from Regulator without reasonable excuse.	Individual: 100 penalty units Body corporate: 500 penalty units
s.64A	Failure by an electrical licence holder to comply with notice issued by the regulator to provide information or a document to satisfy the regulator that the person continues to satisfy the eligibility requirements for the issue of the license, without a reasonable excuse.	40 penalty units
s.122C(6)	Without reasonable excuse, a person refuses or fails to comply with a requirement of the regulation to provide information pursuant to section 122C.	Individual: 100 penalty units Body corporate: 500 penalty units
s.136	Failure to return identity card to the regulator within 21 of ceasing to be an accredited auditor.	Individual: 40 penalty units Body corporate: 200 penalty units
s.136B	Person holds themselves out to be an accredited auditor when not an accredited auditor.	100 penalty units
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, without reasonable excuse.	Individual: 100 penalty units Body corporate: 500 penalty units
s.138D	Affecting the analysis of any thing by a regulator by tampering with it before or after the inspector takes it for analysis.	Individual: 100 penalty units Body corporate: 500 penalty units
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.	Individual: 100 penalty units Body corporate: 500 penalty units
s.141G(4)	Attempting to, or tampering with anything including electrical equipment that the inspector has restricted access to or seized.	Individual: 100 penalty units Body corporate: 500 penalty units
s.141G(5)	Reconnecting, or attempting to reconnect, electrical equipment to a source of supply without an inspector's approval after an inspector disconnects seized electrical equipment from its supply of electricity	Individual: 100 penalty units Body corporate: 500 penalty units
s.143	Failure to comply with request from inspector for reasonable help in relation to an enquiry into a serious electrical incident or dangerous electrical event , without a reasonable excuse.	Individual: 100 penalty units Body corporate: 500 penalty units
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.	Individual: 100 penalty units Body corporate: 500 penalty units

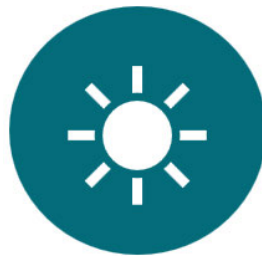
Reference	Offence	Maximum Penalty ¹¹
s.145	Obstructing or hindering an inspector.	Individual: 100 penalty units Body corporate: 500 penalty units
s.145A	Holding oneself out to be an inspector when not an inspector.	Individual: 100 penalty units
s.145B	Directly or indirectly attempting to or actually, assaulting, threatening, intimidating an inspector or someone helping an inspector.	Individual: 500 penalty units or 2 years imprisonment Body corporate: 2,500 penalty units
s.146B	Failure to comply with an improvement notice within the period stated in the notice.	Individual: 500 penalty units Body corporate: 2,500 penalty units
s.147	Failure to comply with any direction issued by an inspector pursuant to s.147(2)(a) or an electrical safety protection notice, without reasonable excuse.	Individual: 1,000 penalty units Body corporate: 5,000 penalty units
s.148	Failure to comply with unsafe equipment notice issued by inspector, without reasonable excuse.	Individual: 1,000 penalty units Body corporate: 5,000 penalty units
s.149B	Failure or refusal to comply with a non-disturbance notice, without reasonable excuse.	Individual: 500 penalty units Body corporate: 2,500 penalty units
s.150H	Failure to display notice, as soon as possible, in a prominent place at or near the workplace.	Individual: 50 penalty units Body corporate: 250 penalty units
s.150H	Person must not intentionally remove, destroy, damage or deface a notice while the notice is in force.	Individual: 50 penalty units Body corporate: 250 penalty units
s.187J	Failure to comply with an order made under part 13 of the ES Act, without reasonable excuse.	Individual: 500 penalty units Body corporate: 2,500 penalty units
s.192	Providing information in complying, or purportedly complying, with the Act that the person knows to be false or misleading in a material particular, or omits any matter or thing without which the information is misleading. Producing a document in complying, or purportedly complying, with the Act that the person knows to be false or misleading in a material particular without indicating how it is false or misleading (and providing correct information, if applicable) or accompanying the document with a written statement as prescribed.	Individual: 100 penalty units Body corporate: 500 penalty units

Reference	Offence	Maximum Penalty ¹¹
s.193	Disclosing, giving access to or using information or documents obtained in exercising any power or function under the ES Act.	Individual: 100 penalty units Body corporate: 500 penalty units
s.195	Levying workers or permitting the levying of workers for anything done or provided in relation to electrical safety.	Individual: 50 penalty units Body corporate: 250 penalty units

Last Amendment

Electrical Safety Act 2002 (includes amendments up to 30 August 2024, Act No.44 of 2023)

Electrical Safety Regulation 2013 (includes amendments up to 27 September 2024, SL No. 241 of 2022).



CHAPTER 10A – SOLAR FARMS

1 Introduction

1.2 Applicable Legislation

Legislation	
Work Health and Safety Act (WHS Act)	Work Health and Safety Regulation (WHS Regulations)
Electrical Safety Act (ES Act)	Electrical Safety Regulation (ES Regulation)
Codes of Practice/Guidelines	
Construction and operation of solar farms Code of Practice	
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	
Regulated by the Regulator under the WHS Act or ES Act. See above .	

2 Application

The *Construction and operation of solar farms Code of Practice* (Solar COP) specifically applies to solar farms with a rating of at least 1000kW that are, or will be, operated and maintained by a PCBU.

Solar farms (including those that do not meet the kW threshold) are still required to comply with the ES Act and WHS Act. Refer to Chapters 1 and 10.

The *Professional Engineers Act (Qld)* limits those who may provide professional engineering services (which includes civil engineering services related to solar farms).

3 Design

The Solar COP contains guidance on the following design considerations:

- the safe design of solar farms (including the application of safety standards and the Wiring Rules plus general considerations for the designer of a solar farm);
- the materials and equipment used in the construction of solar farms (including compliance with Australian Standards or international standards);
- required documentation from solar farm designers (including specific design documentation and solar farm design certification);
- design variation (and the approval process that should be followed); and
- network connection interface (including connection to the electricity network).

4 Construction

Construction of a solar farm may be considered “construction work” as defined in the WHS Regulations. Refer to Chapter 3. Where the construction of a solar farm is also considered to be “high risk construction work”, a safe work method statement and work health and safety management plan will be required. The Solar COP sets out in detail specific hazards and risks that may arise in the construction of a solar farm.

5 Commissioning

The Solar COP sets out considerations for commissioning a solar farm, including some that should be taken into account during the construction of the solar farm.

A variety of tests, inspections and verifications that should be undertaken as part of commissioning a solar farm are listed in the Solar COP. All results obtained during commissioning should be recorded and retained as part of the commissioning record. This commissioning record should be:

- signed by the persons responsible for commissioning the solar farm;
- be provided to the owner and operator of the solar farm;
- be kept for the life of the solar farm; and
- be available for inspection by the regulator.

6 Operation and maintenance

The WHS Act and ES Act apply to the operation and maintenance of solar farms, as applicable. The Solar COP provides specific guidance in relation to:

- electrical work during operation and maintenance;
- safe systems of work and safety management systems;
- inspection, testing and maintenance;
- system monitoring and fault finding;
- safe storage of excess generation; and

- the health and safety of other people at solar farms.

<p>Last Amendment</p> <p><i>Work Health and Safety Act 2011</i> (includes amendments up to 30 August 2024, Act No. 44 of 2024)</p> <p><i>Work Health and Safety Regulation 2011</i> (includes amendments up to 27 September 2024, Act No. 241 of 2024)</p> <p><i>Electrical Safety Act 2002</i> (includes amendments up to 30 August 2024, Act No. 44 of 2024)</p> <p><i>Electrical Safety Regulation 2013</i> (includes amendments up to 27 September 2024, Act. No. 241 of 2024)</p>



CHAPTER 11 – PETROLEUM AND GAS (PRODUCTION AND SAFETY)

1 Introduction

1.1 Applicable legislation

Legislation
Petroleum and Gas (Production and Safety) Act 2004 (PGPS Act)
Petroleum and Gas (Safety) Regulation 2018 (PGS Regulation)
Standards
See Annexure - Standards Petroleum & Gas Safety for relevant Guidelines and Standards that have status as either 'mandatory' or 'preferred' under the applicable legislation.
Regulator
Petroleum and Gas Inspectorate - Resources Safety & Health Queensland Website: https://www.rshq.qld.gov.au/about-us/what-we-do/petroleum-gas

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* ([PGS 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 [PGS Regulation](#) (s.13) 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 [PGS Regulation](#) have the following scope:

Area of influence	When does the PGPS Act or Regulations apply?
Operating plant	Ch 9 of the PGPS Act primarily applies to operating plant . 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.
Safety Requirements and other technical requirements	The application of the PGS Regulation is not limited to operating plant . It variously applies to all activities for exploring for and production of petroleum including certain prescribed pipelines and fuel gas .

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 WHS Act does not apply to operating plant. However, the WHS Act does apply to the following at operating plant:</p> <ul style="list-style-type: none"> • construction work (which is not commissioning of an operating plant or rigging up and down of drill rigs); and • the management of hazardous chemicals and major hazard facilities; and • specified P & G Act authorised Activity which essentially captures non production related authorised activities on relevant tenures such as operation of roads and camps; <p>in which case the WHS Act and PGPS Act may apply concurrently, except for major hazard facilities which are taken to be solely WHS regulated.</p> <p>To the extent that the WHS Act conflicts with the PGPS Act in relation to a health and safety matter, the PGPS Act prevails to the extent of the inconsistency.</p> <p>The PGPS Act prevails over the WHS Act 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 ES Act does have operation at operating plant – it continues to apply (including for works) but certain 'excluded provisions' have no force in relation to some electrical installations and private generating plant – specifically the electrical safety duties and provisions regarding electrical contractor licenses do not apply to those. Similarly, the ES Regulation have very limited application although some requirements (such as for sale of electrical equipment and licensing of electrical workers) do apply.
CMSH Act	The PGPS Act continues to apply even for on-site activities under the CMSH Act . Facilities that are part of a coal mining operation or on-site activity are operating plant only to the extent that they are coal mining CSG operating plant which essentially means that they used in relation to coal seam gas and held under a relevant tenure (s.671).

Example

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 [major hazard facility](#) subject to inspection by the Hazardous Industries Chemical Branch under the [WHS Act](#), rather than under the [PGPS Act](#).

(Note that currently, CS Energy's facilities do not include any major hazard facilities, this is an example only).

2 Petroleum and Gas duties

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 safety management plans to be in place. The thrust of the provisions is to ensure that risk is reduced to an [acceptable level by taking all reasonable steps](#). 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 CSMH 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.

2.2 Chapter 9 Duties and Obligations

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

Duty Holder	What is the duty (in summary?)
Joint Holders	Joint holders must notify the Regulator which corporation or organisation is responsible for the management and safe operation of operating plan in the area (s.687A).
Executive Safety Managers	The executive safety manager (ESM) for operating plant must (s.688): <ul style="list-style-type: none"> if the operator is a corporation — nominate an individual as a representative of the operator to give and receive information for the operator under the PGPS Act; ensure the operator makes, for each stage of the plant, a safety management system (SMS) after consultation with the workers at the plant or a generic SMS adopted for the plant; approve the SMS before it is put into effect; ensure the SMS is implemented in a way that effectively manages the risk associated with the plant.
Operator	The operator of operating plant must:

Duty Holder	What is the duty (in summary?)
	<ul style="list-style-type: none"> • implement a SMS for each stage of operating plant (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, for example, 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 operating plant is adjacent to coal mining – including consultation and interface risk planning (PGPS Act s.386 and s.705 – 705CB, also see PGPS Regulation Ch 3) • display and inform duty holders under the SMS about the SMS (s.676); • take all reasonable steps to ensure that everyone who has an obligation under the SMS complies with their obligations (s.677); • revise SMS if any or a number of circumstances make a revision appropriate (s.678); • keep resulting records for the SMS for a period of 7 years (s.678A) (noting that such records may need to be released to the regulator); • integrate with the SHMS for any Coal Mining CSG Operating Plant (s.684); • if required by the SMS, appoint the site safety manager (s.692); • for operating plant on coal leases, have a joint interaction management plan (s.705B).
Site Safety Managers	<p>The site safety manager (SSM) for operating plant must take all reasonable steps to ensure (s.693):</p> <ul style="list-style-type: none"> • people who enter the site are given appropriate inductions; • 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; • each person working at the site performs their functions safely and follows standard operating procedures for the plant; and • necessary first aid, safety and other like equipment is available and maintained; and • relevant staff are trained in first aid, emergency and general safety procedures.
Designers, importers, manufacturers and suppliers	<p>Designers, importers, manufacturers and suppliers (s.696) must take reasonable steps to:</p> <ul style="list-style-type: none"> • ensure the plant or equipment complies with safety requirements; • If they become aware of a defect of hazard associated with the plant or equipment, to inform the operator or proposed operator of the nature of the defect or hazard and its significant and any controls or modifications they are aware of that have been developed to eliminate or correct the defect or hazard or to manage the risk. <p>These duties of designers, importers, manufacturers and suppliers do not apply for a coal-mining CSG operating plant (s.695).</p>
Installers	<p>A person must not install plant or equipment unless it complies with the safety requirements (s.697(1)).</p> <p>A person who is, or becomes, aware of a safety risk in relation to the plant or equipment or the installation before the plant or equipment becomes operational, must not operate the plant or equipment and must give the operator of the operating plant, or proposed operating plant, notice of the safety risk (s.697(2)).</p> <p>Prior to making the plant or equipment operational, the person must certify that the installation complies with all relevant safety requirements (s.697(3)).</p> <p>Also specific requirements for gas system installers (s.734A).</p>

Duty Holder	What is the duty (in summary?)
Persons at <u>Operating Plant</u>	All persons at <u>operating plant</u> must take all reasonable steps to comply with safety procedures and other obligations under the <u>SMS</u> for the plant to the extent they apply (s.702). They must also comply with lawful instructions of the <u>operator</u> or any supervisor.

There are additional safety duties applicable to operators of operating plant on coal or oil shale mining lease or coal resource authority.

Example
<p><i>Bill Brown is the <u>site safety manager</u> for certain <u>operating plant</u>. 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.</i></p>

2.3 Technical safety and health obligations

2.3.1 Technical safety and health obligations are included in the PGS Regulation. Some of the key technical requirements are as follows.

Activity	What is the duty (in summary?)
Safety management system	Under the PGPS Act, the operator must implement a <u>SMS</u> for each stage of <u>operating plant</u> (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, for example, 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 <u>operating plant</u> is adjacent to coal mining – including interface risk planning (PGS Regulation Ch 3).
Joint interaction management plans	Under the <u>PGPS Act</u> , any operator whose activities may affect the safe mining of coal or who is in an overlapping area, must ensure that a <u>joint interaction management plan</u> is in place (s.386) and also see PGS Regulation, s. 50.
Safety requirements	<p>Chapter 2, Part 1 of the PGS Regulation prescribes the <u>safety requirements</u> for <u>petroleum</u> and gas production and exploration. These cover the following content which is prescriptive in relation to this subject matter:</p> <p>Operating plant used for drilling;</p> <ul style="list-style-type: none"> • Competency requirements; • Training and supervision; • Job Safety Analysis; • Emergency shut down; • Petroleum well pressure for well completion; • Leaks at petroleum operating plant • Survey requirement; • Survey plan; and • Downhole survey. <p>For drilling operating plant and petroleum wells, bores and holes, there are additional requirements set out in Chapter 2, Part 2 of the PGS Regulation.</p>
Coal mining interface	Chapter 3 of the PGS Regulation also sets out additional requirements relating to coal mining interfaces. This includes additional joint interaction management plan and

Activity	What is the duty (in summary?)
	safety management system requirements as well as specific technical requirements for plant and equipment.
Pipeline integrity	Chapter 4 of the PGS Regulation includes inspection requirements for strategic pipeline integrity. This includes only certain Queensland pipelines listed in the PGS Regulation (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).
Fuel gas	Chapters 5, 6 and 7 include technical requirements for fuel gas networks, gas systems and gas work .

2.4 Officer's duties

- 2.4.1 In addition to all of the specific obligations above, '[executive officers](#)' may incur liability under the [PGPS Act](#) (s.814). [Executive officers](#) may be liable for an offence if the corporation commits an offence against an executive liability provision and they did not take all reasonable steps to ensure their corporation did not engage in conduct constituting the offence under the [PGPS Act](#).
- 2.4.2 Executive officers may also be taken to commit an offence against a deemed executive liability provision 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 (s.814A).

Example
<p><i>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.</i></p>

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 which happen at an operating plant or which otherwise relate to a gas related device must be reported to the chief inspector of the Regulator.
- 4.1.2 It must be ensured that the incident is reported to the chief inspector of the Regulator by:

- (a) if the incident is at an [operating plant](#) – the operator of the plant (s. 706);
 - (b) otherwise where the prescribed incident relates to a gas related device – the person carrying on the business (s. 706).
- 4.1.3 The operator of an operating plant in the area of a coal or oil shale mining lease must also report to the chief inspector of the Regulator and the [senior site executive](#) under the [CMSH Act](#) (s. 705D) in the event of a "designated accident or incident" which is:
- (a) an accident that causes or is likely to cause the death or permanent injury of a person;
 - (b) a [high potential incident](#).
- 4.1.4 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).
- 4.1.5 The Regulations provides for the following prescribed incidents to be reported as listed:

Prescribed Incident	Way report must be given	When report must be given
An incident involving death of a person	By telephone	Immediately
	Electronically	Within 2 business days after the incident
An incident involving injury to a person requiring medical treatment as an inpatient in a hospital, treatment by a doctor within 48 hours of exposure to a substance or immediate treatment for the following: <ul style="list-style-type: none"> • the amputation of any part of the person’s body; • a serious head injury; • a serious eye injury; • a serious burn’ • the separation of the person’s skin from underlying tissue (for example, degloving or scalping); • a spinal injury; • the loss of a bodily function; • a serious laceration. 	By telephone	Immediately
	Electronically	Within 2 business days after the incident
An incident that puts a person’s health or safety at serious risk because the person is immediately, or may imminently be, exposed to any of the following: <ul style="list-style-type: none"> • an uncontrolled gas leak; • an uncontrolled escape, spill or leak of another substance • an uncontrolled implosion, explosion or fire; • an uncontrolled release of pressure; • electric shock; • the fall or release from a height of a substance, plant or other thing; • the collapse, overturning, failure or malfunction of, or damage to, plant • the collapse or partial collapse of a structure; • the collapse or failure of an excavation or of any 	By telephone	Immediately
	Electronically	Within 2 business days after the

Prescribed Incident	Way report must be given	When report must be given
shoring supporting an excavation; <ul style="list-style-type: none"> the inrush of water, mud or gas in workings; an uncontrollable movement of plant or another thing 		incident
an incident at an operating plant that is a fuel gas network that causes a critical loss of fuel gas supply or involves serious property damage if the damage could result in a critical loss of fuel gas supply	By telephone	Immediately
	Electronically	Within 2 business days after the incident

4.1.6 Where an incident is required to be immediately reported, the operator or relevant person must, until an inspector directs otherwise, take action reasonably necessary to restrict access to the site and protect anything from being tampered with (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 PGPS Act relating to safety, the Geothermal Act and the GHG storage Act;
- (b) investigating incidents;
- (c) responding to dangerous and emergency situations involving petroleum or fuel gas, a geothermal activity or GHG storage activity;
- (d) to provide the advice and help that may be required from time to time during emergencies at operating plants that may affect the safety or health of persons; and
- (e) collecting information for the [PGPS Act](#), the Geothermal Act and the GHG storage Act.

5.1.2 Inspectors have broad powers under the PGPS Act to carry out these functions, including power to enter places (s.743(1)), gather evidence (s.754, 757, 758, 761) and issue directions including compliance directions (s.780) and remedy dangerous situation directions (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 (ss.756(2), 759(2), 762(2)). You should seek corporate legal advice if you are to be interviewed by an inspector given the focus on personal liability under this regime.

5.2 Enforceable undertakings

5.2.1 Under the new s.841E, the chief executive officer (CEO) may accept an enforceable undertaking given by a person in connection with a matter relating to a contravention or alleged contravention of the PGPS Act, other than for an offence against s.799K or s.799L (industrial manslaughter) or another offence causing death. Enforceable undertakings may be withdrawn or varied with the written agreement of the CEO (s.841J). Subject to Division 2 of the PGPS Act, no proceeding for a contravention or alleged contravention of the PGPS Act may be taken against a person if an enforceable undertaking is in effect in relation to the contravention (s.841K).

5.2.2 A person must not contravene an enforceable undertaking made by the person that is in effect (s.841H). The maximum penalty for this offence is 500 penalty units. The CEO may apply to a Magistrates Court for an order if a person contravenes an enforceable undertaking and, where the

Magistrate is satisfied that a contravention has occurred, may make an order directing compliance with the undertaking or an order discharging the undertaking (in addition to the imposition of a penalty) (s.841I).

5.3 Sentencing for offences

5.3.1 Where a court convicts a person or finds a person guilty of an offence under the PGPS Act, one or more orders may be made under Division 2 of the PGPS Act, in addition to any penalty that may be imposed or any other action that may be taken in relation to the offence (s.841AC). These variously include adverse publicity orders, restoration, safety and health project orders, a release on giving of court-ordered undertaking, injunctions to cease a contravention, and orders to undertake training (s.841AD to s.841AJ). Failing to comply with an order under Division 2, without a reasonable excuse, is an offence carrying a maximum penalty of 500 penalty units (s.841AJ).

6 Offences and Penalties


6.1.1 The offence of industrial manslaughter applies under the [PGPS Act](#) (ss. 799K and 799L).

6.1.2 The offence applies to [employers](#) for an operating plant or gas work, or [senior officers](#) of an [employer](#) for an operating plant or gas work where:

- (a) a [worker](#) dies in the course of carrying out work at the [operating plant](#) or the place where the [gas work](#) is carried out, or is injured in the course of carrying out work at the [operating plant](#) or the place where the [gas work](#) is carried out, and later dies;
- (b) the [employer's](#) or [senior officer's conduct causes](#) the death of the [worker](#); and
- (c) the [employer](#) or [senior officer](#) is negligent about [causing](#) the death of the [worker](#) by the [conduct](#).

6.1.3 The maximum penalty for this offence for an individual is 20 years imprisonment, and 100,000 [penalty units](#) for a body corporate.

6.1.4 Some of the other 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 a summary of some of the safety-related offences that may apply under the PGPS Act. There may be additional and separate penalties that apply for breaches of specific PGS Regulation also.	
Reference	Offence	Maximum Penalty ¹²
s.674(1)	Failure by the operator of operating plant to develop, implement and maintain a compliant SMS.	1,500 penalty units
s.674(2)	The operator of operating plant begins a stage of plant without making or adopting a compliant SMS that applies to the stage.	1,500 penalty units
s.676(1)	Failure by the operator of operating plant to keep a copy of the SMS open for inspection while the plant is operating, display it and ensure each person with an obligation under the system is told of their obligation within a reasonable period before the system requires them to comply with the obligation.	100 penalty units

¹² Where a maximum penalty specified by the Act is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Maximum Penalty ¹²
s. 677(1)	Failure by the operator of operating plant to take all reasonable steps to ensure each person who has an obligation under the SMS for the plant complies with their obligations under the plan.	500 penalty units
s. 678(1)	Failure by the operator of operating plant to revise the SMS if any of the following make the revision appropriate: <ul style="list-style-type: none"> the making or amendment of a safety code, safety requirement or a standard; the happening of an event relevant to the plant of which the operator is aware, or ought reasonably to have been aware; changes or proposed changes to the plant that could result in an increase in the overall risk levels, or a specific risk level, for the plant. 	1,500 penalty units
s.678A(1)	Failure by the operator of operating plant to: <ul style="list-style-type: none"> ensure resulting records for the SMS for the plant are made and kept for a period of 7 years; and whenever the plant is operating, keep a copy of the resulting records open for inspection at the plant or another place where it is reasonable. 	1,500 penalty units
s.679(4)	Failure by the operator of operating plant to comply with a validation notice issued by the chief inspector.	1,500 penalty units
s.681(4)	Failure by the operator of operating plant to comply with a revision notice issued by the chief inspector.	1,500 penalty units
s.687(2)	Failure by joint holders to ensure the chief inspector is given a notice stating which corporation or organisation is responsible for the management and safe operation of operating plant in the area.	500 penalty units
s.688(1)	Failure by the executive safety manager of an operating plant to: <ul style="list-style-type: none"> where the operator is a corporation – nominate an individual as a representative to give and receive information; and ensure that the operator of the plant has, for each stage of the plant, an approved SMS for the plant that effectively manages the risks associated with the plant. 	2,000 penalty units
s.692(1)	Failure by the operator of operating plant to appoint a site safety manager in the SMS, if required to do so.	500 penalty units
s.692(3)	Failure by the operator of operating plant to comply with a notice issued by the chief inspector pursuant to section 692(2)	500 penalty units
s.693	Failure by the site safety manager for a site at an operating plant to take all reasonable steps to ensure: <ul style="list-style-type: none"> each person who enters the site is given an appropriate induction to ensure the safety of the site; 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; each person working at the site performs their functions safely and follows standard operating procedures for the plant; necessary first aid, safety and other like equipment that is appropriate for the likely hazards of the site are available for use, adequately maintained and reasonable available; and 	1,000 penalty units

Reference	Offence	Maximum Penalty ¹²
	<ul style="list-style-type: none"> relevant staff are trained in first aid, emergency and other general safety procedures. 	
s. 694A(1)	Failure by the executive safety manager of an operating plant to give the chief inspector a notice stating who is the operator, the executive safety manager and, if appropriate, the representative of the operator.	500 penalty units
s. 694A(2)	Failure by the operator of an operating plant to give notice to the chief inspector a notice stating the information prescribed by PGS Regulation about the operating plant (refer to s.18A of the PGS Regulation).	500 penalty units
s.696(2) and (3)	<p>Failure of designers, manufacturers, importers and suppliers to:</p> <ul style="list-style-type: none"> take reasonable steps to ensure the plant or equipment, as designed, imported, manufactured, modified or supplied, complies with the safety requirement; or If they become aware of a defect or hazard associated with the plant or equipment, to take reasonable steps to inform the operator, or proposed operator, of the operating plant the nature of the defect or hazard and its significance and any controls or modifications the person is aware of that have been developed to eliminate or correct the defect or hazard or to manage the risk. <p>This offence does not apply to a coal-mining CSG operating plant (s.695).</p>	500 penalty units
s.697(1)	<p>If a safety requirement applies, a person must not install plant or equipment of that type at an operating plant, or a proposed operating plant, unless the installation complies with the safety requirement.</p> <p>This offence does not apply to a coal-mining CSG operating plant (s.695).</p>	300 penalty units
s.697(2)	<p>If a person is or becomes aware of a safety risk in relation to the plant or equipment or the installation before the plant or equipment becomes operational, the person must not operate the plant or equipment and must give the operator of the operating plant, or proposed operating plant, notice of the safety risk.</p> <p>This offence does not apply to a coal-mining CSG operating plant (s.695).</p>	300 penalty units
s.697(3)	<p>The person must, before making the plant or equipment operational, certify that the installation complies with all relevant safety requirements.</p> <p>This offence does not apply to a coal-mining CSG operating plant (s.695).</p>	300 penalty units
s.699(2)	Failure by persons whom have an obligation imposed under the PGPS Act for an operating plant or persons upon whom obligations are imposed under the SMS for an operating plant to take all reasonable steps to ensure that no person or property is exposed to a level of risk in relation to the operating plant that is more than an acceptable level .	100 penalty units
s.699A	Operator carrying out an activity at an operating plant that creates an unacceptable level of risk to prescribed persons.	1,500 penalty units
s.702	Failure by a person at an operating plant to take all reasonable steps to comply with safety procedures and other obligations under the SMS for the plant to the extent they apply to the person.	100 penalty units

Reference	Offence	Maximum Penalty ¹²
s.703	Failure by a person at an operating plant to comply with lawful instructions given for the safety of persons by the Operator or a supervisor for the plant.	100 penalty units
s.704	Wilful or reckless acts or omissions by a person at an operating plant that may adversely affect the safety of others.	500 penalty units
s.705B(1)	Failure to make, consult in relation to, and comply with a joint interaction management plan by the operator of an authorised activities in an overlapping area.	500 penalty units
s.705CA	Failure to notify the chief inspector that a joint interaction management plan has been made.	40 penalty units
s.705CB(3) to (6)	Failure to review and, if necessary, revise a joint interaction management plan in consultation with the operators of each operating plant in the overlapping area, the site senior executive and any affected workers. Failure to record any revision of the joint interaction management plan on the plan.	200 penalty units
s.706(2) and (3)	Failure by the operator to report a prescribed incident at an operating plant to the chief inspector in the prescribed way. Failure by a person carrying on a business other than at an operating plant to report a prescribed incident relating to a gas related device to the chief inspector in the prescribed way.	100 penalty units
s.707(2) and (4)	Failure to restrict access to a site at which the prescribed incident happened or is happening and protect anything at the site from being tampered with, in circumstances where the operator of an operating plant or person carrying on a business is required to report an incident to the chief inspector under s. 706.	500 penalty units
s.708(2)	Entry into or remaining at an incident site without the authorization of an inspector, unless the person enters, or remains in, the site to save life or prevent further injury.	500 penalty units
s.708(3)	Failure by a person on site to take all reasonable steps to minimize disturbance of the site.	500 penalty units
s. 708A(1)	Failure by a person to comply with all safety requirements .	500 penalty units
s.708B(10)	Failure by a person to whom a safety instruction applies to comply with the instruction, unless the person has a reasonable excuse.	100 penalty units
s.708C(1)	Causing, or attempting or conspiring to cause, detriment to another person because, or in the belief that, the other person – <ul style="list-style-type: none"> has made a complaint, or in any other way has raised, an operating plant safety issue; or has contacted or given help to an official, an executive safety manager or a site safety manager in relation to an operating plant safety issue. 	1,000 penalty units
s.708E	Operator of an operating plant allowing a person under the age of 16 to operate or maintain equipment or machinery at the plant.	100 penalty units
s.718(2) and (4)	Failure to comply with a notice requiring a person to attend an inquiry at a stated time and place to give evidence or produce stated documents or things (unless the witness has a reasonable excuse), or failure to continue attending as required by the chairperson (unless the witness has a reasonable excuse).	200 penalty units

Reference	Offence	Maximum Penalty ¹²
s.721(1) and (2)	Stating anything to a board of inquiry that a person knows to be false or misleading in a material particular, or giving to a board of inquiry a document or thing the person knows is false or misleading in a material particular.	500 penalty units
s.722	<ul style="list-style-type: none"> • Impeding or obstructing a board of inquiry in the exercise of its powers; • Deliberately interrupting an inquiry of a board of inquiry; • Creating or continuing, or joining in creating or continuing, a disturbance in or near a place where a board of inquiry is conducting its inquiry; • Doing anything that would be contempt of court if a board of inquiry were a judge acting judicially 	200 penalty units
s.726(1)-(3)	<p>Carrying out, or directing a worker to carry out, gas work in relation a gas device (type A) or fuel gas refrigeration device, unless the person holds a gas work licence that allows the person to carry out the work.</p> <p>Directing a worker to carry out gas work relating to an abovementioned gas device in a way that contravenes a relevant safety requirement.</p>	500 penalty units
s.727(1) and (4)	<p>Carrying out gas work in relation to a gas devlice (type B), unless:</p> <ul style="list-style-type: none"> • a gas work authorisation has been issued for the device; • the person holds the authorisation, or is acting under the holder's authority; and • the work complies with the authorisation. <p>Directing a worker to carry out gas work relating to a gas device (type B) in a way that contravenes a relevant safety requirement.</p>	500 penalty units
s.729	Failure by the holder of a gas work licence or authorisation to comply with its conditions.	250 penalty units
s.731AA(1) and (2)	<p>Supplying a gas device (type A), or installing or using any type of gas device, unless:</p> <ul style="list-style-type: none"> • the supply, installation or use has been approved by the chief inspector or a person who holds a gas device approval authority for the gas device; and • the gas device complies with any labelling requirements prescribed by regulation for the device. <p>Supplying a gas device unless also providing a written notice in the approved form stating that the installation and use of the device must be approved.</p>	200 penalty units
s,731AG	Failure by the holder of a gas device approval authority must comply with the conditions of the authority.	250 penalty units
s.734(1) and (3)	<p>Installing a type of gas system subject to a safety requirement, without complying with said safety requirement.</p> <p>Where a person installs all or part of a gas system, failing to:</p> <ul style="list-style-type: none"> • give, to the person prescribed under a regulation, a certificate in the approved form about the installation and the gas system; and • if a regulation prescribed a compliance plate for the installation – the compliance plate is attached in the way prescribed under the regulation. 	300 penalty units

Reference	Offence	Maximum Penalty ¹²
s.734A(3), (5) and (6)	<p>Failure to:</p> <ul style="list-style-type: none"> • give the owner, operator or proposed operator of the gas system notice of the noncompliance or risk, in the approved form; • take appropriate measures to avoid, eliminate or minimise the risk; or • immediately report (by telephone) details of the risk and the measures taken in to avoid, eliminate or minimise it to an inspector and the operator of the distribution system or fuel gas delivery network that supplies fuel gas to the gas system. 	<p>ss.734A(3) and (5) – 300 penalty units s.734A(6) – 100 penalty units</p>
s. 734AA(1)	Failure to take reasonable steps to ensure gas device is used safely.	100 penalty units
s.742(1) and (2)	<p>Failure by a person who stops being an inspector or authorised officer (safety and health) to return their identify card to the CEO within 20 business days after they stop being an authorised officer (safety and health), unless the person has a reasonable excuse.</p> <p>Failure by a person who stops being an authorised officer (general) to return their identity card to the chief executive within 20 business days after they stop being an authorised officer (general), unless the person has a reasonable excuse.</p>	50 penalty units
s.755	Failure by a person required to give reasonable help to an inspector or authorised officer to the comply with that requirement, without a reasonable excuse.	100 penalty units
s.756(1)	Failure by a person to answer questions by an inspector or authorised officer to help them ascertain whether the PGPS Act is being or has been complied with for the purpose of conducting an investigation, without a reasonable excuse.	500 penalty units
s.757A	Failure to provide person's name and address to an inspector or authorised officer.	100 penalty units
s. 759(1)	Failure by a person to produce a document to an inspector or authorised officer without reasonable excuse.	500 penalty units
s.760	Failure by a person to comply with requirements under ss 758(3) or (4)(b) without reasonable excuse.	500 penalty units
s.762	Failure to attend before, and / or answer questions of, an inspector or authorised officer as required, without a reasonable excuse.	500 penalty units
s. 762(1)	Failure by a person to comply with a notice under section 761 without reasonable excuse.	500 penalty units
s. 766	Failure to comply with a seizure requirement, unless the person has a reasonable excuse.	500 penalty units
s.768(1)	<p>Where a thing has been seized, a person, other than an inspector or authorised officer, doing or attempting to:</p> <ul style="list-style-type: none"> • unlawfully interfere with the thing or something done to restrict access to it; • enter, or be at, the place where the thing is being kept; • move the thing from the place where it is being kept. 	500 penalty units
s.782(1)	Failure by a person to comply with a compliance direction of an inspector or authorised officer without reasonable excuse.	500 penalty units
s.785	Failure by a person to whom a dangerous situation direction has been given to comply with the directions	1,000 penalty units

Reference	Offence	Maximum Penalty ¹²
s. 811(1)	A person must not, without reasonable excuse, obstruct an inspector or authorised officer exercising a power under the PGPS Act	500 penalty units
s. 812	A person must not pretend to be an inspector or authorised officer.	200 penalty units
s. 813(1)	Making an entry in a document required to be made, adopted, held or kept under the PGPS Act, knowing the entry is false or misleading in a material particular.	100 penalty units
s. 813(2)	Stating anything to an inspector or authorised officer that a person knows to be false or misleading in a material particular.	100 penalty units
s. 813(3)	Giving an inspector or authorised officer a document that a person knows to be false or misleading in a material particular, in relation to the administration of the PGPS Act.	100 penalty units
s.60 (PGS Regulation)	Failure of an operator of an operating plant in or adjacent to the area of a coal mining lease, to stop immediately and (make sure it does not resume) an activity.	20 penalty units

Last Amendment

Petroleum and Gas (Production and Safety) Act 2004 (includes amendments up to 1 September 2024, Act No. 34 of 2024)

Petroleum and Gas (Safety) Regulation 2018 (Qld) (includes amendments up to 1 September 2024, SL No. 167 of 2024)



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, refer to the Health and Safety Team.

Legislation
<u>Transport Operations (Road Use Management) Act</u>
<u>Transport Operations (Road Use Management – Dangerous Goods) Regulation</u>
<u>Heavy Vehicle National Law Regulation</u>
<u>Heavy Vehicle National Law (Queensland) (HVNL)</u>
<u>Heavy Vehicle (Fatigue Management) National Regulation</u>
<u>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</u>
<u>Heavy Vehicle (Vehicle Standards) National Regulation</u>
Codes of Practice
<u>See Annexure – Codes of Practice Road Transport Safety</u>
Regulators
Department of Transport and Main Roads Website: <u>http://www.tmr.qld.gov.au/</u>
Queensland Police <u>Website: https://www.police.qld.gov.au/</u>
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: 13 64 87 Address: PO Box 492, Fortitude Valley QLD 4006 Website: <u>https://www.nhvr.gov.au/</u>

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 *WHS Act*.

Legislative Instrument	How does it apply?
<u>Transport Operations (Road Use Management) Act</u>	The <u>Transport Operations (Road Use Management) Act</u> 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.
<u>Transport Operations (Road Use Management—Dangerous Goods) Regulation</u>	The <u>Transport Operations (Road Use Management—Dangerous Goods) Regulation</u> supports the <u>Transport Operations (Road Use Management) Act</u> and prescribes the obligations of persons involved in the transport of dangerous goods by road.
<u>Heavy Vehicle National Law (Queensland)</u>	The <u>Heavy Vehicle National Law (Queensland)</u> applies to heavy vehicles over 4.5 tonnes gross vehicle mass. The HVNL does not limit the application of the primary <u>WHS Act</u> or any regulations made under the <u>WHS Act</u> . Evidence of a relevant contravention of the HVNL is admissible in any proceeding for an offence against the primary <u>WHS Act</u> . Compliance with the HVNL, or with any requirement imposed under the HVNL is not, in itself, evidence that a person has complied with the <u>WHS Act</u> or any regulations made under the <u>WHS Act</u> or with a common law duty of care.

2 Road transport duties

2.1 Key duties

2.1.1 The [Transport Operations \(Road Use Management\) Act](#) 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](#), 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 Team.

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

- (a) Definition of [dangerous goods](#) (s.32);
- (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);
- (g) Segregation of [dangerous goods](#) (Part 9);
- (h) Transport documentation (Part 11)

2.1.4 Some of the key obligations and duties included in the [Transport Operations \(Road Use Management—Dangerous Goods\) Regulation](#) are outlined in the table below. The duties are imposed on consignors, packers, loaders, prime contractors, drivers and owners.

Activity	What is the duty (in summary?)
Transport of dangerous goods to which special provisions apply Part 3	<p>Not to consign, pack, load, transport dangerous goods or drive a vehicle transporting dangerous goods, 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.41-44).</p> <p>This duty is imposed on consignors, packers, loaders, prime contractors and drivers.</p>
Packaging Part 4	<p>Suitability and design of packaging – a person must not:</p> <ul style="list-style-type: none"> • apply a marking required by the ADG Code (Part 6) on packaging if the packaging is not of a design approved by the chief executive (s.48(1)). • apply a marking mentioned in the ADG Code (Part 6) on packaging if the marking is not appropriate for the packaging (s.48(2)). <p>Prohibition on sale or supply of noncompliant packaging – a person must not:</p> <ul style="list-style-type: none"> • sell, supply, or offer to sell or supply, packaging for use in the transport of particular dangerous goods unless certain requirements are met (s.55). <p>Offences about general packaging – a person must not:</p> <ul style="list-style-type: none"> • consign or pack dangerous goods for transport in general packaging if the person knows or ought reasonably to know, that the packaging is unsuitable for the transport of the goods or the goods have not been packed in packaging in accordance with part 4 of the ADG Code (ss. 57-58). • load, transport or drive a vehicle transporting dangerous goods, that are in general packaging on to a vehicle if the person knows, or ought reasonably to know, that the packaging is damaged or defective to the extent that it is not safe to use (ss.59 -61). <p>Offences about other packaging</p> <ul style="list-style-type: none"> • A person must not attach a compliance plate, or something purporting to be a compliance plate, to a tank, MEGC or tank vehicle unless the vehicle is approved by the chief executive (s.63). • Failure of a person who manufactures a portable tank or an MEGC, for use in the transport of dangerous goods to attach a compliance plate in accordance with of the application section of the ADG Code (s.64(1) and (2)). • Failure of a person who manufactures a tank vehicle for use in the transport of dangerous goods to attach a compliance plate in accordance with s.6.9.2.2 of the ADG Code (s.64(4)). • Use by or permission for use by owner of a portable tank, a demountable tank, an MEGC or a tank vehicle using or permitting its use, to transport dangerous goods if it is unsuitable for the transport of the goods (s.65). • Consigning dangerous goods for transport in other packaging provided by a person if the packaging is unsuitable; or the goods have not been packed in the packaging in accordance with part 4 of the ADG Code (s.66). • A person must not pack dangerous goods 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 ADG Code (s.67). • A person must not load dangerous goods that are in other packaging on to a vehicle for transport if the person knows, or ought reasonably to know, that the packaging is unsuitable (s.68). • Prime contractor must not transport dangerous goods in other packaging provided by the prime contractor if the packaging is unsuitable for the transport

Activity	What is the duty (in summary?)
	<p>of the goods or the goods have not been packed in the packaging in accordance with part 4 of the ADG Code (s.69(1)).</p> <ul style="list-style-type: none"> • Prime contractor must not transport dangerous goods in other packaging provided by another person and a driver must not drive a vehicle transporting dangerous goods in other packaging, if the person knows, or ought reasonably to know, that the packaging is unsuitable; or the goods have not been packed in the packaging in accordance with part 4 of the ADG Code (ss.69(2)-70). • A person must not consign, pack or load dangerous goods for transport, transport or drive a vehicle transporting dangerous goods, in an overpack if the preparation of the overpack and its contents do not comply with either s.5.1.2 of the ADG Code or an approval of the chief executive (ss.71-75). • Failure to produce written evidence that a packaging design type manufactured or used by the person has passed performance tests required under part 6 of the ADG Code within 14 days after the day of the notice (s.76).
<p>Consignment Part 5</p>	<p>Marking and labelling – a person must not:</p> <ul style="list-style-type: none"> • consign dangerous goods for transport in a package if: <ul style="list-style-type: none"> ○ the package is not appropriately marked (s.80(1)) ○ a marking/label about the contents is false or misleading in a material particular (s.80(2)) ○ it does not contain dangerous goods but is marked/labelled as if it does (s.80(3)). • pack dangerous goods for transport in a package if the person knows, or ought reasonably to know, that the package is not appropriately marked or will not be appropriately marked once the package is ready to be transported (s.81(1)) • mark or label the package with a marking or label about its contents that the person knows, or ought reasonably to know, is false or misleading in a material particular (s.81(2)) • mark or label the package as if it contained dangerous goods if the person knows, or ought reasonably to know, that it does not contain dangerous goods (s.81(3)) • transport dangerous goods in a package if the prime contractor knows, or ought reasonably to know that: <ul style="list-style-type: none"> ○ the goods are dangerous goods and the package is not appropriately marked (s.82(1)) ○ a marking or label on the package about its contents is false or misleading in a material particular (s.82(2)) • transport dangerous goods in a package that is marked or labelled as if it contained dangerous goods if the prime contractor knows, or ought reasonably to know, that the package does not contain dangerous goods (s.82(3)) <p>Placarding</p> <p>A person must not:</p> <ul style="list-style-type: none"> • consign a placard load for transport if: <ul style="list-style-type: none"> ○ the load is not appropriately placarded (s.85(1)) ○ the placarding of the load is false or misleading in a material particular (s.85(2)) • consign goods for transport in or on a cargo transport unit that does not contain a placard load but is placarded as if it contained a placard load (s.85(3)) • load dangerous goods on to a vehicle for transport or drive a vehicle transporting a load that contains dangerous goods if the person knows, or ought reasonably to know, that the load is placard load and the load is not appropriately placarded (ss.86(1) and 88(1))

Activity	What is the duty (in summary?)
	<ul style="list-style-type: none"> • if they load goods on to a vehicle for transport, placard the load: <ul style="list-style-type: none"> ○ with placarding the person knows, or ought reasonably to know, is false or misleading in a material way (s.86(2)) ○ as if it were a placard load if the person knows, or ought reasonably to know, is false or misleading in a material particular (s.86(3)) • drive a vehicle transporting a placard load if the person knows, or ought reasonably to know, that the placarding of the load is false or misleading in a material particular (s.88(2)) • drive a vehicle that is, or that incorporates, a cargo transport unit that is placarded as if it contained a placard load if the person knows, or ought reasonably to know, that the vehicle or cargo transport unit does not contain a placard load (s.88(3)) <p>A prime contractor must not:</p> <ul style="list-style-type: none"> • transport a load that contains dangerous goods if the prime contractor knows, or ought reasonably to know, that the load is a placard load and the load is not appropriately placarded (s.87(1)) • transport a placard load if the prime contractor knows, or ought reasonably to know, that the placarding of the load is false or misleading in a particular way (s.87(2)) • use a cargo transport unit that is placarded as if it contained a placard load if the prime contractor knows, or ought reasonably to know, that the cargo transport unit does not contain a placard load (s.87(3))
<p>Safety standards for vehicles and equipment Part 6</p>	<p>The owner of a vehicle must not use the vehicle, permit the use of a vehicle, to transport dangerous goods if the vehicle or its equipment does not comply with Ch 4.4 of the ADG Code (s.89).</p> <p>A person must not consign dangerous goods for transport, load dangerous goods on to a vehicle for transport or drive a vehicle transporting dangerous goods if the person knows, or ought reasonably to know, that the vehicle or its equipment does not comply with Ch 4.4 of the ADG Code (ss.90, 91 and 93)</p> <p>A prime contractor must not use a vehicle to transport dangerous goods if the vehicle or its equipment does not comply with Ch 4.4 of the ADG Code (s.92)</p>
<p>Transport operations for particular dangerous goods Part 7</p>	<p>Self-reactive substances, organic peroxides and particular other substances</p> <ul style="list-style-type: none"> • A person must not consign dangerous goods to which this division applies for transport in or on a cargo transport unit 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 ADG Code (s.95). • A person must not load dangerous goods to which this division applies for transport in or on a cargo transport unit other than in accordance with chapter 7.1 of the ADG Code (s.96) • A prime contractor must not transport dangerous goods to which this division applies if the prime contractor knows or ought reasonably to know that the transport does not comply with chapter 7.1 of the ADG Code (s.97) • A person must not drive a vehicle transporting dangerous goods to which this division applies if the person knows or ought reasonably to know that the dangerous goods are not being transported in accordance with chapter 7.1 of the ADG Code (s.98) <p>Goods too dangerous to be transported</p> <ul style="list-style-type: none"> • A person must not load for transport, transport or drive a vehicle transporting goods too dangerous to be transported in or on a cargo transport unit if the person knows, or ought reasonably to know, that the goods are goods too dangerous to be transported (ss.100-102).

Activity	What is the duty (in summary?)
Stowage and restraint Part 8	<p>A person must not consign or load dangerous goods for transport, or transport or drive a vehicle transporting dangerous goods in or on a vehicle or in or on a cargo transport unit 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 ADG Code (ss.103-106).</p> <p>A person who loads for transport in or on a vehicle danverous goods that are in or on a cargo transport unit must restrain the cargo transport unit in accordance with chapter 8.2 of the ADG Code (s.104(2)).</p>
Segregation Part 9	<p>A person must not consign or load dangerous goods for transport, or use or drive a vehicle to transport dangerous goods 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 dangerous goods; and the dangerous goods will not be segregated from the incompatible goods in accordance with either part 9 of the ADG Code; or an approval under s.113 (ss.109-112).</p>
Bulk transfer of dangerous goods Part 10	<p>To comply with obligations:</p> <ul style="list-style-type: none"> imposed on the transferor, transferor, occupier, prime contractor in relation to equipment and transfer (ss.117- 120). imposed on the transferor, prime contractor, driver in relation to filling ratio and ullage (ss.122 -124).
Documentation Part 11	<p>Transport documentation</p> <ul style="list-style-type: none"> A person must not include information in transport documentation for dangerous goods that the person knows, or ought reasonably to know, is false or misleading (s.125(1)). A person must not consign dangerous goods 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 ADG Code for the goods 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 ADG Code for each load (s.126). A prime contractor must not allow a person to drive a vehicle used by the prime contractor to transport dangerous goods if the person has not been given transport documentation complying with chapter 11.1 of the ADG Code 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 ADG Code (s.127(1)). A prime contractor must 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(2)). The driver of a vehicle must carry transport documentation complying with chapter 11.1 of the ADG Code for the goods and ensure the document is carried in the vehicle in a way that is required by chapter 11.1 (s.128(1)). The driver of a vehicle transporting dangerous goods must give a relevant emergency service officer the transport documentation unless the driver has a reasonable excuse (ss.128(2) and (3)). <p>Emergency information</p> <ul style="list-style-type: none"> A person must not consign a placard load for transport in or on a vehicle if the person knows, or ought reasonably to know, that the required emergency information for the dangerous goods in the load is not on the vehicle. (s.130) A prime contract must not drive a vehicle to transport a placard load if the vehicle is not equipped with an emergency information holder complying with chapter 11.2 of the ADG Code; or the required emergency information for the dangerous goods in the load is not in the holder (s.131)

Activity	What is the duty (in summary?)
	<ul style="list-style-type: none"> • A person must not drive a vehicle transporting a placard load if the vehicle is not equipped with an emergency information holder complying with chapter 11.2 of the ADG Code; or the required emergency information for the dangerous goods in the load provided by the consignor of the goods or by the prime contractor for the transport of the goods, is not in the holder (s.132(1)) • The driver of a vehicle transporting a placard load must keep only the required emergency information for the dangerous good in the load and the transport documentation for the goods, in the vehicle's emergency information holder (s132(2)). • The driver of a vehicle transporting a placard load must give a relevant emergency service officer the required emergency information for the dangerous goods in the load for inspection unless the driver has a reasonable excuse (ss.132(3) and (4)).
<p>Safety Equipment Part 12</p>	<ul style="list-style-type: none"> • The owner of a vehicle must not use or permit to be used, a vehicle to transport a placard load if the vehicle is not equipped with fire extinguishers and portable warning devices complying with part 12 of the ADG Code; and any other equipment required under that part (s.134). • A prime contractor must not use and a person must not drive, a vehicle to transport a placard load if: <ul style="list-style-type: none"> ○ the vehicle is not equipped with fire extinguishers and portable warning devices and other equipment complying with part 12 of the ADG Code (ss.135(1) and 136(1)). ○ if the person knows, or ought reasonably to know, that it has not been inspected or tested as required by part 12 of the ADG Code; or is not in good repair or is not in proper working order (ss.135(2) and 136(2)).
<p>Procedures during transport Part 13</p>	<p>Immobilised and stopped vehicles</p> <ul style="list-style-type: none"> • The driver of a vehicle must alert other road users of the hazard, in accordance with part 13 of the ADG Code, if a vehicle transporting a placard load has a GVM of 12t or less; and is broken down or otherwise immobilised, or has stopped, on a road and is a traffic hazard (s.137) • If a prime contractor knows, or ought reasonably to know, that a vehicle transporting a placard load is broken down or otherwise immobilised on a road, the prime contractor must: <ul style="list-style-type: none"> ○ as soon as practicable, have the vehicle repaired so it can be driven safely off the road or towed to where it can be repaired. ○ remove the dangerous goods from the vehicle before it is repaired or towed and transport the dangerous goods from the place of the breakdown or immobilisation. ○ ensure that the driver of a vehicle towing the vehicle holds a dangerous goods driver licence; or is accompanied, in the cabin of the tow truck, by a person who holds a dangerous goods driver licence. (s.138). <p>Duties of drivers The driver of a vehicle:</p> <ul style="list-style-type: none"> • transporting a placard load, must not allow another person to ride in the vehicle or park or leave the vehicle standing, in a public or private place other than in accordance with part 13 of the ADG Code (ss.139-140). • transporting a load that contains dangerous goods as specified in section 141(1), must not have, and must take all practicable steps to prevent another person in the vehicle from having, matches or a cigarette lighter in their possession or smoking in the vehicle (ss.141(2) and (3)).

Activity	What is the duty (in summary?)
	<ul style="list-style-type: none"> • transporting a placard load must not permit the dangerous goods in the load to be unloaded from a vehicle transporting a placard load other than in accordance with pt 13 of the ADG Code (s.142) • that has attached to it a trailer transporting a placard load, must not detach the trailer or permit it to be detached from the vehicle other than in accordance with part 13 of the ADG Code (s.143) • that is a tank vehicle that is transporting a placard load and is equipped with a burner to heat the load, must not operate the burner or permit it to be operated other than in accordance with part 13 of the ADG Code (s.144) <p>Duties of prime contractor A prime contractor must not direct, authorise or induce a driver:</p> <ul style="list-style-type: none"> • of a vehicle transporting a placard load to park the vehicle, or leave the vehicle standing, in a public or private place other than in accordance with part 13 of the ADG Code (s.144A) • to permit dangerous goods to be unloaded from a vehicle transporting a placard load, or detaching or permit the detachment of a trailer containing a placard load, in a way that does not comply with part 13 of the ADG Code (ss.145-146) • that is transporting a placard load, and that is equipped with a burner to heat the load, to operate the burner or permit it to be operated other than in accordance with part 13 of the ADG Code (s.146A) <p>Other matters</p> <ul style="list-style-type: none"> • A prime contractor for the transport of dangerous goods, or the driver of a vehicle transporting dangerous goods, must 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).
<p>Emergencies Part 14</p>	<p>Emergencies generally</p> <ul style="list-style-type: none"> • If a vehicle transporting dangerous goods is involved in an incident resulting in a dangerous situation, the driver of the vehicle must 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 provide any reasonable assistance required to deal with the situation (s.148(2)) • If an incident involving a vehicle transporting dangerous goods results in the leakage, spillage or escape of dangerous goods, or in a fire or explosion and there is food or food packaging in the vicinity of the incident that is within the control of a prime contractor, the prime contractor must not 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 in accordance with s.149(3) (s.149(2)). • 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 becoming aware of the incident, the prime contractor responsible for the transport of the goods must provide the chief executive with specific details about the incident followed by a written report within 21 days (s.150). <p>Emergencies involving placard loads</p> <ul style="list-style-type: none"> • A prime contractor must not transport and a person must not consign a load of dangerous goods in a receptacle with a capacity of more than 500L; or more than 500kg of dangerous goods in a receptacle; if a telephone advisory service is not available during the journey (ss.151(1) and (2)). • A prime contractor must not transport and a person must not consign a placard load if the prime contractor / person does not have an emergency plan for the transport of the load (ss.152(1) and (3))

Activity	What is the duty (in summary?)
	<ul style="list-style-type: none"> • A prime contractor transporting a placard load and a consignor of a placard load must do everything relevant in the emergency plan upon becoming aware of a dangerous situation (ss.152(2) and (4)). • A prime contractor or consignor must give the emergency plan to the chief executive within 14 days after notice is given pursuant to s.152(5) (s.152(6)) • If the consignor of dangerous goods in a placard load or the prime contractor for the transport of dangerous goods in a placard load become aware that the vehicle transporting the load has been involved in an incident resulting in a dangerous situation, the person must (unless there is a reasonable excuse) provide the prescribed person required information and provide the equipment and resources required (ss.153(2) and 154(2)).
Licences Part 18	Vehicles and drivers must be licensed to transport dangerous goods that are in a receptacle with a capacity of more than 500L; or more than 500kg of dangerous goods in a receptacle (ss.186-187).

2.1.5 There are also additional duties relevant to nominally empty storage vessels imposed on consignors, loaders, prime contractors and drivers (refer to Part 7A) and dangerous goods packed in limited quantities imposed on consignors and prime contractors (refer to ss.133A-133C).

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 is 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(1), [Transport Operations \(Road Use Management\) Act 1995](#)).

5.1.2 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 Refer to the table at section 2.1.4 above for a summary of the duties imposed by the [Transport Operations \(Road Use Management—Dangerous Goods\) Regulation 2018 regarding](#) drivers of a vehicle and prime contractors transporting [dangerous goods](#) that are involved in an incident resulting in a dangerous situation.

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

6 Regulators and 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. Those powers include the following:

Power	Requirement
Stop	<p>An authorised officer can stop a private vehicle or heavy vehicle to check (ss. 31, 32):</p> <ul style="list-style-type: none"> • compliance with a transport act, including the Transport Operations (Road Use Management) Act 1995 if the authorised officer reasonably believes the vehicle does not comply; and • whether the vehicle is carrying explosives within the meaning of the Explosives Act if the officer reasonably believes the vehicle is carrying explosives.
Inspect	<p>In circumstances prescribed in section 34(1), an authorised officer may inspect or test a vehicle to check whether the vehicle complies with a transport Act. To enable the authorised officer 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 authorised officer 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"> • enter the vehicle, using necessary and reasonable help and force; or • search any part of the vehicle; or • inspect, measure, weigh, test, photograph or film the vehicle or anything in the vehicle; or • take samples of the vehicle or anything in the vehicle; or • copy, or take an extract from, a document in the vehicle; or • move the vehicle's load; or • take the persons, equipment and materials the officer reasonably requires into the vehicle (s.35).
Run or stop engine	<p>An authorised officer may, to allow them to effectively exercise a power under the Act in relation to a prescribed dangerous goods vehicle, enter the vehicle and run or stop its engine or authorise someone else to in the circumstances prescribed in section 35C(1) (s.35C).</p>
Require vehicle inspection	<p>If an authorised officer reasonably believes a vehicle may not comply with the Act, the officer may require its owner or registered operator to have it inspected at a stated reasonable time and place (s.36(1)).</p>
Prohibit use of vehicle	<p>An authorised officer 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 authorised officers are prescriptive and wide-ranging. Advice should be sought when dealing with an authorised officer to ensure the processes and duties prescribed under the [Transport Operations \(Road Use Management\) Act](#) are complied with.

7 Penalties

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

Reference	Offence	Maximum Penalty ¹³
s.19I(2)	Failure by registered operator to return number plates and registration label after receiving notice of the cancellation of the vehicle's registration, within 14 days after the notice is given	<i>Individual:</i> 20 penalty units <i>Corporation:</i> 100 penalty units
s.30(3)	Failure to give an authorised officer reasonable help in relation to searching of a place and other related powers, without a reasonable excuse.	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.30A(7)	Failure to give an authorised officer reasonable help to exercise their power under s.26A, without a reasonable excuse.	60 penalty units
s.31(4)	Failure to stop a private vehicle on request by an authorised officer , without a reasonable excuse.	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s. 32(5)	Failure to stop a heavy vehicle on request by authorised officer , without a reasonable excuse.	<i>Individual:</i> 90 penalty units <i>Corporation:</i> 450 penalty units
s.33(4)	Failure to move a private vehicle other than a suspected dangerous goods vehicle on request by an authorised officer .	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.33(4)	Failure to move a heavy vehicle or a suspected dangerous goods vehicle on request by an authorised officer.	<i>Individual:</i> 90 penalty units <i>Corporation:</i> 450 penalty units
s.33A(4)	Failure to comply with authorised officer's requirement that a person in control, or the operator, of the vehicle move the vehicle or do anything else the officer reasonably requires to avoid the harm or obstruction, without a reasonable excuse.	<i>Individual:</i> 90 penalty units <i>Corporation:</i> 450 penalty units
s.33D(3)	Failure by person in control of a vehicle to comply with a direction issued pursuant to section 33D(2) by an authorised person, without a reasonable excuse.	<i>Individual:</i> 60 penalty units
s.36(3)	Failure to provide vehicle for inspection by an authorised officer , without a reasonable excuse.	<i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units

¹³ Where a maximum penalty specified by the Act is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Maximum Penalty ¹³
s.37(2) and (3)	<p>Failure to comply with a notice issued pursuant to section 37(1) requiring the owner or Registered Operator or the person in control of the not use or permit the vehicle to be used on a road until the unsafe matter has been rectified, without a reasonable excuse.</p> <p>Failure by a person in control of the vehicle (not being the owner of the vehicle) to tell the owner if such a notice is given as soon as it is practicable.</p>	<p><i>Private Vehicle –</i> <i>Individual: 60 penalty units</i> <i>Corporation: 300 penalty units</i></p> <p><i>Prescribed Vehicle –</i> <i>Individual: 90 penalty units</i> <i>Corporation: 450 penalty units</i></p>
s.38(3)	<p>Failure to comply with a notice issued by an authorised officer pursuant to section 38(2), without a reasonable excuse.</p>	<p><i>Private Vehicle other than a suspected dangerous goods vehicle -</i> <i>Individual: 60 penalty units</i></p> <p><i>Heavy Vehicle or a suspected dangerous goods –</i> <i>Individual: 90 penalty units</i></p>
s.39(3)	<p>Failure to reasonably help an authorised officer if required pursuant to section 39(1) or do as instructed by an authorised officer in relation to a vehicle pursuant to section 39(2), without a reasonable excuse.</p>	<p><i>Private Vehicle other than a suspected dangerous goods vehicle –</i> <i>Individual: 60 penalty units</i></p> <p><i>Heavy Vehicle, a suspected dangerous goods vehicle, a prescribed vehicle, or the transport of dangerous goods –</i> <i>Individual: 90 penalty units</i></p>
s.39B(2)	<p>Moving a vehicle or allowing a vehicle to be moved during the time reasonably necessary to enable the authorised officer to perform a function or exercise a power for which the vehicle was stopped or moved</p>	<p><i>Individual: 60 penalty units</i> <i>Corporation: 300 penalty units</i></p>
s.39C(2)	<p>Interfering with any equipment in a vehicle or unloading or changing the position of any part of the vehicle's load during the time reasonably necessary to enable the authorised officer to perform a function or exercise a power for which the vehicle was stopped or moved</p>	<p><i>Individual: 60 penalty units</i> <i>Corporation: 300 penalty units</i></p>
s.41(2)	<p>Tampering or attempting to tamper with a seized thing without an authorised officer's approval.</p>	<p><i>Individual: 60 penalty units</i> <i>Corporation: 300 penalty units</i></p>
s. 41(5)	<p>Failure to comply with requirements to hand over a seized thing, without a reasonable excuse.</p>	<p><i>Individual: 60 penalty units</i> <i>Corporation: 300 penalty units</i></p>
s.46C(1)	<p>Doing anything that an embargo notice prohibits or instructing someone to do anything that an embargo notice prohibits.</p>	<p><i>Individual: 80 penalty units</i> <i>Corporation: 400 penalty units</i></p>
s.46C(2)	<p>Failure to take all reasonable steps to stop any other person from doing anything forbidden by an embargo notice</p>	<p><i>Individual: 80 penalty units</i> <i>Corporation: 400 penalty units</i></p>
s.48(5)	<p>Failure to give name and address to an authorised officer when fined committing an offence against a transport Act., without a reasonable excuse.</p>	<p><i>Individual: 60 penalty units</i> <i>Corporation: 300 penalty units</i></p>

Reference	Offence	Maximum Penalty ¹³
s.48A(5)	Failure to provide authorised officer with personal details or failure to give evidence of the correctness of stated personal details if officer reasonably suspects the stated personal details are false or misleading, without a reasonable excuse.	<i>Individual:</i> 45 penalty units <i>Corporation:</i> 225 penalty units
s.49(2) and (5)	Failure to produce or provide a certified copy of a document for inspection under a transport Act or corresponding law, without a reasonable excuse	<i>Individual:</i> 45 penalty units <i>Corporation:</i> 225 penalty units
s.49A(5)	Failure to comply with direction by authorised officer to provide information to the officer about the dangerous goods, a prescribed dangerous goods vehicle carrying or intended to be used for carrying the dangerous goods, or any other load or equipment carried or intended to be carried by the vehicle, without a reasonable excuse.	<i>Individual:</i> 45 penalty units <i>Corporation:</i> 225 penalty units
s.50AB(2)	Failure to provide an authorised officer with assistance to find and gain access to any documents or information to enable the officer to effectively exercise a power under specific provisions of the Act, without a reasonable excuse.	<i>Individual:</i> 90 penalty units <i>Corporation:</i> 450 penalty units
s. 52(2)	Giving statements that the person knows to be false or misleading in a material particular to an official in relation to a transport Act.	<i>If the statement relates to a heavy vehicle, a prescribed dangerous goods vehicle or the transport of dangerous goods:</i> <i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units <i>If the statement is made in an online declaration under section 114:</i> 60 penalty units or 2 years imprisonment <i>Otherwise:</i> <i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units
s.53(2)	Knowingly giving an official a document containing information the person knows is false or misleading in a material particular.	<i>If the statement relates to a heavy vehicle, a prescribed dangerous goods vehicle or the transport of dangerous goods:</i> <i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units <i>If the document is or is part of an online declaration under section 114:</i> 60 penalty units or 2 years imprisonment <i>Otherwise:</i> <i>Individual:</i> 60 penalty units <i>Corporation:</i> 300 penalty units

Reference	Offence	Maximum Penalty ¹³
s.54(1)	Obstructing an official in the exercise of the power, without a reasonable excuse.	<i>If the official is an authorised officer exercising a power in relation to a heavy vehicle, a prescribed dangerous goods vehicle or the transport of dangerous good:</i> <i>Individual: 80 penalty units</i> <i>Corporation: 400 penalty units</i> <i>Otherwise:</i> <i>Individual: 60 penalty units</i> <i>Corporation: 300 penalty units</i>
s.55(a)	Pretending to be an authorised officer	<i>Individual: 100 penalty units</i>
s.55(b)	Pretending to be an accredited person	<i>Individual: 60 penalty units</i>
s.56(3)	Paying a fee for a licence or other document (other than a licence or other document prescribed by regulation) under a transport Act by a cheque that is not honoured or that is later dishonoured.	<i>Individual: 60 penalty units</i>
s.72(2)	Obstructing a person who is installing any official traffic sign which in the person's opinion may be necessary or desirable for the purpose of regulating, guiding or warning traffic with respect to works in prescribed circumstances	<i>Individual: 40 penalty units or 6 months imprisonment</i>
s.73(1)	Obstruction of prescribed officer or without lawful authority, demolishes, destroys, pulls down, erases, removes, defaces or otherwise damages or interferes with official traffic signs	<i>Individual: 40 penalty units or 6 months imprisonment</i>
s.74(1)	Contravention of official traffic sign	<i>Individual: 40 penalty units or 6 months imprisonment</i>
s.75(1)	Unlawfully installing an official traffic sign on a road or an off-street regulated parking area	<i>Individual: 40 penalty units or 6 months imprisonment</i>
s.78(1)	Driving a motor vehicle on a road without holding a driver licence authorising them to drive the vehicle on the road	<i>If the person committed the offence while the person was disqualified, by any court order, from holding or obtaining a driver licence: 60 penalty units or 18 months imprisonment;</i> <i>Otherwise: 40 penalty units or 1 year's imprisonment</i>
s.78(5)	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	<i>Individual: 20 penalty units or 6 months imprisonment</i>

Reference	Offence	Maximum Penalty ¹³
s.79(1)	Driving, putting or attempting to put into motion or being in charge of a motor vehicle, tram, train or vessel while under the influence of liquor or a drug	<p><i>Individual:</i> 28 penalty units or 9 months imprisonment.</p> <p>Note: additional specific offences regarding being under the influence of liquor or a drug are set out in ss.79(1A) to (14), 80(5A), (11AA) and (22D)</p>
s.80A(1)	Obstructing a health care professional from taking a blood specimen from someone else, without a reasonable excuse	<p><i>Individual:</i> 40 penalty units</p>
s.83(1)	Driving of motor vehicles on a road or elsewhere without due care and attention or without reasonable consideration for other persons using the road or place.	<p><i>If the person causes the death of or grievous bodily harm to another person and was an unlicensed driver for the motor vehicle at the time of committing the offence—</i> 160 penalty units or 2 years imprisonment</p> <p><i>If the person causes the death of or grievous bodily harm to another person—</i> 80 penalty units or 1 year's imprisonment</p> <p><i>Otherwise—</i> 40 penalty units or 6 months imprisonment</p>
s.84(1)	Driving a vehicle (other than a motor vehicle), a tram, a train or an animal on a road dangerously	<p><i>Individual:</i> 40 penalty units or 6 months imprisonment</p>
s.84(2)	Driving a vehicle (other than a motor vehicle), a tram, a train or an animal on a road without due care and attention or without reasonable consideration for other persons using the road	<p><i>Individual:</i> 40 penalty units or 6 months imprisonment</p>
s.84AA	Driving a bicycle or personal mobility device on a road-related area without due care and attention or without reasonable consideration for another person using the road-related area	<p><i>Individual:</i> 40 penalty units</p>
s.84A(1)	Driving of motor vehicles carrying placard loads in tunnels that has a placard load prohibited sign at or before the entrance to the tunnel	<p><i>If the contravention results in harm to a person, property or the environment—</i> 200 penalty units or 1 year's imprisonment;</p> <p><i>Otherwise—</i> 100 penalty units</p>
s.85(1)	Organising, promoting or taking part in any race between vehicles or animals on a road, any attempt to establish or break any vehicle or animal speed record on a road, any trial of the speed of a vehicle or animal on a road or any competitive trial designed to test the skill of any vehicle driver where a prize or trophy or other benefit or advantage in excess of the value of \$100 may be won	<p><i>Individual:</i> 40 penalty units or 6 months imprisonment</p>

Reference	Offence	Maximum Penalty ¹³
s.85(5)	Organising, promoting or taking part in any race, attempt or trial contravenes or fails to comply with any condition imposed	<i>Individual:</i> 40 penalty units or 6 months imprisonment
s.85A(1)	Wilfully driving a motor vehicle on a road or in a public place in a way that causes a sustained loss of traction of 1 or more of the wheels of the motor vehicle and the road or other surface	<i>Individual:</i> 20 penalty units
s.91W(1)	An interlock driver driving a motor vehicle not in accordance with the restrictions to which the holder of a restricted license is subject, without an interlock exemption Other interlock related offences are set out in ss. 91W(4), 91X(1) and 91Y(1).	<i>If the motor vehicle was not fitted with a prescribed interlock:</i> 28 penalty units for a first conviction 60 penalty units for a conviction within 5 years after a previous conviction ; <i>If the motor vehicle driven by the person was not a nominated vehicle for the person but was fitted with a prescribed interlock:</i> 28 penalty units
s.92(1) (injury)	Failure to immediately stop the vehicle, remain at or near the scene, immediately render assistance as the driver can to injured persons, make reasonable endeavours to obtain medical or other aid as may reasonably be required, if the driver is involved in an incident resulting in injury to any person	If the incident results in the death of or grievous bodily harm to a person: 120 penalty units or 3 years imprisonment; Otherwise: 20 penalty units or 1 year's imprisonment
s.92(1) (death)	Failure to immediately stop the vehicle, remain at or near the scene, exhibit proper respect for the person's body and take whatever steps are reasonably practicable to have the body removed to an appropriate place, if the driver is involved in an incident where a person is dead or apparently dead	If the incident results in the death of or grievous bodily harm to a person: 120 penalty units or 3 years imprisonment; Otherwise: 20 penalty units or 1 year's imprisonment
s.91(5)	Reporting the happening of an incident to the Queensland Police Service knowing the report to be false	<i>Individual:</i> 40 penalty units or 6 months imprisonment
s.93(2) and (4)	Failing to stop at the scene of a crash on a road and give the driver's required particulars within the required time and to the prescribed persons	<i>Individual:</i> 20 penalty units
s.154(1)	Driving a vehicle transporting dangerous goods if a dangerous goods regulation requires the vehicle to be licensed and the vehicle is not licensed under the dangerous goods regulation.	<i>Individual:</i> 100 penalty units
s.154(2)	Driving a vehicle transporting dangerous goods if a dangerous goods regulation requires the person to be licensed to drive the vehicle and the person is not licensed under the dangerous goods regulation.	<i>Individual:</i> 100 penalty units or 2 years imprisonment

Reference	Offence	Maximum Penalty ¹³
s.154(3) and (4)	Engaging, employing or permitting another person to drive a vehicle transporting dangerous goods if: <ul style="list-style-type: none"> dangerous goods regulations requires the person to be licensed to drive the vehicle and the person is not licensed under the dangerous goods regulation dangerous goods regulations requires the vehicle to be licensed to transport the goods and the vehicle is not licensed under the dangerous goods regulation 	500 penalty units or 2 years imprisonment
s.154(5)	Failure to be accredited as required by a dangerous goods regulation but is involved in transporting dangerous goods	<i>Individual:</i> 500 penalty units
s.154(6)	Cosigning dangerous goods for transport on a vehicle if the person knows, or reasonably ought to know, that a dangerous goods regulation requires the vehicle to be licensed to transport the goods and the vehicle is not licensed under the dangerous goods regulation	<i>Individual:</i> 100 penalty units
s.156(2)	Contravening the Transport Operations (Road Use Management) Act 1995 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 penalty units or 2 years imprisonment Otherwise: 500 penalty units or 1 year's imprisonment
s.160(3)	Contravening an exclusion order made under s.160(2)	<i>Individual:</i> 500 penalty units or 2 years imprisonment
s.161Q	Consigning for transport goods too dangerous to be transported	Contravention resulting in death or grievous bodily harm to a person: 1000 penalty units or 2 years imprisonment Otherwise: 500 penalty units or 1 year's imprisonment

There are separate offences regarding traffic diversions and removal of things from road (refer to ss.96 and 100), parking offences (refer to s. 106), minor traffic offences (s. 108), crossing supervisors (ss.122B and 122F), unlawful possession of licences (ss.126, 127, 129A and 130), repairs (ss.133, 133B, 134 and 135), injurious matter (s.137), confidentiality (s.143), improvement notice (s.161D) and dangerous situation notices (ss.161G, 161I, 161J, 161L).

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

Activity	What is the duty (in summary?)
<p>Safety Duties</p>	<p>The safety of transport activities relating to a heavy vehicle is the shared responsibility of each party in the chain of responsibility for the vehicle (s.26A)</p> <p>A person:</p> <ul style="list-style-type: none"> • may have more than 1 duty because of the functions the person performs or is required to perform (s.26B(1)); • may concurrently have a duty under this Law (s.26B(2)); • must comply with that duty to the standard required by this Law even if another duty holder has the same duty (s.26B(3)) <p>Each party in the chain of responsibility for a heavy vehicle must ensure, SFARP, the safety of the party’s transport activities relating to the vehicle (s.26C(1)). Refer to section 9 below for a discussion of the duties.</p> <p>If a legal entity has a safety duty, an executive of the legal entity must exercise due diligence to ensure the legal entity complies with the safety duty (s.26D(1)). Refer to section 9 below for a discussion about due diligence.</p> <p>A person must not contract with, ask, direct or require (directly or indirectly) the driver of a heavy vehicle or a party in the chain of responsibility to do or not do something the person knows, or ought reasonably to know, would have the effect of causing the driver to:</p> <ul style="list-style-type: none"> • exceed the speed limit; • drive a fatigue-regulated heavy vehicle when fatigued, drive in breach of the driver’s work and rest hours options; or • drive a fatigue-regulated heavy vehicle 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 (s.26E)
<p>Vehicle standards and safety</p>	<p>A person must ensure that a heavy vehicle is not used or permitted to be used on a road unless it complies with the relevant standards (s.60(1)).</p> <p>A person must not use, or permit to be used, on a road a heavy vehicle that:</p> <ul style="list-style-type: none"> • contravenes a condition of a vehicle standards exemption (s.81(2)); • is unsafe (s.89(1)); • is not fitted with an emission control system for each relevant emission if and as required by an applicable heavy vehicle standard (s.90(1)); • has the warning sign displayed on it unless the vehicle is of the particular type, size or configuration (s.92(2))
<p>Vehicle operations – mass, dimension and loading</p>	<p>A person must not use, or permit to be used, on a road a heavy vehicle that does not, or whose components and load do not:</p> <ul style="list-style-type: none"> • comply with the mass requirements applying to the vehicle, unless there is a reasonable excuse (s.96(1)); • comply with the dimension requirements applying to the vehicle, unless there is a reasonable excuse (s.102(1)); • comply with requirements to have warning signals in relation to rear projection of loads (s.109(2)); • comply with loading requirements applicable to that vehicle, unless there is a reasonable excuse (s.111(1));
<p>Vehicle operations – driver fatigue</p>	<p>Chapter 6:</p> <ul style="list-style-type: none"> • imposes duties on drivers of fatigue-regulated heavy vehicles 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 • imposes general duties directed at preventing persons driving fatigue-regulated heavy vehicles on a road while impaired by fatigue; and


Activity	What is the duty (in summary?)
	<ul style="list-style-type: none"> imposes additional duties directed at helping drivers of fatigue-regulated heavy vehicles to comply with this Chapter, which are imposed on particular parties in the chain of responsibility; and provides for the maximum work requirements and minimum rest requirements applying to drivers of fatigue-regulated heavy vehicles; and provides for recording the work times and rest times of drivers, amongst other things.
Intelligent access program	<p>Chapter 7:</p> <ul style="list-style-type: none"> requires particular entities to report relevant contraventions for intelligent access vehicles; and requires particular entities to report tampering or suspected tampering with, or malfunctioning of, approved intelligent transport systems; and prohibits persons from tampering with approved intelligent transport systems; and gives particular entities functions and powers to audit the activities of intelligent access service providers. allows entities to collect, hold, use and disclose intelligent access information for only limited purposes and subject to restrictions; and requires entities with monitoring or auditing functions to ensure intelligent access information collected is accurate, complete and up to date; and requires entities who collect intelligent access information to protect the information and destroy it when it is no longer required by the entities; and provides for persons about whom an entity holds personal information to have access to the information and have it corrected in appropriate circumstances.
Accreditation	<p>Chapter 8 outlines the requirements to follow to allow operators of heavy vehicles who implement management systems that achieve the objectives of particular aspects of the HVNL to be subject to alternative requirements under the HVNL, in relation to the aspects, that are more suited to the operators' business operations</p>
General	<p>Chapter 13:</p> <ul style="list-style-type: none"> imposes obligations on employers in relation to discrimination or victimisation of employees; and imposes obligations around giving false or mislead statements or misrepresentations of holding particular positions of authority.

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

Regulation	Content
Heavy Vehicle National Law Regulation	Prescriptions under the HVNL including the maximum length and width of vehicles.
Heavy Vehicle (Fatigue Management) National Regulation	The maximum work requirements and minimum rest requirements for Work Diary requirements.
Heavy Vehicle (General) National Regulation	<ul style="list-style-type: none"> Performance Based Standards provisions including in relation to: <ul style="list-style-type: none"> Design approvals; Vehicle approvals; and Assessors and certifiers;

Regulation	Content
	<ul style="list-style-type: none"> • Enforcement including the seizure of number plates; and • Oversight of the National Heavy Vehicle Regulator.
Heavy Vehicle (Mass, Dimension and Loading) National Regulation	<ul style="list-style-type: none"> • Prescribed mass requirements and exceptions; • General mass limits; • Declarations of higher mass limits • Higher mass limit permits; • Dimension and loading requirements; and • Exemptions for over mass or oversize vehicles.
Heavy Vehicle (Vehicle Standards) National Regulation	<ul style="list-style-type: none"> • General Safety requirements including: <ul style="list-style-type: none"> ○ Steering ○ Turning ability ○ Ability to travel backwards and forwards ○ Driver's view and vehicle controls ○ Seating ○ Wheels and tyres ○ Windscreens and windows • Vehicle markings • Vehicle configuration • Dimension requirements • Lights and reflectors • Braking systems • Control of exhaust and noise emissions • Maximum road speeds
Heavy Vehicle (Registration) National Regulation	<ul style="list-style-type: none"> • Information about registered heavy vehicles included in database of heavy vehicles and to be given to Regulator • Information about registered operators included in database of heavy vehicles and to be given to Regulator • Information about vehicle defect notices

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.

9 Duties of each Party in the Chain of Responsibility and Officers' Duties

- 9.1.1 Under the HVNL, each party in the chain of responsibility for a heavy vehicle must ensure, SFARP, the safety of the party’s transport activities relating to the vehicle.
- 9.1.2 In relation to a heavy vehicle, a “party in the chain of responsibility” means each of the following people:
- (a) if the vehicle’s driver is an employed driver—an employer of the driver;
 - (b) if the vehicle’s driver is a self-employed driver—a prime contractor for the driver;
 - (c) an operator of the vehicle;
 - (d) a scheduler for the vehicle;

- (e) a consignor of any goods in the vehicle;
- (f) a consignee of any goods in the vehicle;
- (g) a packer of any goods in the vehicle;
- (h) a loading manager for any goods in the vehicle;
- (i) a loader of any goods in the vehicle;
- (j) an unloader of any goods in the vehicle.

9.1.3 In relation to a heavy vehicle, each party must, SFARP (inter alia):

- (a) eliminate public risks; and
- (b) ensure that their conduct does not directly or indirectly cause or encourage the driver of a heavy vehicle to speed, contravene the HVNL or cause or encourage another party in the chain of responsibility for a vehicle to contravene the HVNL.

Duties of executives of legal entities

9.1.4 If a corporation, an unincorporated partnership or an unincorporated body has a safety duty, an executive officer, a partner of the partnership or a management member of the unincorporated body must exercise due diligence to ensure the legal entity complies with the safety duty.

9.1.5 Due diligence includes, taking reasonable steps:

- (a) to acquire, and keep up to date, knowledge about the safe conduct of transport activities; and
- (b) to gain an understanding of—
 - i. the nature of the legal entity's transport activities; and
 - ii. the hazards and risks, including the public risk, associated with those activities; and
- (c) to ensure the legal entity has, and uses, appropriate resources to eliminate or minimise those hazards and risks; and
- (d) to ensure the legal entity has, and implements, processes—
 - i. to eliminate or minimise those hazards and risks; and
 - ii. for receiving, considering, and responding in a timely way to, information about those hazards and risks and any incidents; and
 - iii. for complying with the legal entity's safety duties; and
- (e) to verify the resources and processes mentioned in paragraphs (c) and (d) are being provided, used and implemented.

10 Consultation and Representation

10.1.1 There are no express provisions under the [HVNL](#) requiring consultation; however, consultation with other duty holders is likely to be required to discharge the primary duty of care.

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 \(Road Use Management Act\)](#)).

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 \(Road Use Management – Road Rules Regulation\)](#)). 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](#) 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(1)	Authorised officers 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(1)	Authorised officers may direct the driver of a heavy vehicle or any other person not to: <ul style="list-style-type: none"> • move the vehicle; • interfere with the vehicle or any equipment in it; or • interfere with the vehicle's load, to enable an authorised officer to exercise a power under the HVNL .
ss.516-519	Authorised officers 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 HVNL .
ss.520-522	Authorised officers 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(1)	To enable an authorised officer to effectively exercise a power under the HVNL in relation to a heavy vehicle, the officer may enter the vehicle and start or stop its engine (take the prescribed action) or authorise someone else (the assistant) to enter the vehicle and take the prescribed action under certain circumstances.

WARNING



The powers of [authorised officers](#) are prescriptive and wide-ranging. The table above does not cover all of the powers of [authorised officers](#) under the [HVNL](#) and advice should be sought when dealing with [authorised officers](#) to ensure the processes and duties prescribed under the [HVNL](#) are complied with.

13 Penalties

13.1 The safety duties that a person has under the HVNL are outlined above. The table below sets out the maximum penalties for failing to comply with a safety duty under the HVNL (i.e. the duty of each party in the chain of responsibility for a heavy vehicle to ensure, SFARP, the safety of the party's transport activities relating to the vehicle).

Severity ↑	Category 1 offence	<ul style="list-style-type: none"> If a person has a duty under s. 26C of the HVNL; and the person, without a reasonable excuse, engages in conduct related to the duty that exposes an individual to a risk of death or serious injury or illness; and the person is reckless as to that risk. 	<p>Individual: \$300,000 or 5 years imprisonment or both</p> <p>Corporation: \$3,000,000</p>
	Category 2 offence	<ul style="list-style-type: none"> If a person has a duty under s. 26C of the HVNL; and the person contravenes the duty; and the person's contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness. 	<p>Individual: \$150,000</p> <p>Corporation: \$1,500,000</p>
	Category 3 offence	<ul style="list-style-type: none"> If a person has a duty under s. 26C of the HVNL; and the person contravenes the duty. 	<p>Individual: \$50,000</p> <p>Corporation: \$500,000</p>

13.2 Additionally, the table below sets out some of 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 [HVNL](#). There may be additional and separate penalties that apply for breaches of specific regulations that support the [HVNL](#).

Reference	Offence	Maximum Penalty
Chapter 3: Vehicle Operations – Standards and Safety		
s.60(1)	Using or permitting to be used, on a road a heavy vehicle that contravenes a heavy vehicle standard applying to the vehicle.	\$6000 for contravention of a heavy vehicle standard relating to a speed limiter. Otherwise - \$3000
s.81	<ul style="list-style-type: none"> Contravening a condition of a vehicle standards exemption. Using, or permitting to be used, on a road a heavy vehicle that contravenes a condition of a vehicle standards exemption applying to the vehicle. Using, or permitting to be used, on a road a heavy vehicle in a way that contravenes a condition of a vehicle standards exemption applying to the vehicle. 	\$4000
ss.82 and 83	Failure by driver of the heavy vehicle: <ul style="list-style-type: none"> to comply with the vehicles standards exemption (s.82(2)); 	\$3000

Reference	Offence	Maximum Penalty
	<ul style="list-style-type: none"> to keep a copy of the permit in their possession (s.83(1)); who is driving the vehicle under a vehicle standards exemption granted to a relevant party and the relevant party has given the driver a copy of the permit, to return the copy of the permit to the relevant party as soon as reasonably practical if the driver stops working for the relevant party (s.83(2)) <p>Failure by a relevant party for a driver of the heavy vehicle to:</p> <ul style="list-style-type: none"> ensure the driver complies with the vehicles standards exemption, without a reasonable excuse (s.82(3)); ensure the driver complies with the requirement to return the permit, without a reasonable excuse. 	
s.85(1)	Failing to have modification to heavy vehicle approved by vehicle examiner or the regulator.	\$3000
s.85(2)	Using or permitting to be used on a road a heavy vehicle that has been modified which has not been approved by the vehicle examiner or the regulator.	\$3000
s.87A(1)	Tampering with modification plate or labels fixed to a heavy vehicle.	\$3000
s.89(1)	Using or permitting to be used a heavy vehicle on a road that is unsafe.	\$6000
s.90	Using or permitting to be used a heavy vehicle on a road if not fitted with emission control system for each relevant emission (if and as required by an applicable heavy vehicle standard), 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
s.91	Tampering with an emission control system fitted to a heavy vehicle . Using or permitting to be used on a road a heavy vehicle fitted with an emission control system that the operator knows or ought reasonably to know has been tampered with.	\$10000
s.92(2)	Using or permitting to be used on a road a heavy vehicle that has a warning sign displayed, if the vehicle is not the particular type, size or configuration for the sign.	\$3000
s.93(1)	Tampering with a speed limiter that is required to be, and is, fitted to a heavy vehicle.	\$10000
s.93(2)	Fitting, or directing the fitting of, a speed limiter to a heavy vehicle where 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	\$10000

Reference	Offence	Maximum Penalty
	speed limiter fitted to the vehicle has been tampered with.	
Chapter 4: Vehicle Operations – Mass, dimension and loading		
s.96(1)	Driving, or permitting another person to drive, a heavy vehicle on a road that does not comply with the mass requirements applying to the vehicle, without a reasonable excuse .	for a minor risk breach —\$4000; for a substantial risk breach —\$6000r severe risk breach —\$10000, plus an additional maximum \$500 for every additional 1% over a 120% overload (but so that the additional maximum penalty does not exceed \$20000).
s.102(1)	Driving, or permitting another person to drive, a heavy vehicle on a road that does not comply with the dimension requirements applying to the vehicle, without a reasonable excuse .	if the heavy vehicle does not have goods or passengers in it—\$3000 if the heavy vehicle has goods or passengers in it— a) for a minor risk breach—\$3000; or b) for a substantial risk breach—\$5000; or c) for a severe risk breach—\$10000.
s.109(1)	Using, or permitting the use of, a heavy vehicle on a road whose warning signals do not comply with the warning signals requirements.	\$3000
s.111(1)	Driving, or permitting another person to drive, a heavy vehicle on a road that does not comply with loading requirements applying to the vehicle, without a reasonable excuse.	for a minor risk breach—\$3000 for a substantial risk breach—\$5000 for a severe risk breach—\$10000.
s.129	<ul style="list-style-type: none"> • Contravention by the driver or operator of a heavy vehicle being used on a road of a condition of a mass or dimension exemption. • Using, or permitting to be used, on a road a heavy vehicle that contravenes a condition of a mass or dimension exemption applying to the vehicle. • Using, or permitting to be used, a heavy vehicle on a road in a way that contravenes a condition or a mass or dimension exemption. 	\$6000
s.130	<ul style="list-style-type: none"> • Contravention by the driver of the pilot vehicle or escort vehicle accompanying the heavy vehicle of a condition of mass or dimension exemption about the use of the pilot or escort vehicle 	\$6000

Reference	Offence	Maximum Penalty
	<ul style="list-style-type: none"> Failure by the operator of the heavy vehicle to ensure, SFARP, the driver of the pilot vehicle or escort vehicle is compliant. 	
s.131(1)	Using pilot vehicle with a heavy vehicle that contravenes certain conditions of mass or dimension exemption, such as travelling on a route not permitted, travelling at a time not permitted or accompanied by fewer than the number of pilot or escort vehicles required under the exemption	\$6000
s.132	<ul style="list-style-type: none"> Failure by the driver of a class 1 heavy vehicle or class 3 heavy vehicle who is driving under the mass or dimension exemption to comply with the conditions. Failure by each relevant party for a driver to ensure the driver is compliant, without a reasonable excuse. 	\$3000
s.133(1)	Failure by driver of a class 1 heavy vehicle or class 3 heavy vehicle who is driving the vehicle under a mass or dimension exemption to keep copy of permit in their possession	\$3000
s.133(2)	Failure by driver of a class 1 heavy vehicle or class 3 heavy vehicle who is driving the vehicle under a mass or dimension exemption to return copy of permit required under a mass or dimension exemption as soon as reasonably practicable after stopping work for the relevant party.	\$4000
s.133(3)	Failure by each relevant party to ensure the driver keeps a copy of the permit required under a mass or dimension exemption notice (class 1 or class 3 heavy vehicle).	\$3000
s.134(1)	Displaying a heavy vehicle warning sign on a heavy vehicle 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, or permitting the use of, a class 2 heavy vehicle on a road 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(2)	Failure by a driver of the class 2 heavy vehicle who is driving under the class 2 heavy vehicle authorisation to comply with a condition of the class 2 heavy vehicle authorisation	\$3000
s.151(3)	Failure by each relevant party to ensure the driver complies with a condition of class 2 heavy vehicle authorisation	\$3000
s.152(1)	Failure by the driver of a class 2 heavy vehicle who is driving under a class 2 heavy vehicle authorisation to	\$3000

Reference	Offence	Maximum Penalty
	keep a copy of the permit for the class 2 heavy vehicle authorisation in their possession	
s.152(2)	Failure by the driver driver of a class 2 heavy vchicle who is driving under a class 2 heavy vehicle authorisation to return a copy of the permit for the class 2 heavy vehicle authorisation to the relevant party	\$4000
s.152(3)	Failure by a relevant party to ensure the driver keeps a copy of the permit for the class 2 heavy vehicle authorisation (permit)	\$3000
s.153A(1)	Using a restricted access vehicle, or permitting its use, on a road on which the vehicle is not allowed to be used under a mass or dimension authority applying to the vehicle	\$6000
s.184(1)	Driving a heavy vehicle towing more than 1 other vehicle	\$3000
s.185(1)	Using, or permitting to use, on a road a heavy combination and a trailer in the combination is not securely coupled to the vehicle in front of it	\$6000
s.185(2)	Using, or permitting to use, on a road a heavy combination and the components of a coupling used between vehicles in the heavy combination are not compatible with, or properly connected to, each other	\$6000
s.186	<ul style="list-style-type: none"> Failure by consignor to ensure SFARP the consignment documentation is not false or misleading If the goods are Australian-packed goods, failure by the packer of the goods to ensure SFARP the consignment documentation is not false or misleading. If the goods are overseas packed good, failure by the receiver of the goods to ensure SFARP the consignment documentation is not false or misleading. If the goods are loaded on the heavy vehicle, failure by the loading manager or, or loader of, the goods to ensure SFARP the consignment documentation is not false or misleading. 	\$10000
s.187	<ul style="list-style-type: none"> For a freight container, failure by the responsible entity to ensure SFARP the container weight declaration given to the operator of the heavy vehicle is not false or misleading. Failure by the operator of a heavy vehicle to ensure SFARP the container weight declaration for the container that is given to the vehicle's driver is not false or misleading. 	\$10000
s.190(1)	For a freight container, permitting an operator or driver of a heavy vehicle to transport the container by road using the vehicle without the operator or driver being provided with the complying container weight declaration, without a reasonable excuse.	\$6000

Reference	Offence	Maximum Penalty
s.191	<ul style="list-style-type: none"> • Failure by the operator of a heavy vehicle to ensure the vehicles driver does not transport a freight container by road using the vehicle without the driver being provided with a complying container weight declaration • Failure by the operator of a heavy vehicle to ensure SFARP that the freight container is not given to the carrier unless the carrier has been provided with specified information, without a reasonable excuse 	\$6000
s.192(1)	Driving a heavy vehicle loaded with freight container without a complying weight declaration, without a reasonable excuse	\$6000
s.192(2)	Driving a heavy vehicle loaded with a freight container on a road without keeping a copy of the container weight declaration in or about the vehicle and in a way that ensures information in the declaration is in the prescribed form	\$3000
s.193(2)	Failure by each consignor or packer of goodsto ensure SFARP the weight of the container does not exceed the maximum gross weight on the container or container's safety approval plate	\$10000
Chapter 6: Vehicle Operation – Driver Fatigue		
s.228(1)	Driving a fatigue-regulated heavy vehicle on a road while impaired by fatigue	\$6000
s.250(1)	Solo driver of a fatigue-related heavy vehicle working for more than the maximum work time or rest for less than the minimum rest time for the standard hours	for a minor risk breach— \$4000 for a substantial risk breach— \$6000 for a severe risk breach— \$10000 for a critical risk breach— \$15000.
s.251(1)	Driver of a fatigue-related heavy vehicle who is a party to a two-up driving arrangement working for more than the maximum work time or rest for less than the minimum rest time for the standard hours	for a minor risk breach— \$4000 for a substantial risk breach— \$6000 for a severe risk breach— \$10000 for a critical risk breach— \$15000.
s.254(1)	Solo driver of a fatigue-related heavy vehicle working for more than the maximum work time or rest for less than the minimum rest time for the BFM hours	for a minor risk breach— \$4000 for a substantial risk breach— \$6000 for a severe risk breach— \$10000 for a critical risk breach— \$15000.

Reference	Offence	Maximum Penalty
s.256(1)	Driver of a fatigue-related heavy vehicle working for more than the maximum work time or rest for less than the minimum rest time for the BFM hours	for a minor risk breach— \$4000 for a substantial risk breach— \$6000 for a severe risk breach— \$10000 for a critical risk breach— \$15000.
s.258(1)	Driver of a fatigue-related heavy vehicle working for more than the maximum work time or rest for less than the minimum rest time for the AFM hours	for a minor risk breach— \$4000 for a substantial risk breach— \$6000 for a severe risk breach— \$10000 for a critical risk breach— \$15000.
s.260(1)	Working for more than the maximum work time or rest for less than the minimum rest time for the exemption hours	\$15000
s.263(1)	Driving a fatigue-regulated heavy vehicle after changing options unless in compliance with the new option or has had reset break.	\$4000
s.264(2)	Failure by relevant party for the driver to ensure SFARP the driver does not drive fatigue regulated heavy vehicles unless in compliance with s.263 and the driver can comply with their obligations in relation to the change.	\$6000
s.285(1)	Failing to apply to regulator, as soon as reasonably practicable, for a replacement permit after permit has been defaced, destroyed, lost or stolen	\$4000
s.286(1)	Contravening a condition of a work and rest hours exemption	\$6000
s.287(2)	Failure by a driver of a fatigue-regulated heavy vehicle to comply with the condition of a work and rest hours exemption	\$3000
s.287(3)	Failure by each relevant party for the driver to ensure driver of fatigue-regulated heavy vehicle operating under the work and rest hours exemption) complies with the condition	\$3000
s.288(1)	Failure by a driver of a fatigue-regulated heavy vehicle to keep a work and rest hours exemption (permit) in their possession	\$3000
s.288(2)	Failure by a driver of a fatigue-regulated heavy vehicle to return a copy of the work and rest hours exemption (permit) in certain prescribed circumstances as soon as reasonably practicable	\$4000
s.288(3)	Failure by a relevant party to ensure the driver of a fatigue-regulated heavy vehicle complies with the	\$3000

Reference	Offence	Maximum Penalty
	condition of a work and rest hours exemption, without a reasonable excuse	
s.293(1)	Failure by a driver of a fatigue regulated heavy vehicle 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(1)	Failure by driver to include in work diary information as prescribed in the regulations	\$1500
s.297(2)	Failure by driver to record information in diary immediately after starting work on a day	\$6000
s.298(1)	Failure by driver of a fatigue-regulated heavy vehicle to record the odometer reading in the manner prescribed if and when required to do so by the national regulations	\$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 by driver to record information, if written work diary, in the manner prescribed	\$1500
s.302	Failure by driver to record information, if electronic work diary, in the manner prescribed	\$1500
s.303	Failure by driver to record information based on time in the place where the driver's base is	\$1500
s.305(1)	If driver of a fatigue-regulated heavy vehicle is unable to use the driver's work diary in nominated circumstances, failure to make supplementary record as prescribed	\$6000
s.305(2)	Failure by a driver of a fatigue-regulated heavy vehicle to keep supplementary records as prescribed	\$3000
s.305(3)	Failure by driver to record information in supplementary record based on time in the place where the driver's base is	\$1500
s.306	Failure by driver of a fatigue-regulated heavy vehicle to notify regulator if diary has been filled up, destroyed, lost or stolen within 2 business days.	\$3000
s.307	If driver of a fatigue-regulated heavy vehicle is own record keeper, failure to notify regulator if diary has been filled up, destroyed, lost or stolen or if electronic, is malfunctioning within 2 business days	\$3000
s.308(1)	Failure by driver of a fatigue-regulated heavy vehicle whose lost or stolen work diary is found to: <ul style="list-style-type: none"> • Immediately cancel any unused daily sheets in the old work diary; • If the old work diary is found/returned within 28 days after it was lost or stolen, immediately notify the regulator and give it to the regulator within 2 business days after the 28 day period ends; • If the old work diary is found/returned later than 28 days after it was lost or stolen, give it to the regulator as soon as practicable. 	\$3000

Reference	Offence	Maximum Penalty
s.309(1)	Failure by driver of a fatigue-regulated heavy vehicle to notify record keeper if electronic work diary is filled up, destroyed, lost or stolen or is malfunctioning within 2 business days.	\$3000
s.310(2)	Failure to notify driver's record keeper if an approved electronic recording system is malfunctioning within 2 business days.	\$6000
s.311(2)	Failure by record keeper to take identified steps and then notify regulator if electronic work diary is filled up	\$6000
s.312(2)	Failure by record keeper to, as soon as reasonably practicable after becoming aware, inform the driver that the electronic diary has been destroyed, lost or stolen, given the driver an electronic diary that is in working order and give the driver any information that was in the destroyed, lost or stolen electronic work diary	\$6000
s.312(3)	Failure by record keeper to take identified steps and then notify regulator if electronic work diary is destroyed, lost or stolen within 2 business days, without a reasonable excuse	\$6000
s.313(2)	Failure by record keeper to take identified steps as soon as reasonably practicable and then notify regulator if electronic work diary is malfunctioning	\$6000
s.313(3)	Failure by record keeper to: <ul style="list-style-type: none"> as soon as reasonably practicable direct the driver to use a supplementary record and give the driver information that was in the electronic work diary. within 2 business days, notify the regulator that the electronic work diary is not in working order or 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.315	Failure by responsible party for the driver of a fatigue-regulated heavy vehicle to ensure SFARP the driver complies with Subdivisions 1, 2, 3 and 4.	\$6000
s.319 (1)	Where the driver of a fatigue-regulated heavy vehicle is undertaking only 100km work under standard hours, failure by record keeper to keep the prescribed records.	\$6000
s.319A(2)	Where the driver of a fatigue-regulated heavy vehicle is undertaking only 100km work under standard hours, failure by a driver to: <ul style="list-style-type: none"> within 24 hours after the driver stops working on the relevant day, record the prescribed information; and within 21 days after the relevant day, give the information for that day to the driver's record keeper, without a reasonable excuse.	\$3000

Reference	Offence	Maximum Penalty
s.319A(5)	Where the driver of a fatigue-regulated heavy vehicle is undertaking only 100km work under standard hours, failure by record keeper to ensure SFARP a driver complies with record keeping requirements under s.319A.	\$3000
s.321(1) and (3)	Where the driver of a fatigue-regulated heavy vehicle is undertaking over 100km work under standard hours or operating under BFM hours, AFM hours or exemption hours, failure by record keeper to keep prescribed records without a reasonable excuse.	\$6000
s.322(2)	Where the driver of a fatigue-regulated heavy vehicle is undertaking over 100km work under standard hours or operating under BFM hours, AFM hours or exemption hours, failure by a driver to give information to record keeper within 21 days in circumstances where driver of a fatigue-regulated heavy vehicle is required to record information in the driver's work diary under Division 2 and the driver's record keeper is a person other than the driver.	\$3000
s.322(4)	Where the driver of a fatigue-regulated heavy vehicle is undertaking over 100km work under standard hours or operating under BFM hours, AFM hours or exemption hours, failure by the record keep to ensure SFARP the driver complies with s.322(2)	\$3000
s.323(2)	Where the driver of a fatigue-regulated heavy vehicle is undertaking over 100km work under standard hours or operating under BFM hours, AFM hours or exemption hours, failure by driver to comply with requirements about giving information to record keeper if driver changes record keeper and has recorded in a work diary in the 28 days before the change happened, without a reasonable excuse.	\$3000
s.323(3)	Where the driver of a fatigue-regulated heavy vehicle is undertaking over 100km work under standard hours or operating under BFM hours, AFM hours or exemption hours, failure by the new record keep to ensure SFARP that the driver complies with s.323(2)	\$3000
s.324(2)	Where the driver of a fatigue-regulated heavy vehicle is undertaking over 100km work under standard hours or operating under BFM hours, AFM hours or exemption hours, failure by the record keeper to comply with requirements to give information from electronic work diary immediately to the driver, without a reasonable excuse	\$3000
s.324A(2)	Where the driver of a fatigue-regulated heavy vehicle is undertaking over 100km work under standard hours or operating under BFM hours, AFM hours or exemption hours, failure by record keeper to give driver record if requested in circumstances where the driver of a fatigue-regulated heavy vehicle is required to record information in the driver's work diary under Division 2; and the driver's record keeper is a person other than the	\$1500

Reference	Offence	Maximum Penalty
	driver; and the driver requests a record held under this Division by the record keeper	
s.325(1)	Recording something in a work record that the person knows, or ought reasonably to know, is false or misleading	\$10000
s.326	Driver of a fatigue-regulated vehicle: <ul style="list-style-type: none"> • has in their possession more than 1 written work diary in which information can be recorded on a daily sheet; or • records information for the same period in a written work diary and an electronic work diary, or more than 1 electronic work diary. 	\$10000
s.327	Driver of a fatigue-regulated vehicle or a record keeper keeps in their possession a thing purporting to be a work record if they know, or ought reasonably to know, that it is not a work record	\$10000
s.328	Falsely representing they made a work record	\$10000
s.329	Defacing or changing work records that the person knows, or ought reasonably to know, is correct	\$10000
s.330(1)	Making entries in other people's records, except in nominated circumstances	\$10000
s.331	Destroying records required to be kept before the end of the period	\$10000
s.332	Removing pages from daily sheet, or the duplicates of a daily sheet, from a written work diary except as required or authorised by this law or corresponding fatigue law	\$10000
s.335	Tampering with electronic recording system	\$10000
s.336	Permitting tampering with electronic recording system	\$10000
s.336A(1)	Failure by record keeper who knows, or has reasonable grounds to suspect, an electronic work diary has been tampered with, to report tampering to regulator within 2 business days	\$6000
s.337(2)	Intelligent access program reporting entity permitting tampering with the approved electronic recording system	\$10000
s.341	Failure by record keeper of a driver of a fatigue-regulated heavy vehicle to keep records for nominated periods of time and in ways identified for availability, access, interpretation and as required by manufacturer, without a reasonable excuse	\$6000
s.341(4)	Failure by driver of a fatigue-regulated heavy vehicle who is their own record keeper, to ensure the record or a copy is kept at the driver's record location in a way that ensures it is readily available to an authorised officer at the record location by the end of the 21 day period after the day the record is made, without a reasonable excuse	\$3000

Reference	Offence	Maximum Penalty
s.341(7)	Failure by by record keeper of a driver of a fatigue-regulated heavy vehicle with an electronic work diary to maintain a record of th e information that is recorded in a compliant way, without a reasonable excuse	\$1500
s.347	Using an electronic work diary if the person knows, or ought reasonably to know, the electronic recording system is not an approved electronic recording system	\$10000
s.373(2)	Failure to return work diary's exemption (permit) if after amended or cancelled within prescribed period regulator gives direction to return the permit	\$6000
s.374(1)	Failure to apply to the Regulator for a replacement work diary exemption (permit), as soon as reasonably practicable after becoming aware that a person's permit for a work diary exemption (permit) has been defaced, destroyed, lost or stolen	\$4000
s.375	Contravening a condition of a work diary exemption	\$6000
s.376	Failure by driver of a fatigue-regulated heavy vehicle to keep nominated records while operating under work diary exemption (notice). Failure by relevant party for a driver of a fatigue-regulated heavy vehicle to ensure the driver complies, without a reasonable excuse.	\$3000
s.377	Failure by driver of a fatigue-regulated heavy vehicle to keep nominated records while operating under work diary exemption (permit)	\$3000
s.392(2)	Failure to return permit for a fatigue record keeping exemption (permit) if the person's permit is amended or cancelled, within 7 days of request by regulator	\$6000
s.393(1)	Failure to apply to Regulator for replacement fatigue record keeping exemption (permit), as soon as reasonably practicable after becoming aware that a person's permit for a fatigue record keeping exemption (permit) has been defaced, destroyed, lost or stolen	\$4000
s.395	Contravening a condition of a fatigue record keeping exemption	\$6000
s.396(2)	Failure of an owner of a fatigue regulated heavy vehicle to maintain odometer in accordance with prescribed requirements	\$6000
s.397(2)	Failure by driver of a fatigue-regulated heavy vehicle to report malfunctioning odometer to owner, employer and operator	\$3000
s.398(2)	Failure by owner to ensure odometer is fixed as soon as reasonably practicable	\$6000
s.399(2)	Employer or operator drives, permits another person to drive, a fatigue-regulated heavy vehicle where odometer is malfunctioning, without a reasonable excuse	\$6000

Reference	Offence	Maximum Penalty
Chapter 7 – Intelligent Access Program		
s.404	Operator of intelligent access vehicle or operator of heavy vehicle giving information relevant to the use of the vehicle; known, or ought reasonably to be known, the information is false or misleading to an intelligent access service provider	\$10000
s.405(1)	Failure of operator of intelligent access vehicle to take all reasonable steps to give required information to driver before the journey begins, without reasonable excuse	\$6000
s.406(1)	Failure of operator of an intelligent access 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 intelligent access vehicle to keep a written record of a reported malfunction with the required information, for at least 4 years	\$6000
s.407(1)	Failure of operator of an intelligent access vehicle to tell the vehicle's driver of their obligations under s.408 (below) and how the reports can be made, before the journey begins, without a reasonable excuse.	\$6000
s.408(1)	Failure of driver of an intelligent access vehicle 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 intelligent access vehicle to keep a written record of a reported malfunction with the required information, for at least 4 years	\$6000
s.410(1)	Failure of intelligent access service provider to ensure SFARP they collect information that 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.410(2)	Intelligent access service provider fails to ensure SFARP that the collection of intellegient access program information does not intrude to an unreasonable extent on the personal privacy on any individual.	\$6000
s.411(1)	Failure of intelligent access service provider to keep and organise records of the intelligent access information collected	\$6000
s.412	Failure of an intelligent access service provider SFARP protect intelligent access information collected against unauthorised access, unauthorised use, misuse, loss, modification or unauthorised disclosure	\$20000
s.413(1)	Failure of an intelligent access service provider to prepare, and make publicly available, a document setting out their policies on the management of personal information held by the service provider.	\$6000

Reference	Offence	Maximum Penalty
s.413(2)	Failure of an intelligent access service provider to, within 28 days after receiving the request, give the individual information if the service provider can reasonably give it	\$6000
s.414(1)	Failure of an intelligent access service provider 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 intelligent access service provider 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 intelligent access service provider to comply with request to change information and failure to provide the person with a notice containing specific information	\$6000
s.416	An intelligent access service provider using or disclosing intelligent access information other than as required or authorised under this Law or another law.	\$20000
s.417	Failure of an intelligent access service provider to give an intelligent access auditor access to a record kept by the service provider	\$6000
s.419(1) and (3)	Failure of an intelligent access service provider 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(2)	Failure of an intelligent access service provider 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(1)	Failure of an intelligent access service provider to SFARP destroy: <ul style="list-style-type: none"> intelligent access information collected by the provider 1 year it is collected; a record required to be kept keep under s.419 within 1 year after it is no longer required to be kept 	\$6000
s.422(2)	Failure of an intelligent access service provider to within 7 days, give the Regulator a report about the relevant contravention in the approved form	\$6000
s.423	Failure of an intelligent access service provider , within 7 days and in the approved form, to report to the Regulator or TCA if they know or have reasonable grounds to suspect 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 intelligent access service provider of information related to knowing or suspecting on reasonable grounds that an	\$6000

Reference	Offence	Maximum Penalty
	approved intelligent transport system or back-office intelligent transport system has been tampered with	
s.454(1)	Tampering with an approved intelligent transport system with intention of causing the system to 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.	\$10000
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
Chapter 8: Accreditation		
s.466(2A)	Operator fails to attach an accreditation label for a relevant vehicle to the vehicle in a way that is readable from the outside of the vehicle and is not wholly or partly obscured, defaced or otherwise not legible	\$3000
s.466(2B)	Person drives a vehicle where the vehicle's accreditation label is not attached to the vehicle or is attached to the vehicle in a way that the label is wholly or partly obscured, defaced or otherwise not legible	\$3000
s.467	Failure by the holder of a BFM accreditation or AFM accreditation to comply with the conditions of the accreditation.	\$6000
s.468(1)	Failure of a driver of heavy vehicle operating under a BFM or AFM accreditation to keep the required documentation in their possession	\$3000
s.468(2)	Failure by the operator of a heavy vehicle operating under a BFM or AFM accreditation to ensure the driver complies with s.468(1), without a reasonable excuse	\$3000
s.469(2)	Failure by driver to return documentation related to BFM or AFM accreditation to the operator as soon as reasonably practicable in certain circumstances.	\$4000
s.470	Failure of operator to ensure: <ul style="list-style-type: none"> • 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); • each driver operating under an AFM accreditation is informed of the AFM hours applying; • required documentation is kept for the required time periods 	\$6000 For a failure to keep documentation in required way: \$3000
s.470(8)	Failure by operator to comply with request by Regulator pursuant to s.470(7), without a reasonable excuse.	\$3000
s.471(2)	Failure of the operator to as soon as practicable after the amendment, suspension or cessation, give notice of	\$6000

Reference	Offence	Maximum Penalty
	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	
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(2)	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(1)	Failure to apply to the Regulator for a replacement accreditation certificate if a person's accreditation certificate for a heavy vehicle 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
Chapter 13: General		
s.699(1)	Dismissing or otherwise prejudicing an employee in their employment for the reason that they have helped or given information or made complaints under the HVNL.	\$10000
s.699(2)	Failing to offer employment, or offering employment that is less favourable, to a prospective employee because they have helped or given information or made complaints under the HVNL.	\$10000
ss.701(1) and 702(1)	Person makes a statement or provides a document containing information to an official that the person knows is false or misleading	\$10000
s.701(2) and 702(3)	Person makes a statement or provides a document containing information to an official that is false or misleading and the person is reckless as to whether the statement is false or misleading	\$8000
s.703(1)	A responsible person provides another responsible person for a heavy vehicle information that the giver knows, or ought reasonably to know, is false or misleading in a material particular	\$10000
s.703(2)	A responsible person provides another responsible person for a heavy vehicle information that is false or misleading in a material particular and the giver does so recklessly as to whether the information is false or misleading in the material particular	\$8000
s.704(1)	Person falsely represents that they have been granted a heavy vehicle authority, that a heavy vehicle authority has been granted in relation to a thing, that they are operating under a heavy vehicle authority or that a thing is operating under a heavy vehicle authority	\$10000

Reference	Offence	Maximum Penalty
s.704(2)	Represents that a person or thing is operating under a heavy vehicle authority that is no longer in force	\$10000
s.704(3)	Possession of a document that falsely purports to be an accreditation certificate for a heavy vehicle accreditation, a document mentioned in s.468(1)(b) or (c), a document evidencing the grant of an electronic recording system approval, exemption, authorisation, permit or other authority or a copy of such documents.	\$10000

<p>Last Amendment</p> <p><i>Transport Operations (Road Use Management) Act 1995</i> (includes amendments up to 26 August 2024, Act No. 28 of 2024)</p> <p><i>Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018</i> (includes amendments up to 26 August 2024, SL No. 134 of 2023)</p> <p><i>Heavy Vehicle National Law (Queensland) 2012</i> (Includes amendments up to 19 February 2024, Act No. 2 of 2024)</p>
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CHAPTER 13 – EXPLOSIVES

1 Introduction

1.1 Applicable Legislation

Legislation
Explosives Act
Explosives Regulation
Standards
See Annexure – Standards Explosives Safety Standards prescribed under the applicable legislation.
Regulator
Explosives Inspectorate – Resources Safety & Health Queensland Website: https://www.rshq.qld.gov.au/contact/explosives-inspectorate

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 CMSH Act prevails over the Explosives Act in the event of any inconsistency.
WHS Act in relation to hazardous chemicals	The WHS Act provisions for hazardous chemicals continue to apply together with the Explosives Act . However, the WHS Act hazardous chemicals provisions do not apply to explosives being transported by road, rail, sea or air if regulated under the Explosives Act or applicable transport law (road, rail or maritime) (See WHS Regulations).
Major Hazard Facilities	The WHS Act provisions for Major Hazard Facilities do not apply to a magazine under the Explosives Act .

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

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 ([Explosives Regulation](#), s.9)

2 Explosives safety duties

2.1 Key duties

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

Activity	What is the duty (in summary?)
Unauthorised and prohibited explosives	Persons must not manufacture, possess, sell, store, transport or use unauthorised explosives or Prohibited Explosives (s.11(1))
Authorities	<p>Authorities are required for the following (Part 4):</p> <ul style="list-style-type: none"> • The possession of explosives (Division 2); • The importation and exportation of explosives (Division 3); • The manufacture of explosives (Division 4); • The selling of explosives (Division 5); • The storage of explosives (Division 6); • The transportation of explosives (Division 7); and • The use of explosives (Division 8). <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 Explosives Regulation (s.19) and include for example licences to use and transport explosives and shotfirers licenses.</p>
Security clearance	<p>Security clearances are required for work involving security-sensitive explosives (Part 3, Division 1AA), which include:</p> <ul style="list-style-type: none"> • ammunition, other than small arms ammunition, that contains an explosive; or • a blasting explosive; or • a firework, other than a firework prescribed by regulation; or • a propellant powder; or • a pyrotechnic substance used in a firework; or

Activity	What is the duty (in summary)?
	<ul style="list-style-type: none"> • another explosive prescribed by regulation that— <ul style="list-style-type: none"> ○ if used, could cause the death of a person or serious personal injury; or ○ could be readily adapted for use in a device that, if used, could cause the death of a person or serious personal injury.
Safety management systems	Holders of authorities must have in place a Safety and Security Management System if they have employees who will perform activities under the license (s.46A, Explosives Regulation).
Handling explosives	<ul style="list-style-type: none"> • A general duty of care is imposed on a person who is doing any act involving explosives to take reasonable precautions and use reasonable care to avoid endangering a person's safety, health or property (s.32(1)). • An employer also has an obligation to ensure that any employee who will have access to explosives is of an age prescribed by the regulation and, if the employer holds a security sensitive authority, that the employee holds a security clearance or the access is within the course of the employee's employment and in the presence, and under the direct supervision, of a person who holds a security clearance (s.33(1)). • An employer who asks or allows an employee to carry out an activity involving the handling of explosives must be reasonably satisfied that the employee has the qualifications, experience and expertise prescribed by the regulation for carrying out the activity (s.33(2)).
Storing explosives	<ul style="list-style-type: none"> • An authority to store explosives is required to store explosives (s.55). • Explosives may only be stored where they are manufactured, in a magazine as permitted by the Explosives Act or a place approved by the Chief Inspector (s.45). There are restrictions on entry to magazines (s.47). • If in control of or working at a magazine, persons must take reasonable precautions and use reasonable care to prevent an explosives incident (s.48(1)). • Persons storing explosives must take reasonable precautions to prevent explosives incidents and to minimise the likely effects of any explosives incident (s.49). • Prescriptive technical obligations apply to the storage of explosives under the Explosives Regulation, (Part 8). This includes that explosives be stored in specific secured areas and places in secured containers.
Transporting explosives	<ul style="list-style-type: none"> • Persons transporting explosives 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). • Persons may not transport explosives which are too dangerous to transport (s.51). • Prescriptive technical obligations apply to the transport of explosives under the Explosives Regulation (Part 9). This includes compliance to nominated codes and standards as detailed in the Annexure.
Using explosives	<ul style="list-style-type: none"> • Persons may only use an explosive if they hold an authority to use the explosive (s.53(1)). • Persons may only use explosives 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). • Prescriptive technical obligations apply under the Explosives Regulation (Part 10).

2.2 Officer's duties

- 2.2.1 An [executive officer](#) of a corporation is commits an offence if the corporation commits an offence against s 32(1) of the Explosives Act (the general duty of care) and the [executive officer](#) did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting an offence (s.117(1)). In deciding whether such steps were or were not taken and whether they were reasonable steps, 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.46A(4)) 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](#) or person who was otherwise in custody or control of the [explosives](#) must immediately give the chief inspector notice of the incident (s.56(1)).
- 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 and Part 6).
- 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 or give the chief inspector further information about the explosives incident (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](#), if the person has a reasonable excuse, the person may to refuse to answer questions of an inspector. However, a person is not excused from answering the question on the ground the answer to the question may tend to incriminate the person or expose the person to a penalty (s. 59A). 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.

5.2 Enforceable undertakings

5.2.1 Under the new s.123A, the chief executive officer (CEO) may accept an enforceable undertaking given by a person in connection with a matter relating to a contravention or alleged contravention of the Explosives Act, other than for an offence against s.54C or s.54D (industrial manslaughter) or another offence causing death. Enforceable undertakings may be withdrawn or varied with the written agreement of the CEO (s.123F). Subject to Division 1AA of the Explosives Act, no proceeding for a contravention or alleged contravention of the Explosives Act may be taken against a person if an enforceable undertaking is in effect in relation to the contravention (s.123G).

5.2.2 A person must not contravene an enforceable undertaking made by the person that is in effect (s.123D). The maximum penalty for this offence is 500 penalty units. The CEO may apply to a Magistrates Court for an order if a person contravenes an enforceable undertaking and, where the Magistrate is satisfied that a contravention has occurred, may make an order directing compliance with the undertaking or an order discharging the undertaking (in addition to the imposition of a penalty) (s.123E).

5.3 Sentencing for offences

5.3.1 Where a court convicts a person or finds a person guilty of an offence under the Explosives Act, one or more order may be made under Division 1AB of the Explosives Act, in addition to any penalty that may be imposed or any other action that may be taken in relation to the offence (s.123I). These variously include adverse publicity orders, restoration, safety and health project orders, a release on giving of court-ordered undertaking, injunctions to cease a contravention, and orders to undertake training (s.123H to s.123O). Failing to comply with an order under Division 1AB, without a reasonable excuse, is an offence carrying a maximum penalty of 500 penalty units.

6 Penalties

6.1 Industrial Manslaughter

6.2 The offence of industrial manslaughter applies under the [Explosives Act](#) (ss. 54C and 54D).

6.3 The offence applies to [employers](#) or [senior officers](#) of an [employer](#) for an act involving explosives where:

- a) An [employee](#) of the [employer](#) dies in the course of doing an act involving explosives or is injured in the course of doing an act involving explosives and later dies;
- b) the [employer's](#) or [senior officer's conduct causes](#) the death of the [employee](#); and
- c) the [employer](#) or [senior officer](#) is negligent about [causing](#) the death of the [employee](#) by the conduct.

6.4 The maximum penalty for this offence for an individual is 20 years imprisonment, and 100,000 [penalty units](#) for a corporation.

6.5 Other key offences

6.5.1 The following are some of the key penalties and offences under the Explosives Act:

Reference	Offence	Maximum Penalty ¹⁴
s.11(1)	Manufacture, possession, sale, storage, transportation, or use of an unauthorised explosive or prohibited explosive .	<i>Individual:</i> 400 penalty units or 6 months imprisonment <i>Corporation:</i> 2,000 penalty units .
s. 18	Failure by an authority holder to comply with conditions prescribed under a regulation or imposed by the chief inspector.	<i>Individual:</i> 200 penalty units <i>Corporation:</i> 1,000 penalty units .
s. 32	Failing to take reasonable precautions and use reasonable care when doing an act involving explosives to avoid endangering any person's safety, health or property . See also s.117 which imposes liability on an executive officer .	<p><i>When contravention causes multiple deaths and serious harm to property or the environment:</i> <i>Individual:</i> 3,000 penalty units or 3 years imprisonment <i>Corporation:</i> 15,000 penalty units</p> <p><i>When contravention causes multiple deaths:</i> <i>Individual:</i> 2,000 penalty units or 3 years imprisonment <i>Corporation:</i> 10,000 penalty units</p> <p><i>When contravention causes death or grievous bodily harm:</i> <i>Individual:</i> 1,000 penalty units or 2 years imprisonment <i>Corporation:</i> 5,000 penalty units</p> <p><i>When contravention involves exposure to a Substance likely to cause death or grievous bodily harm:</i> <i>Individual:</i> 750 penalty units or 1 year's imprisonment <i>Corporation:</i> 3,750 penalty units</p> <p><i>If contravention causes bodily harm:</i> <i>Individual:</i> 750 penalty units or 1 year imprisonment <i>Corporation:</i> 3,750 penalty units</p> <p><i>If contravention causes serious harm to property or the environment:</i> <i>Individual:</i> 750 penalty units or 1 year's imprisonment <i>Corporation:</i> 3,750 penalty units.</p> <p><i>Otherwise</i> <i>Individual:</i> 500 penalty units or 1 year imprisonment <i>Corporation:</i> 2,500 penalty units.</p>

¹⁴ Where a maximum penalty specified by the Act is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Maximum Penalty ¹⁴
s.33(1)	Employer allows an employee to have access to an explosive who is not the age prescribed by regulation and, if the employer holds a security sensitive authority, the employee does not hold a security clearance or the access is not within the course of the employee's employment or in the presence, and under the direct supervision of, a person who holds a security clearance	50 penalty units
ss.34, 36 and 38	<ul style="list-style-type: none"> • Possessing or manufacturing explosives without holding an authority that authorises the person to possess or manufacture the explosive • Exporting or importing explosives from another country without an authority. 	<i>Individual:</i> 400 penalty units or 6 months imprisonment <i>Corporation:</i> 2,000 penalty units .
s.37	Authority holder who intends to: <ul style="list-style-type: none"> • bring an import explosive fails to give the chief inspector notice of the intention and the arrival of the import explosive; or • send an export explosive to another country fails to give the chief inspector written notice of the intention and the departure of the export explosive, at least seven (7) days before the expected arrival or departure, respectively.	20 penalty units
s.39(1)	Unlawfully entering an explosives factory.	100 penalty units
ss. 39(2) and 40	<ul style="list-style-type: none"> • Entering an explosives factory with physical possession of a firearm; or • Failure by person in control of, or working at, an explosives factory to take reasonable precautions and use reasonable care to prevent an explosives incident at an explosives factory. 	<i>Individual:</i> 200 penalty units <i>Corporation:</i> 1,000 penalty units .
ss. 41 and 42	Selling explosives unlawfully, including: <ul style="list-style-type: none"> • without an authority that authorises the person to sell the explosive; or • selling to a person other than a person authorised to sell, store or use the explosive. 	<i>Individual:</i> 200 penalty units or 3 months imprisonment <i>Corporation:</i> 1,000 penalty units .
s.43	Person in possession of an explosive in a public place sells the explosive in the public place	100 penalty units
s.44	Storing an explosive without an authority.	<i>Individual:</i> 200 penalty units or 3 months imprisonment <i>Corporation:</i> 1,000 penalty units .
s. 45(1)	Storing an explosive in a place other than that where it can be lawfully stored.	<i>Individual:</i> 400 penalty units or 6 months imprisonment <i>Corporation:</i> 2,000 penalty units .
s.47(1)	Unlawfully entering a magazine.	100 penalty units

Reference	Offence	Maximum Penalty ¹⁴
s.47(2)	Entering a magazine while in physical possession of a firearm	200 penalty units
s.48(2)	Failure by person in control of, or working at, a magazine to take reasonable care to prevent an explosives incident at a magazine.	<i>Individual:</i> 200 penalty units <i>Corporation:</i> 1,000 penalty units .
s.49	Failing to take reasonable precautions to prevent an explosives incident and to minimise the likely effects of an explosives incident when storing explosives .	<i>Individual:</i> 200 penalty units <i>Corporation:</i> 1,000 penalty units
s.51	Transporting an explosive declared under a regulation to be too dangerous to transport.	<i>Individual:</i> 400 penalty units or 6 months imprisonment <i>Corporation:</i> 2,000 penalty units .
ss.50 and 53	Transporting or using explosives without an authority.	<i>Individual:</i> 200 penalty units <i>Corporation:</i> 1,000 penalty units
s.54	<ul style="list-style-type: none"> Preparing an explosive for use, or use an explosive, other than in a way prescribed under regulation. Use of an explosive where if exploding it may reasonably be expected to endanger any person's safety, health or property. 	<i>Individual:</i> 200 penalty units <i>Corporation:</i> 1,000 penalty units
s.56	<p>Failing to immediately notify the chief inspector of an explosives incident, being the following events:</p> <ul style="list-style-type: none"> an explosive is, or appears to have been, lost or stolen; the attempted theft of an explosive or another incident that threatens the security of an explosive from access by a person who should not have access to the explosive; an accidental explosion, fire or spillage; the death or injury to a person; unexpected damage to property; an event, including a misfire, with the potential to cause any of the above events, other than an event that normally happens when handling or using an explosive. 	<i>Individual:</i> 170 penalty units <i>Corporation:</i> 850 penalty units
s.57	Interfering with the site of an explosives incident without the permission of an inspector.	200 penalty units
s.96	Where an inspector finds a person committing an offence, or reasonably suspects a person has committed an offence, they may require the person to state their name and residential address – the failure to comply with that requirement unless the person has a reasonable excuse.	100 penalty units
s.102(6)	Where an inspector reasonably suspects a person has contravened, or is contravening the Explosives Act, and the inspector gives the person a remedial action notice to take steps to remedy or avoid the contravention – the failure to comply with	Maximum penalty—the maximum penalty stated in the notice for the contravention of the provision by an individual.

Reference	Offence	Maximum Penalty ¹⁴
	that notice unless the person has a reasonable excuse.	
s.102(9)	Where an inspector reasonably suspects a person has contravened, or is contravening the Explosives Act, and the inspector gives the person a remedial action notice to take steps to remedy or avoid the contravention – removing the remedial action notice from a vehicle or thing before the steps taken in the notice are taken.	100 penalty units

<p>Last Amendment</p> <p><i>Explosives Act 1999</i> (includes amendments up to 1 September 2024, Act No. 34 of 2024)</p> <p><i>Explosives Regulation 2017</i> (includes amendments up to 1 September 2024, SL No. 167 of 2024)</p>



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	
Radiation Safety Act	Radiation Safety Regulation
Radiation Safety (Radiation Safety Standards) Notice	
Standards	
See Annexure – Standards Radiation Safety	
Regulator	
<p>Radiation Health Unit Department of Health Website: https://www.health.qld.gov.au/radiationhealth/</p>	

2 Radiation safety duties

2.1 Outline

2.1.1 The key elements of the [Radiation Safety Act](#) are its safety standards and licensing requirements.

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

2.2 Authorities

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

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

Licence	Required for	Responsibilities
Possession	Any person to possess a radiation sources (s.12(1)).	<p>The licensee has many responsibilities under the Radiation Safety Act, for example:</p> <ul style="list-style-type: none"> • to ensure compliance with the relevant radiation safety standards (s.17(1)(a)); • to ensure that certificates of compliance are obtained for the relevant radiation sources (s.18); • to ensure a radiation safety and protection plan is approved for a radiation practice and that there are training programs and emergency procedures in place (s.28); • to appoint a radiation safety Officer as required; and • that the notification requirements are complied with, for example, reporting certain dangerous events.
Use	To use a radiation source (s.13). The Radiation Safety Act distinguishes between using a radiation sources and carrying out a radiation practice with radiation sources , which is broader and includes activities associated with using a radiation source such as storage.	<p>Use licences for carrying out radiation practice impose further obligations on the licensee:</p> <ul style="list-style-type: none"> • to ensure an approved radiation safety and protection plan is in place; • to provide adequate training; • to ensure safety procedures are in place to protect persons carrying out a radiation practice.
Transportation	Transportation of radioactive substances (s.14).	In relation to transport by road, the person in charge of the vehicle must 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).

3 Radiation Security Plan

3.1.1 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 security enhanced source (s.34F).	The security plan holder must: <ul style="list-style-type: none"> take reasonable steps to ensure that a copy of the security plan is available and the training programme mentioned in the plan is undertaken (s.34F); ensure that access to a security enhanced source is limited to those provided for under the security plan (s.34G).
Transport security plan	Where a possession licensee transports a security enhanced source for: <ul style="list-style-type: none"> acquisition; relocation; or aggregation (s.34I). Where a transport licensee is transporting 2 or more radioactive substances that have become security enhanced due to aggregation.	The transport security plan holder must: <ul style="list-style-type: none"> take reasonable steps to ensure that a copy of the security plan is available and the training programme mentioned in the plan is undertaken (s.34Q); ensure that access to a security enhanced source is limited to those provided for under the security plan (s.34R).

4 Representation/Consultation/Fair Treatment

4.1.1 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.

5 Radiation Safety Officers

5.1.1 A [PCBU](#) that holds a possession license and under that licence possesses a radiation source for a radiation practice must ensure, whenever the practice is being carried out, that a radiation safety officer has been appointed for the practice and is carrying out their functions (s.35(2)).

5.1.2 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 (s.36(1)).

5.1.3 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 (s.37(2)):

- (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.
- 5.1.4 A radiation safety officer must apply for a certificate from the chief executive and must establish that he/she is a suitable person (s.60).

6 Officers duties (ss.205 and 205A)

- 6.1.1 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(1)).
- 6.1.2 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 (s.205(2)).
- 6.1.3 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 convicted of an offence (s.205(3)).
- 6.1.4 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(1)).
- 6.1.5 Deemed executive liability and executive liability provisions include those in relation to relocation, disposal and abandoning of [radioactive substances](#).

7 Incident Response

7.1 Notifications

- 7.1.1 There are notification requirements under the [Radiation Safety Act](#) that require a possession licensee who possesses a radiation source for a radiation practice to give notice where certain dangerous events occur to the relevant authority (s.45(1)).

	Content
What happened	<p>Notice must be given where any of the following events occur:</p> <ul style="list-style-type: none"> • the source is, or appears to have been, lost or stolen; • there is a radiation incident in relation to the source, for which there are no remediation procedures stated in the licensee’s approved radiation safety and protection plan for the practice being carried out with the source at the time; • 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; • the source is damaged;

	Content
	<ul style="list-style-type: none"> the source is subject to access that is not provided for under an approved security plan or approved transport security plan (s.45(1)(b))
What notice must include	<p>The notice must be given immediately, orally or in writing, and include the following details:</p> <ul style="list-style-type: none"> particulars adequate to identify the source; if the licensee knows the location of the source, its location; if the licensee does not know the location of the source, the last location known to the licensee; the circumstances surrounding the dangerous event; the steps taken, or proposed to be taken, to remedy the consequences of the dangerous event and to prevent the event happening again; if a source is lost or stolen, other information relevant to the recovery of the source (s.45(3)).

8 Regulators and enforcement

8.1 Inspectors

8.1.1 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 or carrying on business (s.111(2)).</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"> Search or inspect any part of the place; or conduct recordings, measurements, inspections, tests or analysis; 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 inquire into the circumstances and probable causes of the following at the place: <ul style="list-style-type: none"> a radiation hazard; a security risk, or a security breach, concerning a radiation source; a risk of harm to the environment concerning a radiation source; or require the occupier of the place, or a person at the place, to give the inspector information to help the inspector ascertain whether the Radiation Safety Act is being complied with (s.117(3))
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 (s.118(2)).</p>
Stopping vehicles	<p>An Inspector may stop a vehicle if they suspect on reasonable grounds, or is aware, of an offence against the Radiation Safety Act (s.124(1)).</p>
Seize	<p>An Inspector can seize a thing if they reasonably believe:</p> <ul style="list-style-type: none"> it is evidence of an offence against the Radiation Safety Act (s.125); or

Power	Content
	<ul style="list-style-type: none"> 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).
Issue notices	<p>An Inspector may issue an improvement notice if the Inspector reasonably believes a person is contravening a provision of the Radiation Safety Act or has contravened in circumstances that make it likely the contravention will continue or be repeated. An improvement notice requires the person to remedy the contravention or likely contravention (s.139)</p> <p>An Inspector may also issue a prohibition notice if the Inspector reasonably believes that circumstances causing, or likely to cause, immediate health risks to any person or immediate risks to the environment have arisen, or are likely to arise, in relation to the carrying out of a radiation practice. A prohibition notice requires the person to stop carrying out the practice or allowing it to be carried out (s.140).</p>
Require name and address	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 Radiation Safety Act (s.142).
Require production of documents	An Inspector may require the production of a document issued to a person under the Radiation Safety Act or a document required to be kept under the Radiation Safety Act (s.144).
Require information	Where an Inspector reasonably believes an offence has been committed and a person may be 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).

9 Penalties

9.1.1 The following are some of the key penalties and offences under the Radiation Safety Act:

Reference	Offence	Maximum Penalty ¹⁵
s.12(1)	Possessing a radiation source without a licence that is not a security enhanced source .	<i>Individual:</i> 1,000 penalty units <i>Corporation:</i> 5,000 penalty units
	Possessing a radiation source without a licence that is a security enhanced source .	<i>Individual:</i> 2,500 penalty units <i>Corporation:</i> 12,500 penalty units
s.13(1)	Using a radiation source without a licence that is not a security enhanced source .	<i>Individual:</i> 400 penalty units <i>Corporation:</i> 2,000 penalty units
	Using a radiation source without a licence that is a security enhanced source .	<i>Individual:</i> 2,500 penalty units <i>Corporation:</i> 12,500 penalty units
ss.14 and 15	Transporting a radioactive substance by road or otherwise without a transport licence that is not a security enhanced source .	<i>Individual:</i> 400 penalty units <i>Corporation:</i> 2,000 penalty units
	Transporting a radioactive substance by road or otherwise without a transport licence that is a security enhanced source .	<i>Individual:</i> 2,500 penalty units <i>Corporation:</i> 12,500 penalty units

¹⁵ Where a maximum penalty specified by the Act is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Maximum Penalty ¹⁵
s.17(1)	Possession licensee who possesses a radiation source for a radiation practice uses a source to carry out the practice that does not comply with the relevant radiation safety standard and, if use is to be carried out at the premises, the premises do not comply with the relevant radiation safety standard.	200 penalty units
s.17(2)	Possession licensee who possesses a radiation source for a radiation practice stores the substance, or allows the substance to be stored, on premises that do not comply with the relevant radiation safety standard.	200 penalty units
s.23(1)	Acquiring a radiation source that is not a security enhanced source without a possession license or an approval to acquire the source.	400 penalty units
	Acquiring a radiation source that is a security enhanced source without a possession license or an approval to acquire the source.	2,500 penalty units
s.24(1)	Supply of a radiation that is not a security enhanced source without a possession license or an approval to acquire the source.	400 penalty units
	Supply of a radiation that is a security enhanced source without a possession license or an approval to acquire the source.	2,500 penalty units
s.25	Relocation of a radiation source that is not a security enhanced source from within Queensland to a place outside Queensland without appropriate approval.	<i>Individual:</i> 400 penalty units <i>Corporation:</i> 2,000 penalty units
	Relocation of a radiation sources that is a security enhanced source from within Queensland to a place outside Queensland without appropriate approval.	<i>Individual:</i> 2,500 penalty units <i>Corporation:</i> 12,500 penalty units
s.26(1)	Disposal of radioactive material unless it is below the maximum concentration or activity prescribed or approval has been granted.	<i>Individual:</i> 2,500 penalty units <i>Corporation:</i> 12,500 penalty units
s.27A(1)	Abandoning a radiation source .	<i>Individual:</i> 2,500 penalty units <i>Corporation:</i> 12,500 penalty units
s.33(2)	Possession licensee who possesses a radiation source for a radiation practice fails to take reasonable steps to ensure a person carrying out the practice with the source has available the approved radiation safety and protection plan and has undergone training.	100 penalty units
s.34(2)	Carries out the practice with the source without having available the approved radiation safety and protection plan and undergoing training.	100 penalty units
s.34F(2)	Possession licensee who possesses a security enhanced source fails to take reasonable steps to ensure a person carrying out the practice with the source has available the approved security plan and has undergone training.	2,500 penalty units

Reference	Offence	Maximum Penalty ¹⁵
s.34G(2)	Carries out the practice with the security enhanced source without having available the approved security plan which permits them to access the source and undergoing training.	2,500 penalty units
s.77(1)	Contravening a term or condition of a licence.	<i>Individual:</i> 200 penalty units <i>Corporation:</i> 1,000 penalty units
s.118(3)	Interfering with installed equipment or materials without the consent of an inspector.	100 penalty units
s.119	Failure to comply with requirement not to enter or remain at a place, without a reasonable excuse	50 penalty units
s.120	Failure to give reasonable help to an inspector, without a reasonable excuse	50 penalty units
s.121	Failure to give information requested by inspector, without a reasonable excuse	50 penalty units
s.124(4)	Failure to comply with direction, request or signal by inspector to stop vehicle, without a reasonable excuse	50 penalty units
s.130	Tampering, or attempting to tamper, with a seized thing without an inspector's approval	100 penalty units
s.139(4)	Failure to comply with improvement notice, without a reasonable excuse	100 penalty units
s.140(7)	Failure to comply with prohibition notice, without a reasonable excuse	200 penalty units
s.143(1)	Failure to give name or address to inspector on request, without a reasonable excuse	50 penalty units
s.145(1)	Failure to comply with requirement to produce document requested by inspector, without a reasonable excuse	50 penalty units
s.146(1)	Failure to comply with a documentation certificate requirement made by an inspector, without a reasonable excuse	50 penalty units
s.147(3)	Failure to provide information to inspector, without a reasonable excuse	50 penalty units
s.149	Failing to comply with an inspector's direction in an emergency situation.	100 penalty units
s.152	Stating anything to an inspector the person knows is false or misleading in a material particular	50 penalty units
s.153(1)	Giving an inspector a document containing information that the person knows is false or misleading in a material particular	50 penalty units
s.154	Obstructing an inspector, without a reasonable excuse.	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s.155	Pretending to be an inspector	50 penalty units

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.

Additional offences exist in relation to, for example, transport security plans, the appointment of radiation safety officers, radiation monitoring and exposure limits.

10 Regulator and Enforcement

10.1.1 The [Radiation Safety Act](#) gives inspectors wide powers of investigation (s.105), that include the following:

- 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 up to 15 November 2023, Act No. 9 of 2023)

Radiation Safety Regulation 2021 (includes amendments up to 1 July 2024)



CHAPTER 15 – FIRE AND EMERGENCY SERVICES

1 Introduction

1.1 Applicable Legislation

1.1.1 The [Fire 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	
Fire Services Act	Fire Services Regulation
Standards	
See Annexure – Standards Fire and Emergency Services	
Regulator	
Fire Service Office for the area where the building is located. Queensland Fire and Emergency Services Website: https://www.qfes.qld.gov.au/Pages/default.aspx	

2 Fire Services duties

2.1 Key duties

Content	What is the duty (in summary?)
Building fire safety (Fire Services Act 1990)	<p>CS Energy must, as occupier of a building:</p> <ul style="list-style-type: none"> maintain prescribed fire safety installations to a standard of safety and reliability in the event of fire (s.146M). S.146M is an executive liability provision, meaning that if a corporation commits an offence and the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence (s.150J). maintain, free from obstruction, adequate means of escape from the building in the event of fire (s.146L). This provision is also an executive liability provision (s.150J). maintain each monitored system for the building to ensure an unacceptable number of unwanted awlarms are not signalled (s.146N). maintain a fire and evacuation plan to be followed by employees in the event of fire, including the provision of adequate instructions concerning actions to be taken in the event of fire (s.140O).

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.146A).

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.146B).

3 Incidents

3.1 Enforcement

3.1.1 The Commissioner of the service may:

- (a) 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.146B). CS Energy is then under a duty to implement the off-site emergency plan.
- (b) 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.147V).

4 Penalties

4.1.1 The following are some of the key penalties and offences under the Fire and Emergency Services Act:

Reference	Offence	Maximum Penalty ¹⁶
ss.146F and 146I	Failure to implement off-site emergency plan.	<i>Individual:</i> 250 penalty units or 1 years imprisonment. <i>Corporation:</i> 1,250 penalty units .
s.146G and 146I	Failure to notify of change of circumstances substantially reducing effectiveness off-site emergency plan.	<i>Individual:</i> 250 penalty units or 1 years imprisonment. <i>Corporation:</i> 1,250 penalty units .
s.146L	Failure of an occupier to maintain free from obstruction adequate means of escape in the event of fire	<i>causes multiple deaths - Individual:</i> 2,000 penalty units or 3 years imprisonment. <i>Corporation:</i> 10,000 penalty units . <i>Causes death or grievous bodily harm – individual:</i> 1,000 penalty units or 2 years imprisonment. <i>Corporation:</i> 5,000 penalty units <i>causes bodily harm – individual:</i> 750 penalty units or 1 years imprisonment. <i>Corporation:</i> 3,750 penalty units <i>Otherwise – individual:</i> 100 penalty units. <i>Corporation:</i> 500 penalty units .
s.146M(1)	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>causes multiple deaths – individual:</i> 2,000 penalty units or 3 years imprisonment. <i>Corporation:</i> 10,000 penalty units <i>causes death or grievous bodily harm – individual:</i> 1,000 penalty units or 2 years imprisonment. <i>Corporation:</i> 5,000 penalty units <i>causes bodily harm – individual:</i> 750 penalty units or 1 years imprisonment <i>Corporation:</i> 3,750 penalty units <i>otherwise – individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s.146O(1)	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>causes multiple deaths – individual:</i> 2,000 penalty units or 3 years imprisonment. <i>Corporation:</i> 10,000 penalty units <i>causes death or grievous bodily harm – individual:</i> 1, penalty units or 2 years imprisonment. <i>Corporation:</i> 5,000 penalty units

¹⁶ Where a maximum penalty specified by the Act is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Maximum Penalty ¹⁶
		causes bodily harm – individual: 750 penalty units or 1 years imprisonment Corporation: 3,750 penalty units Otherwise Individual: 100 penalty units Corporation: 500 penalty units
s.149N(2)	Tampering, or attempting to tamper, a seized thing without an authorised fire officer’s approval	Individual: 40 penalty units Corporation: 200 penalty units
s.149T(2)	Failure to provide facilities and assistance to an authorised fire officer, without a reasonable excuse	Individual: 10 penalty units Corporation: 50 penalty units
s.149U(5)	Failure to comply with a requirement to provide information to an authorised fire officer, without a reasonable excuse	Individual: 10 penalty units Corporation: 50 penalty units
s.149V(2)	Failure to comply with a requirement to make available for inspection certain documents, without a reasonable excuse	Individual: 10 penalty units Corporation: 50 penalty units
s.149V(6)	Failure to comply with the requirement to keep documents, without a reasonable excuse	Individual: 20 penalty units Corporation: 100 penalty units
s.149W(3)	Failure to provide information about identity of occupier, without a reasonable excuse	Individual: 20 penalty units Corporation: 100 penalty units
s.149ZK(1)	Failure to provide reasonable help, without a reasonable excuse	Individual: 10 penalty units Corporation: 50 penalty units
s.149ZL(1)	Failure to answer questions, without a reasonable excuse	Individual: 10 penalty units Corporation: 50 penalty units
s.149ZN(1)	Failure to give personal details, without a reasonable excuse	Individual: 10 penalty units Corporation: 50 penalty units
s.149ZO	Stating anything to an investigation officer the person knows to be false or misleading in a material particular	Individual: 10 penalty units Corporation: 50 penalty units
s.149ZP	Giving an investigation officer a document containing information the person knows is false or misleading in a material particular	Individual: 10 penalty units Corporation: 50 penalty units

Last Amendment

Fire Service Act 1990 (includes amendments up to 30 August 2024, Act No. 45 of 2024)

Fire Services Regulation 2011 (includes amendments up to 1 July 2024)



CHAPTER 16 – BUILDING FIRE SAFETY

1 Introduction

1.1 Applicable Legislation

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

Legislation	
Building Act	Building Regulation
Building Fire Safety Regulation	
Codes of Practice/Guidelines	
See Annexure – Codes of Practice Building Fire Safety	
Regulator	
Queensland Fire and Emergency Services Service Website: https://www.qfes.qld.gov.au/Pages/default.aspx	

2 Building Fire Safety Duties

Activity	What is the duty (in summary)
Evacuation route and exits Part 2, Building Fire Safety Regulation	CS Energy must ensure that: <ul style="list-style-type: none"> the evacuation route from a building is not obstructed (s.8); any final exits of adjoining buildings are not obstructed (s.9); and the doors along any evacuation routes can be opened from the inside in a compliant manner (s.10).
Occupancy limits Part 3, Building Fire Safety Regulation	CS Energy must ensure that the number of persons present in the building at any one time, having regard to prescribed occupancy safety factors, does not present an unreasonable risk to the safety of a person in the building (s.15(2)) or exceed the maximum number that may be accommodated in compliance with clause D1.13 of the Building Code of Australia (s.16(1)).
Evacuation planning, instruction and practice Part 4, Building Fire Safety Regulation	CS Energy must ensure that fire and evacuation plans for the buildings that it occupies are: <ul style="list-style-type: none"> kept in written form; state all relevant matters upon them; includes the evacuation diagram of the building; includes any evacuation diagrams made for particular parts of the building (ss.21(2)(a)-(c)).

Activity	What is the duty (in summary)
	<p>Relevant matters which must be included in the fire and evacuation plan include:</p> <ul style="list-style-type: none"> • the name, if any, and address of the building; • the name, address, telephone number and electronic contact details of the owner and occupier of the building; • the evacuation coordination procedures for the building; • 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; • the method of operation of firefighting equipment and manually operated fire alarms in the building; • the procedures for giving fire and evacuation instructions to persons working in the building and ensuring the instructions are given; • 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; • 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; • 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; • 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)).
<p>Record of fire and evacuation instructions and practices 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>Inspection, testing and maintenance of prescribed fire safety installations 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 (QDC) part MP6.1.</p>
<p>Mechanical Ventilation 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 Officer's duties

2.2.1 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.

3 Consultation and Representation

3.1.1 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.

4 Incidents

4.1 Notifications

4.1.1 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.

5 Penalties

5.1.1 The following are some of the key penalties and offences under the Building and Fire Safety Regulation:

Reference	Offence	Maximum Penalty ¹⁷
ss.7 and 8	Obstructing an evacuation route or failure by an occupier to take reasonable steps to ensure no obstruction.	<i>Individual:</i> 30 penalty units <i>Corporation:</i> 150 penalty units
s.9	Obstructing final exit of adjoining building.	<i>Individual:</i> 30 penalty units <i>Corporation:</i> 150 penalty units
s.11	Locking or otherwise interfering with a door on an evacuation route that the person knows, or reasonably ought to know, that a person is within the building on the internal side of the door. Occupier failing to ensure that a door on an evacuation route of the building is not locked if the occupier knows, or reasonably ought to know, that a person is within the building on the internal side of the door.	<i>Individual:</i> 30 penalty units <i>Corporation:</i> 150 penalty units
s.13	Installation or modification of mechanical ventilation or air conditioning system that may allow air to flow into any space forming part of a means of escape from any other space in the building. Occupier failing to ensure no installation or modification of mechanical ventilation or air conditioning system that may 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 penalty units <i>Corporation:</i> 150 penalty units
s.15(2)	Occupier of a building fails to ensure that the number of persons in the building at any one time does not present an unreasonable risk to the safety of a person in the building.	30 penalty units
s.16	Occupier of a building fails to ensure that the number of persons in the building at any one time is not more than the maximum number that may be accommodated under the Building Code of Australia, part D1.13. or the maximum number that allows compliance with the Building Code of Australia, part D1.6	<i>Individual:</i> 30 penalty units <i>Corporation:</i> 150 penalty units

¹⁷ Where a maximum penalty specified by the Act is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Maximum Penalty ¹⁷
s.21	Failure to keep fire and evacuation plans in specified form.	<i>Individual:</i> 30 penalty units <i>Corporation:</i> 150 penalty units
ss.35 to 41	Failure to comply with requirements for evacuation instructions.	<i>Individual:</i> 30 penalty units <i>Corporation:</i> 150 penalty units
s.44	Failure to comply with evacuation practice requirements.	<i>Individual:</i> 30 penalty units <i>Corporation:</i> 150 penalty units
s.45	Failing to keep compliant records of fire and evacuation instruction.	<i>Individual:</i> 20 penalty units <i>Corporation:</i> 100 penalty units
s.46	Failure to keep compliant records of fire and evacuation practice instruction.	<i>Individual:</i> 20 penalty units <i>Corporation:</i> 100 penalty units
s.54	Failure to inspect, test and maintain prescribed fire safety installations in a compliant manner.	<i>Individual:</i> 30 penalty units <i>Corporation:</i> 150 penalty units
s.70(1)	Giving an authorised fire officer a document containing information the person knows is false or misleading in a material particular.	<i>Individual:</i> 30 penalty units <i>Corporation:</i> 150 penalty units

There are additional offences regarding, for example, fire and evacuation plans reflecting fire safety management procedure, keep relevant documents with the fire and evacuation plan, accessing a fire and evacuation plan and changing a fire and evacuation plan, evacuation signs and diagrams and maintenance records.

Last Amendment

Building Fire Safety Regulation 2008 (includes amendments up to 1 July 2024, SL No. 22 of 2024)

Building Regulation 2021 (includes amendments up to 1 July 2024, SL No. 22 of 2024)



CHAPTER 17 – WORKERS' COMPENSATION AND REHABILITATION

1 Introduction

1.1 Applicable Legislation

Legislation
Workers' Compensation and Rehabilitation Act
Workers' Compensation and Rehabilitation Regulation
Regulator
Workers' Compensation Regulator Website Address: https://www.worksafe.qld.gov.au/

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.

2 Workers' Compensation duties

- 2.1.1 The key elements of the [Workers' Compensation 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 access [damages](#) at common law in relation to injuries suffered by them;
 - (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 solely because of their injury for 12 months after the injury occurs (s.232B).
- 2.1.2 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.

3 Authorities

- 3.1.1 CS Energy must have a policy of insurance with WorkCover (s.48).
- 3.1.2 An employer who employs workers at a workplace in a high risk industry who has a wages bill of more than \$4.57 million or an employer who employs workers not in a high risk industry who has a wages bill of more than \$9.155 million must appoint a Rehabilitation and Return to Work Co-ordinator and implement workplace rehabilitation policies and procedures (ss.226 and 227).

4 Incidents, Regulator and Enforcement

4.1 Enforcement

- 4.1.1 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 suspects 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.

4.2 Compliance notices

- 4.2.1 An authorised person appointed by the regulator may give a person a compliance notice requiring that person to take stated action, or refrain from taking stated action, to prevent a contravention of

the [Workers' Compensation and Rehabilitation Act](#) from continuing or being repeated (s.537C). A person to whom a compliance notice is given may apply to the regulator for review of the compliance notice within 10 business days of receipt. An application for review has the effect of staying the operation of the compliance notice until the review is decided and the period for appealing against the decision on the review expires (s.537D). Further, an applicant for review of a compliance notice may appeal to the industrial commission against the regulator's decision on the review, by filing a notice of appeal in the industrial registry within 20 business days after the notice of the regulator's decision is given (s.537E). Failing to comply with a compliance notice is an offence bearing a maximum penalty of 300 penalty units (s.537F).

5 Penalties

5.1.1 The following are some of the key penalties and offences under the Workers' Compensation Act:

Reference	Offence	Maximum Penalty
s.46A	Giving a benefit or causing a detriment to a person for the reason of influencing a worker who has sustained an injury to refrain from making an application for compensation or otherwise pursuing an entitlement to compensation.	500 penalty units
s.46B	Failing to, before or as soon as practicable after a worker starts employment, give the worker a statement providing information about the workers' compensation scheme.	50 penalty units
ss.48 and 51	Failing to comply with obligation to have insurance.	500 penalty units ¹⁸
s.52	Directly or indirectly, taking or receiving from a worker an amount for anyone's legal liability as an employer for compensation or damages for an injury that is or may be sustained by the worker (e.g. by deduction from wages).	300 penalty units
s.61	Failure to pay premium within specified time.	Additional premium calculated in accordance with s.11
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 to complete a report to WorkCover within 8 business days	50 penalty units
s.133A	Failure by an employer to give WorkCover written notice if a workers asks for compensation for an injury or the employer pays the worker an amount	50 penalty units
s.146A	Failure by an employer to comply with a notice from WorkCover requesting information necessary to calculate the weekly payment of compensation for an injury sustained by a worker, without a reasonable excuse.	300 penalty units
s.226	<ul style="list-style-type: none"> Failing to appoint rehabilitation co-ordinator, without reasonable excuse Failing to give WorkCover prescribed details of the rehabilitation co-ordinator within 12 months after the appointment 	50 penalty units

¹⁸ 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 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).

Reference	Offence	Maximum Penalty
	<ul style="list-style-type: none"> Failing to tell WorkCover by written notice about a change to the rehabilitation co-ordinator within 12 months after the change 	
s.227	Failure to have workplace rehabilitation policy and procedures.	50 penalty units
s.228(1)	Failure by an employer of a worker who has sustained an injury to take all reasonable steps to assist or provide the worker with rehabilitation	500 penalty units
s.228(2)	Where the employer forms the opinion that it is not practicable to provide the worker with rehabilitation in the form of a suitable duties program, failing to provide the insurer with a written notice stating the evidence relied on to support that opinion.	100 penalty units
s.229A	If a worker sustains an injury as a labour hire worker supplied to another person, failure by that person to whom the worker is supplied to cooperate with worker's employer by taking all reasonable steps to support the employer to meet their obligations under s.228.	300 penalty units
s.232B(1)	Employer dismisses a worker who sustains an injury within 12 months of the injury solely or mainly because the worker is not fit for employment in a position because of the injury	500 penalty units
s.486B	Failure by an employer to comply with a code of practice made under s.486A by taking the action stated in the code for performing the person's functions, exercising the person's powers, or complying with the person's obligations under the Workers' Compensation and Rehabilitation Act.	500 penalty units
s.537A	Failure by an employer to inform WorkCover if they form a reasonable belief that a category 2 offence is being or has been committed, and give WorkCover the information the employer has about the grounds for that belief.	50 penalty units
s.537B	Causing, or attempting or conspiring to cause, detriment to another person because they have made or intends to make an enforcement disclosure, or the person believes the other person has made or intends to make an enforcement disclosure.	300 penalty units
s.537F	Failure, by a person to whom a compliance notice is given, to take action or refrain from taking action as stated in the notice.	300 penalty units

Last Amendment

[Workers' Compensation and Rehabilitation Act 2003](#) (includes amendments up to 27 September 2024, Act No. 40 of 2024)



CHAPTER 18 – COAL MINING

1 Introduction

1.1 Applicable Legislation

Legislation
Coal Mining Safety and Health Act (CMSH Act)
Coal Mining Safety and Health Regulations (CMSH Regulations)
Codes of Practice/Guidelines
See Annexure – Codes of Practice Coal Mining Safety
Standards
See Annexure – Standards Coal Mining Safety
Regulator
Coal Inspectorate - Resources Safety and Health Queensland Website: https://www.rshq.qld.gov.au/about-us/what-we-do/coal

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"> The CMSH Act concerns coal mines and coal mining operations. This means that it has a broad application, not just to core mining activities, but also, due to the inclusion of on-site activities in the definition, to many related activities. 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. However, some activities are expressly excluded, such as transporting product on public roads or railways and air transport (these are likely to be WHS Act and transport regulated, or for rail regulated under the <i>Rail Safety National Law (Queensland) Act 2017</i>). Also note (under CMSH Regulations, s.370A) that activities by an electricity entity (such as CS Energy) in relation to its works, if for the purposes of supplying electricity, are not on-site activities.

Area of influence	When does the CSMH Act apply?
What persons are covered?	<p>The CSMH Act applies to everyone who may affect the safety and health of persons at a coal mine, or as a result of coal mining operations, and to persons who may be affected while at a coal mine or as a result of coal mining operations.</p> <p>This means that the CSMH Act does not merely apply at coal mines 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?
WHS Act	The CSMH Act replaces the WHS Act entirely – as outlined in the chapter above in relation to the WHS Act , the WHS Act does not apply to coal mines .
ES Act	The ES Act does have some limited operation at coal mines – it continues to apply but certain 'excluded provisions' have no force – specifically the electrical safety duties and provisions regarding electrical contractor licenses. Similarly, the ES Regulation has very limited application although some requirements (such as for sale of electrical equipment and licensing of electrical workers) do apply.

Example
<p><i>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 CSMH Act is the primary law that applies, the ES Act 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).</i></p>

2 Coal mining safety duties

2.1 Safety and health duties

2.1.1 The [CSMH 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 [CSMH 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 [CSMH 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 Some of the key safety and health obligations under the [CMSH Act](#) can be summarised as follows:

Duty Holder	What is the duty (in summary?)
<u>Holder</u>	<p>The holder (s.40):</p> <ul style="list-style-type: none"> • must inform the proposed coal mine operator, by notice, of all relevant information available to the holder that may help the proposed coal mine operator: <ul style="list-style-type: none"> ○ ensure the site senior executive for the coal mine develops and implements a safety and health management system for the mine; and ○ prepare and implement principal hazard management plans for the mine; and • must include in the contract appointing the coal mine operator an obligation on the operator: <ul style="list-style-type: none"> ○ to establish a safety and health management system for the mine; and • other than for exploration activities under an exploration permit or mineral development licence—to be a party to a mines rescue agreement. Must give notice of the appointment of the operator to the Regulator (s.49); • may, by written contract, appoint only a person as the operator for each mine, although the CMSH Act does permit appointment of separate operators for separate parts of surface mines in very limited circumstances (s.53).
<u>Coal Mine Operator</u>	<p>The Coal Mine Operator (CMO) must (s.41):</p> <ul style="list-style-type: none"> • ensure the risk to coal mine workers is at an acceptable level; • ensure the operator’s own safety and health and the safety and health of others is not affected by the way the operator conducts coal mining operations; • not carry out activities that create unacceptable risk on adjacent or overlapping petroleum tenure if the risk is higher than an acceptable level of risk; • appoint a Site Senior Executive (SSE) for the mine; • ensure the SSE for the mine— <ul style="list-style-type: none"> ○ develops and implements a safety and health management system for the mine; ○ develops, implements and maintains a management structure for the mine that helps ensure the safety and health of persons at the mine; and ○ is located at or near the coal mine when performing the duties of the SSE, unless the duties require the SSE to be temporarily absent for not more than 14 days, or the SSE is temporarily absent on leave for not more than 14 days; • audit and review the effectiveness and implementation of the safety and health management system to ensure the risk to persons from coal mining operations is at an acceptable level; • provide adequate resources to ensure the effectiveness and implementation of the safety and health management system; and • must provide relevant notices to the Regulator including in relation to any management appointments (s.50).
<u>Senior Site Executive</u>	<p>The SSE must (SSE) (s.42):</p> <ul style="list-style-type: none"> • ensure the risk to persons from coal mining operations is at an acceptable level; • ensure the risk to persons from any plant or substance provided is at an acceptable level; • develop and implement a single safety and health management system for all persons at the mine including contractors (Note – the Regulator is very strict on the requirement that this be only a <i>single</i> system);

Duty Holder	What is the duty (in summary?)
	<ul style="list-style-type: none"> • give a contractor at the mine information in the SSE's possession about all relevant components of the mine's safety and health management system, required by the contractor to identify risks arising in relation to any work to be undertaken by the contractor at the mine; and comply with section 43(1)(d); • review safety and health management plans of contractors and, if necessary, require changes to be made to those plans to enable them to be integrated with the mine's safety and health management system; • 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"> ○ the responsibilities of the SSE; and ○ the responsibilities and competencies required for senior positions in the structure; and ○ the names of the persons holding the senior positions and their competencies; and ○ the competencies required, and the responsibilities, for each other supervisory position at the mine. • train coal mine workers so that they are competent to perform their duties; • provide for— <ul style="list-style-type: none"> ○ adequate planning, organisation, leadership and control of coal mining operations; and ○ the carrying out of critical work at the mine that requires particular technical competencies; and ○ adequate supervision and control of coal mining operations on each shift at the mine; and ○ regular monitoring and assessment of the working environment, work procedures, equipment, and installations at the mine; ○ appropriate inspection of each workplace at the mine including, where necessary, pre-shift inspections; ○ the development of a schedule when inspections, including regular periodic inspections, must be carried out; and ○ adequate supervision and monitoring of contractors at the mine.
<p><u>Coal mine workers and persons generally (s.39)</u></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"> • comply with the CMSH Act, the safety and health management system and applicable procedures; • share information relevant to safety and health with others who need to know; and • take all reasonable and necessary steps to ensure others are not exposed to unacceptable level of risk. <p>Coal mine workers and other persons at a coal mine must also:</p> <ul style="list-style-type: none"> • carry out their work and activities in a way that does not expose others to unacceptable levels of risk; • 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 • participate in risk management practices; • comply with instructions of the CMO and SSE or supervisors; • work only while fit for work; and • not do anything wilful or reckless that may adversely affect safety and health of others.

Duty Holder	What is the duty (in summary?)
Contractors	<p>Contractors must (s.43(1)):</p> <ul style="list-style-type: none"> ensure it complies with CMSH Act to the extent it relates to the work performed, service provided, or work or service arranged, by the contractor; ensure that the safety and health management system for the mine is complied with to the extent it relates to the work performed, service provided, or work or service arranged, by the contractor; ensure the contractor's own safety and health, and the safety and health of others, is not adversely affected by the way the contractor undertakes work, provides a service, or arranges work or a service, at the mine; ensure no work is performed, service provided, or work or service arranged until the contractor has given the SSE a safety and health management system and has made all changes to the contractor's safety and health management plan required by the site senior executive to enable the plan to be integrated with the mine's safety and health management system; ensure no work is performed until the contractor and each coal mine worker engaged by the contractor has been inducted in the mine's safety and health management system to the extent it relates to the work to be undertaken by the worker; and has received training about hazards and risks at the mine to the extent they relate to the work performed by the contractor or work to be performed, or service to be provided, by the worker.
Designers, manufacturers, importers and suppliers of plant	<p>Designers, manufacturers, importers and suppliers of plant must (s.44):</p> <ul style="list-style-type: none"> must ensure safe design of plant; must ensure safe construction of plant; must ensure appropriate testing and examination; provide appropriate information about safe use of plant; inform users and coal mine operators about hazards and defects in plant; take all reasonable steps to ensure appropriate information about the safe use of the plant is available, including information about the maintenance necessary for the safe use of the plant; inform the chief inspector about hazards and defects in plant that may create an unacceptable level of risk to users of the plant; take the action the chief inspector reasonably requires to prevent the use of unsafe plant anywhere.
Installers and erectors of plant	<p>Erectors and installers of plant must (s.45):</p> <ul style="list-style-type: none"> erect and install plant in a safe way; and ensure nothing about the way the plant was erected or installed makes it unsafe or likely to expose persons to an unacceptable level of risk when used properly.
Designers, constructors and erectors of earthworks	<p>Designers of earthworks must ensure the earthworks are designed so that the risk to persons is at an acceptable level (s.45A(1)).</p> <p>A constructor or erector of earthworks at a coal mine must (s.45A(2)):</p> <ul style="list-style-type: none"> construct or erect the earthworks in a way that is safe and does not expose persons to an unacceptable level of risk; and ensure nothing about the way the earthworks are constructed or erected makes it unsafe or likely to expose persons to an unacceptable level of risk when used properly.
Manufacturers, importers and suppliers of substances	<p>Manufacturers, importers and suppliers of substances must (s.46):</p> <ul style="list-style-type: none"> ensure the substance is safe when used properly so that the risk to persons from the use of the substance is at an acceptable level; ensure appropriate testing and examination;

Duty Holder	What is the duty (in summary?)
	<ul style="list-style-type: none"> ensure appropriate information about the safe use, storage and disposal of the substance is provided with the substance; inform the chief inspector about hazards and defects associated with the substance that may create an unacceptable level of risk to users of the substance; take the action the chief inspector reasonably requires to prevent the use of unsafe substance at a coal mine.

Example
<p><i>CS Energy uses hazardous chemicals in its operations and supplies these to its coal mine operator 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.</i></p>

2.2 Officer's duties

2.2.1 If a corporation has an obligation under [CMSH Act](#), then an officer of the corporation must exercise due diligence to ensure the corporation complies with the obligation (s.47A(1)).

2.2.2 Due diligence is defined to include taking reasonable steps:

- (a) to acquire and keep up-to-date knowledge of mine safety and health matters; and
- (b) to gain an understanding of the nature of coal mining operations at a coal mine and generally of the hazards, risks and controls associated with those operations; and
- (c) to ensure the corporation has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to safety and health from work carried out as part of coal mining operations; and
- (d) to ensure the corporation has appropriate processes for receiving and considering information regarding incidents, hazards, risks and controls and responding in a timely way to that information; and
- (e) to ensure the corporation has, and implements, processes for complying with any obligation of the corporation under this Act; and
- (f) to verify the provision and use of the resources and processes mentioned in paragraphs (c) to (e).

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. Some of the key obligations are highlighted in the table summary below.

Activity	What is the duty (in summary?)
<p>Safety and health management system</p>	<ul style="list-style-type: none"> Safety and health management system must be a single system, in place and provided to persons at a coal mine incorporating risk management elements and practices (s.62). Must be auditable and documented and include specific requirements such as principal hazard management plans, standard operating procedures, monitoring processes, change management (ss.62, s.62A, s.63, 64). Must include certain elements and standard operating procedures (CMSH Regulations, Part 2). Must be available for inspection by coal mine workers and persons who work at a remote operating centre for the mine (ROC workers) employed for the coal mine (s.62(6)). Additional requirements if coal mining operation for incidental coal seam gas (s.62A)

Activity	What is the duty (in summary?)
Principal hazard management plan	<ul style="list-style-type: none"> A plan must be implemented to manage principal hazards (i.e. potential multiple fatality risks) (s.63). Plan must identify, analyse and assess risk associated with principal hazards and include standard operating procedures and other measures to control risk (s.63). Must be given to a coal mine worker, or an operational ROC worker for the coal mine, whose work at the coal mine is affected by the requirements of the plan, upon request (s.62(7)).
Joint interaction management plans for overlapping resource authorities	<ul style="list-style-type: none"> Where there are overlapping areas, such as with petroleum authorities, SSE must ensure a joint interaction management plan is in place and that consultation has occurred with the other operators in the relevant areas (s.64E and also see the CMSH Regulations, s.12BB). Requirements for content of joint interaction management plan set out in s.64F(1)
Plans of coal mine workings	SSE must keep mine plans (s.67) including for water, and rescue (refer to CMSH Regulations Part 8)
Mine record	CMO must keep a mine record including details of all inspections, directives, accidents and high potential incidents at the mine (s.68). The mine record must be available for inspection by coal minor workers at the coal mine, industry safety and health representatives, and the SSE for the coal mine.
Recognised standards	<ul style="list-style-type: none"> Must comply with Recognised Standards. These have been detailed in the Annexure and include subject matter such as risk management, dust, drugs, emergencies etc (refer to ss. 72, 73). The Recognised Standards must be published by Resources Safety Health Queensland (Resources Safety Health Queensland Act 2020 (s 76).
Examinations and certifications	CMSH Act includes prescriptive requirements that certain roles such as SSE hold nominated certificates of competency and have been assessed by the Board of Examiners (CMSH Act , Part 10).
Mines rescue	Each mine must have certain mines rescue capabilities established (CMSH Act , Part 13).
Contraband	Persons may be searched to restrict contraband (s.271).
Children	Children under 16 may not be employed underground or to operate or maintain plant at the coal mine (ss.272 and 272A).
Electrical activities, equipment and installations	Must comply with prescriptive obligations (CMSH Regulations , Part 5).
Emergencies	Must comply with prescriptive requirements for self-escape, fire and first aid (CMSH Regulations , Ch 2 Part 5)
Fitness for Work	<ul style="list-style-type: none"> Very detailed fitness for work provisions apply including requirements for health monitoring and health assessment (CMSH Regulations, Ch 2 Part 6). The health assessment provisions (specifically ss.46–49B of the CMSH Regulations) specifically targeted at Diseases including those commonly known as "black lung" following the Queensland parliamentary inquiry into Coal Workers' Pneumoconiosis (CWP).
Hazardous substances	Must comply with prescriptive obligations (CMSH Regulations , Ch 2 Part 7).
PPE	Must provide PPE and have relevant operating procedures (CMSH Regulations , Ch 2 Part 9).

Activity	What is the duty (in summary?)
Plant	Must comply with prescriptive obligations for plant (CMSH Regulations , Ch 2 Part 10).
Training	Must comply with prescriptive obligations (CMSH Regulations , Ch 2 Part 11)
Work and work environment	Must comply with prescriptive obligations in relation to work and the work environment (CMSH Regulations , Ch 2 Part 12) which includes requirements e.g. for asbestos, dust, work at height, working near water, noise, facilities.
Surface mines	Must comply with prescriptive obligations including establishing roles of open-cut examiner and having regulator inspections, particular requirements for explosives, hazardous areas (CMSH Regulations , Ch 3).
High wall mining	Must comply with prescriptive obligations including certain requirements for mine roads, plant, stockpile and dumps (CMSH Regulations , Ch 3 Part 8).
Underground mining	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 (CMSH Regulations , Ch 4).

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 HSRs 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.275AA).

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 notification to be made by the SSE to an Inspector and an ISHR as follows:
- (a) as soon as possible after becoming aware of the incident for the following:
 - (i) serious accidents at a coal mine involving a person receiving a bodily injury endangering, or likely to endanger, their life or an injury causing or likely to cause, a permanent injury to their health;
 - (ii) a high potential incident (**HPI**) at a coal mine of a type prescribed under regulation; or
 - (iii) a death at a coal mine, whether or not caused by an accident at the coal mine; or
 - (b) as soon as practicable after becoming aware of the incident for a serious accident, high potential incident or death that does not fall into those incidents captured by (a) above.
- 4.1.2 Certain diseases must also be notified. Specific information detailed in the section must also be provided, 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](#).
- 4.1.3 The scene must not be interfered with 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;
- 4.1.4 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 within 1 month 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).
- 4.1.5 The CMSH Regulation (s.89A) also requires immediate notification to coal mine workers and inspectors, ISHRs and SSHRs 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 CMSH 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 CMSH 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.

- 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 [CMSH 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.
- 5.2 **WHS Prosecutor and Resources Safety & Health Queensland**
- 5.2.1 The [Resources Safety and Health Queensland Act](#) introduced amendments to the CMSH Act which impose certain duties on the CEO of Resources Safety & Health Queensland. This includes the s 256A duty of the CEO, in relation to a proceeding for an offence brought by the WHS prosecutor against the CMSH Act, to disclose to the WHS prosecutor all information relevant to the proceeding, including knowledge of a matter relevant to the proceeding.
- 5.3 **Enforceable undertakings**
- 5.3.1 The CEO may accept an enforceable undertaking given by a person in connection with a matter relating to a contravention or alleged contravention of the CMSH Act by the person, other than for an offence against ss. 48C or 48D (industrial manslaughter) or another offence including a breach of a safety and health obligation causing death (s.267L). Enforceable undertakings may be withdrawn or varied with the written agreement of the CEO of (s.267Q). Subject to Part 15C of the CMSH Act, no proceeding for a contravention or alleged contravention of the CMSH Act may be taken against a person if an enforceable undertaking is in effect in relation to the contravention (s.267R).
- 5.3.2 A person must not contravene an enforceable undertaking made by the person that is in effect (s.267O). The maximum penalty for this offence is 500 penalty units. The CEO may apply to a Magistrates Court for an order if a person contravenes an enforceable undertaking and, where the Magistrate is satisfied that a contravention has occurred, may make an order directing compliance with the undertaking or an order discharging the undertaking (in addition to the imposition of a penalty) (s.267P).
- 5.4 **Sentencing for offences**
- 5.4.1 Where a court convicts a person or finds a person guilty of an offence under the CMSH Act, one or more orders may be made under Division 2 of the CMSH Act, in addition to any penalty that may be imposed or any other action that may be taken in relation to the offence (s.270B). These variously include adverse publicity orders, restoration, safety and health project orders, a release on giving of court-ordered undertaking, injunctions to cease a contravention, and orders to undertake training

(s.270C to s.270H). Failing to comply with an order under Division 2, without a reasonable excuse, is an offence carrying a maximum penalty of 500 penalty units.

6 Penalties

6.1 Industrial Manslaughter

6.1.1 The offence of industrial manslaughter applies under the [CMSH Act](#) (ss. 48C and 48D).

6.1.2 The offence applies to [employers](#) for a coal mine or [senior officers](#) where:

- (a) a [coal mine worker](#) dies in the course of carrying out work at the coal mine or is injured in the course of carrying out work at the coal mine and later dies;
- (b) the [employer](#) or [senior officer's conduct causes](#) the death of the [coal mine worker](#); and
- (c) the [employer](#) or [senior officer](#) is negligent about [causing](#) the death of the [coal mine worker](#).

6.1.3 The maximum penalty for this offence for an individual is 20 years imprisonment, and 100,000 [penalty units](#) for a corporation.

6.2 Other key offences

6.2.1 Some key offences and penalties for breach of the [CMSH Act](#) and relevant obligations include the following.

Reference	Offence	Maximum Penalty ¹⁹
s.34	Failure to discharge a safety and health obligation	if the contravention caused multiple deaths: <ul style="list-style-type: none"> - <i>Individual (other than an officer):</i> 3,000 penalty units or 3 years imprisonment; - <i>An officer of a corporation:</i> 6,000 penalty units or 3 years' imprisonment - <i>Corporation:</i> 30,000 penalty units if the contravention caused death or grievous bodily harm: <ul style="list-style-type: none"> - <i>Individual (other than an officer):</i> 1,500 penalty units or 2 years imprisonment - <i>An officer of a corporation:</i> 3,000 penalty units or 2 years imprisonment - <i>Corporation:</i> 15,000 penalty units; or if the contravention caused bodily harm: <ul style="list-style-type: none"> - <i>Individual (other than an officer):</i> 750 penalty units or 1 year's imprisonment - <i>An officer of a corporation:</i> 1,500 penalty units or 1 year's imprisonment - <i>Corporation:</i> 7,500 penalty units; or if the contravention involved exposure to a substance that is likely to cause death or grievous bodily harm: <ul style="list-style-type: none"> - <i>Individual (other than an officer):</i> 750 penalty units or 1 year's imprisonment

¹⁹ Where a maximum penalty specified by the Act is not split into individual and body corporate, pursuant to s.181B of the *Penalties and Sentences Act 1992* (Qld), it is assumed that the provided penalty unit applies to individuals and the appropriate penalty units for a body corporate are five times that applicable to an individual.

Reference	Offence	Maximum Penalty ¹⁹
		<ul style="list-style-type: none"> - <i>An officer of a corporation:</i> 1,500 penalty units or 1 year's imprisonment - <i>Corporation:</i> 7,500 penalty units; or Otherwise: <ul style="list-style-type: none"> - <i>Individual:</i> 500 penalty units or 6 months imprisonment - <i>An officer of a corporation:</i> 1,000 penalty units or 6 months imprisonment - <i>Corporation:</i> 5,000 penalty units
s.50	Failure by CMO , if coal mining operations permanently stop at the coal mine, to give the inspector for the region in which the coal mine is situated notice of the date on which the operations permanently stopped within 28 days.	CMO: 100 penalty units
s.54	A CMO must not appoint more than 1 SSE for a coal mine	CMO: 500 penalty units
s. 54(4)	A CMO must not appoint a person to be a SSE unless the person holds : <ul style="list-style-type: none"> • for an underground mine – a SSE executive notice and the practising certificate required by the board of examiners to be held by a person holding that board qualification; • for all or part of a surface mine – a SSE executive notice and the practising certificate required by the board of examiners to be held by a person holding that board qualification. 	CMO: 500 penalty units
s. 54(5)	A CMO must not appoint a person to be a SSE unless the person is an employee of the CMO .	CMO: 500 penalty units
s.55(1)	The SSE must develop, maintain and document a management structure for the mine in a way that allows development and implementation of the safety and health management system, in accordance with s.55(2)	SSE: 40 penalty units
s.56	SSE assigning a supervisor who is not competent to be a supervisor and, if there is a safety and health competency for supervisors recognised by the committee, has that relevant competency.	SSE: 100 penalty units
s.58A(3)	Failure by SSE to appoint a person to be surface mine manager for the surface mine to control and manage the mine.	SSE: 400 penalty units
s.58A(5)	SSE appointing a person as surface mine manager who does not hold the requisite board qualifications.	SSE: 400 penalty units

Reference	Offence	Maximum Penalty ¹⁹
s.58A(6)	SSE or CMO appointing a surface mine manager for more than 1 mine at the same time without the written approval of the chief inspector.	200 penalty units
s.58A(8)	Person giving a direction to the surface mine manager about a technical matter in relation to the mine without holding the requisite board qualifications.	200 penalty units
s.58A(9)	Person giving a direction to the surface mine manager for the mine that may adversely affect safety and health at the mine.	200 penalty units
s.58A(10)	Surface mine manager failing to appoint a person, holding the requisite board qualifications, as electrical engineering manager to control and manage the electrical engineering activities of the mine.	200 penalty units
s.58A(11)	Surface mine manager failing to appoint a person, holding the requisite board qualifications, as mechanical engineering manager to control and manage the mechanical engineering activities of the mine.	200 penalty units
s.58A(13)(a)	CMO failing to ensure that a SSE required to appoint a person under s.58A(3), only appoints such a person if they are an employee of the CMO, an associated entity of the CMO, or an entity that employs or otherwise engages 80% or more of the coal mine workers at the coal mine.	500 penalty units
s.58A(13)(b)	CMO failing to ensure that a surface mine manager required to appoint a person under subsections s.58A(10)-(11), only appoints such a person if they are an employee of the CMO or an entity that employs or otherwise engages 80% or more of the coal mine workers at the coal mine.	500 penalty units
s.59(1)	Failure by surface mine manager to appoint a person holding an open cut examiner's certificate of competency, and the practising certificate required by the board of examiners to be held by a person holding that certificate, for each surface mine excavation carried out at the mine or part of a mine.	SSE: 200 penalty units
s.60(2)	Failure by SSE to appoint an appropriate person to be underground mine manager to control and manage the mine.	SSE: 400 penalty units
s.60	Failure to comply with additional requirements for management of underground mines.	<i>Individual, variously:</i> 200 or 400 penalty units <i>Corporation:</i> 1,000 penalty units

Reference	Offence	Maximum Penalty ¹⁹
ss.61 and 61A	The underground mine manager fails to appoint an appropriate person as ventilation officer for the mine.	<i>Underground mine manager:</i> 200 penalty units
s.63(2)	Failure of a SSE to give a copy of the principal hazard management plan	SSE:200 penalty units
s.64(2)	Failure of a SSE to review the principal hazard management plan and standard operating procedures in consultation with coal mine workers	SSE: 200 penalty units
s.65	Failure of a SSE to notify inspector of change to management structure at a mine	SSE:50 penalty units
s.66(1)	Failure of a SSE to enter in mine record details of management structure	SSE: 50 penalty units
s.67(1)	Failure of a SSE to keep at the mine plans of coal mine workings in accordance with statutory requirements	SSE: 100 penalty units
s.68(1)	Failure of a CMO to keep a mine record in accordance with statutory requirements at the mine	SSE: 200 penalty units
s.68(4A)	Failure of CMO to ensure matter is available for inspection as soon as practicable but not later than: <ul style="list-style-type: none"> • if the matter was recorded in the mine record within the previous 6 months – 5 days after the request is made; or • otherwise – 28 days after the request is made. 	CMO: 200 penalty units
s.69	Failure of a SSE to display a copy of current directives, reports of inspections carried out at the mine and publication of information under s.275AC that may be relevant to safety and health obligations at the mine.	SSE: 100 penalty units
s.69A	Failure of SSE to give a coal mine worker a training and assessment report for that person within 30 days of receiving a request from them.	SSE: 200 penalty units
s.102	Failure by SSE to suspend coal mining operations on receipt of a report by the SSHR.	SSE: 200 penalty units
s.103	Restarting coal mining operations after suspension under section 102 before the risk is at an acceptable level.	<i>Individual:</i> 200 penalty units <i>Corporation:</i> 1,000 penalty units
s.104	SSHR unnecessarily impeding production when exercising powers or performing functions.	SSHR: 200 penalty units
s.105	Prevention, penalisation or attempt to, by a SSE, CMO, contractor other supervisor of a SSHR from performing their function or for performing their function.	<i>Individual:</i> 200 penalty units <i>Corporation:</i> 1,000 penalty units

Reference	Offence	Maximum Penalty ¹⁹
s.106(1)	Failure of a SSE to tell a SSHR certain things	SSE: 40 penalty units
s.107(1)	Failure of a SSE to display identity, preferred contact details and recent photograph of SSHR.	SSE: 40 penalty units
s.140	Failure to give reasonable help to an inspector without a reasonable excuse.	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s.141	Failure to comply with a requirement to answer a question from an inspector without a reasonable excuse.	<i>Individual:</i> 40 penalty units <i>Corporation:</i> 200 penalty units
s.142(2)	Failure by SSE to provide help to officer without a reasonable excuse.	SSE: 100 penalty units
s.152	Failure to provide name and residential address upon an officer finding a person committing an offence against the CMSH Act or reasonably suspecting they have committed such an offence.	100 penalty units
s.155	Failure to produce a document without a reasonable excuse.	<i>Individual:</i> 200 penalty units <i>Corporation:</i> 1,000 penalty units
s.156	Failure to certify a copy of document without a reasonable excuse.	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s.171	Failure to comply with a directive within the period stated in the directive.	<i>Individual:</i> 800 penalty units or 2 years imprisonment <i>Corporation:</i> 4,000 penalty units
s.173(3)	Failure by SSE to enter in the mine record the action taken to comply with the directive as soon as practicable after taking the action.	40 penalty units
s.174	Failure by SSE to make a copy of a directive relating to the coal mine available for inspection by coal mine workers at the coal mine for at least 7 years after the directive is given.	40 penalty units
s.179(1)	False or misleading statements in a material particular made to an inspector, inspection officer, authorised officer or ISHR	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s.180(1)	False or misleading documents in a material particular given to an inspector inspection officer, authorised officer or ISHR	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s.181(1)	Obstructing Inspectors, inspection officer, authorised officer or ISHR, without a reasonable excuse	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s.198(1)	Failure to notify an inspector and an ISHR about a serious accident or death at the coal mine as required	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s.198(2)	Failure to notify an ISHR about a high potential incident at the coal mine as required	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units

Reference	Offence	Maximum Penalty ¹⁹
s.198(3)	Failure to notify an inspector and an ISHR of a serious accident, death or high potential incident at the coal mine as required	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s.198(6)	Where an SSE does not know the required information at the time they are required to notify a person under s.198(3), failure by the SSE must take all reasonable steps to find out the requested information as soon as possible and provide the required information to the person	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s.198AA	If the SSE for a coal mine becomes aware that a relevant worker has been diagnosed with a reportable disease, failure by the SSE to, as soon as practicable after becoming aware, notify an inspector and an ISHR about the disease	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
s.199A	Where a contractor provides or arranges for a coal mine worker to perform work, or provide a service, at a coal mine – the failure by an SSE to tell the contractor about: <ul style="list-style-type: none"> • an injury or illness to the coal mine worker from coal mining operations that causes the worker to be absent from work; • a high potential incident happening at the coal mine that causes or has potential to cause a significant adverse effect on the safety or health of the coal mine worker; • any proposed change to the coal mine, or plant or substance used at the coal mine, that affects or may affect the safety and health of the coal mine worker. 	<i>Individual:</i> 100 penalty units <i>Corporation:</i> 500 penalty units
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 penalty units <i>Corporation:</i> 1,000 penalty units
s.223	A CMO must be a party to a mines rescue agreement for the mine.	<i>CMO:</i> 1,000 penalty units

Last Amendment

Coal Mining Safety and Health Act 1999 (includes amendments up to 1 September 2024, Act No. 34 of 2024).

Coal Mining Safety and Health Regulation 2017 (includes amendments up to 1 September 2024, SL No. 167 of 2024).

ANNEXURE – DICTIONARY

Term	Definition
Acceptable level of risk <i>s.700, PGPS Act</i>	<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"> is within acceptable safety limits, having regard to each relevant safety requirement; and is as low as is reasonably practicable. <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"> (a) the likelihood of injury or illness to a person, or of property damage, from the risk; and <p>the probable severity of the injury, illness or damage; and whether or not the risk is avoidable by reasonable means.</p>
Acceptable level s.29, <i>CMSH Act</i>	<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"> (a) within acceptable limits; and (b) as low as reasonably achievable. <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"> (a) the likelihood of injury or illness to a person arising out of the risk; and (b) the severity of the injury or illness.
ADG Code <i>Schedule 3, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i>	<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>
AFM hours <i>s.257, HVNL</i>	<p>The work hours and rest times prescribed. See the Heavy Vehicle (Fatigue Management) National Regulation</p>
Appropriately marked <i>s.78, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i>	<p>Means</p> <ul style="list-style-type: none"> (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. (b) Another package of dangerous goods, other than an overpack, is “appropriately marked” if it is marked and labelled in accordance with chapter 5.2 of the ADG Code (c) An overpack for dangerous goods is “appropriately marked” if it is marked and labelled in accordance with section 5.1.2 of the ADG Code (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 (e) A package of dangerous goods packed in excepted quantities is also “appropriately marked” if it is marked and labelled in accordance with chapter 3.5 of the ADG Code.

Term	Definition
Asbestos <i>Sch 19, WHS Regulations</i>	Means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following: <ul style="list-style-type: none"> (a) actinolite asbestos; grunerite (or amosite) asbestos (brown); anthophyllite asbestos; chrysotile asbestos (white); crocidolite asbestos (blue); tremolite asbestos; a mixture that contains 1 or more these minerals.
Asbestos containing material (ACM) <i>Sch 19, WHS Regulations</i>	Means any material or thing that, as part of its design, contains asbestos .
Asbestos management plan <i>ss.429 and 432, WHS Regulations</i>	Means a plan for management of naturally occurring asbestos , asbestos and ACM which must include the following information: <ul style="list-style-type: none"> (a) the identification of naturally occurring asbestos, asbestos or ACM; and <p><i>Example— a reference or link to the asbestos register for the workplace and signage and labelling.</i></p> decisions, and reasons for decisions, about the management of naturally occurring asbestos, asbestos or ACM at the workplace; and <p><i>Example— safe work procedures and control measures</i></p> procedures for detailing incidents or emergencies involving naturally occurring asbestos, asbestos or ACM at the workplace; and <p><i>Example— consultation, responsibilities, information and training</i></p> workers carrying out work involving asbestos.
Asbestos register <i>s.425, WHS Regulations</i>	Means the register of asbestos, which must: <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (i) the date on which the asbestos or ACM was identified; and (ii) the location, type and condition of the asbestos or ACM; or 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.
Asbestos removal work <i>Sch 19, WHS Regulations</i>	Means: <ul style="list-style-type: none"> • work involving the removal of asbestos or ACM; or • for part 8.10 of the WHS Regulations, class A asbestos removal work or class B Asbestos Removal Work.
Asbestos removalist <i>Sch 19, WHS Regulations</i>	Means a PCBU who carries out asbestos removal work.
Authorised activity <i>s.22, PGPS Act</i>	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.

Term	Definition
<p>Authorised officer <i>s.20, Transport Operations (Road Use Management) Act 1995</i></p>	<p>Means a person who holds an appointment as an authorised officer under s.20 s. 20 provides that:</p> <ol style="list-style-type: none"> 1. Every police officer is an authorised officer 2. The chief executive may appoint any of the following persons to be an authorised officer— <ol style="list-style-type: none"> (a) officers and employees of the public service; other persons prescribed under a regulation
<p>Authorised officer <i>Part 1.2, s.5, HVNL</i></p>	<p>Means:</p> <ol style="list-style-type: none"> 1. a police officer declared by a law of a participating jurisdiction to be an authorised officer for the purposes of this Law; or 2. a person who holds office under this Law as an authorised officer.
<p>BFM hours <i>s.253, HVNL</i></p>	<p>The work hours and rest times prescribed. See the Heavy Vehicle (Fatigue Management) National Regulation</p>
<p>Cargo transport unit <i>Schedule 3, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i></p>	<p>Means any of the following:</p> <ul style="list-style-type: none"> • a tank vehicle; • a vehicle transporting freight; • a portable tank; • a bulk container; • a freight container; • a MEGC.
<p>Causes <i>s.48A, CMSH Act</i> <i>s.48L, ES Act</i> <i>s.54A, Explosives Act</i> <i>s.799I, PGPS Act</i> <i>s.34A, WHS Act</i></p>	<p>For Industrial Manslaughter provisions, a person's conduct causes death if it substantially contributes to the death.</p>
<p>Coal mine <i>s.9, CMSH Act</i></p>	<p>Is any of the following places:</p> <ol style="list-style-type: none"> (a) a place where on-site activities are carried on, continuously or from time to time, within the boundaries of land the subject of a mining tenure; (b) 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); (c) 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; (d) a place that was a coal mine while works are done to secure it after its abandonment; (e) a place where tourism, education or research related to coal mining happens that is declared under a regulation to be a coal mine; (f) a place that was a coal mine, or part of a coal mine, while on-site activities are carried on, continuously or from time to time and an authorisation to enter land under the <i>Mineral Resources Act 1989</i> s.344D is in force. <p>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>

Term	Definition
	<p>Despite (d) above, 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> <ul style="list-style-type: none"> (a) to ensure public safety; or (b) to rehabilitate it; or (c) to secure it.
<p>Coal mining operations <i>Sch 3, CMSH Act</i></p>	<p>Means activities, including on-site activities, carried out at a coal mine 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>
<p>Coal mine operator (CMO) <i>s.21, CMSH Act</i></p>	<p>For a coal mine is—</p> <ul style="list-style-type: none"> (a) the holder; or (b) if another person has been appointed as the coal mine operator under s.53 and the appointment is notified to the chief inspector under s.49, the other person. <p>If:</p> <ul style="list-style-type: none"> (a) another person mentioned in subsection (1)(b) is appointed as the coal mine operator for a separate part of a surface mine; and (b) the appointment is notified to the chief inspector under section 49; <ul style="list-style-type: none"> • 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>If:</p> <ul style="list-style-type: none"> (a) 1 or more persons are appointed as coal mine operators for separate parts of a surface mine; and (b) the appointments are notified to the chief inspector under section 49; <ul style="list-style-type: none"> • 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. <p>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"> (a) the part is geographically separated from the rest of the mine; and (b) there is no physical overlapping of coal mining operations between the part and the operations in another part of the mine; and (c) the coal mine operator for the part is in control of— <ul style="list-style-type: none"> (i) the coal mining operations carried out in the part of the mine; and (ii) the resources associated with the operations. <p>A person may be appointed coal mine operator for more than 1 mine or separate part of a surface mine.</p>
<p>Coal mine worker <i>Sch 3, CMSH Act</i></p>	<p>Means an individual who carries out work at a coal mine and includes the following individuals who carry out work at a coal mine—</p> <ul style="list-style-type: none"> (a) an employee of the coal mine operator; (b) a contractor or employee of a contractor; and (c) a service provider or employee of a service provider.

Term	Definition
Coal mining CSG operating plant <i>s.671, PGPS Act</i>	Means an operating plant which is: <ul style="list-style-type: none"> • used to explore for, extract, produce, process, release or transport coal seam gas; and • 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.
Code of Practice <i>s.275, WHS Act</i>	Means a Code of Practice which has been approved under s.274 of the WHS Act . For Part 2A (Industrial Manslaughter provision), a list of applicable Codes of Practice has been included in the Annexures to this manual.
Conduct <i>s.48A, CSMH Act</i> <i>s.48L, ES Act</i> <i>s.54A, Explosives Act</i> <i>s.799I, PGPS Act</i> <i>s.34A, WHS Act</i>	For Industrial Manslaughter provisions, conduct means an act or omission to perform an act.
Confined space <i>Sch 19, WHS Regulations</i>	Means an enclosed or partially enclosed space that: <ol style="list-style-type: none"> (a) is not designed or intended primarily to be occupied by a person; and (b) is, or is designed or intended to be, at normal atmospheric pressure while any person is in the space; and (c) is or is likely to be a risk to health and safety from: <ul style="list-style-type: none"> • an atmosphere that does not have a safe oxygen level; or • contaminants, including airborne gases, vapours and dusts, that may cause injury from fire or explosion; or • harmful concentrations of any airborne contaminants; or • engulfment; but does not include a mine shaft or the workings of a mine.
Confined space entry permit <i>s.67, WHS Regulations</i>	Means a permit to enter a confined space which must: <ol style="list-style-type: none"> (a) be completed by a competent person; and be in writing; and state the following— <ol style="list-style-type: none"> i. the confined space to which the permit relates; ii. the names of persons permitted to enter the space; iii. the period of time during which the work in the space will be carried out; iv. measures to control risk associated with the proposed work in the space; and contain space for an acknowledgement that work in the confined space has been completed and that all persons have left the confined space.
Construction project <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.

Term	Definition
<p>Construction work <i>s.289, WHS Regulations</i></p>	<p>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 structure. 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 plant, 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.</p>
<p>Damages <i>s.10, Workers Compensation and Rehabilitation Act</i></p>	<p>Means damages for injuries sustained by a worker in circumstances creating, independently of the Act, a legal liability in the worker's employer to pay the damages to the worker or (in the case of death) a dependent of the deceased worker.</p>
<p>Dangerous electrical event <i>s.12, ES Act</i></p>	<p>Means any of the following:</p> <ul style="list-style-type: none"> (a) the coming into existence of circumstances in which a person is not Electrically Safe, if: <ul style="list-style-type: none"> i. the circumstances involve high voltage Electrical Equipment; and ii. despite the coming into existence of the circumstances, the person does not receive a shock or injury; <p>the coming into existence of the following circumstances:</p> <ul style="list-style-type: none"> i. if a person had been at a particular place at a particular time, the person would not have been Electrically Safe; ii. the person would not have been electrically safe because of circumstances involving high voltage electrical equipment; <p>an event that involves Electrical Equipment and in which significant property damage is caused directly by electricity or originates from electricity;</p> <p>the performance of Electrical Work by a person not authorised under an electrical work licence to perform the work;</p> <p>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;</p> <p>the discovery by a licensed electrical Worker of electrical equipment that has not been marked as required under the ES Act.</p>
<p>Dangerous goods <i>Sch 6, Fire and Emergency Services Act</i></p>	<p>Means goods defined under the ADG Code as dangerous goods or goods too dangerous to be transported. Consult the ADG Code.</p>
<p>Dangerous goods <i>Sch 4, Transport Operations (Road Use Management) Act 1995</i></p>	<p>Means:</p> <ul style="list-style-type: none"> • goods prescribed under a regulation to be dangerous goods; or • for implied references in relation to goods too dangerous to be transported—see chapter 5AB

Term	Definition
<p>Dangerous goods s.32, <i>Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i></p>	<p>Goods are dangerous goods if:</p> <ul style="list-style-type: none"> (a) the chief executive has made a determination that the goods are dangerous goods; or the goods satisfy the criteria stated, or referred to, in part 2 of the ADG Code. <p>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"> (a) the chief executive has made a determination that the goods are not dangerous goods; or 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.
<p>Dangerous Goods Compliance plate s.62, <i>Operations (Road Use Management – Dangerous Goods) Regulation 2018</i></p>	<p>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.</p>
<p>Dangerous goods driver licence Sch 3, <i>Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i></p>	<p>Means a dangerous goods driver licence that is in force under part 18, division 3.</p>
<p>Dangerous incident s.37, <i>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"> (a) an uncontrolled escape, spillage or leakage of a substance; or (b) an uncontrolled implosion, explosion or fire; or (c) an uncontrolled escape of gas or steam; or (d) an uncontrolled escape of a pressurised substance; or (e) electric shock; or (f) the fall or release from a height of any plant, substance or thing; or (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 (h) the collapse or partial collapse of a structure; or (i) the collapse or failure of an excavation or of any shoring supporting an excavation; or (j) the inrush of water, mud, or gas in workings, in an underground excavation or tunnel; or (k) the interruption of the main system of ventilation in an underground excavation or tunnel; or (l) any other event prescribed under a regulation.
<p>Dangerous situation Sch 2, <i>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>

Term	Definition
Demolition work <i>Sch 19, WHS Regulations</i>	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: <ul style="list-style-type: none"> (a) the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work; or (b) the removal of power, light or telecommunication poles.
Demountable tank <i>Sch 3, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i>	Means a tank, other than a portable tank, that: <ul style="list-style-type: none"> (a) is designed to be carried on a vehicle; and (b) does not form part of and is not permanently attached to the vehicle; and (c) is designed to be removable.
Design <i>Sch 5, WHS Act</i>	In relation to a plant, substance or structure, includes: <ul style="list-style-type: none"> (a) design of part of the plant, substance or structure; and (b) redesign or modify a design.
Dimension requirements <i>s.101, HVNL</i>	Means: <ul style="list-style-type: none"> (a) a prescribed dimension requirement under s.101 (refer to the Heavy Vehicle (Mass, Dimension and Loading) National Regulation (b) 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); (c) a requirement as to a dimension limit under a PBS vehicle approval from the regulator; or (d) a requirement as to a dimension limit indicated by an official traffic sign; (e) a requirement as to a dimension limit for a component vehicle as prescribed by a heavy vehicle standard.
Dispute <i>s.102A, WHS Act</i>	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: <ul style="list-style-type: none"> (a) a person conducting a business or undertaking; (b) a worker affected by the WHS matter; (c) a health and safety representative affected by the WHS matter; (d) a relevant union for the WHS matter; (e) a representative for a worker affected by the WHS matter.
Dive safety log <i>s.180, WHS Regulations</i>	Means the log required under s.180, for general diving work, which contains the following information about each dive carried out by a worker: <ul style="list-style-type: none"> (a) the name of the worker who carries out the dive; (b) the name of any other person with whom the dive is carried out; (c) the name of the person appointed under section 177 to supervise the diving work; (d) the date and location of the dive; (e) the time each diver enters and leaves the water; (f) the maximum depth of the dive; (g) any incident, difficulty, discomfort or injury that occurs or is experienced during the dive; (h) if the dive was carried out using a dive computer—the dive time;

Term	Definition
	<ul style="list-style-type: none"> (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; (j) if the repetitive group and surface interval result in a repetitive factor—the surface interval and the repetitive factor; (k) if the dive is carried out using EANx— <ul style="list-style-type: none"> i. the oxygen content of the EANx; and ii. the maximum operating depth of the EANx; (l) if the dive is carried out using mixed gas— <ul style="list-style-type: none"> i. the oxygen content and the nitrogen content (if any) of the gas; and (m) the maximum operating depth of the mixed gas; and (n) the minimum operating depth of the bottom mix.
<p>Diving work</p>	<p>Includes:</p> <ul style="list-style-type: none"> • general diving work; • incidental diving work; • limited scientific diving work; and • high risk diving work.
<p>Due diligence <i>s.27, WHS Act</i></p>	<p>Due diligence is a standard of action required of CS Energy's officers 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"> (a) acquire and keep up to date knowledge of work health and safety matters; <ul style="list-style-type: none"> 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 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 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 to ensure that CS Energy has, and implements, processes for complying with any duty or obligation; and to verify the provision and use of the aforementioned resources and processes.
<p>Electrical equipment <i>s.14, ES Act</i></p>	<p>Is any apparatus, appliance, cable, conductor, fitting, insulator, material, meter or wire that:</p> <ul style="list-style-type: none"> (a) is used for controlling, generating, supplying, transforming or transmitting electricity at a voltage greater than extra low voltage; or is operated by electricity at a voltage greater than extra low voltage; or <ul style="list-style-type: none"> is part of an electrical installation located in an area in which the atmosphere presents a risk to health and safety from fire or explosion; or is, or is part of, a cathodic protection system; or is prescribed electrical equipment.

Term	Definition
	<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"> (a) the equipment is part of a unit of the vehicle that provides propulsion for the vehicle; or <p>the electricity source for the equipment is a unit of the vehicle that provides propulsion to the vehicle.</p> <p>However, prescribed electrical equipment is electrical equipment even if it forms part of a vehicle.</p>
<p>Electrical installations <i>s.15, ES Act</i></p>	<p>An electrical installation is a group of items of electrical equipment that—</p> <ul style="list-style-type: none"> are permanently electrically connected together; and can be supplied with electricity from the works of an electricity entity or from a generating source or from a battery or other storage technology; and do not include items that are works of an electricity entity. <p>Also, an electrical installation is a group of items of electrical equipment that—</p> <ul style="list-style-type: none"> (a) are permanently electrically connected together; and are used to create electricity at a voltage greater than extra low voltage; and do not include items that are works of an electricity entity. <p>An item of electrical equipment may be part of more than 1 electrical installation.</p> <p>In s.15 (1)(a)—</p> <ul style="list-style-type: none"> (a) an item of electrical equipment connected to electricity by a plug and socket outlet is not permanently electrically connected; and <p>connection achieved through using works of an electricity entity is not a consideration in determining whether or not electrical equipment is electrically connected.</p>
<p>Electrical risk <i>s.10, ES Act</i></p>	<p>means in relation to a person –</p> <ul style="list-style-type: none"> (a) The risk to the person of death, shock or injury caused directly by electricity or originating from electricity; or <p>in relation to property, the risk to property of:</p> <ul style="list-style-type: none"> (i) damage caused by a cathodic protection system; or (ii) loss or damage caused directly by electricity or originating from electricity.
<p>Electrical work <i>s.18, ES Act</i></p>	<p>Means connecting electricity supply wiring to electrical equipment or disconnecting electricity supply wiring from electrical equipment; or the manufacturing, constructing, installing, testing, replacing, maintaining, repairing, altering, removing of electrical equipment.</p> <p>There is a list in s.18(2) of the ES Act that prescribes various circumstances in which work with electrical equipment 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>

Term	Definition
<p>Electrically safe <i>s.10, ES Act</i></p>	<p>Means:</p> <p>(a) for a person or property, that the person or property is free from electrical risk;</p> <p>for electrical equipment or an electrical installation, that all persons and property are free from electrical risk from the equipment or installation;</p> <p>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 electrical risk from the operation or use of the equipment, installation or works;</p> <p>for the way electrical work is performed, that all persons are free from electrical risk from the performance of the work;</p> <p>for the way a business or undertaking is conducted, that all persons are free from electrical risk from the conduct of the business or undertaking; and</p> <p>for the way electrical equipment or an electrical installation is installed or repaired, that all persons are free from electrical risk from the installing or repairing of the equipment or installation.</p>
<p>Electricity entity <i>Sch 2, ES Act</i></p>	<p>Means:</p> <p>(a) a generation entity, transmission entity or distribution entity ; or 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</p> <p>a railway manager, or light rail manager for a light rail, that is exempted by the Electricity Act, section 20Q or 20QA, from the requirements of section 88A of that Act; or</p> <p>the Authority under the <i>Queensland Rail Transit Authority Act 2013</i>; or</p> <p>Airtrain Citylink Limited ACN 066 543 315.</p>
<p>Emergency officer <i>s.333, Public Health Act</i></p>	<p>The following persons can be appointed as emergency officers for declared public health emergencies:</p> <p>(a) public service officers or employees;</p> <p>(b) health service employees;</p> <p>(c) persons employed by a local government;</p> <p>(d) SES members under the <i>Fire and Emergency Services Act 1990</i>;</p> <p>(e) other persons prescribed under a regulation.</p>
<p>Employee <i>s.54A, Explosives Act</i></p>	<p>For Part 4A (Industrial Manslaughter provisions), employee means an individual who does an act involving explosives.</p>
<p>Employer <i>s.48A, CSMH Act</i></p>	<p>For Part 3A (Industrial Manslaughter provisions), employer means a person who employs or otherwise engages a coal mine worker.</p>
<p>Employer <i>s.54A, Explosives Act</i></p>	<p>For Part 4A (Industrial Manslaughter provisions), employer means a person who employs or otherwise engages an employee.</p>
<p>Employer <i>s.799I, PGPS Act</i></p>	<p>For Chapter 11, Part 1AA (Industrial Manslaughter provisions), employer, for an operating plant or gas work, means a person who employs or otherwise engages a worker in relation to the operating plant or gas work.</p>
<p>Evacuation route <i>s.5, Building Fire Safety Regulations</i></p>	<p>Means:</p> <p>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.</p>

Term	Definition
Excavation <i>Sch 19, WHS Regulations</i>	<p>Means:</p> <p>A trench, tunnel or shaft, but does not include a mine, a water bore to which the Water Act 2000 applies or a trench for use as a place of interment.</p>
Excavation work <i>Sch 19, WHS Regulations</i>	<p>Means:</p> <p>Work to make an excavation, fill or partly fill an excavation.</p>
Executive officer <i>s.48A, CSMH Act</i> <i>s.48L, ES Act</i> <i>s.34A, WHS Act</i> <i>Sch 2, Radiation Safety Act</i> <i>Sch 2, PGPS Act</i> <i>Sch 2, Explosives Act</i> <i>Sch 4, Transport Operations (Road Use Management) Act 1995</i>	<p>Means:</p> <p>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.</p>
Executive safety manager <i>s.687, PGPS Act</i>	<p>Means:</p> <p>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, the executive safety manager is—</p> <ul style="list-style-type: none"> (a) if the holder of the authority or tenure is an individual—the holder; or 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. • 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>Otherwise, the executive safety manager is—</p> <ul style="list-style-type: none"> (a) if the operator is an individual—the operator; or the senior managing officer of the corporation or organisation responsible for the management and safe operation of the operating plant. <p>In this section—</p> <p>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>
Explosive <i>Sch 2, Explosives Act</i>	<p>Includes –</p> <ul style="list-style-type: none"> (a) A substance or a thing containing a substance, manufactured or used with a view to produce – <ul style="list-style-type: none"> i. A practical effect by explosion; or ii. A pyrotechnic effect; and A substance or thing declared under a regulation to be an explosive. • Examples of explosives – ammunition, detonators, gunpowder, nitroglycerine, pyrotechnics (including fireworks).

Term	Definition
Explosives incident <i>Sch 2, Explosives Act</i>	<p>Means any of the following events involving an explosive -</p> <p>(a) An explosive is or appears to have been lost or stolen; an accidental explosion, fire or spillage; death of or injury to any person; unexpected property damage;</p> <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>
Exposure standard for noise <i>s.56, WHS Regulations</i>	<p>in relation to a person –</p> <p>(a) LAeq,8h of 85 dB(A); or</p> <p>(b) LC,peak of 140 dB(C).</p> <p>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 (Occupational noise management—Measurement and assessment of noise immission and exposure).</p> <p>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 (Occupational noise management—Measurement and assessment of noise immission and exposure).</p>
Fall prevention device <i>s.79(5), WHS Regulations</i>	<p>Includes:</p> <p>(a) a secure fence; and</p> <p>(b) edge protection; and</p> <p>(c) working platforms; and</p> <p>(d) covers.</p>
Fatigue-regulated heavy vehicle <i>s.7, HVNL</i>	<p>Means:</p> <p>(a) a motor vehicle with a GVM of more than 12t; a combination with a GVM of more than 12t; a fatigue-regulated bus. a truck, or a combination a truck, that has a machine or implement attached</p> <p>(i) if the GVM of the truck or combination with the attached machine or implement is more than 12t; and</p> <p>(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.</p>
Final exit <i>Sch 3, Building Fire Safety Regulations</i>	<p>Means an exit:</p> <p>(a) directly connecting a common area in the building and a place of safety outside the building; and to which any of the following applies—</p> <p>(i) the exit is shown on an evacuation diagram for the building or a part of the building;</p> <p>(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;</p> <p>(iii) the exit is indicated as an exit by a sign at, or adjacent to, the exit.</p>

Term	Definition
Fire and evacuation instructions <i>Sch 3, Building Fire Safety Regulations</i>	<p>Means:</p> <p>General evacuation instructions, first-response evacuation instructions or evacuation coordination instructions for the building.</p>
Friable asbestos <i>Sch 19, WHS Regulations</i>	<p>Means material that:</p> <p>(a) is in a powder form or that can be crumbled, pulverised or reduced into a powder by hand pressure when dry; and contains asbestos.</p>
Fuel gas <i>s.11, PGPS Act</i>	<p>Means:</p> <p>(a) LPG; or processed natural gas - that is, a Substance that:</p> <ul style="list-style-type: none"> • is in a gaseous state at standard temperature and pressure; and • consists of naturally occurring hydrocarbons and other Substances; and • is more than half, by volume, methane; and • has been processed to be suitable for use by consumers of fuel gas; or <p>another Substance prescribed under a regulation that is similar to LPG or processed natural gas.</p>
Fumigant <i>s.14, Medicines and Poisons Act</i>	<p>Means a substance that:</p> <p>Is a substance that is APVMA approved for use to carry out an activity of a type mentioned in section 19(2)(a), (b), (c) or (d).</p>
Fumigation Activity <i>s. 19, Medicines and Poisons Act</i>	<p>Means:</p> <p>The preparation or use of a substance to:</p> <ul style="list-style-type: none"> • Kill a pest; or • Sterilise grain or seed to prevent germination; or • Treat soil in which pests might be living; or • Carry out another activity prescribed by regulation to be a fumigation activity.
Gas device <i>Sch 2, PGPS Act</i>	<p>Means:</p> <p>A gas device Type A or gas device Type B as prescribed in section 724 of the PGPS Act. These include major industrial gas devices.</p>
Gas system <i>Sch 2, PGPS Act</i>	<p>Means a system that—</p> <p>(a) consists of the following things in any combination—</p> <ul style="list-style-type: none"> (i) gas devices; (ii) containers; (iii) fittings; (iv) flues; (v) pipes; and <p>(b) is used with, or designed or intended to be used with, fuel gas.</p> <p>Examples of gas systems—</p> <ol style="list-style-type: none"> 1. an existing system of interconnected domestic gas devices installed in a dwelling house 2. a gas device, and associated pipe work, added to an existing system 3. a gas-fired industrial boiler installation 4. pipes and fittings installed without a gas device in a dwelling house

Term	Definition
Gas work <i>Sch 2, PGPS Act</i>	Means: The work of installing, removing, altering, repairing, servicing, testing or certifying a gas system .
General Diving Work <i>Sch 19, WHS Regulations</i>	Means work carried out in or under water while breathing compressed gas, and includes— <ul style="list-style-type: none"> (a) incidental diving work; and limited scientific diving work; but does not include high risk diving work.
Goods too dangerous to be transported <i>s.33, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i>	Goods are too dangerous to be transported if: <ul style="list-style-type: none"> (a) they are goods stated or described in appendix A to the ADG Code; or (b) the chief executive has made a determination that they are goods too dangerous to be transported; or (c) the goods are so sensitive or unstable that they can not be safely transported even if the relevant requirements of this regulation and the ADG Code are complied with.
Hazardous chemical <i>Sch 19, WHS Regulations</i>	Means: A substance , mixture or article that satisfies the criteria for any one or more hazard classes in the GHS (including a classification referred to in schedule 6), unless the only hazard class or classes for which the substance, mixture or article satisfies the criteria are any one or more of the following— <ul style="list-style-type: none"> (a) acute toxicity—oral—category 5; acute toxicity—dermal—category 5; acute toxicity—inhalation—category 5; skin corrosion/irritation—category 3; aspiration hazard—category 2; flammable gas—category 2; acute hazard to the aquatic environment—category 1, 2 or 3; chronic hazard to the aquatic environment—category 1, 2, 3 or 4; hazardous to the ozone layer
Hazardous manual task <i>Sch 19, WHS Regulations</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"> (a) repetitive or sustained force; high or sudden force; repetitive movement; sustained or awkward posture; exposure to vibration.
Hazardous material <i>Sch 6, Fire and Emergency Services Act</i>	means: <ul style="list-style-type: none"> (a) all dangerous goods, combustible liquids and chemicals; or 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"> (i) the chemical properties of the substance; (ii) the physical properties of the substance; (iii) the biological properties of the substance.

Term	Definition
Hazardous materials emergency <i>Sch 6, Fire and Emergency Services Act</i>	<p>Means:</p> <p>A situation involving hazardous materials or suspected hazardous materials 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.</p>
Health <i>Sch 5, WHS Act</i>	<p>Means:</p> <p>Physical and psychological health.</p>
Health monitoring report <i>s.374, WHS Regulations</i>	<p>Must include the following:</p> <ul style="list-style-type: none"> (a) the name and date of birth of the worker; (b) the name and registration number of the registered medical practitioner; (c) the name and address of the person conducting the business or undertaking who commissioned the health monitoring; (d) the date of the health monitoring; (e) any test results that indicate whether or not the worker has been exposed to a hazardous chemical; (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; (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; (h) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.
Heavy vehicle <i>s.6, HVNL</i>	<p>Means:</p> <p>A vehicle with a GVM or ATM of more than 4.5t.</p>
Heavy vehicle <i>Schedule 4, Transport Operations (Road Use Management) Act 1995</i>	<p>Means:</p> <p>A heavy vehicle for the purposes of the HVNL (Queensland), as provided for in s.6 of the HVNL.</p>
High potential incident (HPI) <i>s.17, CSMH Act</i>	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 1. an unplanned ignition of gas, dust, or a combination of gas and dust 2. the spontaneous combustion of coal or other material in an underground mine 3. the entrapment of a person 4. an electric shock to a person 5. an unplanned event causing the withdrawal of a person from the mine or part of the mine 6. an abnormal circumstances declaration 7. an unplanned event that causes only 1 escape way from the mine to be available for use 8. a fire on a vehicle or plant

Term	Definition
	<p>9. an incident involving an explosive</p> <p>10. one of the following incidents that endangers the safety or health of a person—</p> <ul style="list-style-type: none"> (a) a fire; (b) a ventilation failure causing a dangerous accumulation of methane or other gas; (c) an inrush; (d) a coal or rock outburst; (e) damage to, or failure of, haulage equipment used to transport a person in a shaft or slope; (f) an unplanned movement of, or failure to stop, a vehicle or plant; (g) the failure in service of explosion protection of explosion-protected equipment; (h) a failure of electrical equipment or an electrical installation; (i) an unplanned ignition or explosion of a blasting agent or explosive; (j) a failure of strata control; (k) the exposure of a person to a hazardous substance; (l) an unforeseen hazard requiring a review of the mine’s safety and health management system; (m) the unplanned immersion of a person in liquid; (n) an unplanned movement of earth or coal; (o) a structural failure of equipment; (p) a collision involving a vehicle or plant
<p>High risk construction work <i>s.291, WHS Regulations</i></p>	<p>Means construction work that:</p> <ul style="list-style-type: none"> (a) involves a risk of a person falling more than 2 metres; or is carried out on a telecommunication tower; or involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure; or involves, or is likely to involve, the disturbance of asbestos; or involves structural alterations or repairs that require temporary support to prevent collapse; or is carried out in or near a confined space; or is carried out in or near— <ul style="list-style-type: none"> • (i) a shaft or trench with an excavated depth greater than 1.5 metres; or • (ii) a tunnel; or <p>involves the use of explosives; or</p> <p>is carried out on or near pressurised gas distribution mains or piping; or</p> <p>is carried out on or near chemical, fuel or refrigerant lines; or</p> <p>is carried out on or near energised electrical installations or services; or</p> <p>is carried out in an area that may have a contaminated or flammable atmosphere; or</p> <p>involves tilt-up or precast concrete; or</p> <p>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>

Term	Definition
	<p>is carried out in an area at a workplace in which there is any movement of powered mobile plant; or</p> <p>is carried out in an area in which there are artificial extremes of temperature; or</p> <p>is carried out in or near water or other liquid that involves a risk of drowning; or</p> <p>involves diving work.</p>
<p>High risk diving work <i>Sch 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 involving one or more of the following—</p> <p>(i) construction work;</p> <p>(ii) work of the kind described in section 289(3)(d);</p> <p>(iii) inspection work carried out in order to determine whether or not work described in subparagraph (i) or (ii) is necessary;</p> <p>(iv) the recovery or salvage of a large structure or large item of plant for commercial purposes;</p> <p>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.</p>
<p>High risk plant <i>Sch 1, part 1, s.1 (6) WHS Act</i></p>	<p>(a) air-conditioning units; amusement devices; cooling towers; escalators; lifts; and LP gas cylinders.</p>
<p>High risk work <i>Sch 3, WHS Regulations</i></p>	<p>Includes:</p> <p>(a) the erection or dismantling of scaffolding; dogging and rigging work; the operation of cranes and hoists; the operation of reach stackers; forklift operation; and pressure equipment operation.</p>
<p>Holder <i>Schedule 3, CSMH Act</i></p>	<p>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.</p>
<p>Holder <i>Schedule 2, PGPS Act</i></p>	<p>Means: The holder of a petroleum authority, data acquisition authority, water monitoring authority, or gas work licence or authorisation.</p>
<p>HML heavy vehicle</p>	<p>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></p>
<p>Import <i>Schedule 5, WHS Act</i></p>	<p>Means to bring into Queensland from outside Australia.</p>

Term	Definition
Incidental diving work <i>Sch 19, WHS Regulations</i>	Means general diving work that— <ul style="list-style-type: none"> (a) is incidental to the conduct of the business or undertaking in which the diving work is carried out; and involves limited diving; and is carried out while being accompanied and supervised in the water by a person who has the qualifications or experience specified in s.171.
Injury <i>s.32, Workers Compensation and rehabilitation Act</i>	Means: A personal injury arising out of, or in the course of, employment if the employment is a significant contributing factor to the injury, and does not include a psychiatric or psychological disorder arising out of, or in the course of, any of the following circumstances— <ul style="list-style-type: none"> (a) reasonable management action taken in a reasonable way by the employer in connection with the worker's employment; (b) the worker's expectation or perception of reasonable management action being taken against the worker; (c) action by the Regulator or an insurer in connection with the worker's application for compensation. An injury includes: <ul style="list-style-type: none"> • a disease; • an aggravation of a condition; • loss of hearing; and • death from an injury, disease or aggravation of a condition.
Intelligent access service provider <i>s.403, HVNL</i>	Means: A person certified by TCA as a service provider for monitoring, by using an approved intelligent transport system, the relevant monitoring matters for an intelligent access vehicle.
Intelligent access vehicle <i>s.403, HVNL</i>	Means a heavy vehicle: <ul style="list-style-type: none"> • for which a mass or dimension exemption is in force with intelligent access conditions (as referred to in s.402 (1)); or • for which an HML authority is in force with intelligent access conditions (as referred to in s.402 (2)).
Joint interaction management plan <i>s.705C, PGPS Act</i>	A joint interaction management plan must— <ul style="list-style-type: none"> • be stored or kept together with the other parts of the safety management system for the plant; and • for an overlapping area mentioned in section 705(a)(iii)—identify, if any, each IMA, RMA and SOZ, as defined under the Common Provisions Act, in the overlapping area; and • identify the hazards and assess the risks to be controlled that— <ul style="list-style-type: none"> ○ are, or may be, created by the mining operations or petroleum activities carried out in the overlapping area; and ○ affect, or may be likely to affect, the safety and health of persons in the overlapping area; and • for each risk—identify the triggers or material changes, or likely triggers or material changes, that— <ul style="list-style-type: none"> ○ must be monitored to ensure the safety and health of persons in the overlapping area; and ○ will require the plan to be reviewed; and

Term	Definition
	<ul style="list-style-type: none"> • for each trigger or material change identified under paragraph (d)— <ul style="list-style-type: none"> ○ state the response procedures and times; and ○ state the type of action required for the response; and • Examples of action that may be required— <ul style="list-style-type: none"> • 1 a risk analysis • 2 notice to the site senior executive of— <ul style="list-style-type: none"> • (a) a drop in hydrostatic pressure that may show a potential hazard to persons carrying out mining; or • (b) a change in water level that may indicate differences in fluid interconnections with an adjacent mine <ul style="list-style-type: none"> ○ state the reporting procedures; and • if there is proposed, or there is likely to be, interaction with other persons in the overlapping area— <ul style="list-style-type: none"> ○ describe the proposed or likely interactions, and how they will be managed; and ○ identify the specific risks that may arise as a result of the proposed or likely interactions, and how the risks will be controlled; and ○ identify the safety responsibilities of each person; and ○ state the name of the site senior executive and any other senior persons in the management structure for the coal mine under the CMSH Act; and • describe the way in which the plan will be reviewed and revised, including ongoing consultation with the persons mentioned above; and • describe the way in which details of any new operator or site safety manager will be communicated to the site senior executive; and • include any other information prescribed by regulation.
<p>Limited diving <i>Sch 19, WHS Regulations</i></p>	<p>Means diving that does not involve any of the following—</p> <ul style="list-style-type: none"> (a) diving to a depth below 30m; (b) the need for a decompression stop; (c) the use of mechanical lifting equipment or a buoyancy lifting device; (d) diving beneath anything that would require the diver to move sideways before being able to ascend; (e) the use of plant that is powered from the surface; (f) diving for more than 28 days during a period of 6 months.
<p>Limited scientific diving work <i>Sch 19, WHS Regulations</i></p>	<p>Means general diving work that:</p> <ul style="list-style-type: none"> (a) is carried out for the purpose of professional scientific research, natural resource management or scientific research as an educational activity; and (b) involves only limited diving.
<p>Loading requirements <i>s.5 and s.110 HVNL</i></p>	<p>Means the prescribed requirements (see the Heavy Vehicle (Mass, Dimension and Loading) National Regulation</p>
<p>LPG <i>s.11, PGPS Act</i></p>	<p>Also called "LP gas" and "liquefied petroleum gas" means a Substance that:</p> <ul style="list-style-type: none"> • is in a gaseous state at standard temperature and pressure; and • is predominantly propane, propylene or butane; and • has been processed to be suitable for use by consumers.

Term	Definition
Major hazard facility <i>s.535, WHS Regulations</i>	Means: A facility at which schedule 15 chemicals 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.
Major incident <i>s.531, WHS Regulations</i>	Means: An incident at a major hazard facility 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.
Major incident hazard <i>Sch 19, WHS Regulations</i>	Means: A hazard that could cause, or contribute to causing, a major incident .
Mass requirement <i>s.5, HVNL</i>	Means: <ol style="list-style-type: none"> 1 a prescribed mass requirement under s.95 (see the Heavy Vehicle (Mass, Dimension and Loading) National Regulation 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); 3 a requirement as to a mass limit under a PBS vehicle approval (issued by the regulator); 4 a requirement as to a mass limit indicated by an official traffic sign; or 5 a requirement as to a mass limit under the GVM (gross vehicle mass) or GCM (gross combination mass) for a heavy vehicle; or 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.
Minor risk breach <i>s.98, HVNL</i>	Means: A contravention that is less than the substantial risk breach lower limit for the requirement.
MEGC <i>Sch 3, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i>	Means multiple-element gas container
Naturally occurring asbestos <i>Sch 19, WHS Regulations</i>	Means: The natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.
Non-friable asbestos <i>Sch 19, WHS Regulations</i>	Means: Material containing Asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.
Notifiable incident <i>s.35, WHS Act</i>	Means: <ol style="list-style-type: none"> (a) A death of a person; (b) A serious injury or illness of a person; or (c) A dangerous incident.

Term	Definition
<p>Notifiable event <i>s.18B, Explosives Regulation 2017</i></p>	<p>Means:</p> <ul style="list-style-type: none"> • the holder of the security clearance is, in Queensland or elsewhere, convicted of or charged with a relevant offence; • the holder of the security clearance is named as the respondent in a domestic violence order or police protection notice; • release conditions are imposed on the holder of the security clearance under the Domestic and Family Violence Protection Act 2012, section 125; • the holder of the security clearance becomes aware of another change in circumstances that affects the holder’s suitability to continue to hold the security clearance; • the name or address of the holder of the security clearance changes.
<p>Officer <i>Sch 5, WHS Act</i> <i>Sch 2, ES Act</i></p>	<p>Of a corporation under the WHS Act is defined in the same manner as an Officer of a corporation under section 9 of the <i>Corporations Act 2001</i>.</p> <p>As CS Energy is GOC, includes an officer of a statutory authority (see s.252 WHS Act) <i>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.</i></p> <p>Directors of the Board of a corporation will be Officers, as may members of the executive leadership team.</p> <p>Other people <i>may</i> be considered Officers depending on the nature of their role and responsibilities.</p>
<p>On-site activities <i>s.10, CMSH Act</i></p>	<p>Are activities carried on principally for, or in connection with, exploring for or winning coal and include the following—</p> <ul style="list-style-type: none"> (a) constructing— <ul style="list-style-type: none"> (i) things required or permitted to be constructed under an exploration permit, mineral development licence or mining lease; or (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; <p>treating coal and disposing of waste substances; rehabilitating of a place after coal mining operations; maintaining and testing plant, equipment or machinery.</p> <p>On-site activities do not include the following—</p> <ul style="list-style-type: none"> (a) airborne geophysical surveys; transporting product from a coal mine on public roads or public railways or on any other railway; constructing and installing surface railways; air transport to and from a coal mine; pastoral activities; underground gasification activities on land the subject of: <ul style="list-style-type: none"> (i) a mineral development licence or a mining lease for activities relating to mineral (f) of the <i>Mineral Resources Act 1989</i>; or (ii) an exploration permit if the chief inspector has made a declaration under section 52A of the CMSH Act; <p>an activity declared not to be an on-site activity under a regulation.</p>

Term	Definition
<p>Operating plant <i>s.670, PGPS Act</i></p>	<p>(2) An operating plant is any of the following—</p> <ul style="list-style-type: none"> (a) a facility used to explore for, produce or process petroleum, including machinery used for completing, maintaining, repairing, converting or decommissioning a petroleum well; Example of machinery used for maintaining or repairing a petroleum well—machinery known in the petroleum and gas industry as a work over rig (b) a facility that— <ul style="list-style-type: none"> (i) is related to the exploration, production or processing of petroleum; and (ii) is used to take, interfere with or treat associated water and any petroleum incidentally collected with the water; (c) a petroleum facility; (d) a pipeline authorised under a petroleum authority, other than a pipeline that transports only produced water without any petroleum; (e) a distribution pipeline; (f) a distribution system; (g) a facility that is in the area of a geothermal tenure and is used for— <ul style="list-style-type: none"> (i) geothermal exploration other than for wet geothermal production; or (ii) geothermal production other than wet geothermal production; <p>Examples— the following facilities if they are not used for wet geothermal production—</p> <ul style="list-style-type: none"> • a drilling rig for a geothermal well • equipment used for injecting into, maintaining or repairing a geothermal well • pipes and associated valves used in the geothermal production process <ul style="list-style-type: none"> (h) a facility that is in the area of a GHG authority and is— <ul style="list-style-type: none"> (ii) used for GHG storage exploration or GHG stream storage; or (iii) involved in GHG storage injection testing; (i) a GHG stream pipeline under the GHG storage Act; (j) a facility used to drill, complete, maintain, repair, convert or decommission an authorised water bore. <p>(3) However, if a facility has, under a regulation under the WHS Act, 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>Section 670 (4) Subsection (2) applies for a facility or pipeline even if it is—</p> <ul style="list-style-type: none"> (a) an on-site activity as defined under the CMSH Act; or (a) an operation as defined under the <i>Mining and Quarrying Safety and Health Act 1999</i>. <p>(5) An operating plant 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"> (a) a fuel gas delivery network prescribed under a regulation; (b) an authorised activity under an authority if the activity is a geophysical survey for data acquisition; (c) an underground gasification activity; (d) another activity prescribed under a regulation and associated with the delivery, storage, transport, treatment or use of petroleum or fuel gas.

- (6) An operating plant is also—
- (a) all of the authorised activities for a petroleum authority, geothermal tenure or GHG authority; or
 - (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 [CMSH Act](#).
- (7) For subsection (6)(a) and (b)—
- (a) the operating plant is all of the authorised activities jointly; and
 - (b) the authorised activities are an operating plant severally only if they are an operating plant under subsection (2) or (5).
- (8) To remove any doubt, for subsection (2) it is declared that the following are not an operating plant—
- (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;
 - (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;
 - (c) a facility mentioned in subsection (2)(j) for an authorised water bore after either of the following happens—
 - (i) a transfer of the bore takes effect under section 288 or the 1923 Act, section 75Q;
 - (ii) the bore is decommissioned and the relevant time for the bore under section 294(2) or the 1923 Act, section 75W(2) passes.
- (9) A reference to an operating plant includes a reference to each stage of the plant that has commenced.
- (10) In this section—
- Authorised water bore means a water injection bore, water observation bore or water supply bore that a relevant holder or a person for the relevant holder—
- (a) drills or converts under this Act or the 1923 Act; or
 - (b) decommissions under this Act or the 1923 Act.
- Geothermal exploration see the Geothermal Act, section 13.*
Geothermal well see the Geothermal Act, schedule 3.
GHG storage exploration see the GHG storage Act, section 15.
GHG storage injection testing see the GHG storage Act, section 16.
- Petroleum authority means—
- (a) a petroleum authority under section 18(2); or
 - (b) an authority to prospect, petroleum lease, or water monitoring authority, under the 1923 Act.
- Relevant holder means the holder of a petroleum tenure, water monitoring authority, 1923 Act petroleum tenure or water monitoring authority under the 1923 Act.
- The following matters are prescribed under the [PGPS Regulation](#) for this definition:
- (1) For section 670(5)(a) of the [PGPS Act](#), the following fuel gas delivery networks are prescribed—
- (a) a network that includes filling a fuel gas container that has a water capacity of more than 30L with fuel gas;
 - (b) a network that includes the delivery or supply of fuel gas in a tanker;

Term	Definition
	<p>(c) a network with a combined water capacity of fuel gas containers of more than 5,000L;</p> <p>(d) a network that includes dispensing fuel gas to a vehicle.</p> <p>(2) For section 670(5)(d) of the PGPS Act, the following activities are prescribed—</p> <p>(a) the use, at a place, of gas devices if the total gas capacity of the devices at the place is 50GJ/h or more at any time;</p> <p>(b) the use of fuel gas to produce theatrical or other special effects;</p> <p>(c) the collection, transportation or use of a gas prescribed under the <i>Petroleum and Gas (General Provisions) Regulation 2017</i>, section 5(1) as petroleum.</p> <p>Example—the collection of gas from landfill and its use in power generation.</p>
<p>Operator of operating plant <i>s.673, PGPS Act</i></p>	<p>Means for a coal mining: CSG operating plant, the relevant site senior executive under the <i>CMSH Act</i>; Otherwise, the operator is the person who is responsible for managing and ensuring the safe operation of the plant.</p>
<p>Operator of a facility <i>s.533, WHS Regulations</i></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>Packaging <i>Sch 3, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</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>Party in the chain of responsibility <i>s.5, HVNL</i></p>	<p>Party in the chain of responsibility, for a heavy vehicle, means each of the following persons—</p> <p>(a) if the vehicle’s driver is an employed driver—an employer of the driver;</p> <p>(b) if the vehicle’s driver is a self-employed driver—a prime contractor for the driver;</p> <p>(c) an operator of the vehicle;</p> <p>(d) a scheduler for the vehicle;</p> <p>(e) a consignor of any goods in the vehicle;</p> <p>(f) a consignee of any goods in the vehicle;</p> <p>(g) a packer of any goods in the vehicle;</p> <p>(h) a loading manager for any goods in the vehicle;</p> <p>(i) a loader of any goods in the vehicle;</p> <p>(j) an unloader of any goods in the vehicle.</p>
<p>Penalty unit</p>	<p>This is defined in the <i>Penalties and Sentences Act 1992</i>. The value of a Penalty Unit is indexed in July annually.</p> <p>The Penalty Unit value under the WHS Act 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 \$161.30 commencing from 1 July 2024.</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>

Term	Definition
Person Conducting a Business or Undertaking (PCBU) <i>s.5, WHS Act</i>	<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 WHS 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 PCBUs but rather are subject to their own separate duties (see part 6 and 7).</p>
Person Conducting a Business or Undertaking (PCBU) <i>s.21, ES Act</i>	<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>
Person with management or control of a workplace <i>s.20, WHS Act</i>	<p>Means a PCBU to the extent that the business or undertaking includes, in whole or in part, the management or control of the workplace.</p>
Person with management or control of fixtures, fittings, or Plant at a workplace <i>s.21, WHS Act</i>	<p>Means a PCBU to the extent that the business or undertaking includes, in whole or in part, the management or control of fixtures, fittings or plant at the workplace.</p>
Pest <i>Schedule 1, Medicines and Poisons Act</i>	<p>Means: Pest means an arthropod, bird, mollusc or rodent that injuriously affects, or may injuriously affect, a place, person or animal by—</p> <ul style="list-style-type: none"> (a) transmitting disease, a toxin or another pest in the place or to the person or animal; or (b) causing physical damage to the place or a thing in the place; or (c) causing distress to, or an adverse physiological or social effect in, the person or animal. <p>Pest includes another biological entity prescribed by regulation to be a pest. Pest does not include a biological entity prescribed by regulation not to be a pest.</p>
Pest control activity <i>S.19, Medicines and Poisons Act</i>	<p>Means: The preparation or use of a substance to</p> <ul style="list-style-type: none"> • Kill, repel or stupefy a pest; or • Inhibit the feeding of a pest; or • Modify the physiology of a pest to alter its natural development or reproductive capacity.
Pest management activity <i>s.19, Medicines and Poisons Act</i>	<p>Means: A fumigation activity or pest control activity.</p>
Pesticide <i>S.14, Medicines and Poisons Act</i>	<p>Means a: substance that is APVMA approved for use to carry out an activity of a type mentioned in section 19(3)(a), (b) or (c)</p>

Term	Definition
<p>Petroleum <i>s.10, PGPS Act</i></p>	<p>Means a:</p> <ul style="list-style-type: none"> (a) Substance consisting of hydrocarbons that occur naturally in the earth's crust; or (b) Substance necessarily extracted or produced as a by-product of extracting or producing a hydrocarbon mentioned in paragraph (a); or (c) a fluid that: <ul style="list-style-type: none"> (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 (ii) consists of, or includes, hydrocarbons; or (d) Substance prescribed under a regulation, consisting of, or including, hydrocarbons; or (e) gas that occurs naturally in the earth's crust, as prescribed under a regulation. <p>The term petroleum does not include lignite, coal, lignite, peat, shale from which gasification or retorting product may be extracted or produced, torbanite or water.</p> <p>A Substance does not cease to be petroleum merely because it is injected or reinjected into a natural underground reservoir.</p>
<p>Petroleum facility <i>s.17, PGPS Act</i></p>	<p>Means:</p> <p>A facility for the distillation, processing, refining, storage or transport of petroleum, other than a distribution pipeline.</p>
<p>Placard load <i>s.83 and Schedule 3, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i></p>	<p>Means a load that contains dangerous goods and must be placarded under section 83</p> <ul style="list-style-type: none"> (1) A load that contains dangerous goods must be placarded if: <ul style="list-style-type: none"> (a) it contains: <ul style="list-style-type: none"> (i) dangerous goods in a receptacle with a capacity of more than 500L; or (ii) more than 500kg of dangerous goods in a receptacle; or (b) it contains an aggregate quantity of dangerous goods of 250 or more and those goods include: <ul style="list-style-type: none"> (i) dangerous goods of UN division 2.1 that are not aerosols; or (ii) dangerous goods of UN division 2.3; or (iii) dangerous goods of packing group I; or (c) it contains dangerous goods of category A of UN division 6.2; or (d) it contains an aggregate quantity of dangerous goods of UN division 6.2 (other than category A) of 10 or more; or (e) it contains an aggregate quantity of dangerous goods of 1000 or more. (2) However, a retail distribution load complying with chapter 7.3 of the ADG Code is not a load that must be placarded.
<p>Plant <i>Sch 5, 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>

Term	Definition
<p>Portable tank <i>Sch 3, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i></p>	<p>Means a multimodal tank that:</p> <ul style="list-style-type: none"> • is designed primarily to be loaded on to a vehicle or ship; and • has a capacity of more than 450L; and • is equipped with skids, mountings, stabilisers and accessories to facilitate mechanical handling; and • is capable of being loaded and unloaded without removing its service equipment or structural equipment; and • is capable of being lifted when full.
<p>Present or likely to be present <i>s.532, WHS Regulations</i></p>	<p>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> <ol style="list-style-type: none"> (a) the maximum capacity of process vessels and interconnecting pipe systems that contain the hazardous chemicals; and (b) the maximum capacity of storage tanks and vessels used for the hazardous chemicals; and (c) the maximum capacity of other storage areas at the facility that could contain the hazardous chemicals; and (d) the maximum capacity of pipe work outside process areas to contain the hazardous chemicals; and (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 (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>The above applies with any necessary changes to hazardous chemicals that are likely to be present at a proposed facility.</p> <p>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>Prescribed electricity entity <i>s.66, ES Act</i></p>	<p>For part 5 of ES Act means: An electricity entity, other than a generation entity, declared under a regulation to be a prescribed electricity entity for this part.</p>
<p>Prime contractor <i>s.5, 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>Principal contractor for construction work <i>s.293, 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.</p> <p>Further information about the obligations on a principal contractor and valid appointment can be found under "Construction Work".</p>
<p>Principal hazard management plans <i>s.63, CSMH Act</i></p>	<p>Must:</p> <ul style="list-style-type: none"> • identify, analyse and assess risk associated with principal hazards (i.e. risks which may cause multiple fatalities); and • include standard operating procedures and other measures to control risk.

Term	Definition
Prohibited carcinogen <i>Sch 19, WHS Regulations</i>	Means a substance: <ul style="list-style-type: none"> (a) listed in schedule 10, table 10.1, column 2 of the WHS Regulations; and present in a concentration of— <ul style="list-style-type: none"> • for a solid or liquid—0.1% or more, determined as a weight/weight (w/w) concentration; and • for a gas—0.1% or more, determined as a volume/volume (v/v) concentration.
Prohibited explosives <i>Sch 1, Explosives Regulation</i>	Means: Explosives identified in Schedule 1 of the Explosives Regulation .
Radiation <i>Sch 2, Radiation Safety Act</i>	Means: Ionising radiation or non-ionising radiation.
Radiation apparatus <i>Sch 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.
Radiation safety and protection plan <i>s.28, Radiation Safety Act</i>	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"> (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; (b) the radiation safety and protection measures to deal with the hazards; (c) any other measures necessary to deal with the hazards; (d) how the licensee proposes to monitor and review the implementation and effectiveness of the measures; (e) the functions of the radiation safety officer to be appointed for the practice; (f) particulars of a training program for persons carrying out the practice; (g) other particulars prescribed under a regulation.
Radiation security plan <i>s.34A, Radiation Safety Act</i>	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"> (a) particulars of the security enhanced source the licensee is allowed to possess; (b) radiation practice for which the licensee is allowed to possess the source; (c) particulars, and an assessment, of all security risks relating to practice and source the licensee knows, or ought reasonably to know, exist or might arise; (d) persons who have access to source under the possession licensee's licence and the type of access each person has to the source; (e) the persons to whom the plan applies; (f) the security measures for the source; (g) any other measures necessary to deal with risks to the security of the source; (h) how the licensee proposes to monitor and review the implementation and effectiveness of the measures; (i) particulars of a training program for persons to whom the plan applies; (j) if the possession licensee is a corporation—the name of the nominated person for the licensee; and (k) other particulars prescribed under a regulation.

Term	Definition
Radiation source <i>Sch 2, Radiation Safety Act</i>	Means: A radioactive substance or a radiation apparatus.
Radioactive material <i>Sch 2, Radiation Safety Act</i>	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.
Radioactive substance <i>Sch 2, Radiation Safety Act</i>	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.
Reasonably practicable (or SFARP) <i>s.18, WHS Act</i>	Reasonable practicability or 'So Far as Reasonably Practicable' is the qualification to almost all duties and obligations under the WHS Act . 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: <ul style="list-style-type: none"> (a) the likelihood of the hazard or the risk concerned occurring; and (b) the degree of harm that might result from the hazard or the risk; and (c) what the person concerned knows, or ought reasonably to know, about <ul style="list-style-type: none"> – (i) the hazard or the risk, and (ii) ways of eliminating or minimising the risk, and (d) the availability and suitability of ways to eliminate or minimise the risk, and (e) after assessing the extent of the risk and the available ways of eliminating or minimising it, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk. 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.
Rehabilitation and return to work coordinator <i>s.41, Workers' Compensation and Rehabilitation Act</i>	Means a person who— <ul style="list-style-type: none"> (a) is appropriately qualified to perform the functions of a rehabilitation and return to work coordinator under this Act; and (b) has the functions prescribed under a regulation.
Restricted carcinogen <i>Sch 19, WHS Regulations</i>	Means a substance— <ul style="list-style-type: none"> (a) listed in schedule 10, table 10.2, column 2 of the WHS Regulations for a use listed in column 3; and (b) present in a concentration of— <ul style="list-style-type: none"> • for a solid or liquid—0.1% or more, determined as a weight/weight (w/w) concentration; and • for a gas—0.1% or more, determined as a volume/volume (v/v) concentration.
Restricted hazardous chemicals <i>s.382, WHS Regulations</i>	Means a restricted hazardous chemical mentioned in Schedule 10, table 10.3, column 2 of the WHS Regulations .

Term	Definition
<p>Resulting records <i>s.678A, PGPSA</i></p>	<p>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.</p>
<p>Safe Work Method Statement <i>Sch 19, WHS Regulations</i></p>	<p>Means: In relation to high risk construction work—a safe work method statement mentioned in s.299 (as revised under s.302)</p>
<p>Safety and health management plan of a contractor <i>s.43, CMSH Act</i></p>	<p>Means a plan that:</p> <ul style="list-style-type: none"> (a) identifies the work to be undertaken by the contractor; and (b) states how the contractor intends to comply with the contractor’s obligations under this section.
<p>Safety and health management plan of a service provider <i>s.47, CMSH Act</i></p>	<p>Means a plan that:</p> <ul style="list-style-type: none"> (a) identifies the work to be undertaken by the service provider; and (b) states how the service provider intends to comply with the service provider’s obligations under this section.
<p>Safety and health management system <i>Schedule 3, s. 62, CMSH Act</i></p>	<p>Means a safety and health management system that complies with s.62 of the CMSH Act and section 62A of the CMSH Act (if applicable). This means that the system must include the elements defined in those sections as follows:</p> <ul style="list-style-type: none"> (a) 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. (b) 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. (c) 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"> (a) defining the coal mine operator’s safety and health policy; and (b) containing a plan to implement the coal mine operator’s safety and health policy; and (c) stating how the coal mine operator intends to develop the capabilities and support mechanisms necessary to achieve the policy; and (d) including principal hazard management plans and standard operating procedures; and (e) containing a way of— <ul style="list-style-type: none"> i. measuring, monitoring and evaluating the performance of the safety and health management system; and ii. taking the action necessary to prevent or correct matters that do not conform with the safety and health management system; and (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

Term	Definition
	<p>(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.</p> <ul style="list-style-type: none"> • 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>Safety management system <i>s.674 and Schedule 2, PGPS Act</i></p>	<p>A safety management system, for an operating plant, is—</p> <ol style="list-style-type: none"> 1. the system made under section 674 as in force from time to time; and 2. an auditable documented system that forms part of an overall management system for the plant. 3. If the plant has stages, a reference to the term includes the parts of the safety management plan developed for each stage. <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>Safety and security management system <i>s.46, Explosives Regulation</i></p>	<p>Means:</p> <p>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 and ensure explosives handled under the authority are kept securely so that the explosives cannot be accessed by persons who should not have access.</p> <p>It must be a written and auditable system and include the content prescribed under regulation 46A.</p>
<p>Safety requirement <i>s.669, PGPS Act</i></p>	<p>Means:</p> <p>The safety requirements prescribed by the Ch 2 Part 2.</p>
<p>Security enhanced source <i>Schedule 2, Radiation Safety Act</i></p>	<p>Means:</p> <p>A radiation source, or an aggregation of radiation sources, prescribed under a regulation to be a security enhanced source.</p>
<p>Security plan <i>s.34A, Radiation Safety Act</i></p>	<p>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:</p> <ol style="list-style-type: none"> (a) particulars of the security enhanced source the licensee is allowed to possess; (b) the radiation practice for which the licensee is allowed to possess the source; (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; (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; (e) other persons to whom the plan applies; (f) the security measures for the source;

Term	Definition
	<ul style="list-style-type: none"> (g) any other measures necessary to deal with risks to the security of the source; (h) how the licensee proposes to monitor and review the implementation and effectiveness of the measures; (i) particulars of a training program for persons to whom the plan applies; (j) if the possession licensee is a corporation—the name of the nominated person for the licensee; (k) other particulars prescribed under a regulation.
<p>Senior officer <i>s.48A, CMSH Act</i> <i>s.48L, ES Act</i> <i>s.54A, Explosives Act</i> <i>s.799I, PGPS Act</i> <i>s.34A, WHS Act</i></p>	<p>For Industrial Manslaughter provisions, senior officer, of an employer for a coal mine, means—</p> <ul style="list-style-type: none"> (a) if the employer is a corporation—an executive officer of the corporation; or (b) otherwise—the holder of an executive position (however described) in relation to the employer who makes, or takes part in making, decisions affecting all, or a substantial part, of the employer's functions.
<p>Serious accident <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> <ul style="list-style-type: none"> (a) the death of a person; or (b) a person to be admitted to a hospital as an in-patient for treatment for the injury. <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> <ul style="list-style-type: none"> (a) an unplanned ignition of gas, dust, or a combination of gas and dust (b) the spontaneous combustion of coal or other material in an underground mine (c) an inrush (d) the failure in service of explosion protection of explosion-protected (e) equipment (f) an electric shock to a person (g) an unplanned ignition or explosion of a blasting agent or explosive (h) a major failure of strata control (i) the entrapment of a person (j) an abnormal circumstances declaration (k) a major structural failure of equipment.
<p>Serious electrical incident <i>s.11, ES Act</i></p>	<p>Is an incident involving electrical equipment if, in the incident:</p> <ul style="list-style-type: none"> (a) a person is killed by electricity; (b) 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 (c) 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>Serious injury or illness <i>s.36, WHS Act</i></p>	<p>Means an injury or illness requiring the person to have; -</p> <ul style="list-style-type: none"> (a) immediate treatment as an inpatient in a hospital; or (b) immediate treatment for- <ul style="list-style-type: none"> i. the amputation of any part of his or her body; or ii. a serious head injury; or iii. a serious eye injury; or

Term	Definition
	<ul style="list-style-type: none"> iv. a serious burn; or v. the separation of their skin from an underlying tissue (for example, de gloving of scalping)l or vi. a spinal injury; or vii. the loss of a bodily function; or viii. serious lacerations; or <p>(c) medical treatment within 48 hours of exposure to a substance.</p>
Severe risk breach lower limit <i>s.97, HVNL</i>	<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>
Site safety manager <i>ss.692 and 694, PGPS Act</i>	<p>Any person appointed under the SMS for Operating Plant as the site safety manager (s.692) or otherwise the operator if an individual or if the operator is a corporation the executive safety manager of the operating plant (s.694).</p>
Site senior executive (SSE) <i>s.25, CMSH Act</i>	<p>Is the most senior officer employed or otherwise engaged by the coal mine operator for the coal mine who—</p> <ul style="list-style-type: none"> (a) is located at or near the coal mine; and (b) has responsibility for the coal mine. <p>The above 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>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>Under the CMSH Act SSEs must be employees of the coal mine operator (s. 54(5A)). The maximum penalty for this offence for an individual is 500 penalty units.</p>
Specified P&G Act Activity <i>Sch 1, WHS Act</i>	<p>An authorised activity for an authority mentioned in the P&G Act s.670(6) that is not individual operating plant under the P&G Act because of s.670(7)(b) of that Act.</p>
Stage <i>s.672, PGPS Act</i>	<p>A <i>stage</i>, of an operating plant, means any of the following for the plant—</p> <ul style="list-style-type: none"> • commissioning; • operation; • maintenance or modification; • decommissioning. <p>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"> (i) the work is within or part of an existing operating plant; or (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 (iii) the work is the process called ‘rigging up and down’ of a drill rig and any associated plant or equipment required
Standard hours <i>s.249, HVNL</i>	<p>The work hours and rest times prescribed. See the Heavy Vehicle (Fatigue Management) National Regulation</p>
Structure <i>Sch 5, WHS Act</i>	<p>Means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:</p> <ul style="list-style-type: none"> (a) buildings, masts, towers, framework, pipelines, transport infrastructure, and underground works (shafts or tunnels); and

Term	Definition
	<p>(b) any component; and (c) any part of a Structure.</p> <p>But note for the purpose of Ch 6 <i>Construction Work</i> in the WHS Regulations, a structure does not include Plant unless:</p> <p>(a) 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 (b) work on the plant relates to work that is carried out in connection with construction work; or (c) 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 PCBUs at any point in time.</p>
<p>Substance <i>Sch 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>Substantial risk breach lower limit <i>s.97, HVNL</i></p>	<p>Means the higher of the following—</p> <ul style="list-style-type: none"> • a mass equalling 105% of the maximum mass (rounded up to the nearest 0.1t) permitted for the vehicle under that mass requirement; • 0.5t.
<p>Supply <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.</p> <p>Supply occurs through the passing of possession of thing to the person or an agent of the person to be supplied.</p> <p>It does not include:</p> <p>(a) the return of possession of a thing to the owner of the thing at the end of a lease or other agreement; or (b) a prescribed supply.</p>
<p>Tank <i>s.18, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i></p>	<p>Means</p> <ul style="list-style-type: none"> • a receptacle for dangerous goods; and • service equipment or structural equipment that enables the receptacle to transport the goods
<p>Tank Vehicle <i>Sch 3, Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</i></p>	<p>Means a vehicle:</p> <ul style="list-style-type: none"> • of which a tank forms a part; or • to which a tank other than a portable tank is attached
<p>Telephone Advisory Service <i>s.151 (4), Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018</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> <p>(a) the construction and properties of the receptacles in which the dangerous goods are being transported; and (b) the use of equipment on or in vehicles on which the dangerous goods are being transported; and (c) the properties of the dangerous goods; and (d) methods of safely handling the dangerous goods; and (e) methods of safely containing and controlling the dangerous goods in a dangerous situation.</p>

Term	Definition
Transport security plan <i>s.34H, Radiation Safety Act</i>	<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> <ul style="list-style-type: none"> (a) particulars of the security enhanced source to be transported; (b) particulars of the transport arrangements for the source; (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; (d) persons who have access to the source and the type of access each person has to the source; (e) other persons to whom the plan applies; (f) the period for which the plan applies; (g) the transport security measures for the source; (h) any other measures necessary to deal with risks to the security of the source; (i) how the transport security plan holder proposes to monitor and review the implementation and effectiveness of the measures; (j) particulars of a training program for persons to whom the plan applies; (k) if the transport security plan holder is a corporation—the name of the nominated person for the holder; (l) other particulars prescribed under a regulation.
Underground essential services <i>s.304, WHS Regulations</i>	<p>Means: Essential services that use pipes, cables or other associated plant located underground.</p>
Underground essential services information <i>s.304, WHS Regulations</i>	<p>In relation to proposed excavation work, means the following information about underground essential services that may be affected by the excavation—</p> <ul style="list-style-type: none"> (a) the essential services that may be affected; (b) the location, including the depth, of any pipes, cables or other plant associated with the affected essential services; (c) any conditions on the proposed excavation work.
Work Health and Safety management plan	<p>For a construction project must include the following:</p> <ul style="list-style-type: none"> (a) 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; (b) 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; (c) the arrangements in place for managing any work health and safety incidents that occur; (d) any site-specific health and safety rules, and the arrangements for ensuring that all persons at the workplace are informed of these rules; (e) the arrangements for the collection and any assessment, monitoring and review of safe work method statements at the workplace.
Work Health and Safety Prosecutor <i>Sch 2, S.25 WHS Act</i>	<p>An independent office for work health and safety prosecutions established by the <i>Health and Safety and Other Legislation Amendment Act 2017</i> (Qld). The office is headed by a WHS Prosecutor and appointed by the Governor-in-Council for a five year renewable terms.</p>

Term	Definition
<p>Work Health and Safety Officer (WHSO) <i>Part 5A, WHS Act</i></p>	<p>The general functions of WHSO include, amongst others:</p> <ul style="list-style-type: none"> (a) notifying the PCBU about WHS matters; (b) identifying hazards and risks to health and safety in the workplace and reporting on them to the PCBU; (c) 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; (d) investigating incidents; and (e) establishing appropriate WHS training programs within the PCBU.
<p>Work involving asbestos <i>s.419, WHS Regulations</i></p>	<p>Means: Work involving manufacturing, supplying, transporting, storing, removing, using, installing, handling, treating, disposing of or disturbing asbestos or ACM.</p>
<p>Worker <i>s.7, WHS Act</i> <i>s.22, ES Act</i></p>	<p>Means: A person is a Worker if the person carries out work in any capacity for CS Energy. This includes:</p> <ul style="list-style-type: none"> (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an out Worker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class (see the Regulations).
<p>Worker <i>s.11, Workers' Compensation and Rehabilitation Act</i></p>	<p>Is a person who—</p> <ul style="list-style-type: none"> • works under a contract; and • 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. <p>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).</p>
<p>Worker <i>s.799I, PGPS Act</i></p>	<p>For Chapter 11, Part 1AA (Industrial Manslaughter provisions), worker means:</p> <ul style="list-style-type: none"> (a) in relation to an operating plant—an individual who is employed or contracted to carry out work at the operating plant; or (b) in relation to gas work—an individual who is employed or contracted to carry out work at the place where the gas work is carried out.
<p>Workplace <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> <ul style="list-style-type: none"> (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>Schedule 2, ES Act provides that a workplace under the ES Act means a workplace under the WHS Act, s.8.</p>

Term	Definition
Works of an electricity entity <i>s.25, ES Act</i>	<p>Means the electrical equipment, and electric line associated equipment, controlled or operated by the entity to generate, transform, transmit or supply electricity.</p> <p>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
Building Act 1975	1 July 2024
Building Fire Safety Regulation 2008	1 July 2024
Coal Mining Safety and Health Act 1999	1 September 2024
Coal Mining Safety and Health Regulation 2017	1 September 2024
Electrical Safety Act 2002	30 August 2024
Electrical Safety Regulation 2013	27 September 2024
Explosives Act 1999	1 September 2024
Explosives Regulation 2017	1 September 2024
Fire Services Act 1990	30 August 2024
Fire Services Regulation 2011	1 July 2024
Heavy Vehicle National Law Act 2012	19 February 2024
Medicines and Poisons Act 2019	1 July 2024
Medicines and Poisons (Pest Management Activities) Regulation 2021	1 December 2023
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	1 December 2023
Petroleum and Gas (Production and Safety) Act 2004	1 September 2024
Petroleum and Gas (Safety) Regulation 2017	1 September 2024
Public Health Act 2005	2 August 2024
Public Health Regulation 2018	1 July 2024
Radiation Safety Act 1999	15 November 2023
Radiation Safety Regulation 2021	1 July 2024
Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018	26 August 2024
Transport Operations (Road Use Management) Act 1995	26 August 2024
Work Health and Safety Act 2011	30 August 2024
Work Health and Safety Regulation 2011	27 September 2024
Workers' Compensation and Rehabilitation Act 2003	27 September 2024
Workers' Compensation and Rehabilitation Regulation 2014	23 August 2024

ANNEXURE – CODES OF PRACTICE WORK HEALTH AND SAFETY

Approved Codes of Practice under the WHS Act ²⁰	Link
Abrasive Blasting Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0024/72627/abrasive-blasting-cop-2021.pdf
Concrete Pumping Code of Practice 2019	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0019/18127/concrete-pumping-cop-2019.pdf
Confined Spaces Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0025/72628/confined-spaces-cop-2021.pdf
Demolition Work Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0026/72629/demolition-work-cop-2021.pdf
Excavation Work Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0018/72630/excavation-work-cop-2021.pdf
First Aid in the Workplace Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0019/72631/first-aid-in-the-workplace-cop-2021.pdf
Formwork Code of Practice 2016	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0019/15823/formwork-cop-2016.pdf
Hazardous Manual Tasks Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0020/72632/hazardous-manual-tasks-cop-2021.pdf
How to Manage and Control Asbestos in the Workplace Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0021/72633/how-to-manage-control-asbestos-in-the-workplace-cop-2021.pdf
How to Manage Work Health and Safety Risks Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0022/72634/how-to-manage-work-health-and-safety-risks-cop-2021.pdf
How to Safely Remove Asbestos Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0023/72635/how-to-safely-remove-asbestos-cop-2021.pdf
Labelling of Workplace Hazardous Chemicals Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0024/72636/labelling-workplace-hazardous-chemicals-cop-2021.pdf
Managing Noise and Preventing Hearing Loss at Work Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0026/72638/managing-noise-hearing-loss-at-work-cop-2021.pdf
Managing Respirable Crystalline Silica Dust Exposure in Construction and Manufacturing of Construction Elements Code of Practice 2022	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0025/106486/rcs-construction-manufacturing-construction-elements-cop-2022.pdf

²⁰ This is a non-exhaustive list. Those codes of practices listed in this annexure may apply to CS Energy. For a full list, refer to <https://www.worksafe.qld.gov.au/laws-and-compliance/codes-of-practice>.

Approved Codes of Practice under the WHS Act ²⁰	Link
Managing Respirable Dust Hazards in Coal-Fired Power Stations Code of Practice 2023	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0022/123259/managing-respirable-dust-hazards-coal-fired-power-stations-code-of-practice-2023.pdf
Managing the Risk of Falls at Workplaces Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0019/72640/managing-the-risk-of-falls-at-workplaces-cop-2021.pdf
Managing Risks of Hazardous Chemicals in the Workplace Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0027/72639/managing-risks-of-hazardous-chemicals-cop-2021.pdf
Managing the Risk of Psychosocial Hazards at Work Code of Practice 2022	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0025/104857/managing-the-risk-of-psychosocial-hazards-at-work-code-of-practice.pdf
Managing the Risks of Plant in the Workplace Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0020/72641/managing-the-risks-of-plant-in-the-workplace-cop-2021-1.pdf
Managing the Work Environment and Facilities Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0021/72642/managing-the-work-environment-facilities-cop-2021.pdf
Manual Tasks Involving the Handling of People Code of Practice 2001	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0007/58174/manual-tasks-people-handling-cop-2001.pdf
Mobile Crane Code of Practice 2024	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0018/130950/mobile-crane-code-of-practice-2024.pdf
Occupational Diving Work Code of Practice 2005	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0006/21030/occupational-diving-work-cop-2005.pdf
Preparation of Safety Data Sheets for Hazardous Chemicals Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0022/72643/preparation-safety-data-sheets-hazardous-chemicals-cop-2021.pdf
Scaffolding Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0027/76347/scaffolding-cop-2021.pdf
Steel Construction Code of Practice 2004	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0017/19115/steel-construction-cop-2004.pdf
Traffic Management for Construction or Maintenance Work Code of Practice 2008	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0018/22158/traffic-management-construction-cop-2008.pdf
Welding Processes Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0025/72646/welding-processes-cop-2021.pdf
Work Health and Safety Consultation, Cooperation and Coordination Code of Practice 2021	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0026/72647/whs-consultation-cooperation-coordination-cop-2021.pdf

ANNEXURE – STANDARDS WORK HEALTH AND SAFETY

Name of standard	Relevant section(s) of WHS Regulations	Mandatory or preferred
AS/NZS 2299.1:2015 (Occupational diving operations Part 1: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	Mandatory – reference to trace levels only

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

Name	What does it relate to?
Australian Code for the Transport of Dangerous Goods by Road & Rail, Edition 7.9, 2024 (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
Globally Harmonized System of Classification and Labelling of Chemicals, Fourth Revised Edition Published by the United Nations (GHS)	Major Hazard Facilities Hazardous Chemicals

ANNEXURE - CODES OF PRACTICE ELECTRICAL SAFETY

Codes of Practice under the Electrical Safety Act	Link	This Manual reflects amendments to date
Electrical Safety Code of Practice 2020—Electrical Equipment Rural Industry	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0018/20952/es-code-of-practice-rural-industry.pdf	2 January 2020
Electrical Safety Code of Practice 2020—Working Near Overhead and Underground Electric Lines	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0006/59676/es-code-of-practice-working-near-overhead-underground-electric-lines.pdf	2 January 2020
Electrical Safety Code of Practice 2020—Works	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0019/18343/es-code-of-practice-works.pdf	2 January 2020
Electrical Safety Code of Practice 2021—Managing Electrical Risks in the Workplace	https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0025/72637/managing-electrical-risks-in-the-workplace-cop-2021.pdf	1 March 2021

ANNEXURE – CODES OF PRACTICE ROAD TRANSPORT SAFETY

Name
<p>Australian Code for the Transport of Dangerous Goods by Road & Rail, Edition 7.9, 2024 (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 PUBLIC HEALTH

Name of standard
<p>Federal Register of Legislation - Therapeutic Goods (Poisons Standard—June 2024) Instrument 2024 (the uniform standard)</p>

ANNEXURE – STANDARDS PEST MANAGEMENT

Name of standard	Relevant section(s) of Medicines and Poisons Regulation	Mandatory or preferred
<p>Departmental Standard – Competency requirements for licensed technicians undertaking pest management activities with pesticides and fumigants – version 2</p>	Reg 8	Mandatory

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
Gas fuel systems in vehicles, vessels and stationary engines		
AS/NZS 1425 'LP Gas fuel systems for vehicle engines'	design, installation, certification, alteration, repair, service and inspection of gas fuel systems, for LPG, in vehicles	Preferred
AS/NZS 2739 'Natural gas (NG) fuel systems for vehicle engines'	design, installation, certification and alteration of gas fuel systems, for natural gas, in vehicles	Preferred
AS 2746 'Working areas for gas-fuelled vehicles'	design and operation of workshops where gas devices in gas-fuelled vehicles are installed or repaired	Preferred
AS 4732 'LP gas fuel systems for marine engines' <i>As at 7 June 2024: This Standard has been withdrawn however it is still referred to in the Petroleum & Gas (Safety) Regulation.</i>	design, installation, certification and alteration of gas fuel systems in vessels	Preferred
AS 4983 'Gas fuel systems for forklifts and industrial engines'	design, installation, certification and alteration of gas fuel systems for forklifts and industrial engines	Preferred
General gas systems and gas work		
AS 4575 'Gas appliances—Servicing of type A appliances'	repairing, servicing and testing of gas devices (type A)	Preferred
AS/NZS 5601.1 'Gas installations', Part 1 'General installations'	Installation and alteration of gas systems	Preferred
AS/NZS 5601.2 'Gas installations', Part 2 'LP gas installations in caravans and boats for non-propulsive purposes'	Installation and alteration of gas systems	Preferred
AS/NZS 60079. 'Explosive atmospheres', Part 0 'Equipment—general requirements'	Assessing hazards created by a gas system for fuel gas	Preferred
AS/NZS 60079. 'Explosive atmospheres', Part 10.1 'Classification of areas—explosive gas atmospheres'	Assessing hazards created by a gas system for fuel gas	Preferred
<p>The following standards that are part of the series AS 61508 'Functional safety of electrical / electronic / programmable electronic safety-related systems':</p> <ul style="list-style-type: none"> • AS 61508.0 Part 0 'Functional safety and AS 61508' • AS 61508.1 Part 1 'General requirements' • AS 61508.2 Part 2 'Requirements for electrical / electronic / programmable electronic safety-related systems' 	Installation and operation of gas systems	Preferred

Name of code, standard of document	What the safety requirement applies to	Mandatory or preferred
<ul style="list-style-type: none"> AS 61508.3 Part 3 'Software requirements' AS 61508.4 Part 4 'Definitions and abbreviations' AS 61508.5 Part 5 'Examples of methods for the determination of safety integrity levels' AS 61508.6 Part 6 'Guidelines on the application of IEC 61508-2 and IEC 61508-3' AS 61508.7 Part 7 'Overview of techniques and measures' 		
<p>The following standards that are part of the series AS/IEC 61511 'Functional safety—safety instrumented systems for the process industry sector':</p> <ul style="list-style-type: none"> AS/IEC 61511.1 Part 1 'Framework, definitions, systems, hardware and software requirements' AS/IEC 61511.2 Part 2 'Guidelines for the application of AS IEC 61511.1' AS/IEC 61511.3 Part 3 'Guidance for the determination of the required safety integrity levels' 	Installation and operation of gas systems	Preferred
Gas devices		
AS 3645 'Essential requirements for gas equipment'	Design, construction, supply and use of gas devices (type A)	Preferred
AS 3814 'Industrial and commercial gas-fired appliances'	Design and certification of gas devices (type B), other than hydrogen fuel cells	Preferred
<p>The following standards that are part of the series AS/NZS 5149 'Refrigerating systems and heat pumps—safety and environmental requirements':</p> <ul style="list-style-type: none"> AS/NZS 5149.1 Part 1 'Definitions, classification and selection criteria' AS/NZS 5149.2 Part 2 'Design, construction, testing, marking and documentation' AS/NZS 5149.3 Part 3 'Installation site' AS/NZS 5149.4 Part 4 'Operation, maintenance, repair and recovery' 	Design of gas devices (type B) that use flammable hydrocarbon gas as a refrigerant	Preferred

Name of code, standard of document	What the safety requirement applies to	Mandatory or preferred
LPG and fuel gas containers		
AS/NZS 1596 'The storage and handling of LP gas'	Storing and handling LPG, including installing and handling fuel gas containers	Preferred
AS 2030.1 'Gas cylinders', Part 1 'General requirements'	Installation of gas systems	Preferred
AS 2030.5 'Gas cylinders', Part 5 'Filling, inspection and testing of refillable cylinders'	Verification, filling, inspection and maintenance of cylinders	Preferred
AS/NZS 2229 'Fuel dispensing equipment for explosive atmospheres'	Design and construction of LPG liquid dispensing systems	Preferred
<p>The following standards that are part of the series AS 2337 'Gas cylinder test stations':</p> <ul style="list-style-type: none"> • AS 2337.1 Part 1 'General requirements, inspection and tests—gas cylinders' • AS 2337.2 Part 2 'LP gas fuel vessels for automotive use' • AS 2337.3 Part 3 'Transportable gas cylinders—periodic inspection and testing of composite gas cylinders' 	Inspection and testing of fuel gas containers	Preferred
AS/NZS 3788 'Pressure equipment—in-service inspection'	Inspection of tanks	Mandatory
AS 4332 'The storage and handling of gases in cylinders'	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' applies	Preferred

ANNEXURE – STANDARDS EXPLOSIVES SAFETY

Name of standard
<p>UN Model Regulations – 20th Revised Edition of the Recommendations on the Transport of Dangerous Goods – Model Regulations published by the United Nations, New York and Geneva 2017</p> <p><i>As at June 2024:</i> Whilst this edition of the recommendations are referred to in the Explosives Regulation 2017, they have been updated generally: UN Model Regulations – 23rd Revised Edition of the Recommendations on the Transport of Dangerous Goods – Model Regulations published by the United Nations, New York and Geneva 2023</p>
<p>UN Tests and Criteria – 6th Revised Edition of the Recommendations on the transport of Dangerous Goods – Manual of Tests and Criteria (2015) published by the United Nations</p> <p><i>As at June 2024:</i> Whilst this edition of the recommendations are referred to in the Explosives Regulation 2017, they have been updated generally: UN Tests and Criteria – 8th Revised Edition of the Recommendations on the transport of Dangerous Goods – Manual of Tests and Criteria (2012) published by the United Nations</p>
AS 2187.0 and AS 2187.1 – 1998 (Explosives – storage, transport and use)
AS 2187.2 – 2006 (Explosives – storage and use)
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 – 7.9 edition of the Australian code for the transport of dangerous good by road and rail approved by the National Transport Commission
<p>Mobile Manufacturing Code – Code of Practice-Mobile Processing Units Edition 3 (2014), published by the Australian Explosives Industry and Safety Group Inc</p> <p><i>As at June 2024:</i> Whilst this edition of the Code is referred to in the Explosives Regulation 2017, it has been updated generally: Mobile Manufacturing Code – Code of Practice-Mobile Processing Units (2018), published by the Australian Explosives Industry and Safety Group Inc</p>
<p>Precursor code – Code of Practice—storage and handling of UN3375, fourth edition (2017), published by the Australian Explosives Industry and Safety Group Inc</p> <p><i>As at June 2024:</i> Whilst this edition of the Code is referred to in the Explosives Regulation 2017, it has been updated generally: Code of Practice – storage and handling of UN3375, fifth edition (2018), published by the Australian Explosives Industry and Safety Group Inc</p>
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 Queensland Development Code, Part 6.0, MP6.1

ANNEXURE – STANDARDS RADIATION SAFETY

Name of standard	Relevant section(s) of Radiation Safety Regulation	Mandatory or preferred
AS/NZS IEC 60825.1-2014 (Safety of laser products, Part 1: Equipment classification and requirements)	<i>Schedule 9, Radiation Safety Regulation 2021</i>	Mandatory
Standard for ionising radiation apparatus—medical imaging (2021)	<i>Schedule 1, Radiation Safety (Radiation Safety Standards) Notice 2021</i>	Mandatory
Standard for non-ionising radiation apparatus—medical or cosmetic procedures, or related practices (2021)	<i>Schedule 1, Radiation Safety (Radiation Safety Standards) Notice 2021</i>	Mandatory
Standard for premises—ionising radiation sources (2021)	<i>Schedule 1, Radiation Safety (Radiation Safety Standards) Notice 2021</i>	Mandatory
Standard for premises—non-ionising radiation apparatus (2021)	<i>Schedule 1, Radiation Safety (Radiation Safety Standards) Notice 2021</i>	Mandatory
Standard for radiation sources—industrial, mining, manufacturing, and other practices (2021)	<i>Schedule 1, Radiation Safety (Radiation Safety Standards) Notice 2021</i>	Mandatory

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	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0019/240382/recognised-standard-01.pdf	October 2018
RS2: Control of risk management practices	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0018/240381/recognised-standard-02.pdf	18 July 2003
RS3: Explosion protection of diesel engines	https://www.dnrme.qld.gov.au/_data/assets/pdf_file/0017/240380/recognised-standard-03.pdf	22 November 2019
RS4: Underground non-explosion protected vehicles	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0007/240379/recognised-standard-04.pdf	5 August 2022
RS5: Quality of incombustible dust, sampling and analysis of roadway dust in underground coal mines	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0006/240378/recognised-standard-05.pdf	18 July 2003
RS6: Inspections for underground coal mines	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0005/240377/recognised-standard-06.pdf	25 June 2004
RS7: Criteria for the assessment of drugs in coal mines	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0004/240376/recognised-standard-07.pdf	12 October 2009
RS8: Conduct of mine emergency exercises	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0020/240374/recognised-standard-08.pdf	25 June 2009
RS9: Monitoring of sealed areas	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0018/240372/recognised-standard-09.pdf	5 November 2009
RS10: Mine surveying and drafting	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0017/240371/recognised-standard-10.pdf	September 2011
RS11: Training in coal mines	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0016/240370/recognised-standard-11.pdf	21 July 2023
RS12: Place change mining operations in underground coal mines	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0007/986065/recognised-standard-12.pdf	November 2016
RS13: Tyre, wheel and rim management	https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0004/986071/recognised-standard-13.pdf	November 2016
RS14: Monitoring respirable dust in coal mines	https://www.rshq.qld.gov.au/resources/documents/mines-resources/safety-and-health/legislation,-standards-and-guidelines/recognised-standards-coal-mines/recognised-standard-14.pdf	August 2021
RS15: Underground respirable dust control	https://www.rshq.qld.gov.au/_data/assets/pdf_file/0018/1242225/recognised-standard-15.pdf	1 May 2017

Recognised Standards under the Coal Mining Safety and Health Act	Link	This Manual Reflects amendments to date
RS16: Use and control of polymeric chemicals at underground coal mines	https://www.rshq.qld.gov.au/_data/assets/pdf_file/0005/1445972/recognised-standard-16.pdf	31 May 2019
RS17: Hazardous chemicals	https://www.rshq.qld.gov.au/_data/assets/pdf_file/0008/1450295/recognised-standard-17.pdf	19 July 2019
RS18: Management of heat in underground coal mines	https://www.rshq.qld.gov.au/resources/documents/mines-resources/safety-and-health/legislation,-standards-and-guidelines/recognised-standards-coal-mines/recognised-standard-18.pdf	27 August 2021
RS19: Design and construction of mine roads	https://www.rshq.qld.gov.au/_data/assets/pdf_file/0008/1453175/recognised-standard-19-mine-roads.pdf	9 August 2019
RS20: Dust control in surface mines	https://www.rshq.qld.gov.au/_data/assets/pdf_file/0005/1462685/recognised-standard-20-dust-control-surface-mines.pdf	29 November 2019
RS21: Underground explosion barriers	https://www.rshq.qld.gov.au/resources/documents/mines-resources/recognised-standard-21-underground-explosion-barriers.pdf	17 December 2021
RS22: Management structure for the development and implementation of the Safety and Health Management System	https://www.rshq.qld.gov.au/resources/documents/mines-resources/safety-and-health/legislation,-standards-and-guidelines/recognised-standards-coal-mines/recognised-standard-22.pdf	27 August 2021
RS23: Fluid power safety in coal mines	https://www.rshq.qld.gov.au/resources/documents/mines-resources/safety-and-health/legislation,-standards-and-guidelines/recognised-standards-coal-mines/recognised-standard-23.pdf	27 August 2021
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.	https://www.business.qld.gov.au/industry/mining/safety-health/mining-safety-health/legislation-standards-guidelines/recognised-standards-guidelines-guidance-notes	

Australian Standards and international mandates under the Coal Mining Safety and Health Act	Reference
<p>AS/NZS 3584.2:2021 'Diesel engine systems for underground coal mines—Explosion protected'</p> <p><i>As at June 2024:</i> Whilst the CMSH Regulation 2017 refers to this version of the Standard, it has been superseded and updated generally: AS/NZS 3584.2:2021 'Diesel engine systems for underground coal mines – explosion protected.'</p>	<p>CMSH Reg 261</p>
<p>AS/NZS 60079.11:2011 'Explosive atmospheres—Equipment protection by intrinsic safety i'.</p>	<p>CMSH Reg Sch 9</p>
<p>AS/NZS 62013.1:2001 'Caplights for use in mines susceptible to firedamp—General requirements—Construction and testing in relation to the risk of explosion'.</p> <p><i>As at June 2024:</i> Whilst the CMSH Regulation 2017 refers to this version of the Standard, it has been superseded and updated generally: AS/NZS 60079.35.1:2011 'Explosive atmospheres, Part 35.1: Caplights for use in mines susceptible to firedamp — General requirements — Construction and testing in relation to the risk of explosion.'</p>	<p>CMSH Reg Sch 9</p>
<p>AS/NZS 1826:2008 'Electrical equipment for explosive gas atmospheres—Special protection—Type of protection 's''</p> <p><i>As at June 2024:</i> Whilst the CMSH Regulation 2017 refers to this version of the Standard, it has been superseded and updated generally: AS/NZS 60079.33:2012 'Explosive Atmospheres Equipment Protection by special protection s'</p>	<p>CMSH Reg Sch 9</p>
<p>AS 60529—2004 'Degrees of protection provided by enclosures (IP Code)'</p>	<p>CMSH Reg 183</p>
<p>AS 2985:2009 'Workplace atmospheres—Method for sampling and gravimetric determination of respirable dust'</p> <p><i>As at June 2024:</i> This Australian Standard is currently being revised.</p>	<p>CMSH Reg s.89A</p>
<p>Guidelines for the use of the ILO International Classification of Radiographs of Pneumoconiosis, Revised Edition 2011</p>	<p>CMSH Reg Sch 9</p>