

AUSTRALIA AND NEW ZEALAND BIOSOLIDS LEGAL REGISTER

QUEENSLAND

This chapter of the *Legal Register* deals with legislation in Queensland. Biosolids producers, users or retailers in New South Wales are also subject to regulation by the Commonwealth and to the common law. Thus, in identifying laws which may be relevant to biosolids, readers are encouraged to also examine Section 1 of the *Legal Register* which deal with Commonwealth regulation and the common law. Readers might also examine the key points set out in the boxes below.

Commonwealth

Key Points

- In the production, using and selling of biosolids, Commonwealth legislation will be applicable and therefore needs to be strictly adhered to.
- Commonwealth legislation is applicable to all states and territories. If there is a conflict between Commonwealth and State legislation then the Commonwealth provision prevails.
- In supplying biosolids to a corporation or person, a producer or seller of Biosolids will need to ensure that it does not act unconscionably in contractual negotiations, misleadingly or deceptively and must refrain from making false representations in regards to their product.
- Biosolids which are being sold by a producer or seller of biosolids must be fit for the agreed purpose, of merchantable quality and corresponding to the supply or description in which they were purchased.
- A producer or seller of Biosolids may be liable to pay compensation or damages if the Biosolids cause injury to individuals or goods because of a defect in the product.

See section one – *Introduction* for more information.

Common Law – Key Points

Common law is law which has been derived from cases heard and decided in the Australian and other courts. Common law decisions based on their particular facts establish law, however, they may be subsequently modified by later decisions or by legislation. The two major types of common law most relevant to bodies involved in the production, treatment, or supply of biosolids are negligence and nuisance.

Negligence

Negligence involves a failure to foresee a reasonably foreseeable risk of harm coupled with a wrongful act or omission. In relation to biosolids, negligence could arise in circumstances where biosolids give rise to some injury, damage or harm which is reasonably foreseeable.

Nuisance

Nuisance is the substantial and unreasonable interference with another person's use and enjoyment of land. The produce or use of biosolids may give rise to liability in nuisance if it substantially and unreasonably interferes with the use and enjoyment of land of another person.

Queensland

- Queensland's environmental legislation establishes various obligations that a producer, supplier or user of biosolids must consider when dealing with biosolids products.
- Biosolids are generally regarded as the products resulting from treatment and stabilisation of sewage sludge. Biosolids can be used as a horticultural product and fertiliser provided that the pathogen and contaminant concentrations are within regulatory requirements.
- A producer or end-user of biosolids must be careful not to cause contamination of the environment, or to cause environmental harm. If this occurs, the offences under the *Environmental Protection Act 1994* may be engaged, and penalties may be payable. See common law nuisance, *Environment Protection Act 1994*, the *Public Health Act 2005* and the various State policy documents and Regulations.
- A biosolids product must correspond to any description or sample of it, must be fit for the purpose it was sold and of merchantable quality. See *Trade Practices Act 1974* (Cth), *Fair Trading Act 1989* (Qld) and the *Sale of Goods Act 1896* (Qld).
- A duty of care is imposed upon employers dealing with biosolids to ensure their employees work in safe and healthy environments and have the requisite training in the production, storage, transport and use of biosolids. See the *Workplace Health and Safety Act 1995* (Qld).

- The previously applicable Queensland Biosolids Guidelines entitled "*Operational Policy Environmental Operations Management for Beneficial Reuse of Biosolids from Sewage Treatment Plants*" appear to no longer be applicable. In the future, Biosolids suppliers and users should consult the Department of Environment and Resource Management website to check for the possible publication of new Guidelines.

Key liabilities

A producer, supplier or user of biosolids may face liability in relation to the following:

- Contamination of land, water or air;
- Odour emissions;
- Release of dust and airborne particles;
- The sale of defective goods;
- Injury to humans;
- Workplace safety;
- Food safety.

Key Regulatory Instruments

The key regulatory instruments for biosolids in Queensland are:

- *Environmental Protection Act 1994*;
- *Environmental Protection Regulation 2008*;
- *Environmental Protection (Waste Management) Regulation 2000*;
- *Environmental Protection (Waste Management) Policy 2000*;
- *Sale of Goods Act 1896*;
- *Fair Trading Act 1989*;
- *Public Health Act 1937*;
- *Workplace Health and Safety Act 1995*.

Environmental Protection Act 1994 (Qld)

The *Environmental Protection Act 1994 (EP Act)* is the key piece of legislation protecting and regulating the environment in Queensland. The EP Act established the Environment Protection Authority, which was merged with the former Department of Natural Resources and Water to form the Department of Environment and Resource Management (**DERM**) in 2009. The DERM is responsible for administering most of this Act.

The term "biosolids" is not defined under the EP Act, however the Act defines the term "waste", and the conditions attaching to works involving waste management which may be of relevance to parties dealing with biosolids.

The term "waste" is defined in section 13 of the EP Act as anything, other than a resource approved for beneficial use, that is:

- Left over, or an unwanted by-product, from an industrial, commercial, domestic or other activity;
- Surplus to the industrial, commercial, domestic or other activity generating the waste.

Biosolids may be defined as a waste (i.e. the left over substance from domestic activity), in which case a person would need approval to perform waste management works, but it may also be regarded as a "resource" if a person obtains a beneficial use approval to lawfully convert it into a resource (see section on *Environmental Protection (Waste Management) Regulation 2000* for further information).

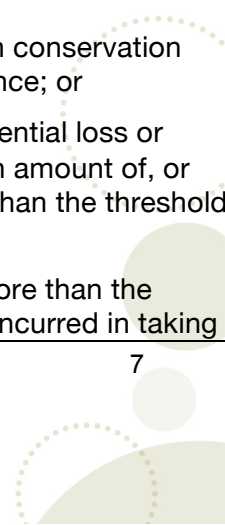
The EP Act also sets out the offences of causing "environmental harm" and "environmental nuisance" and includes the penalties for those offences. Those dealing with biosolids should ensure that they do so appropriately, otherwise they may be liable under this Act.

Legislative Provision	Obligation	Suggested Action
Section 10 Contamination	Contamination of the environment is the release (whether by act or omission) of a contaminant into the environment.	Biosolids may fall within the scope of the Act as they can be a contaminant in the form of: <ul style="list-style-type: none">- A liquid or solid; and/or- Can produce an offensive odour.
Section 11 Contaminant	A contaminant can be - <ul style="list-style-type: none">(a) A gas, liquid or solid; or(b) An odour; or(c) An organism (whether alive or dead), including a virus; or	Biosolids may fall within the scope of the Act as they can be a contaminant in the form of: <ul style="list-style-type: none">- A liquid or solid; and/or- Can produce an offensive odour.

Legislative Provision	Obligation	Suggested Action
	<ul style="list-style-type: none"> (d) Energy, including noise, heat, radioactivity and electromagnetic radiation; or (e) A combination of contaminants. 	
Section 13 Waste	<ul style="list-style-type: none"> (1) Waste includes anything, other than a resource approved under subsection (4), that is: <ul style="list-style-type: none"> (a) left over, or an unwanted by-product, from an industrial, commercial, domestic or other activity; or (b) surplus to the industrial, commercial, domestic or other activity generating the waste. (2) Waste can be a gas, liquid, solid or energy, or a combination of any of them. (3) A thing can be waste whether or not it is of value. (4) The administering authority may approve a resource, or a stated type of resource, for subsection (1) if it considers the resource, or type of resource, has a beneficial use other than disposal. 	<p>Biosolids can be classified as "waste" as it is a left-over substance or by-product of a domestic activity (i.e. sewage sludge). However, a beneficial use approval for a waste changes the status of the material from a waste to a resource that is to be used for a beneficial purpose. The holder of a beneficial use approval is obliged - through approval conditions - to manage the resource in a way that prevents harm. The approval process is set out in Part 6A of the <i>Environmental Protection (Waste Management) Regulation 2000</i>.</p>
Section 368 Chief Executive may require local government to remove waste etc	<ul style="list-style-type: none"> (1) The chief executive may, by written notice given to a local government, require the local government to - <ul style="list-style-type: none"> (a) carry out any of the following works (waste management works) - <ul style="list-style-type: none"> (i) remove, collect, transport, store, treat or dispose of waste; (ii) clean streets; (iii) clean sanitary conveniences; or (b) provide a place, containers or equipment for depositing or 	<p>This section will only apply if the biosolids are deemed to be a "waste".</p>

Legislative Provision	Obligation	Suggested Action
	<p>disposing of waste.</p> <p>(2) The notice must state whether the notice applies to the whole or part of the local government's area.</p> <p>(3) If the notice requires the disposal of waste, the notice may state the way it is to be disposed.</p> <p>(4) The notice may apply for a period of without limit of time.</p> <p>(5) The local government must comply with the notice.</p>	
Section 369 Restrictions on performing waste management works	<p>A person must not, for fee or reward, perform waste management works in a local government's area unless-</p> <p>(a) The works are performed by or for the local government; or</p> <p>(b) The person holds, or is acting under-</p> <p>(i) an approval, under section 369A, from the local government to perform works or;</p> <p>(ii) a development approval; or</p> <p>(c) The person is acting under a code of environmental compliance; or</p> <p>(d) The works are environmentally relevant activity other than waste transport.</p> <p>Maximum penalty - 250 penalty units.</p>	<p>As noted above, biosolids may be classifiable under section 13 as a "resource" and not a "waste". However, should biosolids be classified as a "waste", a person dealing with biosolids should make the necessary inquiries with the relevant local government to ensure that the correct approvals are obtained.</p>
Section 437 Offences of causing serious environmental harm	<p>(1) A person must not wilfully and unlawfully cause serious environmental harm. Maximum penalty - 4165 penalty units or 5 years imprisonment.</p> <p>(2) A person must not unlawfully cause serious environmental harm. Maximum penalty - 1665 penalty units.</p>	<p>Persons who produce and use biosolids must not, wilfully and unlawfully, cause serious environmental harm.</p> <p>"Persons" are defined in the EP Act as including a body of persons, incorporated or not. Producers, suppliers or users of biosolids can be classified as</p>

Legislative Provision	Obligation	Suggested Action
	<p>(3) In a proceeding for an offence against subsection (1), if the court is not satisfied the defendant is guilty of the offence charged but is satisfied the defendant is guilty of an offence against subsection (2), the court may find the defendant guilty of the offence against subsection (2).</p>	<p>"persons".</p> <p>"Environmental harm" is defined in section 14 as:</p> <p>(1) any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.</p> <p>Environmental harm may, under section 14, be caused by an activity -</p> <p>(c) whether the harm is a direct or indirect result of the activity; or</p> <p>(d) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.</p> <p>"Serious environmental harm" is defined in section 17 as environmental harm (other than environmental nuisance) -</p> <p>(a) that is irreversible, of a high impact or widespread; or</p> <p>(b) caused to an area of high conservation value or special significance; or</p> <p>(c) that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount; or</p> <p>(d) that results in costs of more than the threshold amount being incurred in taking</p>



Legislative Provision	Obligation	Suggested Action
		<p>appropriate action to -</p> <ul style="list-style-type: none"> (i) prevent or minimise the harm; and (ii) rehabilitate or restore the environment to its condition before the harm. <p>In this section, "threshold amount" means \$50,000 or, if a greater amount is prescribed by regulation, the greater amount.</p> <p>Where charged with inflicting serious environment harm, defendants may also be charged with causing material environment harm.</p>
<p>438 Offences of causing material environmental harm</p>	<ul style="list-style-type: none"> (1) A person must not wilfully and unlawfully cause material environmental harm. Maximum penalty - 1665 penalty units or 2 years imprisonment. (2) A person must not unlawfully cause material environmental harm. Maximum penalty - 835 penalty units. (3) In a proceeding for an offence against subsection (1), if the court is not satisfied the defendant is guilty of an offence charged but is satisfied the defendant is guilty of an offence against subsection (2), the court may find the defendant guilty of the offence against subsection (2). 	<p>Producers, suppliers and users of biosolids must not cause material environmental harm and will be prosecuted, regardless of whether the material environmental harm is wilful or accidental.</p> <p>"Material environmental harm" is defined in section 16 as environmental harm (other than environmental nuisance) -</p> <ul style="list-style-type: none"> (a) that is not trivial or negligible in nature, extent or context; or (b) that causes actual or potential loss or damage to property of amount of, or amounts totalling, more than the threshold amount but less than the maximum amount; or (c) that results in costs of more than the

Legislative Provision	Obligation	Suggested Action
		<p>threshold amount but less than the maximum amount being incurred in taking appropriate action to -</p> <ul style="list-style-type: none"> (i) prevent or minimise the harm; and (ii) rehabilitate or restore the environment to its condition before the harm. <p>In this section, "maximum amount" means the threshold amount for serious environmental harm and "threshold amounts" means \$5000 or, if a greater amount is prescribed by regulation, the greater amount.</p>
<p>Section 439 Court may find defendant guilty of causing material environmental harm if charged with causing serious environmental harm</p>	<p>In a proceeding for an offence against section 437, if the court is not satisfied the defendant is guilty of the offence charged but is satisfied the defendant is guilty of an offence against section 438(1) or (2), the court may find the defendant guilty of the offence against section 438(1) or (2).</p>	

Legislative Provision	Obligation	Suggested Action
Section 440 Offence of causing environmental nuisance	<p>(1) A person must not wilfully and unlawfully cause an environmental nuisance. Maximum penalty - 835 penalty units.</p> <p>(2) A person must not unlawfully cause an environmental nuisance. Maximum penalty - 300 penalty units.</p> <p>(3) This section does not apply to an environmental nuisance mentioned in schedule 1, part 1.</p>	<p>Producers, suppliers and users of biosolids must not wilfully and unlawfully cause an environmental nuisance.</p> <p>An "environmental nuisance" is defined in section 15 as an unreasonable interference or likely interference with an environmental value caused by -</p> <p>(a) aerosols, fumes, light, noise, odour, particles or smoke; or</p> <p>(b) an unhealthy, offensive or unsightly condition because of contamination; or</p> <p>(c) another way prescribed by regulation</p>
Section 548 Codes of practice	<p>(1) The Minister may, by gazette notice, approve codes of practice stating ways of achieving compliance with the general environmental duty for any activity that causes, or is likely to cause, environmental harm.</p> <p>(2) The Minister must keep copies of approved codes of practice open for inspection by members of the public during office hours on business days at--</p> <p>(a) the department's head office; and</p> <p>(b) the other places the Minister considers appropriate.</p>	<p>The Minister may by gazette notice, approve codes of practice stating ways of achieving compliance with the general environmental duty.</p>

Environmental Protection Regulation 2008 (Qld)

The *Environmental Protection Regulation 2008 (EP Regulation)* supports the environmental impact process and identifies environmentally relevant activities (**ERAs**) prescribed under the EP Act. The EP Regulation also outlines matters that the administering authority (i.e. DERM, Queensland

Primary Industries and Fisheries and local governments) must consider when making environmental management decisions, and those matters relating to environmental management and environmental offences.

ERAs are usually industrial activities with the potential to release contaminants to the environment. ERAs are defined in Schedule 2 of the EP Regulation and there are two levels:

- ERAs with an aggregate environmental score (**AES**) which are considered to present a higher risk to the environment. There is an annual fee based on the AES for these ERAs;
- ERAs without an AES are considered to present a lower risk to the environment. There is a set annual fee for these ERAs.

ERAs (excluding mining and petroleum activities) are required to have a development approval and a registration certificate.

The only ERA in the EP Regulation which deals with "biosolids" is ERA 53 ("Composting and soil condition manufacturing"). Facilities that receive biosolids (or other substances defined as "organic waste" under ERA 53) for composting and have a design capacity of greater than 200 tonnes of product per year require a development approval and a registration certificate. ERA 53 has an AES of 18.

Environmental Protection (Waste Management) Regulation 2000 (Qld)

The *Environmental Protection (Waste Management) Regulation 2000* (**Waste Regulation**) allows for "waste" (such as biosolids) to be applied as a resource for beneficial purposes.

The Waste Regulation sets out the application process for the approval of a resource for a beneficial use under Part 6A. To obtain approval, an applicant must comply with the requirements under Part 6A of the Waste Regulation.

A beneficial use approval for a waste changes the status of the material from a waste to a resource that is to be used for a beneficial purpose. The holder of a beneficial approval is obliged - through approval conditions - to manage the resource in a way that prevents environmental harm.

Environmental Protection (Waste Management) Policy 2000 (Qld)

The *Environmental Protection (Waste Management) Policy 2000* (**Waste Policy**) provides a strategic framework for managing waste in Queensland by establishing a waste management framework to achieve the best environmental outcome. The waste management hierarchy (i.e. from most preferred to least preferred) is as follows:

- Waste avoidance;

- Waste re-use;
- Waste recycling;
- Energy recovery from waste;
- Waste disposal.

The Waste Policy also sets out the following principles for achieving good waste management:

- The "polluter pays principles" which states that the waste generator should, where possible, bear all costs associated with waste management;
- The "user pays principle" which states that all costs associated with the use of a resource should, where possible, be included in the price of goods and services developed from that resource;
- The "product stewardship principle" which states that the producer or importer of a product should take all reasonable steps to minimise environmental harm from the production, use and disposal of the product.

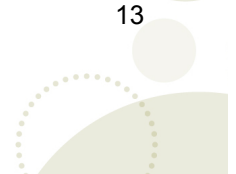
The Waste Policy does not specifically mention biosolids but the producers and users of biosolids should be aware of these principles to minimise the likelihood of causing environmental harm and the liability that may ensue.

Sale of Goods Act 1896 (Qld)

This Act codifies the law relating to the sale of goods in Queensland. In particular, this Act sets out the basic elements for formation of a contract of sale, the effect of such a contract, and the consequences of a breach of such a contract. Organisations dealing with biosolids should ensure that any contracts of sale between it and a biosolids customer meet the provisions set out in this Act. For provisions relating to the protection of consumers, reference should be made to the *Fair Trading Act 1989* below.

Legislative Provision	Obligation	Suggested Action
Section 15 Implied undertaking as to title etc.	In a contract of sale, unless the circumstances of the contract are such as to show a different intention, there is-- (a) an implied condition on the part of the seller that in the case of a sale the seller has a right to sell the goods, and that in the case of an agreement to sell the seller will have a right to sell the goods at the time when the	Sellers of biosolids must ensure that they have the right to sell the goods before they enter into contracts and negotiations for the sale of biosolids.

Legislative Provision	Obligation	Suggested Action
	<p>property is to pass;</p> <p>(b) an implied warranty that the buyer shall have and enjoy quiet possession of the goods;</p> <p>(c) an implied warranty that the goods shall be free from any charge or encumbrance in favour of any third party, not declared or known to the buyer before or at the time when the contract is made.</p>	
Section 16 Sale by description	When there is a contract for the sale of goods by description there is an implied condition that the goods shall correspond with the description; and if the sale is by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.	Where sellers of biosolids provide a description to buyers they must ensure that the description is accurate and truthful and corresponds to the biosolids supplied.
Section 17 Implied conditions as to quality or fitness	<p>Subject to the provisions of this Act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except as follows--</p> <p>(a) when the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether the seller is the manufacturer or not), there is an implied condition that the goods shall be reasonably fit for such purpose;</p> <p>(b) however, in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose;</p> <p>(c) when goods are bought by description from a seller who deals in goods of that description (whether the seller is the manufacturer or not) there is an implied condition that the goods shall be of merchantable</p>	<p>Where the buyer of biosolids makes known the particular purpose for which the biosolids have been acquired and relies on the skill and judgement of the seller, then there is an implied condition that the goods are fit for such purpose. To ensure this implied condition is not contravened unintentionally, sellers should ensure they are aware of what purposes biosolids are reasonably fit for. In addition where sellers of biosolids are unsure as to whether the biosolids will be fit for the required purpose they should make this known to the buyer.</p> <p>Further there is an implied condition that biosolids will be of merchantable quality. Biosolids will be deemed to be merchantable if they are fit for the purposes they were acquired and are fit for purposes for which it is reasonable to expect them to be suitable having regard to any price,</p>



Legislative Provision	Obligation	Suggested Action
	<p>quality;</p> <p>(d) however, if the buyer has examined the goods, there is no implied condition as regards defects which such examination ought to have revealed;</p> <p>(e) an implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade, if the usage is such as to bind both parties to the contract;</p> <p>(f) an express warranty or condition does not negative a warranty or condition implied by this Act unless inconsistent therewith.</p>	descriptions and relevant circumstances.
Section 18 Sale by sample	<p>(1) A contract of sale is a contract for sale by sample when there is a term in the contract, express or implied, to that effect.</p> <p>(2) In the case of a contract for sale by sample:</p> <p>(a) there is an implied condition that the bulk shall correspond with the sample in quality;</p> <p>(b) there is an implied condition that the buyer shall have a reasonable opportunity of comparing the bulk with the sample;</p> <p>(c) There is an implied condition that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.</p>	There is an implied condition that where there is a contract for sale by sample that the bulk of the biosolids will correspond with the sample in quality in addition to being free of any defect which would render them unmerchantable; that is not of proper and sound quality.
Section 23 Risk prima facie passes with property	<p>(1) Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer, the goods are at the buyer's risk whether delivery has been made or not.</p> <p>(2) However, when delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards</p>	<p>Unless the parties have otherwise agreed, the biosolids remain at the risk of the seller until the biosolids are transferred to the buyer.</p> <p>If delivery has been delayed through either the fault of the buyer or seller, then the party whose fault it is</p>

Legislative Provision	Obligation	Suggested Action
	<p>any loss which might not have occurred but for such fault.</p> <p>(3) This section does not affect the duties or liabilities of either seller or buyer as a bailee of the goods of the other party.</p>	for the delay will bear liability

Fair Trading Act 1989 (Qld)

This Act is the key instrument for consumer protection in Queensland. This Act replicates sections in the *Trade Practices Act 1974* (Cth). Reference should also be had to this Commonwealth Act. Most importantly for those dealing with biosolids, the Act prohibits misleading, unconscionable conduct and false representations regarding goods & services. The Act allows for damages and other remedies where such conduct occurs.

Legislative Provision	Obligation	Suggested Action
Section 38 Misleading or deceptive conduct	See section 52 of the <i>Trade Practices Act 1974</i> (Cth).	See discussion of action policy for section 52 of the Trade Practices Act in Commonwealth section earlier
Section 40A False representations and other misleading or offensive conduct in relation to land	See section 51A of the <i>Trade Practices Act 1974</i> (Cth).	See discussion of action policy for section 51A of the Trade Practices Act in Commonwealth section earlier

Legislative Provision	Obligation	Suggested Action
Section 40 False or misleading representations - TPA s 53	See section 53 of the <i>Trade Practices Act 1974</i> (Cth).	See discussion of action policy for section 53 of the Trade Practices Act in Commonwealth section earlier

Workplace Health and Safety Act 1995 (Qld)

Employees in workplaces in Queensland handling biosolids are protected by this Act. This Act sets out the laws regarding health and safety in workplaces, imposes obligations on people who may affect the health and safety of others and sets out procedures for setting up workplace health and safety committees and representatives within workplaces.

The Act also provides for the establishment of regulations and industry Codes of Practice which must be complied with where they exist. An employer in control of a workplace dealing with biosolids must ensure that it provides a safe workplace for its employees, with the key obligation to do so being provided in section 30.

Legislative Provision	Obligation	Suggested Action
Section 28 Obligations of persons conducting business or undertaking	<p>(1) A person (the relevant person) who conducts a business or undertaking has an obligation to ensure the workplace health and safety of the person, each of the person's workers and any other persons is not affected by the conduct of the relevant person's business or undertaking.</p> <p>(2) The obligation is discharged if the person, each of the person's workers and any other persons are not exposed to risks to their health and safety arising out of the conduct of the relevant person's business or undertaking.</p> <p>(3) The obligation applies--</p>	<p>Employers must ensure the health and safety of employees and any other persons.</p> <p>Employers should ensure that where biosolids are being stored and handled there are appropriate OH&S procedures in place and all staff are properly trained.</p>

Legislative Provision	Obligation	Suggested Action
	<ul style="list-style-type: none"> (a) whether or not the relevant person conducts the business or undertaking as an employer, self-employed person or otherwise; and (b) whether or not the business or undertaking is conducted for gain or reward; and (c) Whether or not a person works on a voluntary basis. 	
Section 30 Obligations of persons in control of workplaces	<ul style="list-style-type: none"> (1) A person in control of a workplace has the following obligations-- <ul style="list-style-type: none"> (a) to ensure the risk of injury or illness from a workplace is minimised for persons coming onto the workplace to work; (b) to ensure the risk of injury or illness from any plant or substance provided by the person for the performance of work by someone other than the person's workers is minimised when used properly; (c) to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers. 	Employers or persons who are in control of the workplace are obligated to minimise risk of injury or illness in the workplace.
Section 76 Employer must negotiate with workers if asked	<ul style="list-style-type: none"> (1) An employer must, if asked by the employer's workers, negotiate with the workers about workplace health and safety representatives for the workplace. Maximum penalty - 10 penalty units. (2) An employer must not exclude from the negotiations a union that has members who are workers at the workplace if the workers have told the employer that they want to be represented by the union. 	Employers of biosolids workers must if required negotiate with the workers about workplace health and safety with representatives from the workplace.