



Queensland

Coal Mining Safety and Health and Other Legislation Amendment Regulation 2019

Subordinate Legislation 2019 No. 221

made under the

Coal Mining Safety and Health Act 1999

Explosives Act 1999

Mining and Quarrying Safety and Health Act 1999

Petroleum Act 1923

Petroleum and Gas (Production and Safety) Act 2004

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Coal Mining Safety and Health and Other Legislation Amendment Regulation 2019*.

2 Commencement

The following provisions commence on 1 July 2020—

- (a) part 2, other than section 9;
- (b) part 3;
- (c) part 4, other than section 26.

Part 2 Amendment of Coal Mining Safety and Health Regulation 2017

3 Regulation amended

This part amends the *Coal Mining Safety and Health Regulation 2017*.

4 Amendment of s 12C (Definitions for part)

Section 12C—

insert—

reporting period, for a coal mine, means—

- (a) if the responsible person for the coal mine chooses under section 12FA(2) to give a safety and health census for the coal mine for a financial year—the financial year; or
- (b) otherwise—each quarter.

5 Replacement of s 12E (Payment of safety and health fee)

Section 12E—

omit, insert—

12E Payment of safety and health fee

- (1) The responsible person for a coal mine must pay a fee (a *safety and health fee*) for each reporting period to cover the cost of the department's activities carried out for the purposes of safety and health for coal mining operations.
- (2) The amount of the safety and health fee for a reporting period for a coal mine is stated in schedule 8, part 2.
- (3) The amount of the safety and health fee for a reporting period for a coal mine must be worked out using information included in the safety and health census given to the chief executive by the responsible person for the coal mine under section 12F for the reporting period.
- (4) The chief executive must give the responsible person for the coal mine an invoice for the amount of the safety and health fee for a reporting period for the coal mine within 40 days after receiving the safety and health census for the reporting period.
- (5) The invoice must state a day for payment that is at least 30 days after the day the chief executive gives the responsible person for the coal mine the invoice.
- (6) The responsible person for the coal mine must pay the safety and health fee for the reporting period on or before the day for payment stated in the invoice.

Maximum penalty—100 penalty units.

- (7) Subsection (4) does not apply if the chief executive reasonably believes, based on

[s 6]

information available to the chief executive,
that—

- (a) a safety and health census received is incomplete or contains information that is incorrect; or

Note—

See section 12G.

- (b) no safety and health fee for the reporting period for the coal mine is payable under schedule 8, part 2.

6 Amendment of s 12F (Safety and health census to be given at the end of each quarter)

- (1) Section 12F, heading, ‘quarter’—

omit, insert—

reporting period

- (2) Section 12F(1), ‘quarter’—

omit, insert—

reporting period

- (3) Section 12F(2), after ‘after the’—

insert—

20-day

7 Insertion of new ss 12FA and 12FB

After section 12F—

insert—

12FA Reporting period for coal mine with 5 or fewer workers

- (1) This section applies if the number of coal mine workers working at a coal mine is 5 or fewer.

- (2) Subject to subsection (6), the responsible person for the coal mine may choose to give a safety and health census for the coal mine for a financial year, rather than for each quarter of a financial year.
- (3) The responsible person for the coal mine may choose to give a safety and health census for a financial year regardless of whether the person has already given a safety and health census for the coal mine for an earlier quarter of the financial year.
- (4) Subsection (5) applies if the responsible person for the coal mine—
 - (a) chooses to give a safety and health census for the coal mine for a financial year; and
 - (b) has already paid a safety and health fee for the coal mine for an earlier quarter of the financial year.
- (5) The chief executive must credit the amount of the fee already paid to the amount of the safety and health fee payable for the coal mine using the safety and health census for the financial year.
- (6) The chief executive may, by written notice to the responsible person for the coal mine, require the person to give a safety and health census for the coal mine for each quarter of the current financial year and subsequent financial years.
- (7) The chief executive may cancel the requirement under subsection (6) by subsequent written notice given to the responsible person for the coal mine.

12FB Effect of notice or increase in worker numbers

- (1) This section applies if—

[s 7]

- (a) the responsible person for a coal mine has chosen to give a safety and health census for the coal mine for a financial year under section 12FA(2); and
- (b) during the financial year—
 - (i) the chief executive gives the responsible person a notice under section 12FA(6) requiring a safety and health census for the coal mine for each quarter of the financial year; or
 - (ii) the number of coal mine workers working at the coal mine increases to more than 5.
- (2) Despite section 12C, definition *reporting period*, the reporting period for the coal mine is each quarter of the financial year.
- (3) The responsible person must give the chief executive a safety and health census for the coal mine for the current quarter and each earlier quarter of the financial year, not previously given to the chief executive, on or before the required day.
- (4) Section 12F applies in relation to a safety and health census mentioned in subsection (3)—
 - (a) as if the reference in section 12F(1) to within 20 days after the end of each reporting period were a reference to on or before the required day; and
 - (b) with any other necessary changes.
- (5) Section 12H applies in relation to a safety and health census mentioned in subsection (3)—
 - (a) as if the reference in section 12H(1)(b) to the day that is 21 days after the end of the reporting period were a reference to the day after the required day; and

- (b) with any other necessary changes.
- (6) Subsection (2) stops applying if the requirement mentioned in subsection (1)(b)(i) is cancelled under section 12FA(7).
- (7) If subsection (1)(b)(ii) applies, the responsible person for the coal mine may not choose under section 12FA(2) to give a safety and health census for the coal mine for the financial year, even if the number of coal mine workers decreases to 5 or fewer.
- (8) In this section—
required day means—
- (a) if the chief executive has stated a day by which a safety and health census must be given in a notice under section 12FA(6)—the day stated in the notice; or
- (b) otherwise—the day that is 20 days after the end of the current quarter.

8 Amendment of s 12H (Fee for late safety and health census)

Section 12H(1), ‘quarter’—

omit, insert—

reporting period

9 Amendment of sch 7A (Civil penalties)

Schedule 7A, part 3, item 2, ‘safety and health’—

omit.

10 Amendment of sch 8 (Fees)

Schedule 8, part 2, items 1 and 2—

omit, insert—

[s 11]

- | | | |
|---|--|--------|
| 1 | Safety and health fee for a reporting period that is a quarter (s 12E(2))— | |
| | (a) if the number of coal mine workers working at a coal mine during the quarter is more than 5 but not more than 10—for each coal mine worker working at the coal mine during the quarter | 29.33 |
| | (b) if the number of coal mine workers working at a coal mine during the quarter is more than 10—for each coal mine worker working at the coal mine during the quarter | 232.75 |
| 2 | Safety and health fee for a reporting period that is a financial year (s 12E(2))— | |
| | (a) if the number of coal mine workers working at a coal mine during the financial year is more than 5 but not more than 10—for each coal mine worker working at the coal mine during the financial year | 117.30 |
| | (b) if the number of coal mine workers working at a coal mine during the financial year is more than 10—for each coal mine worker working at the coal mine during the financial year | 931.00 |
| 3 | Fee for late safety and health census (s 12H(4)) | 117.30 |

11 Amendment of sch 9 (Dictionary)

Schedule 9—

insert—

reporting period, for a coal mine, for chapter 2, part 2A, see section 12C.

Part 3 Amendment of Explosives Regulation 2017

12 Regulation amended

This part amends the *Explosives Regulation 2017*.

13 Amendment of s 177 (Definitions for part)

Section 177—

insert—

reporting period, for an authority, means—

- (a) if the holder of the authority chooses under section 179A(2) to give a safety and health census for the authority for a financial year—the financial year; or
- (b) otherwise—each quarter.

14 Replacement of s 178 (Payment of safety and health fee)

Section 178—

omit, insert—

178 Payment of safety and health fee

- (1) The holder of an authority must pay a fee (a ***safety and health fee***) for each reporting period to cover the cost of the department's activities carried out for the purposes of safety and health for explosives.
- (2) The amount of the safety and health fee for a reporting period for an authority is stated in schedule 2, part 2.
- (3) The amount of the safety and health fee for a reporting period for an authority must be worked out using information included in the safety and

[s 15]

health census given to the chief executive by the holder of the authority under section 179 for the reporting period.

- (4) The chief executive must give the holder of the authority an invoice for the amount of the safety and health fee for a reporting period for the authority within 40 days after receiving the safety and health census for the reporting period.
- (5) The invoice must state a day for payment that is at least 30 days after the day the chief executive gives the holder of the authority the invoice.
- (6) The holder of the authority must pay the safety and health fee for the reporting period on or before the day for payment stated in the invoice.

Maximum penalty—100 penalty units.

- (7) Subsection (4) does not apply if the chief executive reasonably believes, based on information available to the chief executive, that—
 - (a) a safety and health census received—
 - (i) contains information that is incorrect; or
 - (ii) is incomplete; or

Note—
See section 180.

 - (b) no safety and health fee for the reporting period for the authority is payable under schedule 2, part 2.

15 **Amendment of s 179 (Holder must give safety and health census after end of each quarter)**

- (1) Section 179, heading, ‘quarter’—
omit, insert—

reporting period

- (2) Section 179(1), ‘quarter’—
omit, insert—
reporting period
- (3) Section 179(2), after ‘within the’—
insert—
20-day

16 Insertion of new ss 179A and 179B

After section 179—

insert—

179A Reporting period for authority with 5 or fewer workers

- (1) This section applies if the number of explosives workers working under an authority is 5 or fewer.
- (2) Subject to subsection (6), the holder of the authority may choose to give a safety and health census for the authority for a financial year, rather than for each quarter of a financial year.
- (3) The holder of the authority may choose to give a safety and health census for a financial year regardless of whether the holder has already given a safety and health census for the authority for an earlier quarter of the financial year.
- (4) Subsection (5) applies if the holder of the authority—
 - (a) chooses to give a safety and health census for the authority for a financial year; and
 - (b) has already paid a safety and health fee for the authority for an earlier quarter of the financial year.
- (5) The chief executive must credit the amount of the

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fee already paid to the amount of the safety and health fee payable for the authority using the safety and health census for the financial year.

- (6) The chief executive may, by written notice to the holder of the authority, require the holder to give a safety and health census for the authority for each quarter of the current financial year and subsequent financial years.
- (7) The chief executive may cancel the requirement under subsection (6) by subsequent written notice given to the holder of the authority.

179B Effect of notice or increase in worker numbers

- (1) This section applies if—
 - (a) the holder of an authority has chosen to give a safety and health census for the authority for a financial year under section 179A(2); and
 - (b) during the financial year—
 - (i) the chief executive gives the holder a notice under section 179A(6) requiring a safety and health census for the authority for each quarter of the financial year; or
 - (ii) the number of explosives workers working under the authority increases to more than 5.
- (2) Despite section 177, definition *reporting period*, the reporting period for the authority is each quarter of the financial year.
- (3) The holder must give the chief executive a safety and health census for the authority for the current quarter and each earlier quarter of the financial year, not previously given to the chief executive,

on or before the required day.

- (4) Section 179 applies in relation to a safety and health census mentioned in subsection (3)—
 - (a) as if the reference in section 179(1) to within 20 days after the end of each reporting period were a reference to on or before the required day; and
 - (b) with any other necessary changes.
- (5) Section 181 applies in relation to a safety and health census mentioned in subsection (3)—
 - (a) as if the reference in section 181(1)(b) to the day that is 20 days after the end of the reporting period were a reference to the required day; and
 - (b) with any other necessary changes.
- (6) Subsection (2) stops applying if the requirement mentioned in subsection (1)(b)(i) is cancelled under section 179A(7).
- (7) If subsection (1)(b)(ii) applies, the holder of the authority may not choose under section 179A(2) to give a safety and health census for the authority for the financial year, even if the number of explosives workers decreases to 5 or fewer.
- (8) In this section—

required day means—

 - (a) if the chief executive has stated a day by which a safety and health census must be given in a notice under section 179A(6)—the day stated in the notice; or
 - (b) otherwise—the day that is 20 days after the end of the current quarter.

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17 Amendment of s 181 (Fee for late safety and health census)

Section 181(1), 'quarter'—

omit, insert—

reporting period

18 Amendment of sch 2 (Fees)

Schedule 2, part 2, items 1 and 2—

omit, insert—

- | | | |
|---|---|--------|
| 1 | Safety and health fee for a reporting period that is a quarter (s 178(2))— | |
| | (a) if the number of explosives workers working under an authority during the quarter is more than 5 but not more than 10—for each explosives worker working under the authority during the quarter | 29.33 |
| | (b) if the number of explosives workers working under an authority during the quarter is more than 10—for each explosives worker working under the authority during the quarter | 232.75 |
| 2 | Safety and health fee for a reporting period that is a financial year (s 178(2))— | |
| | (a) if the number of explosives workers working under an authority during the financial year is more than 5 but not more than 10—for each explosives worker working under the authority during the financial year | 117.30 |
| | (b) if the number of explosives workers working under an authority during the financial year is more than 10—for each explosives worker working under the authority during the financial year | 931.00 |
| 3 | Fee for late safety and health census (s 181(3)) | 117.30 |

19 Amendment of sch 7 (Dictionary)

Schedule 7—

insert—

reporting period, for an authority, for part 12, see section 177.

Part 4 Amendment of Mining and Quarrying Safety and Health Regulation 2017

20 Regulation amended

This part amends the *Mining and Quarrying Safety and Health Regulation 2017*.

21 Amendment of s 11A (Definitions for part)

Section 11A—

insert—

reporting period, for a mine, means—

- (a) if the responsible person for the mine chooses under section 11DA(2) to give a safety and health census for the mine for a financial year—the financial year; or
- (b) otherwise—each quarter.

22 Replacement of s 11C (Payment of safety and health fee)

Section 11C—

omit, insert—

11C Payment of safety and health fee

- (1) The responsible person for a mine must pay a fee (a *safety and health fee*) for each reporting period

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to cover the cost of the department's activities carried out for the purposes of safety and health for operations.

- (2) The amount of the safety and health fee for a reporting period for a mine is stated in schedule 6, part 2.
- (3) The amount of the safety and health fee for a reporting period for a mine must be worked out using information included in the safety and health census given to the chief executive by the responsible person for the mine under section 11D for the reporting period.
- (4) The chief executive must give the responsible person for the mine an invoice for the amount of the safety and health fee for a reporting period for the mine within 40 days after receiving the safety and health census for the reporting period.
- (5) The invoice must state a day for payment that is at least 30 days after the day the chief executive gives the responsible person for the mine the invoice.
- (6) The responsible person for the mine must pay the safety and health fee for the reporting period on or before the day for payment stated in the invoice.

Maximum penalty—100 penalty units.

- (7) Subsection (4) does not apply if the chief executive reasonably believes, based on information available to the chief executive, that—
 - (a) a safety and health census received is incomplete or contains information that is incorrect; or

Note—

See section 11E.

- (b) no safety and health fee for the reporting period for the mine is payable under schedule 6, part 2.

23 Amendment of s 11D (Safety and health census to be given at the end of each quarter)

- (1) Section 11D, heading, ‘quarter’—

omit, insert—

reporting period

- (2) Section 11D(1), ‘quarter’—

omit, insert—

reporting period

- (3) Section 11D(2), after ‘after the’—

insert—

20-day

24 Insertion of new ss 11DA and 11DB

After section 11D—

insert—

11DA Reporting period for mine with 5 or fewer workers

- (1) This section applies if the number of workers working at a mine is 5 or fewer.
- (2) Subject to subsection (6), the responsible person for the mine may choose to give a safety and health census for the mine for a financial year, rather than for each quarter of a financial year.
- (3) The responsible person for the mine may choose to give a safety and health census for a financial year regardless of whether the person has already given a safety and health census for the mine for an earlier quarter of the financial year.

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- (4) Subsection (5) applies if the responsible person for the mine—
 - (a) chooses to give a safety and health census for the mine for a financial year; and
 - (b) has already paid a safety and health fee for the mine for an earlier quarter of the financial year.
- (5) The chief executive must credit the amount of the fee already paid to the amount of the safety and health fee payable for the mine using the safety and health census for the financial year.
- (6) The chief executive may, by written notice to the responsible person for the mine, require the person to give a safety and health census for the mine for each quarter of the current financial year and subsequent financial years.
- (7) The chief executive may cancel the requirement under subsection (6) by subsequent written notice given to the responsible person for the mine.

11DB Effect of notice or increase in worker numbers

- (1) This section applies if—
 - (a) the responsible person for a mine has chosen to give a safety and health census for the mine for a financial year under section 11DA(2); and
 - (b) during the financial year—
 - (i) the chief executive gives the responsible person a notice under section 11DA(6) requiring a safety and health census for the mine for each quarter of the financial year; or
 - (ii) the number of workers working at the mine increases to more than 5.

-
- (2) Despite section 11A, definition *reporting period*, the reporting period for the mine is each quarter of the financial year.
 - (3) The responsible person must give the chief executive a safety and health census for the mine for the current quarter and each earlier quarter of the financial year, not previously given to the chief executive, on or before the required day.
 - (4) Section 11D applies in relation to a safety and health census mentioned in subsection (3)—
 - (a) as if the reference in section 11D(1) to within 20 days after the end of each reporting period were a reference to on or before the required day; and
 - (b) with any other necessary changes.
 - (5) Section 11F applies in relation to a safety and health census mentioned in subsection (3)—
 - (a) as if the reference in section 11F(1)(b) to the day that is 21 days after the end of the reporting period were a reference to the day after the required day; and
 - (b) with any other necessary changes.
 - (6) Subsection (2) stops applying if the requirement mentioned in subsection (1)(b)(i) is cancelled under section 11DA(7).
 - (7) If subsection (1)(b)(ii) applies, the responsible person for the mine may not choose under section 11DA(2) to give a safety and health census for the mine for the financial year, even if the number of workers decreases to 5 or fewer.
 - (8) In this section—

required day means—

 - (a) if the chief executive has stated a day by which a safety and health census must be

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given in a notice under section 11DA(6)—
the day stated in the notice; or

- (b) otherwise—the day that is 20 days after the
end of the current quarter.

**25 Amendment of s 11F (Fee for late safety and health
census)**

Section 11F(1), ‘quarter’—

omit, insert—

reporting period

26 Amendment of sch 5A (Civil penalties)

Schedule 5A, part 3, item 2, ‘safety and health’—

omit.

27 Amendment of sch 6 (Fees)

Schedule 6, part 2, items 1 and 2—

omit, insert—

- 1 Safety and health fee for a reporting period that is a
quarter (s 11C(2))—
- (a) if the number of workers working at a mine during
the quarter is more than 5 but not more than 10—for
each worker working at the mine during the quarter 29.33
- (b) if the number of workers working at a mine during
the quarter is more than 10—for each worker
working at the mine during the quarter 232.75
- 2 Safety and health fee for a reporting period that is a
financial year (s 11C(2))—

(a) if the number of workers working at a mine during the financial year is more than 5 but not more than 10—for each worker working at the mine during the financial year	117.30
(b) if the number of workers working at a mine during the financial year is more than 10—for each worker working at the mine during the financial year	931.00
3 Fee for late safety and health census (s 11F(4))	117.30

28 Amendment of sch 7 (Dictionary)

Schedule 7—

insert—

reporting period, for a mine, for chapter 2, part 2A, see section 11A.

Part 5 Amendment of Petroleum and Gas (Safety) Regulation 2018

29 Regulation amended

This part amends the *Petroleum and Gas (Safety) Regulation 2018*.

30 Amendment of s 67 (Pipelines)

Section 67(2)(a), ‘version 4.0 supplementary, August 2017’—
omit, insert—

version 5.0, August 2019

31 Amendment of s 103 (Issue of gas inspection certificate after alterations)

(1) Section 103(2)(a), before ‘gas fuel system’—

[s 32]

insert—

alteration of the

- (2) Section 103(2)(b), before ‘system’—

insert—

alteration of the

32 Amendment of s 113 (Issue of gas compliance certificate following inspection)

- (1) Section 113(2), ‘under schedule 2, parts 2 to 4’—

omit.

- (2) Section 113(3), ‘a relevant safety requirement’—

omit, insert—

the relevant safety requirements

- (3) Section 113—

insert—

- (6) For this section, a gas system complies with the relevant safety requirements if it complies with the requirements mentioned in subsections (7) and (8).
- (7) The gas system must comply with—
- (a) for a gas system installed before 31 December 2004—AS 5601 ‘Gas installations’ (2004); or
- (b) for a gas system installed on or after 31 December 2004—the safety requirements that applied under the Act to the installation of a gas system when the gas system was installed.
- (8) However, an alteration of the gas system must comply with—

- (a) for an alteration carried out before 31 December 2004—AS 5601 ‘Gas installations’ (2004); or
- (b) for an alteration carried out on or after 31 December 2004—the safety requirements that applied under the Act to the alteration of a gas system when the gas system was altered.

33 Amendment of s 114 (Issue of gas compliance certificate after alterations)

- (1) Section 114(2)(a), before ‘gas system’—

insert—

alteration of the

- (2) Section 114(2)(b), before ‘system’—

insert—

alteration of the

34 Amendment of sch 5 (Gas work licences and gas work authorisations)

Schedule 5, part 2, entry for ‘gas work licence (servicing and caravan certification)’, column 3, ‘certifying a gas device (type A)’—

omit, insert—

certifying a gas system

35 Amendment of sch 7 (Dictionary)

Schedule 7, definition *construction and abandonment code*, ‘coal seam gas and petroleum wells,’—

omit, insert—

petroleum wells

ENDNOTES

- 1 Made by the Governor in Council on 7 November 2019.
- 2 Notified on the Queensland legislation website on 8 November 2019.
- 3 The administering agency is the Department of Natural Resources, Mines and Energy.

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