

Resources Safety and Health Legislation Amendment Bill 2024

Explanatory Notes

FOR

Amendments during consideration in detail to be moved by the Honourable Scott Stewart MP

Title of the Bill

The short title of the bill is the Resources Safety and Health Legislation Amendment Bill 2024.

Objectives of the Amendments

The objective of the amendments is to ensure that persons who are not at or from the site but may affect the safety and health of a person at a mine or quarry are subject to general safety and health obligations.

The intention of these amendments was to ensure that there was a specific reference to remote operating centre workers. However, in making these changes and streamlining the drafting of the existing provisions, the current drafting of clauses 8 and 155 of the Resources Safety and Health Legislation Amendment Bill 2024 (the Bill) unintentionally excludes an existing category of persons.

Not progressing the change would result in an unintentional narrowing of persons to which these obligations apply to protect the safety and health of mine and quarry workers.

The category of persons omitted is broad and enables Resources Safety and Health Queensland (RSHQ) to progress regulatory activity in relation to persons not directly located at the mine but can affect safety and health there.

Achievement of the Objectives

The policy objective of the proposed amendments will be achieved by amending clauses 8 and 155 of the Bill. Clause 8 amends section 39 of the *Coal Mining Safety and Health Act 1999* and clause 155 amends section 36 of the *Mining and Quarrying Safety and Health Act 1999*.

Section 39(1) of the *Coal Mining Safety and Health Act 1999* and section 36(1) of the *Mining and Quarrying Safety and Health Act 1999* provide the categories of persons to whom general safety and health obligations apply. These provisions are proposed to be amended to ensure

that those who are not at or from the site but may affect the safety and health of a person at a mine or quarry, are subject to general safety and health obligations.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways of achieving the policy objectives other than by legislative reform.

Estimated Cost for Government Implementation

Implementation of the amendments will not present additional capital or any significant administrative costs to government. Any implementation costs will be absorbed from existing resources and managed within the existing budget of RSHQ.

Consistency with Fundamental Legislative Principles

The amendments to the Bill have been drafted having regard to the fundamental legislative principles (FLPs) in the *Legislative Standards Act 1992* (LS Act) and are consistent with these principles.

Consultation

The Mining and Energy Union, in its submission to the Clean Economy Jobs, Resources and Transport Committee raised a concern that amendments to section 39 of the *Coal Mining Safety and Health Act 1999* will exclude any other person who may have the ability to affect the safety and health of a person at the mine but is not actually on the mine site.

The same issue applies to section 36 of the *Mining and Quarrying Safety and Health Act 1999*.

The amendments simply retain an existing category of persons to whom the safety and health obligations apply under these Acts and as such do not require consultation.

NOTES ON PROVISIONS

Clause 1 amends clause 8 of the Bill to make a consequential amendment after adding new paragraph (d) to section 39(1) of the *Coal Mining Safety and Health Act 1999*. This is necessary as this is an amendment during consideration in detail, and the Reprints Act doesn't apply when the amendments are fed into the third reading version of the Bill.

Clause 2 amends clause 8 of the Bill which amends section 39(1) of the *Coal Mining Safety and Health Act 1999* to ensure that the general safety and health obligations continue to apply to a person who may affect the safety and health of others at a coal mine or as a result of coal mining operations at a coal mine.

Clause 3 amends clause 155 of the Bill to make a consequential amendment after adding new paragraph (d) to section 36(1) of the *Mining and Quarrying Safety and Health Act 1999*. This is necessary as this is an amendment during consideration in detail, and the Reprints Act doesn't apply when the amendments are fed into the third reading version of the Bill.

Clause 4 amends clause 155 of the Bill which amends section 36(1) of the *Mining and Quarrying Safety and Health Act 1999* to ensure that the general safety and health

obligations continue to apply to a person who may affect the safety and health of others at a mine or as a result of operations at a mine.

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