

Resources and Other Legislation Amendment Bill 2021

Statement of Compatibility

FOR

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

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Mr Scott Stewart, Minister for Resources make this statement of compatibility with respect to amendments during consideration in detail to be moved to the Resources and Other Legislation Amendment Bill 2021 (the Bill).

In my opinion, the amendments to be moved to the Bill are compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Amendments

The amendments during consideration in detail extend transitional arrangements for statutory role requirements for coal mining operations that would otherwise come into effect on 25 November 2021 by a further 12 months to 25 November 2022. The extended transitional timeframe time will enable industry stakeholders to address implementation challenges that have been identified.

Human Rights Issues

Human rights relevant to amendments to be moved to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, the human rights relevant to the amendments to be moved to the Bill are:

- Right to life (section 16).

This human right is relevant to the amendments relating to statutory office holder requirements (clauses 1B and 1C).

In response to implementation challenges raised by industry , clauses 1B and 1C extend the period for compliance with the requirement under the *Coal Mining Safety and Health Act 1999* that statutory office holders be an employee of a coal mine operator by a further 12 months to 25 November 2022 (a total of 30 months from the commencement of the requirement).

The human right to life (section 16) imposes substantive and procedural obligations on the State to take appropriate steps and adopt positive measures to protect life, including for example criminal law and law enforcement provisions. This extends to requiring authorities to put in place measures that would protect an individual whose life is being put at risk by another's criminal activity.

Clauses 1B and 1C extend the period before which statutory office holders will be protected as an employee of a coal mine operator and feel safe to raise safety issues without fear of reprisal or impact on their employment. These changes are in response to stakeholder concerns about not being able to meet the original timeframes and to provide further time so implementation challenges identified by industry may be addressed.

While these amendments will delay the added protections which arise through the employment status of the office holder, the right to life is already protected through existing reprisal offence provisions, which protect workers and those who raise safety complaints. As the right to life is protected there is no need to undertake further assessment under section 13 of the Act.

Conclusion

In my opinion, the amendments to be moved to the Resources and Other Legislation Amendment Bill 2021 are compatible with human rights under the *Human Rights Act 2019* because they do not limit a human right in accordance with section 13 of the Act.

Hon Scott Stewart
Minister for Resources