

Coal Mining Safety and Health (Respirable Coal Dust) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 153

made under the

Coal Mining Safety and Health Act 1999

General Outline

Short title

Coal Mining Safety and Health (Respirable Coal Dust) Amendment Regulation 2018

Authorising law

Section 282 of the *Coal Mining Safety and Health Act 1999*

Policy objectives and the reasons for them

The policy objective of the *Coal Mining Safety and Health (Respirable Coal Dust) Amendment Regulation 2018* (the Amendment Regulation) is to enhance the protection of mine workers against adverse health effects from exposure to respirable coal dust.

Workers who are exposed to respirable coal dust at levels that exceed occupational exposure limits (OELs) are potentially at risk of developing occupational lung diseases such as coal workers' pneumoconiosis.

Section 89 of the *Coal Mining Safety and Health Regulation 2017* (CMSH Regulation) requires the safety and health management system for a coal mine to provide ways of ensuring each coal mine worker's exposure to respirable dust at the mine is kept to an acceptable level; and to ensure the worker does not breathe an atmosphere at the mine containing respirable dust exceeding the prescribed OELs. The prescribed OEL for respirable coal dust is an average concentration equivalent to 3mg/m³ air for an 8 hour period.

In 2015, Safe Work Australia (SWA) commenced a review of workplace exposure standards which currently cover approximately 700 workplace contaminants including respirable coal dust and silica. SWA is the lead, federal agency responsible for

national worker health and safety policy and is appropriately positioned to deliver informed recommendations on OELs for airborne hazardous chemicals at mines using evidence-based methodology.

SWA's review is currently scheduled for completion in 2019. As an interim measure pending completion, it is proposed to reduce the OEL for respirable coal dust at Queensland coal mines. This allows for a phased reduction of exposure levels in anticipation of the outcome of SWA's evidence-based review and mitigates risk associated with potentially outdated OELs.

Achievement of policy objectives

The Amendment Regulation achieves the policy objective by amending the CMSH Regulation to reduce the prescribed OEL for respirable coal dust from 3mg/m³ to 2.5mg/m³.

This interim reduction will commence on 1 November 2018 to provide an appropriate transition period for industry.

Once SWA's recommendations are available, it is proposed to reduce OELs for respirable coal dust and silica to align with these recommendations through further regulation amendments at that time.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objects of the *Coal Mining Safety and Health Act 1999*, particularly the objects of protecting the safety and health of workers at coal mines and requiring that the risk of injury or illness of these workers be at an acceptable level.

Inconsistency with policy objectives of other legislation

There is no inconsistency with policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation will implement an effective and proportional measure to manage risk associated with respirable coal dust pending the outcome of SWA's review of workplace exposure standards.

While the interim OEL reduction may result in additional costs for industry to adjust compliance arrangements, these costs are not expected to be significant.

Implementation costs for government are minimal and will be met within existing budget allocations.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to fundamental legislative principles and is not considered to breach any fundamental legislative principles.

Consultation

The Construction, Forestry, Maritime, Mining and Energy Union has been consulted and supports the proposed amendment.

Queensland Resources Council has also been consulted and did not raise any concerns in relation to the proposed amendment.

SWA is also undertaking extensive public consultation as part of its review of workplace exposure standards.