

Land, Explosives and Other Legislation Amendment Act 2019

Explanatory notes for SL 2019 No. 88

made under the

Land, Explosives and Other Legislation Amendment Act 2019

General Outline

Short title

Land, Explosives and Other Legislation Amendment Act 2019

Authorising law

Section 2 of the *Land, Explosives and Other Legislation Amendment Act 2019*

Policy objectives and the reasons for them

The objectives of the Proclamation is to commence the following sections of the *Land, Explosives and Other Legislation Amendment Act 2019* (LEOLA Act):

- sections 277 to 283;
- schedule 1, part 3, amendments 1 to 4 of the *Petroleum and Gas (Production and Safety) Act 2004*.

The key policy objectives of these provisions include:

- resolving operational deficiencies and ambiguity by confirming that an operator can be a corporation or an individual;
- modernising and streamlining safety reporting requirements by replacing annual safety reports and commissioning notices with information notices for operating plant safety reporting, enabling safety critical information to be provided electronically and in a timely manner to ensure currency of information;
- ensuring safety legislation is relevant and appropriate in view of changes in industry practice, innovation and community expectations.

Once commenced these provisions will clarify that an operator can be either an individual or a corporation, establish the new framework for operating plant safety reporting by information notices, and allow for prescribed gas work to be undertaken

without the need for a gas work licence where the work is carried out by a person under a safety management system for an operating plant in circumstances prescribed by regulation.

Achievement of policy objectives

The policy objectives of the relevant provisions of the LEOLA Act will be achieved by fixing a commencement day of 17 June 2019.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the LEOLA Act.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with any policy objectives of any other legislation.

Benefits and costs of implementation

The Proclamation commences particular sections about safety requirements in the petroleum and gas sector which will:

- resolve ambiguity and operational deficiencies e.g. confirm that an operator can be a corporation or an individual;
- modernise and streamline safety reporting requirements previously required in an annual safety report so safety critical information is provided on-line and updated as it changes;
- reduce the regulatory burden on industry by allowing prescribed gas work to be undertaken without the need for a gas work licence where the work is carried out by a person under a safety management system for an operator plant.

No significant administrative costs will be associated with the Proclamation.

The implementation of the provisions will occur within existing government budget allocations.

It is anticipated that the commencement of the provisions will reduce industry costs associated with determining how to administer and comply with gas safety regulation.

Consistency with fundamental legislative principles

The Proclamation does not raise any issues regarding fundamental legislative principles.

Consultation

Stakeholders were consulted on the provisions commencing within 12 months of the LEOLA Act receiving Royal Assent to enable implementation of the initiatives. Stakeholders supported the timing of the commencement.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Natural Resources, Mines and Energy applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (g) – Regulatory proposals that are of a machinery nature).

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