

Resources Safety and Health Queensland Act 2020

Explanatory notes for SL 2020 No. 68

made under the

Resources Safety and Health Queensland Act 2020

General Outline

Short title

Resources Safety and Health Queensland Act 2020.

Authorising law

Section 2 of the *Resources Safety and Health Queensland Act 2020* (the RSHQ Act)

Policy objectives and the reasons for them

The objective of the Proclamation is to fix 1 July 2020 as the commencement date for all uncommenced provisions of the RSHQ Act. Sections 120 and 122 of the RSHQ Act commenced on assent.

The RSHQ Act establishes a revised regulatory framework for resources safety and health in Queensland comprising of:

- A statutory body, Resources Safety and Health Queensland, to independently regulate safety and health in the state's resources industries;
- An employing office to engage staff under the *Public Service Act 2008* allowing existing employment arrangements to continue;
- A Commissioner for Resources Safety and Health to deliver an independent monitoring, review and strategic advisory function.

The RSHQ Act also makes provision for the Work Health and Safety prosecutor to have sole responsibility for prosecuting serious offences under resources safety legislation.

The revised framework will deliver an independent safety regulator which was fundamental to recommendations of the Queensland Parliament's Coal Workers' Pneumoconiosis Select Committee and the Government's response to the Committee's recommendations.

Achievement of policy objectives

The policy objective is achieved by fixing 1 July 2020 as the commencement date.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the RSHQ Act.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

Information about the benefits and costs of establishing the revised regulatory framework for resources safety and health in Queensland, including the establishment of Resources Safety and Health Queensland, the employing office and the Commissioner for Resources Safety and Health were provided in the explanatory notes accompanying the *Resources Safety and Health Queensland Bill 2019*.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

There has been a consistent message since 2019 that the new independent safety regulator will commence on 1 July 2020. Further consultation regarding the commencement date was not undertaken.

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 applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (g) – Regulatory proposals that are of a machinery nature).