

Coal Mining Safety and Health Amendment Regulation (No. 1) 2020

Human Rights Certificate

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

In accordance with section 41 of the *Human Rights Act 2019*, I, Dr Anthony Lynham MP, Minister for Natural Resources, Mines and Energy provide this human rights certificate with respect to the Coal Mining Safety and Health Amendment Regulation (No. 1) 2020 made under the *Coal Mining Safety and Health Act 1999*.

In my opinion, the Coal Mining Safety and Health Amendment Regulation (No. 1) 2020, as tabled in the Legislative Assembly, is 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 Subordinate Legislation

The sole purpose of the Coal Mining Safety and Health Amendment Regulation (No. 1) 2020 is to extend transitional periods for the implementation of certain additional requirements, mainly about vehicle access in return airways, or for controlled ventilation in underground coal mines.

The additional requirements and transitional periods to implement the requirements were introduced through the Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2019.

Some of the additional requirements are being further analysed through consultation with underground coal mine operators. Consequently, longer transitional periods for coal mine operators to implement the requirements are required.

Extending the original transitional periods by three months will provide time to resolve any unintended consequences about vehicle access in return airways, or about controlled ventilation. This will ensure sufficient lead time for underground coal mine operators to order equipment, and update safety and health management systems at the underground coal mines. Underground coal mine operators will not need to immediately start ordering and installing the new requirements, in order to comply with the additional requirements, within the original transitional periods.

The *Coal Mining Safety and Health Act 1999* establishes the overall legislative framework for the safety and health of persons at coal mines with the following primary aims to:

- protect the safety and health of persons at coal mines and persons who may be affected by coal mining operations;
- require that the risk of injury or illness to any person resulting from coal mining operations be at an acceptable level; and
- provide a way of monitoring the effectiveness and administration of provisions relating to safety and health under the Act.

The Coal Mining Safety and Health Regulation 2017 (which includes the new regulatory requirements through the Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2019), support these general aims under the authorising *Coal Mining Safety and Health Act 1999*.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

There are no human rights affected or engaged by the extension by three months, of the relevant transitional periods about certain requirements for vehicle access in return airways, or controlled ventilation, by the Coal Mining Safety and Health Amendment Regulation (No. 1) 2020.

Conclusion

I consider that the Coal Mining Safety and Health Amendment Regulation (No. 1) 2020 is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

DR ANTHONY LYNHAM MP
MINISTER FOR NATURAL RESOURCES, MINES AND ENERGY

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