

Petroleum and Gas (Safety) 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 Petroleum and Gas (Safety) Amendment Regulation (No. 1) 2020 (the Amendment Regulation) made under the *Petroleum Act 1923* and the *Petroleum and Gas (Production and Safety) Act 2004*.

In my opinion, the Petroleum and Gas (Safety) 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 Amendment Regulation amends the Petroleum and Gas (Safety) Regulation 2018 to support the operation of amendments made by the *Land, Explosives and Other Legislation Amendment Act 2019* (LEOLA Act) to the *Petroleum and Gas (Production and Safety) Act 2004*.

The amendments made by the LEOLA Act establish the framework for a consistent and single regulatory approach for the different types of fuel gas regulated by the Petroleum and Gas Inspectorate. The Amendment Regulation amends safety requirements to streamline them and make them consistent across the various types of fuel gas delivery networks.

The Amendment Regulation does not impose any new safety requirements neither does it remove any safety requirements.

Human Rights Issues

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

Human rights relevant to the Amendment Regulation include:

- Right to life (section 16);
- Right to liberty and security of person (section 29).

For a regulation to be compatible with the *Human Rights Act 2019*, any limitation of rights must be reasonably justifiable pursuant to section 13. The Amendment Regulation does not limit any rights. Rather, it protects and promotes the rights to life and to liberty and security of persons.

The right to life imposes obligations on the State to take appropriate steps and adopt positive measures to protect life.

The right to liberty and security of person means that all reasonable steps must be taken to ensure the physical safety of those who are in danger of physical harm. The right to security includes freedom from injury to the body and mind.

The Amendment Regulation helps to achieve a consistent and single regulatory approach for fuel gas delivery networks. It does this by replacing separate safety provisions for cylinder storage, bulk fuel gas storage facilities, LPG (liquid petroleum gas) delivery networks, automotive LPG product suppliers and automotive LPG sites with fuel gas delivery network safety provisions, and by removing a safety and health fee for tanker delivery of automotive LPG. This helps to protect the rights to life and security of the person as the Amendment Regulation ensures consistency in the structure and terminology of provisions for various fuel gas delivery networks regulated by the Petroleum and Gas Inspectorate.

Conclusion

I consider that the Petroleum and Gas (Safety) Amendment Regulation (No. 1) 2020 is compatible with the *Human Rights Act 2019* because it does not raise any human rights issues

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

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