

# ***Resources Safety and Health Legislation (Fees and Other Matters) Amendment Regulation 2021 - 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, Scott Stewart, Minister for Resources provide this human rights certificate with respect to the Resources Safety and Health Legislation (Fees and Other Matters) Amendment Regulation 2021 made under the following Acts:

- *Coal Mining Safety and Health Act 1999*
- *Explosives Act 1999*
- *Mining and Quarrying Safety and Health Act 1999*; and
- *Petroleum and Gas (Production and Safety) Act 2004*.

In my opinion, the Resources Safety and Health Legislation (Fees and Other Matters) Amendment Regulation 2021 (Amendment Regulation), 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**

Resources Safety and Health Queensland has reviewed its fees and charges in line with Government Policy set out in Queensland Treasury's *Principles for fees and charges*. The main purpose of the Amendment Regulation is to increase fees by amending fee schedules within resources safety and health regulations. The increase in fees enacted by the Amendment Regulation of 1.7 per cent is consistent with the Government Indexation Rate for the 2021-2021 financial year.

The Amendment Regulation also introduces biogas and biomethane definitions in the Petroleum and Gas (Safety) Regulation 2018. The insertion of definitions of biogas and biomethane will provide further clarity and remove ambiguity and confusion. Biogas and biomethane have different usages and different purposes and currently there are no definitions in the Queensland framework for each of these. The definitions inserted into the regulation align with the International Standards Organisation definitions under *ISO 20675:2018 Biogas – Biogas production, conditioning, upgrading and utilisation – Terms, definitions and classification scheme*.

The Amendment Regulation also amends the Coal Mining Safety and Health Regulation 2017, the Explosives Regulation 2017 (Explosives Regulation) and the Mining and Quarrying Safety and Health Regulation 2017 (MQSH Regulation) to streamline invoicing and employee census reporting requirements related to fees paid by mining, quarrying and explosives operators. Revised provisions to nominate invoice dates will reduce the number of invoices that need to be issued and will streamline processes for payment and following up unpaid invoices without impacting the current timeframe available for operators to pay their invoices.

Mining and explosives operators that do not employ workers will no longer be required to report on employee numbers or to seek an exemption from reporting. Amendments to the Explosives Regulation and the MQSH Regulation exclude categories of non-employing authority holders or responsible persons will remove an unnecessary administrative burden for operators seeking to comply with the current obligation.

Minor consequential amendments are also included to ensure consistency with amendments made by the following resources safety legislation:

- *Resources Safety and Health Queensland Act 2020* – updating incorrect section number
- Mining Safety and Health Legislation (Respirable Coal Dust and Silica) Amendment Regulation 2020 – removing a reference to a redundant document
- Petroleum and Gas (Safety) Amendment Regulation (No. 2) 2020 – removing unworkable provisions
- Coal Mining Safety and Health (Coal Workers’ Pneumoconiosis) Amendment Regulation 2018 – replacing references to ‘nominated medical adviser’ with ‘appointed medical adviser’.

## Human Rights Issues

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

The amendments in the Amendment Regulation are administrative or technical in nature and no human rights have been identified as being engaged or limited.

## Conclusion

I consider that the Resources Safety and Health Legislation (Fees and Other Matters) Amendment Regulation 2021 is compatible with the *Human Rights Act 2019* because it does not engage human rights issues.

**Scott Stewart**  
Minister for Resources