

Mining Legislation (Continuing Professional Development) Amendment Regulation 2022

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 MP, Minister for Resources provide this human rights certificate with respect to the *Mining Legislation (Continuing Professional Development) Amendment Regulation 2022* (the Amendment Regulation) made under the *Coal Mining Safety and Health Act 1999* and the *Mining and Quarrying Safety and Health Act 1999*.

In my opinion, the 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

The *Coal Mining Safety and Health Act 1999* (the CMSH Act) 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 CMSH Act.

The *Coal Mining Safety and Health Regulation 2017* supports these aims, and includes requirements for training, and matters related to persons holding certificates of competency or site senior executive notices.

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

- protect the safety and health of persons at mines and persons who may be affected by operations; and
- require that the risk of injury or illness to any person resulting from operations is at an acceptable level.

The *Mining and Quarrying Safety and Health Regulation 2017* supports these aims, and includes requirements for training, and matters related to competency, or persons holding site senior executive notices.

The Amendment Regulation commences the Practising Certificate Scheme through the completion of continuing professional development (CPD) for persons who hold a certificate of competency or a site senior executive notice.

The Amendment Regulation enables the Board of Examiners to establish the details of the Practising Certificate Scheme including details about CPD activities, CPD hours, and CPD periods. Certificate of competency holders and site senior executive notice holders will be able to apply for a practising certificate, and start registering completed CPD activities.

There will be a three-year transitional period for those with certificates of competency, or site senior executive notices to start CPD activities, and providing the Board of Examiners with notice of completed CPD activities. Many persons with certificates of competency, or site senior executive notices already voluntarily undertake CPD.

The Board of Examiners will publish on the Resources Safety and Health Queensland website the Practising Certificate Scheme about CPD requirements under the Practising Certificate Scheme. The Board of Examiners will also keep information about the completion of CPD by persons holding a certificate of competency or site senior executive notice in the Board of Examiners' register.

Human Rights Issues

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

In my opinion, the human rights relevant to the Amendment Regulation are:

- right to life (section 16 of the *Human Rights Act 2019*); and
- right to liberty and security of person (section 29 of the *Human Rights Act 2019*).

The Amendment Regulation commences administrative requirements for the Practising Certificate Scheme. The Practising Certificate Scheme will be determined and administered by the Board of Examiners, and will detail continuing professional development requirements for persons who hold a certificate of competency, or a site senior executive notice.

The Amendment Regulation promotes the regular completion of continuing professional development activities by persons in safety critical positions at mines who hold a certificate of competency, or a site senior executive notice through a Practising Certificate Scheme. This Scheme will assist in ensuring the maintenance of competency by those persons in these safety critical positions at mines and quarries.

In my opinion, the Amendment Regulation promotes the right to life and the right to security of the person protected by the *Human Rights Act 2019*, and does not limit any rights.

The right to life protects the lives of all persons and includes the right not to be arbitrarily deprived of life. It imposes positive obligations on the State to take appropriate steps and adopt positive measures to protect the health and safety of its citizens.

The right to security of the person similarly places a positive obligation on the State to take appropriate steps to ensure the physical safety of those who are in danger of physical harm.

The State responds to these positive obligations by commencing the Practising Certificate Scheme to improve existing requirements for training and ensuring competency of persons in safety critical positions at mines and quarries.

The Amendment Regulation provides for the regular completion of continuing professional development by those with certificates of competency, or site senior executive notices to improve protection for mine, and quarry workers who rely on the competency of those in safety critical positions.

Conclusion

I consider that the *Mining Legislation (Continuing Professional Development) Amendment Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

SCOTT STEWART MP
MINISTER FOR RESOURCES

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