

Petroleum and Gas (Safety) 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 *Petroleum and Gas (Safety) Amendment Regulation 2022* (Amendment Regulation) made under the *Petroleum Act 1923* and the *Petroleum and Gas (Production and Safety) Act 2004*.

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 Amendment Regulation will correct a technical error that occurred in the drafting of the *Resources Legislation (Safety and Health Fees) Amendment Regulation 2021* (the fee amendment regulation). Part 5 of the fee amendment regulation related to amendments to the *Petroleum and Gas (Safety) Regulation 2018* which took effect on 1 July 2022.

A safety and health tiered fee structure for biogas and biomethane was introduced under the fee amendment regulation. The tiered structure uses a measurement of 50kW/h. The tiered fee structure under Schedule 6, part 3, section 14 of the *Petroleum and Gas (Safety) Regulation 2018* is as follows:

The safety and health fee payable by the operator of a facility mentioned in section 155(2)(q), for each site operated by the operator during the year, is as follows—

- a) if the actual gas usage, or nameplate capacity, of the facility is less than 50kW/h—\$0;
- (b) if the actual gas usage, or nameplate capacity, of the facility is at least 50kW/h and not more than 2MW/h—\$2,385.50;
- (c) if the actual gas usage, or nameplate capacity, of the facility is more than 2MW/h and not more than 5MW/h—\$4,771.

The measurement unit of kW/h is a technical error as this unit of measure does not have any technical meaning. The correct measurement to be used is kW. Similarly, the fee amendment regulation makes reference to the measurement unit of MW/h which is also incorrect and should instead refer to MW.

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 technical in nature and no human rights have been identified as being engaged or limited.

Conclusion

I consider that the *Petroleum and Gas (Safety) Amendment Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not engage human rights issues.

SCOTT STEWART MP
MINISTER FOR RESOURCES

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