



**Resources Safety & Health**  
Queensland

# Proposed amendments to the Resources Safety Acts

Consultation draft of the  
*Resources Safety and Health Legislation  
Amendment Bill 2023*  
and the  
*Resources Safety and Health Legislation  
Amendment Regulation 2023*

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# Introduction

## *Background*

To improve safety and health in the resources industries in Queensland, a comprehensive package of regulatory reforms is proposed for the Resources Safety and Health Acts,<sup>1</sup> through the introduction of the Resources Safety and Health Legislation Amendment Bill 2023 (amendment Bill) and Resources Safety and Health Legislation Amendment Regulation 2023 (amendment regulation), referred to collectively in this information paper as the ‘draft amendment legislation’.

The proposals in the draft amendment legislation were outlined in a Consultation Regulatory Impact Statement (CRIS) that was publicly available for stakeholder consultation from 23 September 2022 to 21 November 2022. A Decision Regulatory Impact Statement (DRIS) was released on 29 May 2023 that summarises and responds to feedback received from stakeholders in response to the CRIS.

The Coroners Court of Queensland recently made a recommendation regarding an amendment to the P&G Act,<sup>2</sup> to compel giving information or answering questions, similar to existing provisions in the *Coal Mining Safety and Health Act 1999*. This amendment would allow inspectors who are investigating serious incidents to require a person to give information or answer questions in circumstances where such information or answers might tend to incriminate the person with the assurance in the Act that such information could not be used against that person in proceedings for an offence.<sup>3</sup>

## *Purpose*

The purpose of this information paper is to provide an overview of the accompanying consultation drafts of the amendment legislation, which is being released for consultation. The final form of the proposed amendments has not been approved by government and may be subject to change.

Feedback is also sought on the recommendation of the Coroners Court of Queensland regarding an amendment to the P&G Act compelling the giving of information or answering questions.

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<sup>1</sup> The *Resources Safety and Health Queensland Act 2020* (RSHQ Act), the *Coal Mining Safety and Health Act 1999* (CMSHA), the *Mining and Quarrying Safety and Health Act 1999* (MQSHA), the *Explosives Act 1999* (Explosives Act), the safety related aspects of the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act), as well as relevant regulations under these Acts: the *Coal Mining Safety and Health Regulation 2017* (CMSHR), the *Mining and Quarrying Safety and Health Regulation 2017* (MQSHR), the *Explosives Regulation 2017* (Explosives Regulation) and the *Petroleum and Gas (Safety) Regulation 2018* (P&G Regulation).

<sup>2</sup> Inquest into the Death of Gareth Leo DODUNSKI (Coroners Court of Queensland, Donald MacKenzie, 5-14 September 2022).

<sup>3</sup> See section 159 of the CMSHA.

***\*\*Important note about the consultation draft\*\****

The Minister for Resources has sought further advice from the tripartite Coal Mining Safety and Health Advisory Committee about the following proposals:

- Site senior executive (SSE) for an underground coal mine to hold a first-class certificate of competency (see clauses 21, 22, 25 and 26 of the draft amendment Bill)
- SSE for a surface coal mine to hold a surface mine manager certificate of competency (see clause 21, 22, 25 and 26 of the draft amendment Bill)
- The establishment of site safety and health committees for coal mines (see clause 50 of the draft amendment Bill)

Inclusion of these proposals in the final bill for introduction to parliament is subject to the Minister's consideration of the committee's expert advice, once received.

### ***How to get involved***

Feedback is invited on the proposed amendments in the consultation drafts of the amendment legislation. The Queensland Government has approved the policy position for the proposed legislation amendments through the DRIS process. This consultation process is an opportunity for stakeholders to provide feedback about whether the consultation drafts align with the intended policy objectives, without revisiting the approved policy position.

Feedback may be provided as either a written submission or using the response form provided on the website and emailing it to [policy@rshq.qld.gov.au](mailto:policy@rshq.qld.gov.au)

**Submissions close at 5 pm on 10 November 2023.**

## Overview of proposed amendments to relevant legislation

Proposal	The proposal will amend—			
	Coal mining legislation	Explosives legislation	Mining and quarrying legislation	Petroleum and gas legislation
Introducing critical control management	•		•	
Competency for key critical safety roles	•			
Continuing professional development	•		•	
Establish site safety and health committee	•			
Improved data and incident reporting by operators	•	•	•	•
Information sharing to improve safety	•	•	•	•
Enforceable undertakings	•	•	•	•
Court orders	•	•	•	•
Directives	•	•	•	
Definition of labour hire and employer	•		•	
Industrial manslaughter	•	•	•	•
Remote operating centres	•		•	
Safety critical roles on mine site	•		•	
A contemporary board of examiners	•		•	
Court jurisdiction for prosecutions	•	•	•	•
Commencement of offence proceedings	•	•	•	•
Maximising reporting of safety incidents—protection from reprisals	•	•	•	•
Consistent board of inquiry offence provisions	•	•	•	•
Consistent penalties for assault and obstruct offences under the Resources Safety Acts	•	•	•	
Consistency in penalties for failing to provide help to site safety and health representatives and committees			•	
Explosives security clearance		•		
Improved training for mine workers	•			
Gas device approval authorities				•
Domestic biogas systems				•
UQ review recommendations	•		•	
Other minor amendments	•	•	•	•
New proposal				•

# Facilitating the growth in high reliability organisation (HRO) behaviours

## *Introducing critical control management*

- For the CMSHA, see clauses 6, 16, 38, 39, 98 (section 328) and 100 of the draft amendment Bill
- For the MQSHA, see clauses 146, 156, 165, 218 (section 296) and 219 of the draft amendment Bill
- For the CMSHR, see clauses 15, 19, 27 and 31 of the draft amendment regulation

**Variations between the DRIS proposal and the draft amendment legislation:** The DRIS proposed that critical controls would be a component of safety and health management systems and that there would be requirements for the identification and monitoring of critical control and notification requirements in the event of a failure of a preventive and mitigating critical control and for suspension of operations until the controls are made effective. In consideration of stakeholder feedback on the CRIS, the drafting process highlighted some practical implications associated with incorporating critical control management in legislation. In particular, it was clear that varying levels of maturity across industry in the adoption of critical control management called for an approach that promotes the effective use of, and development of sector capability in, critical controls. This is best achieved by promoting the use of critical controls as a means for controlling critical or catastrophic risk as a component of safety and health management systems; supported by guidance material and engagement activities from the regulator that support and promote effective critical control implementation by industry.

## *Competency for key critical safety roles*

- For the CMSHA, see clauses 21, 22, 25-31, 33, 34, 98 and 100 of the draft amendment Bill
- For the CMSHR, see clauses 13, 14, 22-26 and 39 of the draft amendment regulation

**\*\* The proposal regarding new competencies for SSEs and acting SSEs is subject to the Minister's consideration of expert advice requested from the tripartite Coal Mining Safety and Health Advisory Committee. \*\***

## **Variations between the DRIS proposal and the draft amendment legislation:**

The DRIS proposed based on the recommendations of the Coal Mining Board of Inquiry (BoI):

- An SSE for an underground coal mine must be the holder of a first class certificate of competency.
- A person left in charge of an underground coal mine in the absence of an UMM must hold a first or second class certificate of competency.
- A person appointed to act as an SSE for an underground coal mine, during an SSE's absence of more than 14 days, must be the holder of a first or second class certificate of competency.

The DRIS also proposed the following new certificates of competency:

- electrical engineering manager (underground coal mines) certificate of competency
- mechanical engineering manager (underground coal mines) certificate of competency
- surface coal mine manager certificate of competency
- electrical engineering manager (surface coal mine) certificate of competency
- mechanical engineering manager (surface coal mine) certificate of competency

To be consistent with the reasoning of the Bol for SSEs for underground coal mining operations the DRIS also proposed:

- an SSE for a surface coal mine must be a holder of a surface coal mine manager certificate of competency.

To be consistent with the reasoning of the Bol for acting SSEs for underground coal mining operations, the amendments also include:

- a person appointed to act as an SSE for a surface coal mine, during an SSE's absence of more than 14 days, must be the holder of a surface mine manager certificate of competency.

All new certificates of competency requirements will have a 5 year transitional period from commencement of the amendments.

### *Continuing professional development*

- For the CMSHA, see clauses 28, 29, 31, 33, 35, 36, 37, 51, 53, 64, 65, 70-78 and 98-100 of the draft amendment Bill
- For the MQSHA, see clauses 159, 163, 175, 177, 187, 189-197 and 217-219 of the draft amendment Bill
- For the CMSHR, see clauses 28-30 and 40 of the draft amendment regulation
- For the MQSHR, see clauses 54-56 and 60 of the draft amendment regulation

### *Establish site safety and health committee*

- For the CMSHA, see clause 50 of the draft amendment Bill

**\*\* The proposal regarding an SSHC for coal mines is subject to the Minister's consideration of expert advice requested from the tripartite Coal Mining Safety and Health Advisory Committee. \*\***



## *Improved data and incident reporting by operators*

- For the CMSHA, see clauses 19, 79, 80, 96 and 100 of the draft amendment Bill
- For the Explosives Act, see clauses 108 and 140 of the draft amendment Bill
- For the MQSHA, see clauses 158, 166, 198, 199, 215 and 219 of the draft amendment Bill
- For the P&G Act, see clauses 222 and 223 of the draft amendment Bill
- For the CMSHR, see clauses 8, 11 and 37 of the draft amendment regulation
- For the MQSHR, see clauses 46 and 57 of the draft amendment regulation
- For the P&G Regulation, see clause 62 of the draft amendment regulation

**Variations between the DRIS proposal and the draft amendment legislation:** The DRIS proposed amending the Resources Safety and Health Acts to require an immediate oral report about an incident followed by a written report. The draft amendment Bill will require the reporting of incidents to the regulator in the manner specified in an approved form. This will support a new digital reporting system being developed and implemented by RSHQ to simplify and optimise incident reporting processes for industry, to facilitate information sharing. Current provisions regarding incident reporting will be simplified. While oral/telephone reporting will not be specifically referenced in the CMSHA, MQSHA and the Explosives Act, it will be incorporated in the new digital system. Industry users of the new system can access inspectorate support and guidance, including by telephone.

## *Information sharing to improve safety*

- For the CMSHA, see clause 94 of the draft amendment Bill
- For the Explosives Act, see clause 135 of the draft amendment Bill
- For the MQSHA, see clause 213 of the draft amendment Bill
- For the P&G Act, see clause 247 of the draft amendment Bill

**Explanatory comment:** The proposed amendments aim to simplify and clarify the existing legislative provisions regarding publishing safety information. They will allow the publication of detailed information about incidents occurring at resources sites and safety information and recommendations for how to prevent and control relevant risks. The existing legislative provisions allow the publication of the name of a site where an incident has occurred, and this will remain unchanged with the proposed amendments. It is not common practice for RSHQ to name a site however sometimes it may be necessary in the public interest or for providing context for safety information that is shared for learning purposes.

**Variations between the DRIS proposal and the draft amendment legislation:** The DRIS proposed that, in relation to situations involving the release of personal information, the person would receive

a minimum of 48 hours' notice of the intent to publish (or a shorter period with the person's consent) to provide the person with natural justice. The draft amendment Bill will remain silent on a timeframe, recognising the right to natural justice is implied in legislation, the extent of which will depend on the circumstances of the proposed publication.

## Modern regulatory enforcement

### *Enforceable undertakings*

- For the CMSHA, see clauses 85, 89 and 100 of the draft amendment Bill
- For the Explosives Act, see clauses 125, 130 and 140 of the draft amendment Bill
- For the MQSHA, see clauses 204, 208 and 219 of the draft amendment Bill
- For the P&G Act, see clauses 237, 242 and 250 of the draft amendment Bill

**Explanatory comment:** This will introduce a new enforcement mechanism for binding agreements between obligation holders and the regulator, to make safety and health improvements to address contraventions. Enforceable undertakings will be supported by guidelines developed by RSHQ in collaboration with stakeholders. Enforceable undertakings are not available in respect of a contravention causing death.

### *Court orders*

- For the CMSHA, see clause 91 of the draft amendment Bill
- For the Explosives Act, see clauses 127, 130 (division 1AB) and 132 of the draft amendment Bill
- For the MQSHA, see clause 210 of the draft amendment Bill
- For the P&G Act, see clauses 239 and 241 of the draft amendment Bill

**Explanatory comment:** This will expand the range of orders a court can make upon conviction for a contravention, to provide for more tailored sentencing and accountability where offences are committed. This will not affect defences available to a defendant or the standard of proof required in a prosecution, or other procedural aspects of a prosecution.

## *Directives*

- For the CMSHA, see clauses 59-61 of the draft amendment Bill
- For the Explosives Act, see clause 121 of the draft amendment Bill
- For the MQSHA, see clauses 182-185 of the draft amendment Bill

**Variations between the DRIS proposal and the draft amendment legislation:** The DRIS proposed broadening the existing directive provisions under the CMSHA and MQSHA regarding an independent engineering study to provide for an independent expert's report for matters prescribed in the CMSHR and MQSHR. Rather than prescribing in regulation the kind of reports that may be required by directive, the amended legislation will simply provide the chief inspector with the power to issue a directive to provide an independent report about risks arising out of mining operations; the safety of part or all of any plant, building or structure at the mine; or a serious accident or high potential incident at the mine.

The DRIS proposed streamlining existing directives under the CMSHA and MQSHA relating to safety and health management systems and reducing risk to provide a simpler directive framework. This is achieved in the draft amendment Bill by providing an integrated directive power where an inspector believes the risk from mining operations is at an unacceptable level or may reach an unacceptable level, rather than maintaining these grounds in separate directive provisions.

A directive may be issued for one or more actions to be taken, such as suspending operations or taking action that is stated in the directive. Industry safety and health representatives, district workers' representatives, inspection officers and inspectors will now be able to suspend operations where they believe risk from mining operations is at an unacceptable level, or where risk *may* reach an unacceptable level.

A directive issued suspending operations because the risk from mining operations *may* reach an unacceptable level cannot be stayed.

To provide a consistent approach across all directives under the CMSHA and MQSHA, the draft amendment Bill will enable all directives to be given orally and then in writing.

The DRIS proposed introducing a notice where a directive had not been complied with. This proposal will no longer be progressed as it was determined that the existing framework for varying directives or withdrawing, and re-issuing new directives would achieve this intent.

## Contemporary legislation

### *Definition of labour hire, contractor and service provider*

- For the CMSHA, see clauses 7, 10-15, 23 and 100 of the draft amendment Bill
- For the MQSHA, see clauses 150-155, 160 and 219 of the draft amendment Bill

**Explanatory comment:** The policy intent is outlined in the DRIS namely, to ensure labour hire agencies, contractors and those who provide a service to mines have clear safety and health obligations and are required to meet the same standard of care in respect of their employees. Additional reporting requirements about safety and health matters that may affect their employees will assist employers meet these obligations regardless of the formal employment arrangement.

### *Industrial manslaughter*

- For the CMSHA, see clause 17 of the draft amendment Bill
- For the Explosives Act, see clauses 106 and 107 of the draft amendment Bill
- For the MQSHA, see clause 157 of the draft amendment Bill
- For the P&G Act, see clause 234 of the draft amendment Bill

**Explanatory comment:** These amendments are designed to best reflect Parliament's intention of strengthening the safety culture and ensuring consistency on how deaths of workers on work sites are treated. The amendments merely clarify the existing industrial manslaughter offence provisions and there is no intention by Government to repeal the existing industrial manslaughter offence provisions.

### *Remote operating centres*

#### Proposal to clarify safety and health obligations for remote operating centres

- For the CMSHA, see clauses 8, 10, 23, 24, 38, 98 and 100 of the draft amendment Bill
- For the MQSHA, see clauses 148, 150, 161, 218 and 219 of the draft amendment Bill
- For the CMSHR, see clauses 4, 5, 15, 16, 17 and 21 of the draft amendment regulation
- For the MQSHR, see clauses 49, 50 and 53 of the draft amendment regulation

**Explanatory comment:** There are no variations from the DRIS proposal, however aspects of the proposal related to induction, training and competency for workers in remote operating centres will not apply until six months after commencement of the amendment legislation to ensure obligation holders have time to ensure they are able to meet the new requirements.

## Proposal to provide for safety critical roles to be located at or near the mine site

- For the CMSHA, see clause 9 of the draft amendment Bill
- For the MQSHA, see clauses 149, 162 and 164 of the draft amendment Bill

**Variations between the DRIS proposal and the draft amendment legislation:** The DRIS proposed that a coal mine site senior executive, or acting site senior executive, would only be able to be temporarily absent from duty, or undertaking duties offsite, for up to 7 days. That approach may conflict with requirements under the CMSHA regarding appointment of acting site senior executives under section 57. Instead, the draft amendment Bill will provide a longer absence period for site senior executives, or acting site senior executives, at a coal mine of up to 14 days. The DRIS also extended these requirements for other safety critical roles. The drafting process highlighted the likelihood of practical confusion for implementing this approach, and that risks associated with the location of these roles are best dealt with on a case-by-case basis using existing regulatory powers. On this basis, the proposal for safety critical roles to be located at or near the mine site will only apply to site senior executives or acting site senior executives.

**Explanatory comment:** The intention is for this proposal not to apply to those officers under section 25(2) of the CMSHA and section 22(2) of the MQSHA with responsibilities for exploration activities under a prospecting permit, an exploration permit or mineral development licence who are not required to be located at or near a mine.

### *A contemporary board of examiners*

- For the CMSHA, see clauses 66, 67, 69 and 98 of the draft amendment Bill
- For the MQSHA, see clause 188 of the draft amendment Bill

## Consistency of Resources Safety Acts

### *Court jurisdiction for prosecutions*

- For the CMSHA, see clauses 73, 84 and 86-88 of the draft amendment Bill
- For the Explosives Act, see clauses 125 and 126 of the draft amendment Bill
- For the MQSHA, see clauses 203 and 205-207 of the draft amendment Bill
- For the P&G Act, see clause 237 and 238 of the draft amendment Bill

**Variations between the DRIS proposal and the draft amendment legislation:** The Office of the Queensland Parliamentary Counsel has also inserted standard provisions relating to the mandatory summary disposition of offences into the Resources Safety and Health Acts. These provisions are

also found in a number of current Acts, including the *Health Ombudsman Act 2013* (see section 271) and the *Health Practitioner Regulation National Law Act 2009* (see section 241A).

These provisions, for example, note circumstances where a Magistrates Court must abstain from dealing summarily with a charge of an offence against these Acts. They also include the procedural steps after the Magistrate Court abstains from jurisdiction.

These provisions do not diverge from the policy intent in the DRIS. There is also no change in the legal effect of the provisions.

### *Commencement of offence proceedings*

- For the CMSHA, see clause 85 of the draft amendment Bill
- For the Explosives Act, see clause 125 of the draft amendment Bill
- For the MQSHA, see clause 204 of the draft amendment Bill
- For the P&G Act, see clause 237 of the draft amendment Bill

### *Maximising reporting of safety incidents—protection from reprisals*

- For the CMSHA, see clause 93 of the draft amendment Bill
- For the Explosives Act, see clause 134 of the draft amendment Bill
- For the MQSHA, see clause 212 of the draft amendment Bill
- For the P&G Act, see clause 224 of the draft amendment Bill

### *Consistent board of inquiry offence provisions*

- For the CMSHA, see clauses 81-83 and 100 of the draft amendment Bill
- For the Explosives Act, see clauses 110-113 and 140 of the draft amendment Bill
- For the MQSHA, see clauses 200-202 and 219 of the draft amendment Bill
- For the P&G Act, see clause 225 of the draft amendment Bill

### *Consistent penalties for assault and obstruct offences*

- For the CMSHA, see clauses 62 and 100 of the draft amendment Bill
- For the Explosives Act, see clause 122 of the draft amendment Bill
- For the MQSHA, see clauses 186 and 219 of the draft amendment Bill

## *Consistency in penalties for failing to provide help to site safety and health committee representatives and committees*

- For the MQSHA, see clause 173 of the draft amendment Bill

## Operational and minor amendments

### *Explosives security clearance*

- For the Explosives Act, see clauses 102-104, 131 and 140 of the draft amendment Bill
- For the Explosives Regulation, see clauses 42-44 of the draft amendment regulation

**Variations between the DRIS proposal and the draft amendment legislation:** The DRIS proposed exempting employees of a licenced weapons dealer from requiring an explosives security clearance if they hold a current weapons licence. The exemption from requiring an explosives security clearance will also be extended to relevant officers in government entities, including the Queensland Police Service.

### *Improved training for mine workers*

- For the CMSHR, see clause 15 of the draft amendment regulation

### *Gas device approval authorities*

- For the P&G Act, see clauses 227, 228, 244 and 245 of the draft amendment Bill
- For the P&G Regulation, see clause 66 of the draft amendment regulation

### *Domestic biogas systems*

- For the P&G Regulation, see clauses 63 and 65 of the draft amendment regulation

**Variations between the DRIS proposal and the draft amendment legislation:** The DRIS proposed inserting a definition for 'domestic biogas system' in the P&G Act. A definition for 'limited capacity biogas system' will be inserted into the P&G Regulation. This will achieve the same intended outcome.

The definition of 'industrial appliance' in schedule 7 of the P&G Act was not amended, as the Office of Queensland Parliamentary Counsel determined that this was not necessary.

## *UQ review recommendations*

- For the election of SSHRs under CMSHA, see clauses 43 and 44 of the draft amendment Bill
- For other UQ review recommendations under CMSHA see clauses 4, 5, 10, 41, 45, 46, and 52 of the draft amendment Bill
- For the MQSHA, see clauses 142-145, 150, 159, 168, 170, 171, 176 and 219 of the draft amendment Bill
- For the election of SSHRs under CMSHR, see clauses 6, 7, 33-36 and 38 of the draft amendment regulation
- For other UQ review recommendations under CMSHR see clauses 12 and 18 of the draft amendment regulation
- For the MQSHR, see clauses 51 and 52 of the draft amendment regulation

**Variations between the DRIS proposal and the draft amendment legislation:** The draft amendment legislation includes some minor proposals related to the UQ recommendations raised by stakeholders in response to the CRIS. For these proposals see CMSHA clauses 40, 41, 49, 51(2), 52(1) and MQSHA clauses 167, 168, 174, 176(1).

## *Other minor amendments*

### Approval of forms by CEO

- For the CMSHA, see clause 97 of the draft amendment Bill
- For the Explosives Act, see clause 138 of the draft amendment Bill
- For the MQSHA, see clause 216 of the draft amendment Bill
- For the P&G Act, see clause 249 of the draft amendment Bill

### Production of hydrogen as a fuel gas (new)

- For the P&G Act, see clauses 221 and 250 of the draft amendment Bill
- For the P&G Regulation see clause 63 of the draft amendment Regulation

**Explanatory comment:** The draft amendment legislation clarifies that the production of hydrogen as a fuel gas is an activity to which operating plant under section 670 of the P&G Act applies. This will address the production from non-fossil fuel sources, such as through electrolysis. The proposed amendments will also provide for production via domestic scale and micro-electrolysis. The proposal will clarify and address the contemporary nature of the resources industry and emerging technologies.



## Activities for meaning of prohibited explosives

**Variations between the DRIS proposal and the draft amendment legislation:** The DRIS proposed an amendment to clarify section 10 of the Explosives Act regarding the declaration of prohibited explosives under a regulation. However this current section already provides sufficient power for a regulation to be made which declares specified persons or activities associated with explosives as prohibited explosives as well as types of explosives. Consequently, this proposed amendment is not needed and is to be discontinued.

## Direction of explosives inspectors and authorised officers by Minister

- For the Explosives Act, see clauses 115 and 123 of the draft amendment Bill

## Requirement to give name and address

- For the CMSHA, see clause 56 of the draft amendment Bill
- For the Explosives Act, see clause 118 of the draft amendment Bill
- For the MQSHA, see clause 179 of the draft amendment Bill
- For the P&G Act, see clause 233 of the draft amendment Bill

## Inconsistent penalties for offences relating to powers of inspectors

- For the Explosives Act, see clauses 117, 119 and 120 of the draft amendment Bill

## Notice of explosives import or export

- For the Explosives Act, see clauses 105 and 139 of the draft amendment Bill

## Notification of diseases

- For the CMSHA, see clause 79 of the draft amendment Bill
- For the MQSHA, see clause 198 of the draft amendment Bill
- For the CMSHR, see clauses 9, 10, 32 and 38 of the draft amendment regulation
- For the MQSHR, see clauses 47, 48, 58 and 59 of the draft amendment regulation.

**Explanatory comment:** The draft amendment legislation amends the notification requirements by the SSE for reportable diseases (new section 198AA of the CMSHA and section 195AA of the MQSHA). The amendments provide that as soon as practicable after becoming aware that a person ('relevant worker') has been diagnosed with a reportable disease, the SSE must notify an inspector in the approved form. The approved form will include the name and date of birth of the person

diagnosed. The SSE will continue to be required to notify an industry safety and health representative (ISHR) or district workers' representative (DWR) by notice. A 'relevant worker' is a person who is, was or may become a mine worker. This will capture the reporting of persons undertaking pre-employment medicals and will acknowledge the movement of workers between the coal and mineral mining and quarrying sectors. The amendments will also clarify that an SSE is only required to notify under these sections when they first become aware of the disease. However, the SSE will not be required to notify a reportable disease to an inspector under section 198AA of the CMSHA where they become aware through an assessment under the Coal Mine Workers' Health Scheme (CMWHS). In this situation, the SSE must still notify an ISHR or DWR by notice. The schedules of reportable diseases prescribed under the CMSHR and MQSHR will provide for a disease that test results indicate that a person may have contracted as a result of exposure to an airborne contaminant and will include a non-exhaustive list of diseases as examples.

## Disclosure of information

- For the CMSHA, see clause 95 of the draft amendment Bill
- For the Explosives Act, see clause 137 of the draft amendment Bill
- For the MQSHA, see clause 214 of the draft amendment Bill
- For the RSHQ Act, see clause 252 of the draft amendment Bill

## RSHQ Act consequential amendments

- For the CMSHA, see clauses 54, 98 and 100 of the draft amendment Bill
- For the Explosives Act, see clauses 109, 114, 128, 136, 139 and 140 of the draft amendment Bill
- For the MQSHA, see clauses 218 and 219 of the draft amendment Bill
- For the P&G Act, see clauses 235, 240, 244, 246, 248 and 250 of the draft amendment Bill

## New proposal

The Coroners Court of Queensland recently recommended an amendment to the P&G Act,<sup>4</sup> to compel giving information or answering questions, similar to existing provisions in the *Coal Mining Safety and Health Act 1999*. This amendment would allow inspectors who are investigating serious incidents to require a person to give information or answer questions in circumstances where such information or

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<sup>4</sup> Inquest into the Death of Gareth Leo DODUNSKI (Coroners Court of Queensland, Donald MacKenzie, 5 -14 September 2022)

answers might tend to incriminate the person with the assurance in the Act that such information could not be used against that person in proceedings for an offence.<sup>5</sup>

Comments are sought on these new proposed amendments which would be similar to the CMSHA and the MQSHA.<sup>6</sup>

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<sup>5</sup> See sections 139, 141, 155, 157, 158 and 159 of the CMSHA.

<sup>6</sup> See sections 136, 138, 152, 154, 155 and 156 of the MQSHA.