

# **Resources and Other Legislation Amendment Bill 2021**

## **Explanatory Notes**

### **FOR**

## **Amendments during consideration in detail to be moved by the Honourable Scott Stewart MP**

### **Title of the Bill**

The short title of the bill is the Resources and Other Legislation Amendment Bill 2021 (the Bill).

### **Objectives of the Amendments**

The objectives of the amendments are to extend transitional arrangements for statutory role requirements for coal mining operations that would otherwise come into effect on 25 November 2021. The extension provides further time so implementation challenges identified by industry may be addressed.

### **Achievement of the Objectives**

The amendments achieve the objectives by extending the period for compliance with the statutory office holder requirements under the *Coal Mining Safety and Health Act 1999* by 12 months to subsequently take effect from 25 November 2022. The extended transitional timeframe time will enable industry stakeholders to address identified implementation challenges.

### **Alternative Ways of Achieving Policy Objectives**

There are no alternative means of achieving the policy objectives.

### **Estimated Cost for Government Implementation**

The estimated administrative cost to government of implementing the proposed amendments is nil.

## Consistency with Fundamental Legislative Principles

The amendments were drafted with regard to fundamental legislative principles and are consistent with fundamental legislative principles.

## Consultation

Targeted consultation in relation to these amendments was undertaken with the Construction, Forestry, Maritime, Mining and Energy Union – Mining and Energy Division QLD (CFMMEU) and the Queensland Resources Council (QRC). The QRC support the amendments to delay the commencement of the statutory role requirements. The CFMMEU also raised implementation concerns with respect to the statutory role requirements and supported delay of the legislative provisions for certain matters.

## NOTES ON PROVISIONS

*Amendment 1* inserts a new Part 1A into the Bill, which is to commence on assent.

**Clause 1A** states that Part 1A amends the *Coal Mining Safety and Health Act 1999*.

**Clause 1B** amends section 319 of the *Coal Mining Safety and Health Act 1999* so that the deferral of the requirement under sections 54, 57, 59, 60, 61 and 61A of the Act for coal mine operators to ensure employees are appointed to statutory office roles is extended by 12 months to 25 November 2022. This means that there will be a total of 30 months from the original commencement date of these obligations, before they need to be complied with. This clause responds to stakeholder concerns about not being able to meet the original timeframes. This amendment will provide further time so implementation challenges identified by industry may be addressed.

**Clause 1C** amends section 320 of the *Coal Mining Safety and Health Act 1999* so that if the appointee to a statutory office as identified in sections 54(5), 57(2), 59(2), 60(12), 61(4) or 61A(5) of the Act is not an employee of a coal mine operator, the appointee is taken to hold a valid appointment only until 25 November 2022; instead of the original 18-month timeframe which ended on 25 November 2021. This clause responds to stakeholder concerns about not being able to meet the original timeframes. This amendment will provide further time so implementation challenges identified by industry may be addressed.

*Amendment 2* amends the long title of the Bill to provide for the amendments to the *Coal Mining Safety and Health Act 1999*.

*Amendment 3* amends the long title of the Bill to remove the reference to the *Transport Operations (Passenger Transport) Act 1994* and the *Personalised Transport Ombudsman Act 2019*. This amendment is required as the proposed amendments to these Acts contained in the Resources and Other Legislation Amendment Bill 2021 were considered by the Queensland Parliament as part of the *Public Health and Other Legislation Amendment (Further Extension of Expiring Provisions) Act 2021* on 2 September 2021.

As a result, on 14 September 2021, the Speaker of the House issued a ruling on the application of the same question rule to the relevant clauses of the Resources and Other Legislation Amendment Bill 2021. The ruling declared clauses 15, 16 and 21 of the Resources and Other Legislation Amendment Bill 2021 to be out of order, and that consequently, the long title of the Bill would need to be addressed. This amendment gives effect to the Speakers ruling.

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