

Resources Safety and Health Legislation Amendment Bill 2024

Statement of Compatibility

FOR

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

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Mr Scott Stewart, Minister for Resources and Critical Minerals make this statement of compatibility with respect to the amendments during consideration in detail to be moved to the Resources Safety and Health Legislation Amendment Bill 2024 (the Bill).

In my opinion, the amendments to be moved to the Bill are compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the amendments

The objective of the amendments is to ensure that persons who are not at or from the site but may affect the safety and health of a person at a mine or quarry continue to be subject to general safety and health obligations.

The Bill was introduced into Queensland Parliament on 18 April 2024 and includes amendments to the existing safety and health obligations that apply to persons generally under section 39 of the *Coal Mining Safety and Health Act 1999* (CMSHA) and section 36 of the *Mining and Quarrying Safety and Health Act 1999* (MQSHA).

The intention of these amendments was to ensure that there was a specific reference to remote operating centre workers. However, in making these changes and streamlining the drafting of the existing provisions, the current drafting of clauses 8 (which amends section 39 of the CMSHA) and 155 (which amends section 36 of the MQSHA) of the Bill unintentionally excludes an existing category of persons.

Not progressing the change would result in an unintentional narrowing of persons to which these obligations apply to protect the safety and health of mine and quarry workers.

The category of persons omitted is broad and enables Resources Safety and Health Queensland to progress regulatory activity in relation to persons not directly located at the mine but can affect safety and health there.

Human Rights issues

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

I consider the amendments engage the Right to life (section 16 of the HR Act) and the Right to liberty and security of person (section 29 of the HR Act).

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 safety and health of all citizens. The right to security of the person under section 29 of the HR Act similarly places a positive obligation on the State to take appropriate steps to ensure the physical safety and health of those who are in danger of physical illness or harm.

The amendments are necessary to ensure that the safety and health obligations for persons generally under section 39 of the CMSHA and section 36 of the MQSHA continue to apply to a person who may affect the safety and health of others at a mine or as a result of operations at the mine. For this reason, these amendments do not limit the right to life or the right to security of person under the HR Act and are compatible with human rights.

Conclusion

In my opinion, the amendments to be moved to the Bill are compatible with human rights under the HR Act because they do not limit a human right.

Hon Scott Stewart
Minister for Resources and Critical Minerals

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