

**TRANSPORT AND RESOURCES COMMITTEE**  
**REPORT NO. 25 ON THE**  
**COAL MINING SAFETY AND HEALTH AND OTHER LEGISLATION**  
**AMENDMENT BILL 2022**  
**QUEENSLAND GOVERNMENT RESPONSE**

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## **INTRODUCTION**

On 12 October 2022, the Coal Mining Safety and Health and Other Legislation Amendment Bill 2022 (the Bill) was introduced to Parliament.

The Bill was subsequently referred to the Transport and Resources Committee (the committee) with a report back date of 4 November 2022.

On 4 November 2022 the committee tabled its report no. 25 in relation to the Bill.

The Queensland Government response to recommendations made, clarification on points raised, and response to matters raised by the committee are provided below.

## **RESPONSE TO RECOMMENDATIONS**

### **Recommendation 2**

The committee recommends that clarification by the Minister of which body will enforce compliance with the exceptions to direct employment provisions.

#### **Government Response**

The Government thanks the committee for this recommendation. Resources Safety Health and Queensland will be the body responsible for enforcement of compliance with the exceptions to direct employment provisions.

### **Recommendation 3**

The committee recommends that the Minister further consider the application of the associated entity exception to the direct employment requirements for EEM and MEM roles.

#### **Government Response**

The Government thanks the committee for this recommendation. Government will monitor the coal mining industry's implementation of the provisions with a view to identifying any challenges it has with meeting the requirements.

### **Recommendation 4**

The committee recommends that the Minister revisit the percentage threshold for the exception for direct employment requirements for entities who employ at least 80% of workers at a coal mine.

#### **Government Response**

The Government thanks the committee for this recommendation. Government will monitor the coal mining industry's implementation of the provisions with a view to identifying any challenges it has with meeting the requirements.

**Recommendation 5**

The committee recommends the Explanatory Notes be amended to identify a greater number of issues in its discussion of consistency with fundamental legislative principles. For example, several potential issues of fundamental legislative principle were not identified as such, including clause 12 (inserting new section 324 in the CSMH Act) and clause 23 (inserting new section 291 in the MR Act).

**Government Response**

The Government thanks the committee for this recommendation.

**CSMH Act**

As a result of the recommendation further changes to the Explanatory Notes have been made identifying an additional issue potentially affecting fundamental legislative principles for clause 12 (inserting new section 324 in the CSMH Act). It is noted that the committee was satisfied that improvements in managing the safety and health of workers from the direct employment requirements in the CSMH Act justify the potential impact of the new direct employment requirement exceptions.

**MR Act**

As part of the drafting process the Department of Resources did consider whether to include appeal rights however decided not to. The policy intent is to support the growth of critical mineral mining projects and to remove rent as a barrier to establishing these projects. Therefore, if the criterion in section 291(1) is met then the Minister must give the rent deferral. In the event that the Minister refuses a request to defer the first years rent, the applicant retains the right to seek a judicial review of the Minister's decision. This is consistent with the review mechanisms for other decisions in the Mineral Resources Act 1989.

Additionally, whilst not specifically set out in the provision, as part of the department's administrative decision-making process the applicant would be afforded a natural justice process prior to the decision being made.

**Recommendation 6**

The committee recommends the Statement of Compatibility be amended to include a discussion of the engagement of the right to property resulting from Clause 12 of the Bill.

**Government Response**

The Government thanks the committee for this recommendation, and as a result of the recommendation, has amended the Statement of Compatibility to include discussion regarding the engagement of the right to property resulting from Clause 12 of the Bill. It is noted that the committee were satisfied that the amendment in clause 12 (inserting new section 324 in the CSMH Act) would not impact on the right to property and was compatible with human rights.

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