



Queensland

# Coal Mining Safety and Health (Coal Workers' Pneumoconiosis) Amendment Regulation 2018

## Subordinate Legislation 2018 No. 102

made under the

*Coal Mining Safety and Health Act 1999*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Coal Mining Safety and Health (Coal Workers' Pneumoconiosis) Amendment Regulation 2018*.

### **2 Commencement**

Part 3 commences on 1 March 2019.

### **3 Regulation amended**

This regulation amends the *Coal Mining Safety and Health Regulation 2017*.

## **Part 2 Amendments commencing on notification**

### **4 Insertion of new s 44A**

Chapter 2, part 6, division 2, subdivision 1—  
*insert—*

#### **44A Purpose of division**

- (1) This division establishes a scheme to protect coal mine workers from adverse health effects of mining hazards that may cause ill health.
- (2) The scheme includes—
  - (a) providing for respiratory health screening of coal mine workers for the early detection of coal mine dust lung disease; and
  - (b) ensuring coal mine workers who have respiratory abnormalities are referred for

diagnosis and management, including, for example, reduction in further exposure to coal mine dust; and

- (c) collecting, analysing, and reporting on health surveillance data to monitor trends in coal mine dust lung disease and to inform reviews of dust exposure levels and occupational dust exposure limits for coal mines.

- (3) In this section—

*coal mine worker* includes a person who was a coal mine worker.

## **5 Amendment of s 46A (Content of health assessments)**

- (1) Section 46A(1)(b)(ii) and (iii)—

*omit, insert—*

- (ii) for a coal mine worker—at least once every 5 years; and

- (2) Section 46A(3)—

*omit.*

## **6 Amendment of s 52 (Confidentiality of medical record)**

- (1) Section 52(1), 'under this section'—

*omit, insert—*

under the Act or this section

- (2) Section 52(2), 'record'—

*omit, insert—*

medical record

- (3) Section 52(2)(b)—

*omit, insert—*

- (b) another person with the consent of the coal mine worker.

*Example of another person—*

the worker's representative at the mine

- (4) Section 52(3), 'record to the worker'—

*omit, insert—*

medical record to the coal mine worker

- (5) Section 52(4)—

*omit, insert—*

- (4) The chief executive may disclose the contents of the medical record to—

- (a) another person with the consent of the coal mine worker; or

- (b) a person to the extent the disclosure is necessary to enable the person to carry out all or part of—

- (i) an assessment; or

- (ii) a review under section 48 or 48A; or

- (c) an appropriately qualified person for approved research.

- (6) Section 52(5), 'worker's consent'—

*omit, insert—*

coal mine worker's consent

- (7) Section 52(7)—

*insert—*

***approved research*** means research approved by—

- (a) a human research ethics committee under the *Public Health Act 2005*; or



out the scheme function mentioned in section 49H(1)(b) is in force.

**assessment** means—

- (a) a health assessment; or
- (b) a subsequent assessment; or
- (c) a further health assessment; or
- (d) an exit assessment; or
- (e) a former worker assessment.

**chest examination** means—

- (a) an examination of chest expansion; and
- (b) auscultation.

**chest x-ray examination** means an examination of an x-ray taken of a person's chest—

- (a) to screen for indications of pneumoconioses; and
- (b) performed in compliance with the ILO guidelines.

**coal mine worker** does not include a coal mine worker carrying out a low risk task at a coal mine.

**comparative assessment**, of a person's spirometry, means a comparison of the results of the person's spirometry with the results of the person's previous spirometries for the purpose of identifying trends.

**exit assessment** means—

- (a) an exit assessment under section 49A(2); or
- (b) a medical examination under section 49B(1).

**former worker** see section 49C.

**former worker assessment** see section 49D(1).

**further health assessment** see section 48(2)(a).

***further reading***, of an x-ray taken of a person's chest, means an examination of the x-ray—

- (a) to screen for indications of pneumoconioses; and
- (b) performed in compliance with the ILO guidelines; and
- (c) performed for the purpose of considering the classification of the x-ray under a previous chest x-ray examination and finally deciding the classification under the ILO guidelines.

***health assessment*** means—

- (a) a health assessment under section 46(1); or
- (b) a medical examination under section 46B(4).

***ILO guidelines*** means the Guidelines for the use of the ILO International Classification of Radiographs of Pneumoconioses, Revised edition 2011.

*Note—*

The Guidelines for the use of the ILO International Classification of Radiographs of Pneumoconioses, Revised edition 2011 is available at the International Labour Organization's website.

***information notice***, for a decision, means a written notice stating the following information—

- (a) the decision;
- (b) the reasons for the decision;

*Note—*

See the *Acts Interpretation Act 1954*, section 27B for matters that must be included with the reasons.

- (c) that the person to whom the notice is given may ask for a review of the decision under section 49T.

***low risk task*** means a task shown by a risk assessment to create a risk that is so minimal it can be managed effectively without requiring the worker to undergo a health assessment.

***relevant medical specialist***, for a coal mine worker, means a specialist registrant under the Health Practitioner Regulation National Law for a branch of medicine relevant to the worker's medical condition.

***report***, in relation to an assessment, means a report on the outcome of the assessment that is—

- (a) for a health assessment, subsequent assessment or exit assessment—completed by the appointed medical adviser carrying out or supervising the assessment as part of the approved form for the assessment; or
- (b) for a further health assessment—completed by the doctor or relevant medical specialist carrying out the assessment; or
- (c) for a former worker assessment—completed by the doctor supervising the assessment as part of the approved form for the assessment.

***review report*** see section 48A(1)(b).

***scheme function*** means a function in relation to which an entity may apply for an approval under section 49H.

***subsequent assessment*** see section 46B(3).

## **9 Amendment of s 44A (Purpose of division)**

Section 44A(3), definition *coal mine worker*, from 'person'—  
*omit, insert—*

former worker.

**10 Amendment of ch 2, pt 6, div 2, sdiv 2, hdg (Nominated medical adviser)**

Chapter 2, part 6, division 2, subdivision 2, heading—

*omit, insert—*

**Subdivision 2 Appointed medical advisers**

**11 Amendment of s 45 (Appointment of nominated medical adviser)**

(1) Section 45, heading, 'Appointment of nominated'—

*omit, insert—*

**Employer must appoint**

(2) Section 45(1)—

*omit, insert—*

(1) An employer of coal mine workers must—

(a) appoint, in writing, a doctor who is an approved supervising doctor (the ***appointed medical adviser***) to supervise and report on—

(i) health assessments for persons to be employed, or employed, by the employer as a coal mine worker; and

(ii) exit assessments for persons employed by the employer who permanently retire from working as a coal mine worker; and

(b) give notice to the chief executive of the appointment, including the appointed medical adviser's name and contact details, as soon as practicable after the appointment; and

(c) if the appointment ends—give notice to the chief executive of the ending of the appointment as soon as practicable after the appointment ends.

(3) Section 45(2) and (4), 'nominated'—

*omit, insert—*

appointed

## **12 Amendment of ch 2, pt 6, div 2, sdiv 3, hdg (Health assessments and health monitoring)**

Chapter 2, part 6, division 2, subdivision 3, heading, 'and health monitoring'—

*omit, insert—*

**, health monitoring and exit assessments**

## **13 Replacement of ss 46 and 46A**

Sections 46 and 46A—

*omit, insert—*

### **46 Employer must arrange for health assessment**

- (1) An employer of coal mine workers must ensure an assessment (a ***health assessment***) is carried out for each person to be employed, or employed, by the employer as a coal mine worker.
- (2) The health assessment must be carried out—
  - (a) for a person to be employed as a coal mine worker—before the person is employed as a coal mine worker; and
  - (b) for a person employed as a coal mine worker—within the period, of no more than 5 years after the last health assessment was carried out for the person, decided by the employer's appointed medical adviser.

- (3) The employer must arrange for the health assessment to be carried out by, or under the supervision of, the employer's appointed medical adviser.
- (4) In deciding a period under subsection (2)(b), the appointed medical adviser must have regard to a notice given to the adviser under section 49(3).

#### **46A Content of health assessment**

- (1) A health assessment for a person must be carried out—
  - (a) in compliance with all instructions stated in the approved form; and
  - (b) by the employer's appointed medical adviser or an approved examining doctor; and
  - (c) if the health assessment is carried out by an approved examining doctor—under the supervision of the employer's appointed medical adviser.
- (2) The approved form must include provision for the following to be carried out for the person—
  - (a) a chest examination;
  - (b) a spirometry—
    - (i) if the person is not yet employed as a coal mine worker; or
    - (ii) if the person is a coal mine worker—at least once every 5 years;
  - (c) a comparative assessment of the person's spirometry if—
    - (i) a spirometry is required under paragraph (b); and

- (ii) the results of 1 or more previous spirometries for the person are in the possession of the chief executive or appointed medical adviser;
- (d) a chest x-ray examination—
  - (i) if the person is not yet employed as a coal mine worker; or
  - (ii) if the person is a coal mine worker—at least once every 5 years;
- (e) a further reading of the chest x-ray the subject of the examination required under paragraph (d).

**14 Amendment of s 46B (Other matters about health assessments)**

- (1) Section 46B(1), 'section 46A(1)(a)'—  
*omit, insert—*  
section 46A
- (2) Section 46B(2)(b) and (4), 'nominated'—  
*omit, insert—*  
appointed
- (3) Section 46B(3) and 46B(4)(a)(i), 'accordance'—  
*omit, insert—*  
compliance
- (4) Section 46B(5), definition *health assessment approved form*, 'mentioned in section 46A(1)(a)(i)'—  
*omit, insert—*  
under section 46A

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**15 Amendment of s 47 (Employer's responsibility for health assessment)**

(1) Section 47(1) to (3)—

*omit, insert—*

(1) An employer of coal mine workers must, for each health assessment for a person, ensure the appointed medical adviser—

(a) gives a copy of the health assessment report to—

(i) the person; and

(ii) the employer; and

(b) explains the health assessment report to—

(i) the person or the person's representative; and

(ii) if requested by the person—another doctor nominated by the person; and

(iii) if requested by the employer and agreed to by the person—the employer, in the presence of the person.

(2) The employer must pay for—

(a) the health assessment; and

(b) if the person has a subsequent assessment—the subsequent assessment; and

(c) the giving of the copies and explanations of the report under subsection (1).

Maximum penalty—100 penalty units.

(2) Section 47(4), 'Subsection (3)'—

*omit, insert—*

Subsection (2)

(3) Section 47(4) and (5)—

*renumber* as section 47(3) and (4).

**16 Amendment of s 48 (Reviewing health assessment report)**

- (1) Section 48(2), 'the worker's employment'—  
*omit, insert—*  
the coal mine worker's employment
- (2) Section 48(2)(a) and (b)—  
*omit, insert—*
- (a) the worker a reasonable opportunity to undergo an assessment (a ***further health assessment***) supervised by either of the following chosen by the worker—
    - (i) a doctor who is an approved supervising doctor;
    - (ii) a relevant medical specialist; and
  - (b) the doctor or relevant medical specialist chosen by the worker details of the worker's tasks.
- (3) Section 48(3)(b), from 'nominated medical adviser'—  
*omit, insert—*  
doctor or relevant medical specialist who supervised the assessment.
- (4) Section 48(4), 'nominated'—  
*omit, insert—*  
appointed

**17 Amendment of s 48A (Conflicting health assessment reports)**

- (1) Section 48A(2)(a)(i), 'section 46A(1)(a)(i)'—  
*omit, insert—*  
section 46A

- 
- (2) Section 48A(7), definition *further health assessment report*—  
*omit.*

**18 Amendment of s 49 (Monitoring for workers' exposure to hazards)**

- Section 49(3), 'nominated'—  
*omit, insert*—  
appointed

**19 Amendment of s 49A (Retirement examination may be asked for)**

- (1) Section 49A, heading—  
*omit, insert*—  
**49A Request for exit assessment**
- (2) Section 49A(2), 'a retirement examination'—  
*omit, insert*—  
an assessment (an *exit assessment*)
- (3) Section 49A(2)(b), 'the examination'—  
*omit, insert*—  
the assessment
- (4) Section 49A(3), 'for a retirement examination'—  
*omit, insert*—  
for an exit assessment
- (5) Section 49A(3)(a), 'the retirement examination'—  
*omit, insert*—  
the exit assessment
- (6) Section 49A(3)(b) and (c), 'nominated'—  
*omit, insert*—

appointed

- (7) Section 49A(3)(b)(i), 'a retirement examination report'—  
*omit, insert—*  
a copy of the exit assessment report
- (8) Section 49A(3)(b)(ii) and (c), 'the report'—  
*omit, insert—*  
the exit assessment report
- (9) Section 49A(4)—  
*omit.*
- (10) Section 49A(5)—  
*omit, insert—*  
(5) An exit assessment must be carried out—  
(a) in compliance with all instructions stated in the approved form; and  
(b) by the employer's appointed medical adviser or an approved examining doctor; and  
(c) if the exit assessment is carried out by an approved examining doctor—under the supervision of the employer's appointed medical adviser.
- (11) Section 49A(6)(b)(i) to (iii)—  
*omit, insert—*  
(i) a chest examination; and  
(ii) a spirometry; and  
(iii) if the results of 1 or more previous spirometries for the person were in the possession of the chief executive or appointed medical adviser—a comparative assessment of the person's spirometry; and  
(iv) a chest x-ray examination; and

(v) a further reading of the chest x-ray the subject of the examination required under subparagraph (iv).

(12) Section 49A(5) and (6)—  
*renumber* as section 49A(4) and (5).

**20 Amendment of s 49B (Other matters about retirement examinations)**

(1) Section 49B, heading, 'retirement examinations'—  
*omit, insert*—

**exit assessments**

(2) Section 49B(1)—  
*omit.*

(3) Section 49B(2), 'nominated'—  
*omit, insert*—

appointed

(4) Section 49B(2), 'a retirement examination carried out'—  
*omit, insert*—

an exit assessment carried out

(5) Section 49B(2)(a)(i)—  
*omit, insert*—

(i) the medical examination is carried out in compliance with all instructions, and covering all matters, stated in the approved form mentioned in section 49A(4)(a);

(6) Section 49B(2)(a)(ii) and (b)(ii), 'a retirement examination report'—

*omit, insert*—

an exit assessment report

- (7) Section 49B(2)(b)(i), 'equivalent to a retirement examination'—

*omit, insert*—

equivalent to an exit assessment

- (8) Section 49B(3)—

*omit, insert*—

- (3) The employer must pay for—

- (a) the exit assessment; and  
(b) the giving of the copy and explanation of the report under section 49A(3)(b).

Maximum penalty—100 penalty units.

- (9) Section 49B(4), 'Subsection (3)'—

*omit, insert*—

Subsection (2)

- (10) Section 49B(2) to (4)—

*renumber* as section 49B(1) to (3).

## 21 Insertion of new ch 2, pt 6, div 2, sdivs 3A and 3B

Chapter 2, part 6, division 2—

*insert*—

### **Subdivision 3A Former worker assessments**

#### **49C Application of subdivision**

This subdivision applies to a person (a *former worker*) who—

- (a) was a coal mine worker for at least 3 years;  
and

- (b) has permanently stopped being a coal mine worker.

#### **49D Request for former worker assessment**

- (1) The former worker may ask the chief executive for an assessment of the health of the worker (a *former worker assessment*).
- (2) However, a former worker may not ask for a former worker assessment until at least 5 years after the former worker's most recent assessment.
- (3) Subsection (2) does not apply if—
  - (a) the report for the former worker's most recent assessment recommends a former worker assessment be carried out within a shorter period; or
  - (b) the former worker gives the chief executive a medical certificate signed by a doctor stating the worker has symptoms that may indicate a respiratory disease caused by exposure to coal dust.

#### **49E Chief executive must arrange for former worker assessment**

- (1) The chief executive must, as soon as practicable after receiving the request, arrange for a former worker assessment to be carried out by—
  - (a) an approved supervising doctor; or
  - (b) an approved examining doctor.
- (2) If the former worker assessment is carried out by an approved examining doctor, the chief executive must arrange for the assessment to be supervised by an approved supervising doctor.

#### **49F Content of former worker assessment**

- (1) A former worker assessment must be carried out—
  - (a) in compliance with all instructions stated in the approved form; and
  - (b) by the doctor mentioned in section 49E(1); and
  - (c) if the former worker assessment is carried out by an approved examining doctor—under the supervision of an approved supervising doctor.
- (2) The approved form must include provision for the following to be carried out for the former worker—
  - (a) a chest examination;
  - (b) a spirometry;
  - (c) a comparative assessment of the former worker's spirometry if the results of 1 or more previous spirometries for the former worker are in the possession of the chief executive or doctor;
  - (d) a chest x-ray examination;
  - (e) a further reading of the chest x-ray the subject of the examination required under paragraph (d).

#### **49G Other matters about former worker assessments**

- (1) The chief executive must, for each former worker assessment for a person, ensure the doctor—
  - (a) gives a copy of the former worker assessment report to—
    - (i) the person; and

- (ii) the chief executive; and
- (b) explains the former worker assessment report to—
  - (i) the person or the person's representative; and
  - (ii) if requested by the person—another doctor nominated by the person.
- (2) The chief executive must pay for—
  - (a) the former worker assessment; and
  - (b) the giving of the copies and explanations of the report under subsection (1).

## **Subdivision 3B Approval of providers**

### **49H Who may apply**

- (1) A doctor may apply to the chief executive for approval to—
  - (a) carry out assessments; or
  - (b) carry out, supervise, and report on, assessments.
- (2) A spirometry practice may apply to the chief executive for approval to provide a spirometry for an assessment.
- (3) An x-ray imaging practice may apply to the chief executive for approval to take a chest x-ray for a chest x-ray examination for an assessment.
- (4) A person may apply to the chief executive for approval to carry out a chest x-ray examination for an assessment.
- (5) A person may apply to the chief executive for approval to provide a training course to qualify an individual to perform a spirometry for an

assessment.

#### **49I Requirements for making application**

The application must be made in the approved form.

#### **49J Deciding application**

- (1) The chief executive must decide to give or refuse to give the approval—
  - (a) within 3 months after the application is made; or
  - (b) if the chief executive and applicant agree in writing to a longer period within which the chief executive must make the decision—within the longer period.
- (2) The chief executive may decide to give the approval if the chief executive is satisfied the applicant is—
  - (a) appropriately qualified to carry out the scheme function for which the application is made; and
  - (b) fit and proper to carry out the scheme function for which the application is made.

#### **49K Conditions**

An approval may be subject to the conditions the chief executive considers appropriate.

#### **49L Duration**

An approval is for the term, of not more than 5 years, stated in the approval.

#### **49M Steps after, and taking effect of, decision**

- (1) If the chief executive decides to give an approval, the chief executive must give the applicant notice of the decision.
- (2) The approval takes effect when the approved provider is given the notice or, if the notice states a later day of effect, on the later day.
- (3) If the chief executive decides to refuse to give an approval, or to impose a condition on the approval, the chief executive must give the applicant an information notice about the decision.

#### **49N Amendment by chief executive**

- (1) The chief executive may decide to amend an approval at any time.
- (2) Without limiting subsection (1), the amendment may impose a condition on, or vary or remove a condition of, the approval.
- (3) If the chief executive decides to amend the approval, the chief executive must give the approved provider an information notice about the decision.
- (4) The decision to amend the approval takes effect 10 days after the approved provider is given the information notice or, if the information notice states a later day of effect, on the later day.

#### **49O Renewal of approval**

- (1) An approved provider may apply to the chief executive for renewal of the provider's approval.
- (2) The application must be made in the approved form at least 3 months before the term of the approval ends.

- (3) The chief executive must decide to renew, or refuse to renew, the approval.
- (4) The chief executive may decide to renew the approval only if the chief executive is satisfied of the matters mentioned in section 49J(2).
- (5) The renewed approval's term can not be more than 5 years.
- (6) If the chief executive has not made a decision under subsection (1) before the day on which the approved provider's approval is due to expire, the provider's approval continues until the chief executive's decision takes effect.
- (7) If the chief executive decides to renew the approval, the chief executive must give the approved provider notice of the decision.
- (8) The renewal of the approval takes effect when the approved provider is given the notice or, if the notice states a later day of effect, on the later day.
- (9) If the chief executive decides to refuse to renew the approval, the chief executive must give the approved provider an information notice about the decision.
- (10) The refusal takes effect when the approved provider is given the information notice or, if the information notice states a later day of effect, on the later day.

#### **49P Grounds for suspending or cancelling approval**

- (1) The chief executive may suspend or cancel an approval if—
  - (a) the approval was obtained because of incorrect or misleading information; or

- (b) the chief executive believes the approved provider has failed to comply with this division or a condition of the approval; or
  - (c) the approved provider is not a fit and proper person to carry out the scheme function under the approval.
- (2) An approval may be suspended for not more than 12 months.

#### **49Q Show cause notice before taking action**

- (1) This section applies if the chief executive is considering taking action under section 49P.
- (2) Before taking the action, the chief executive must give the approved provider a notice (a *show cause notice*) stating—
  - (a) that the chief executive intends to take the action; and
  - (b) the proposed action; and
  - (c) the reasons for the proposed action; and
  - (d) that the approved provider may, within 30 days after the notice is given, give the chief executive a written response to show why the proposed action should not be taken.

#### **49R Decision in relation to taking action after show cause notice**

- (1) After considering any written response from the approved provider received under section 49Q(2)(d), the chief executive may decide to take, or not to take, the action.
- (2) If the chief executive decides not to take the action, the chief executive must give the approved provider notice of the decision.

#### **49S Information notice and taking effect of suspension or cancellation**

- (1) The chief executive must give the approved provider an information notice about a decision to take the action.
- (2) A decision to take the action takes effect at the end of 10 days after the day of the decision or, if the information notice states a later day of effect, on the later day.

#### **49T Application for internal review**

- (1) This section applies to a person who is given, or is entitled to be given, an information notice about a decision (the *original decision*).
- (2) If the person is dissatisfied with the decision, the person may apply to the chief executive for a review (an *internal review*) of the decision.
- (3) The application must—
  - (a) be in the approved form; and
  - (b) for a person who has been given an information notice for the decision—include enough information to enable the chief executive to decide the application; and
  - (c) be made to the chief executive within—
    - (i) for a person who has been given an information notice for the decision—28 days after the day the person is given the notice; or
    - (ii) for a person who has not been given an information notice for the decision but is entitled to be given an information notice for the decision—28 days after the day the person becomes aware of the decision.

- (4) The chief executive may, at any time, extend the period within which the application must be made.

#### **49U Internal review**

- (1) The chief executive must, within 90 days after receiving an application for internal review of an original decision—
  - (a) review the original decision; and
  - (b) decide to—
    - (i) confirm the original decision; or
    - (ii) amend the original decision; or
    - (iii) substitute another decision for the original decision; and
  - (c) give the applicant a QCAT information notice for the chief executive's decision under paragraph (b).
- (2) The application may be dealt with only by a person who—
  - (a) did not make the original decision; and
  - (b) holds a more senior office than the person who made the original decision.

#### **49V External review by QCAT**

- (1) This section applies to a person who must be given a QCAT information notice under section 49U for a decision under that section.
- (2) The person may apply to QCAT, as provided under the QCAT Act, for a review of the decision.

### **49W Offence to carry out scheme function without approval**

A person must not carry out a scheme function unless the scheme function is carried out under an approval given under this subdivision for the scheme function.

Maximum penalty—100 penalty units.

### **49X Chief executive must establish register of approved providers**

- (1) The chief executive must establish and keep up to date a register of approved providers for scheme functions.
- (2) The register must contain the following information for each approved provider for a scheme function—
  - (a) the name and address of the approved provider;
  - (b) the scheme function for which the approval is given.
- (3) The register may contain other information the chief executive considers appropriate.
- (4) The register must be published on the department's website.

## **22 Replacement of ss 50 and 51**

Sections 50 and 51—

*omit, insert—*

### **50 Appointed medical adviser and doctors must keep particular documents**

- (1) An appointed medical adviser or doctor must keep, in the approved way for the approved period, the following documents for each

assessment for which the adviser or doctor completes a report—

- (a) a copy of the approved form completed for the assessment;
  - (b) the information or documents on which the assessment was based.
- (2) An appointed medical adviser must keep, in the approved way for the approved period, each review report given by the adviser.
- (3) In this section—

*approved period* means the period approved by the chief executive for this section and published on the department's website.

*approved way* means the way approved by the chief executive for this section and published on the department's website.

### **50A Appointed medical advisers and doctors must give particular documents to chief executive**

- (1) An appointed medical adviser or doctor must give the chief executive, in the approved way, a copy of each document required under section 50 to be kept by the adviser or doctor—
- (a) for a document relating to an assessment—within 28 days after the assessment is completed; or
  - (b) for a review report mentioned in section 48(4)(b)(ii)—within 28 days after the report is completed.
- (2) In this section—

*approved way* means the way approved by the chief executive for this section and published on the department's website.

## **51 Ownership of records**

A document required to be kept under section 50 by an appointed medical adviser or doctor is a record of the department.

## **23 Amendment of s 52 (Confidentiality of medical record)**

- (1) Section 52(2), 'A nominated'—

*omit, insert—*

An appointed

- (2) Section 52(7), definition *medical record*, 'a health assessment or retirement examination of the worker'—

*omit, insert—*

an assessment, or review mentioned in section 48 or 48A, for the worker

## **24 Amendment of s 53 (Records of monitoring for workers' exposure to hazards)**

- (1) Section 53, heading, 'Records'—

*omit, insert—*

**Site senior executive must keep records**

- (2) Section 53(1)(a) and (b) and (2)(a) and (b)—

*omit, insert—*

- (a) at least 30 years after the record is made; or  
(b) if the chief executive agrees to a shorter period—the shorter period.

- (3) Section 53(3), 'lesser' —

*omit, insert—*

shorter

**25 Insertion of new ch 6, pt 1, hdg**

Chapter 6, before section 373—

*insert—*

**Part 1 Transitional provisions  
for Coal Mining Safety  
and Health Regulation  
2017**

**26 Amendment of s 373 (Definition)**

(1) Section 373, heading, after 'Definition'—

*insert—*

**for part**

(2) Section 373, 'chapter'—

*omit, insert—*

**part**

**27 Insertion of new ch 6, pt 2**

Chapter 6—

*insert—*

**Part 2 Transitional provisions  
for Coal Mining Safety  
and Health (Coal  
Workers'  
Pneumoconiosis)  
Amendment Regulation  
2018**

### **386 Existing nominated medical advisers taken to be appointed medical advisers**

- (1) This section applies if, immediately before the commencement, an appointment by an employer of a doctor as a nominated medical adviser, under section 45 as in force before the commencement, was in force.
- (2) The nominated medical adviser is taken to be—
  - (a) an approved supervising doctor; and
  - (b) an appointed medical adviser appointed under section 45 by the employer.
- (3) Subsection (2) applies until—
  - (a) the end of 12 months after the commencement; or
  - (b) if the doctor stops being an approved supervising doctor under chapter 2, part 6, division 2, subdivision 3B—the day the doctor stops being an approved supervising doctor.

### **387 Existing providers registered on department's website taken to be approved providers**

- (1) A doctor who, immediately before the commencement, was voluntarily registered on the department's website as a doctor carrying out medical examinations for coal mine workers is taken to be an approved examining doctor until—
  - (a) the end of 2 years after the commencement; or
  - (b) if the doctor stops being an approved examining doctor under chapter 2, part 6, division 2, subdivision 3B—the day the doctor stops being an approved examining doctor.

- (2) A doctor who, immediately before the commencement, was voluntarily registered on the department's website as a doctor carrying out, supervising and reporting on health assessments for coal mine workers is taken to be an approved supervising doctor until—
  - (a) the end of 2 years after the commencement;  
or
  - (b) if the doctor stops being an approved supervising doctor under chapter 2, part 6, division 2, subdivision 3B—the day the doctor stops being an approved supervising doctor.
- (3) A spirometry practice that, immediately before the commencement, was voluntarily registered on the department's website as a spirometry practice providing spirometry tests for coal mine workers, is taken to be an approved provider for the scheme function mentioned in section 49H(2) until—
  - (a) the end of 2 years after the commencement;  
or
  - (b) if the spirometry practice stops being an approved provider under chapter 2, part 6, division 2, subdivision 3B—the day the practice stops being an approved provider.
- (4) An x-ray imaging practice that, immediately before the commencement, was voluntarily registered on the department's website as an x-ray imaging practice offering x-ray imaging for coal mine workers, is taken to be an approved provider for the scheme function mentioned in section 49H(3) until—
  - (a) the end of 2 years after the commencement;  
or
  - (b) if the x-ray imaging practice stops being an approved provider under chapter 2, part 6,

division 2, subdivision 3B—the day the practice stops being an approved provider.

- (5) A person who, immediately before the commencement, was voluntarily registered on the department's website as providing a training course to qualify an individual to perform spirometry tests for coal mine workers, is taken to be an approved provider for the scheme function mentioned in section 49H(5) until—
  - (a) the end of 2 years after the commencement; or
  - (b) if the person stops being an approved provider under chapter 2, part 6, division 2, subdivision 3B—the day the person stops being an approved provider.

### **388 Existing assessments and related matters**

- (1) A health assessment carried out under the pre-amended regulation is taken to be a health assessment under this regulation.
- (2) A health assessment report about a health assessment carried out under the pre-amended regulation is taken to be a report in relation to a health assessment under this regulation.
- (3) A retirement examination carried out under the pre-amended regulation is taken to be an exit assessment under this regulation.
- (4) A retirement examination report about a retirement examination carried out under the pre-amended regulation is taken to be a report in relation to an exit assessment under this regulation.
- (5) A spirometry carried out under the pre-amended regulation is taken to be a spirometry under this regulation.

- 
- (6) A chest x-ray examination carried out under the pre-amended regulation is taken to be a chest x-ray examination under this regulation.
- (7) In this section—  
***pre-amended regulation*** means this regulation as in force before the commencement.

## 28 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definitions *chest x-ray examination, comparative assessment, examination, health assessment, health assessment report, low risk task, nominated medical adviser, previous respiratory function examination, relevant medical specialist, retirement examination* and *retirement examination report*—

*omit.*

- (2) Schedule 9—

*insert—*

***appointed medical adviser***, for chapter 2, part 6, division 2—see section 45(1)(a).

***approved examining doctor***, for chapter 2, part 6, division 2—see section 44.

***approved provider***, for a scheme function, for chapter 2, part 6, division 2—see section 44.

***approved supervising doctor***, for chapter 2, part 6, division 2—see section 44.

***assessment***, for chapter 2, part 6, division 2—see section 44.

***chest examination***, for chapter 2, part 6, division 2—see section 44.

***chest x-ray examination***, for chapter 2, part 6, division 2—see section 44.

***coal mine worker***, for chapter 2, part 6, division 2—see section 44.

***comparative assessment***, of a person's spirometry, for chapter 2, part 6, division 2—see section 44.

***exit assessment***, for chapter 2, part 6, division 2—see section 44.

***former worker***, for chapter 2, part 6, division 2—see section 49C.

***former worker assessment***, for chapter 2, part 6, division 2—see section 49D(1).

***further health assessment***, for chapter 2, part 6, division 2—see section 48(2)(a).

***further reading***, of an x-ray taken of a person's chest, for chapter 2, part 6, division 2—see section 44.

***health assessment***, for chapter 2, part 6, division 2—see section 44.

***ILO guidelines***, for chapter 2, part 6, division 2—see section 44.

***information notice***, for chapter 2, part 6, division 2—see section 44.

***low risk task***, for chapter 2, part 6, division 2—see section 44.

***relevant medical specialist***, for chapter 2, part 6, division 2—see section 44.

***report***, in relation to an assessment, for chapter 2, part 6, division 2—see section 44.

***review report***, for chapter 2, part 6, division 2—see section 48A(1)(b).

***scheme function***, for chapter 2, part 6, division 2—see section 44.

***subsequent assessment***, for chapter 2, part 6, division 2—see section 46B(3).

#### ENDNOTES

- 1 Made by the Governor in Council on 19 July 2018.
- 2 Notified on the Queensland legislation website on 20 July 2018.
- 3 The administering agency is the Department of Natural Resources, Mines and Energy.

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