

Coal Mining Safety and Health Regulation 2017

Explanatory notes for SL 2017 No. 165

made under the

Coal Mining Safety and Health Act 1999

General Outline

Short title

Coal Mining Safety and Health Regulation 2017

Authorising law

Section 282 of the *Coal Mining Safety and Health Act 1999*

Policy objectives and the reasons for them

The objective of the *Coal Mining Safety and Health Regulation 2017* is to replace the *Coal Mining Safety and Health Regulation 2001*.

Section 54 of the *Statutory Instruments Act 1992* provides that subordinate legislation expires 10 years after its making, unless a regulation is made exempting it from expiry. The *Coal Mining Safety and Health Regulation 2001* came into effect in 2001, and has been exempted from expiry since 2011 because the *Coal Mining Safety and Health Act 1999* was under ongoing review. The exemption from expiry ends on 31 August 2017.

Rather than further delay the remaking of the *Coal Mining Safety and Health Regulation 2001* pending the completion of any review of the *Coal Mining Safety and Health Act 1999*, the objective is to remake the regulation with changes that update references, correct any errors, update drafting style or remove redundant transitional provisions.

The provisions contained in the *Coal Mining Safety and Health Regulation 2017* remain necessary for the continued effective operation of the *Coal Mining Safety and Health Act 1999*.

Achievement of policy objectives

The *Coal Mining Safety and Health Regulation 2017* is made in substantially similar form to the *Coal Mining Safety and Health Regulation 2001*, except where amendments were necessary to correct any errors, update references to standards, remove redundant transitional provisions, or update wording based on current drafting style.

There are no substantive changes to any of the provisions.

Consistency with policy objectives of authorising law

The *Coal Mining Safety and Health Regulation 2017* is consistent with the policy objectives of the authorising law. It provides a regulatory framework to support the safety and health obligations under the *Coal Mining Safety and Health Act 1999* requiring the achievement of an acceptable level of risk, through the management of hazards and risks to the safety and health of workers at coal mines.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objective, as not remaking the regulation would result in an inadequate regulatory framework.

Benefits and costs of implementation

The remade *Coal Mining Safety and Health Regulation 2017* will update out of date references and correct any errors. The remade *Coal Mining Safety and Health Regulation 2017* will ensure that the regulatory framework supporting the *Coal Mining Safety and Health Act 1999* continues appropriately.

Implementing the *Coal Mining Safety and Health Regulation 2017* will not result in any increase in costs for government or industry.

Consistency with fundamental legislative principles

The *Coal Mining Safety and Health Regulation 2017* has been drafted with regard to fundamental legislative principles and is not considered to breach any fundamental legislative principles.

Consultation

A review of the *Coal Mining Safety and Health Regulation 2001* was completed in consultation with the Coal Mining Safety and Health Advisory Committee. There was agreement to remake the *Coal Mining Safety and Health Regulation 2001* in a very similar form, whilst updating any out of date provisions and correcting any errors. Based upon the results of consultation, the *Coal Mining Safety and Health Regulation 2017* has the same section numbering as the *Coal Mining Safety and Health Regulation 2001*. The main reasons for not renumbering through this remaking process are: the coal mining industry in general, is very familiar with the current section numbering and safety and health management systems at coal mines cross-reference throughout to the current section numbering.

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the remaking of the *Coal Mining Safety and Health Regulation 2001*. The Department of Natural Resources and Mines applied the following self-assessable exclusions from undertaking further regulatory impact analysis (category (f) – regulatory proposals that correct technical errors or amend legislation to take account of current Queensland drafting practice and category (d) –regulatory proposals that are of a savings nature).