

# Coal Mining Safety and Health (Requirements for Particular Records) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 69

made under the

*Coal Mining Safety and Health Act 1999*

## General Outline

### Short title

*Coal Mining Safety and Health (Requirements for Particular Records) Amendment Regulation 2019*

### Authorising law

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

### Policy objectives and the reasons for them

The policy objectives of the *Coal Mining Safety and Health (Requirements for Particular Records) Amendment Regulation 2019* (the Amendment Regulation) is to permit the disclosure of medical record contents for the purpose of an audit under the *Auditor-General Act 2009* (the Auditor-General Act).

The *Coal Mining Safety and Health Regulation 2017* (CMSH Regulation) provides for the coal mine workers' health scheme which is aimed at providing for the health assessment and health surveillance of persons who are, will be or have been coal mine workers. This includes health surveillance of current and former coal mine workers to monitor their potential risk of developing occupational lung diseases such as coal workers' pneumoconiosis.

Coal mine worker's medical records are collected and held in accordance with requirements in the CMSH Regulation. The chief executive may disclose the contents of a medical record if one of the exceptions in section 52 of the CMSH Regulation applies. This includes where the relevant coal mine worker consents to the disclosure, or where the disclosure is to an appropriately qualified person for approved research. It has become evident that the current provision does not provide for disclosure to the

Queensland Audit Office (QAO) for audit purposes which is necessary to ensure the ongoing effective operation of the coal mine workers' health scheme in managing the risk and occurrence of mine dust lung disease.

An amendment to the CMSH Regulation is required to permit the disclosure of medical record contents to an authorised auditor if it is reasonably necessary for the purposes of an audit conducted under the Auditor-General Act. Existing confidentiality provisions under section 53 of the Auditor-General Act will provide adequate protection for the contents of medical records obtained for an audit.

## **Achievement of policy objectives**

The Amendment Regulation achieves the policy objective by amending the CMSH Regulation to permit the disclosure of medical record contents to an authorised auditor if it is reasonably necessary for the purposes of an audit conducted under the Auditor-General Act.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the main objects of the *Coal Mining Safety and Health Act 1999*.

## **Inconsistency with policy objectives of other legislation**

There is no inconsistency with policy objectives of other legislation.

## **Benefits and costs of implementation**

The Amendment Regulation will enable the release of information to an approved auditor for the purposes of an audit conducted under the Auditor-General Act to ensure the ongoing effective operation of the coal mine workers' health scheme. This will assist in determining how effective current measures are in managing the risk and occurrence of mine dust lung disease.

Implementation costs for government are minimal and will be met within existing budget allocations.

## **Consistency with fundamental legislative principles**

The Amendment Regulation has been drafted with regard to fundamental legislative principles and is not considered to breach any fundamental legislative principles.

## Consultation

The Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU) has been consulted and did not raise any concerns in relation to the proposed amendment.

The Queensland Resources Council (QRC) has also been consulted and support the proposed amendment, providing strict confidentiality of mine worker medical records is maintained.

The Office of Best Practice Regulation within the Queensland Productivity Commission was consulted regarding whether further regulatory impact assessment is required under the *Queensland Government Guide to Better Regulation* (the guidelines). The Office of Best Practice Regulation considered that release of medical records for the purpose of an audit under the *Auditor-General Act 2009* is unlikely to result in significant adverse impacts and advised that no further regulatory impact assessment is required under the guidelines.

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