

# Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2020

## Human Rights Certificate

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

In accordance with section 41 of the *Human Rights Act 2019*, I, Dr Anthony Lynham MP, Minister for Natural Resources, Mines and Energy provide this human rights certificate with respect to the Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2020 (the Amendment Regulation 2020) made under the *Coal Mining Safety and Health Act 1999*.

In my opinion, the Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2020, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The *Coal Mining Safety and Health Act 1999* (the CMSH Act) establishes the overall legislative framework for the safety and health of persons at coal mines with the following primary aims to:

- protect the safety and health of persons at coal mines and persons who may be affected by coal mining operations;
- require that the risk of injury or illness to any person resulting from coal mining operations be at an acceptable level; and
- provide a way of monitoring the effectiveness and administration of provisions relating to safety and health under the CMSH Act.

The Coal Mining Safety and Health Regulation 2017 (CMSHR) supports these aims, and includes the new regulatory requirements for methane monitoring and ventilation systems, which commenced on 6 January 2020, through the Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2019.

The Amendment Regulation 2020 refines and clarifies some of the amendments to the CMSHR made through the Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2019.

The amendments to methane monitoring and ventilation system requirements were developed in response to the Queensland Coal Mines Inspectorate (the Inspectorate) investigating a number of high potential incidents relating to exceedances of regulated methane levels at underground coal mines. The Inspectorate have also identified the need for improved methane monitoring and ventilation systems, based upon their audits across Queensland's underground coal mines.

The analysis of underground mines' methane monitoring data, showed that as Queensland's underground coal mines have become deeper, and production rates have increased over recent years, the majority of these mines must be more vigilant, in consistently controlling the percentage of methane gas at safe levels, particularly in their longwall return roadways.

Although the Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2019 addressed most of the main concerns, through its main amendments, there remains a need to refine or clarify some of the requirements, through further amendments.

The Amendment Regulation 2020:

- includes some amendments to further refine or clarify methane monitoring or ventilation system requirements;
- corrects some recently identified technical errors in the CMSHR;
- includes suggestions from industry stakeholders to:
  - secure explosion risk zone zeros to prevent inadvertent access, and
  - provide for a standard operating procedure, that would apply in the rare event of a roof fall preventing access to the mandatory automatic methane detector in the longwall return airway, for its repair or replacement.

## **Human Rights Issues**

### **Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

In my opinion, the human rights relevant to the Amendment Regulation 2020 are:

- right to life (section 16 of the *Human Rights Act 2019*); and
- right to liberty and security of person (section 29 of the *Human Rights Act 2019*).

The purpose of the Amendment Regulation 2020 is to refine and clarify requirements for methane monitoring and ventilation systems in underground coal mines, and support the aims of the CSMH Act to protect the safety and health of persons at coal mines through requiring risk of injury be at an acceptable level.

In my opinion, the Amendment Regulation 2020 promotes the right to life and the right to security of the person protected by the *Human Rights Act 2019*, and does not limit any rights.

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 health and safety of its citizens. The right to security of the person similarly places a positive obligation on the State to take appropriate steps to ensure the physical safety of those who are in danger of physical harm.

The Amendment Regulation 2020 enforces safety requirements to protect the life, safety and health of those at underground coal mines, or those who may be affected by coal mining operations. It also protects the right to security of the person by ensuring effective methane monitoring and ventilation systems to manage principal hazards and related safety risks to those at underground coal mines to protect the physical safety of individuals at those places.

## Conclusion

I consider that the Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2020 is compatible with the *Human Rights Act 2019* because it raises human rights but does not limit human rights.

**DR ANTHONY LYNHAM MP**  
MINISTER FOR NATURAL RESOURCES, MINES AND ENERGY

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