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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Natural Resources, Mines and Energy Legislation (Safety and Health) Amendment Regulation 2020*.

2 Commencement

This regulation commences immediately after the commencement of both of the following—

- (a) the *Resources Safety and Health Queensland Act 2020*, other than sections 120 and 122;
- (b) the provisions mentioned in the *Coal Mining Safety and Health and Other Legislation Amendment Regulation 2019*, section 2.

Part 2 Amendment of Coal Mining Safety and Health Regulation 2017

3 Regulation amended

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

Note—

See also the amendments in schedule 1.

4 Amendment of s 12E (Payment of safety and health fee)

Section 12E(1)—

omit, insert—

- (1) The responsible person for a coal mine must pay

a fee (a *safety and health fee*) for each reporting period to cover the cost of activities carried out for the purposes of safety and health for coal mining operations.

5 Insertion of new s 12FC

After section 12FB—

insert—

12FC Records of information included in safety and health census

- (1) This section applies to a responsible person for a coal mine who is required to give the CEO a safety and health census.
- (2) The responsible person must keep records enabling the accuracy of the information required to be included in the safety and health census to be verified.

Maximum penalty—100 penalty units.

- (3) Without limiting subsection (2), the responsible person must keep records enabling the accuracy of the following information required to be included in the safety and health census to be verified—
 - (a) the number of coal mine workers working at the coal mine;
 - (b) the number of full-time coal mine workers, and non full-time coal mine workers, working at the coal mine;
 - (c) the number of hours worked by coal mine workers working at the coal mine.
- (4) The responsible person must keep the records in a way that—

- (a) enables the responsible person to give the CEO the records within 14 days after the CEO asks for the records; and
- (b) enables the CEO to easily verify the accuracy of the information included in the safety and health census.

Maximum penalty—100 penalty units.

- (5) If the CEO asks the responsible person to give the CEO the records, the responsible person must give the CEO the records—
 - (a) within 14 days after the CEO asks for the records; or
 - (b) if the CEO agrees in writing with the responsible person to another period—within the other period.

Maximum penalty—100 penalty units.

- (6) The responsible person must keep the records for 7 years after the day the responsible person is required to give the CEO the safety and health census.

Maximum penalty—100 penalty units.

6 Amendment of ss 49X, 50 and 50A

Sections 49X(4), 50(3), definitions *approved period* and *approved way*, and 50A(2), definition *approved way*, ‘the department’s website’—

omit, insert—

a Queensland Government website

7 Amendment of s 100AB (Site senior executive may apply for exemption from particular requirement)

Section 100AB(2)(d)—

omit, insert—

(d) be lodged at the office of the chief inspector.

8 Amendment of sch 9 (Dictionary)

Schedule 9—

insert—

Queensland Government website means a website with a URL that contains ‘qld.gov.au’, other than the website of a local government.

9 Insertion of new ch 6, pt 6

Chapter 6—

insert—

Part 6

Transitional provision for Natural Resources, Mines and Energy Legislation (Safety and Health) Amendment Regulation 2020

399 Requirement to keep records of information included in safety and health census

The requirements under section 12FC relating to the keeping of records of information included in a safety and health census apply only if the safety and health census is for a reporting period that starts after the commencement.

insert—

179C Records of information included in safety and health census

- (1) This section applies to a holder of an authority who is required to give the CEO a safety and health census.
- (2) The holder must keep records enabling the accuracy of the information required to be included in the safety and health census to be verified.

Maximum penalty—100 penalty units.

- (3) Without limiting subsection (2), the holder must keep records enabling the accuracy of the following information required to be included in the safety and health census to be verified—
 - (a) the number of explosives workers working under the authority;
 - (b) the number of full-time explosives workers, and non full-time explosives workers, working under the authority;
 - (c) the number of hours worked by explosives workers working under the authority.
- (4) The holder must keep the records in a way that—
 - (a) enables the holder to give the CEO the records within 14 days after the CEO asks for the records; and
 - (b) enables the CEO to easily verify the accuracy of the information included in the safety and health census.

Maximum penalty—100 penalty units.

- (5) If the CEO asks the holder to give the CEO the records, the holder must give the CEO the records—

[s 15]

- (a) within 14 days after the CEO asks for the records; or
- (b) if the CEO agrees in writing with the holder to another period—within the other period.

Maximum penalty—100 penalty units.

- (6) The holder must keep the records for 7 years after the day the holder is required to give the CEO the safety and health census.

Maximum penalty—100 penalty units.

15 Insertion of new pt 14, div 3

Part 14—

insert—

Division 3 **Transitional provision for Natural Resources, Mines and Energy Legislation (Safety and Health) Amendment Regulation 2020**

212 Requirement to keep records of information included in safety and health census

The requirements under section 179C relating to the keeping of records of information included in a safety and health census apply only if the safety and health census is for a reporting period that starts after the commencement.

16 Amendment of sch 7 (Dictionary)

- (1) Schedule 7, definition *mobile manufacturing code*, editor's note, 'the department's website'—

11DC Records of information included in safety and health census

- (1) This section applies to a responsible person for a mine who is required to give the CEO a safety and health census.
- (2) The responsible person must keep records enabling the accuracy of the information required to be included in the safety and health census to be verified.

Maximum penalty—100 penalty units.

- (3) Without limiting subsection (2), the responsible person must keep records enabling the accuracy of the following information required to be included in the safety and health census to be verified—
 - (a) the number of workers working at the mine;
 - (b) the number of full-time workers, and non full-time workers, working at the mine;
 - (c) the number of hours worked by workers working at the mine.
- (4) The responsible person must keep the records in a way that—
 - (a) enables the responsible person to give the CEO the records within 14 days after the CEO asks for the records; and
 - (b) enables the CEO to easily verify the accuracy of the information included in the safety and health census.

Maximum penalty—100 penalty units.

- (5) If the CEO asks the responsible person to give the CEO the records, the responsible person must give the CEO the records—
 - (a) within 14 days after the CEO asks for the records; or

- (b) if the CEO agrees in writing with the responsible person to another period—within the other period.

Maximum penalty—100 penalty units.

- (6) The responsible person must keep the records for 7 years after the day the responsible person is required to give the CEO the safety and health census.

Maximum penalty—100 penalty units.

20 Insertion of new ch 4, pt 3

Chapter 4—

insert—

Part 3

Transitional provision for Natural Resources, Mines and Energy Legislation (Safety and Health) Amendment Regulation 2020

169 Requirement to keep records of information included in safety and health census

The requirements under section 11DC relating to the keeping of records of information included in a safety and health census apply only if the safety and health census is for a reporting period that starts after the commencement.

Part 5 **Amendment of Petroleum and Gas (Safety) Regulation 2018**

21 **Regulation amended**

This part amends the *Petroleum and Gas (Safety) Regulation 2018*.

Note—

See also the amendments in schedule 1.

22 **Replacement of s 153 (Purpose of safety and health fees)**

Section 153—

omit, insert—

153 Purpose of safety and health fees

The purpose of safety and health fees is to cover the costs (the *safety and health operating costs*) for each financial year of activities carried out for the purposes of safety and health for petroleum and gas.

Note—

See the Geothermal Act, section 4(a) and the GHG Storage Act, section 4(c).

23 **Amendment of s 154 (Estimation and publication of safety and health costs)**

Section 154(1)—

omit, insert—

- (1) Each financial year, the CEO must prepare a written estimate (a *costs estimate*) of the safety and health operating costs of RSHQ and the commissioner for each relevant category of liable person for the year.

Part 6 **Minor and consequential amendments**

24 **Regulations amended**

Schedule 1 amends the regulations it mentions.

Schedule 1 Minor and consequential amendments

section 24

Coal Mining Safety and Health Regulation 2017

1 Particular references to chief executive—

Each of the following provisions is amended by omitting ‘chief executive’ and inserting ‘CEO’—

- section 10(3)(b)
- section 12E
- section 12F
- section 12FA
- section 12FB
- section 12G
- section 12H(1)(a)
- section 12I(4)
- section 12J(1)
- section 45(1)(b) and (c)
- section 46A(2)(c)(ii)
- section 48A
- section 49A(5)(b)(iii)
- section 49D
- section 49E
- section 49F(2)(c)
- section 49G

- section 49H
- section 49J
- section 49K
- section 49M
- section 49N
- section 49O
- section 49P(1)
- section 49Q
- section 49R
- section 49S(1)
- section 49T
- section 49U(1)
- section 49X
- section 50(3), definitions *approved period* and *approved way*
- section 50A
- section 52
- section 53
- section 57B(2)(b)
- section 60(2)(b)
- section 60A(2)
- section 260(3).

2 Sections 49E, heading and 49X, heading, ‘Chief executive’—

omit, insert—

CEO

3 Sections 49O(6) and 49U(1)(c), ‘chief executive’s’—

omit, insert—

CEO’s

4 Sections 51 and 53(3), ‘the department’—

omit, insert—

RSHQ

Explosives Regulation 2017

1 Particular references to chief executive—

Each of the following provisions is amended by omitting ‘chief executive’ and inserting ‘CEO’—

- section 178
- section 179
- section 179A
- section 179B
- section 180
- section 181(1)(a)
- section 182(4)
- section 183(1).

Mining and Quarrying Safety and Health Regulation 2017

1 Particular references to chief executive—

Each of the following provisions is amended by omitting ‘chief executive’ and inserting ‘CEO’—

- section 11C
- section 11D
- section 11DA
- section 11DB
- section 11E
- section 11F(1)(a)
- section 11G(4)
- section 11H(1)
- section 63(2)(b).

2 Sections 11(2) and 138(5), ‘chief executive’s’—

omit, insert—

CEO’s

Petroleum and Gas (Safety) Regulation 2018

1 Particular references to chief executive—

Each of the following provisions is amended by omitting ‘chief executive’ and inserting ‘CEO’—

- section 157
- section 160
- section 161

- section 162(2)(b)
- section 163(4)
- section 164
- section 165(1).

2 Section 160(4), ‘chief executive’s’—

omit, insert—

CEO’s

ENDNOTES

- 1 Made by the Governor in Council on 14 May 2020.
- 2 Notified on the Queensland legislation website on 15 May 2020.
- 3 The administering agency is the Department of Natural Resources, Mines and Energy.

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