



Queensland

Resources Safety and Health Legislation Amendment Bill 2024



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2024

A Bill

for

An Act to amend the *Coal Mining Safety and Health Act 1999*, the *Explosives Act 1999*, the *Mining and Quarrying Safety and Health Act 1999*, the *Petroleum and Gas (Production and Safety) Act 2004* and the *Resources Safety and Health Queensland Act 2020* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Resources Safety and Health
Legislation Amendment Act 2024*. 4
5

Clause 2 Commencement 6

(1) The following provisions commence on the day that is 5 years 7
after the commencement under subsection (3) of section 25— 8

(a) section 26(2), (3) and (4); 9

(b) section 27(1); 10

(c) section 100, to the extent it inserts new section 332. 11

(2) Section 29(3) commences on the day that is 5 years after the 12
commencement under subsection (3) of section 29(2). 13

(3) The remaining provisions of this Act commence on a day to 14
be fixed by proclamation. 15

**Part 2 Amendment of Coal Mining
Safety and Health Act 1999** 16
17

Clause 3 Act amended 18

This part amends the *Coal Mining Safety and Health Act
1999*. 19
20

Clause 4 Amendment of s 9 (Meaning of coal mine) 21

(1) Section 9(1)(b), ‘, adjacent to, or contiguous with,’— 22

	<i>omit, insert—</i>	1
	or adjacent to	2
(2)	Section 9(2), ‘, adjacent to, or contiguous with’—	3
	<i>omit, insert—</i>	4
	or adjacent to	5
Clause 5	Replacement of s 26 (Meaning of <i>supervisor</i>)	6
	Section 26—	7
	<i>omit, insert—</i>	8
	26 Meaning of <i>supervisor</i>	9
	A <i>supervisor</i> at a coal mine is a person appointed under section 56 to—	10 11
	(a) implement and monitor the coal mine’s safety and health management system; and	12 13
	(b) give directions to other coal mine workers at the coal mine in accordance with the safety and health management system.	14 15 16
Clause 6	Amendment of s 30 (How is an acceptable level of risk achieved)	17 18
(1)	Section 30(2)—	19
	<i>insert—</i>	20
	(ca) provide for critical controls; and	21
(2)	Section 30(2)(ca) to (f)—	22
	<i>renumber</i> as section 30(2)(d) to (g).	23
Clause 7	Amendment of s 33 (Obligations for safety and health)	24
(1)	Section 33(2)—	25
	<i>insert—</i>	26

[s 8]

	(fa) a designer, constructor or erector of earthworks at a coal mine;	1 2
(2)	Section 33(2)(h)— <i>omit.</i>	3 4
(3)	Section 33(2)(fa) and (g)— <i>renumber</i> as section 33(2)(g) and (h).	5 6
Clause 8	Replacement of s 39 (Obligations of persons generally)	7
	Section 39— <i>omit, insert—</i>	8 9
	39 Obligations of persons generally	10
(1)	This section applies to each of the following persons who may affect the safety and health of others at a coal mine or as a result of coal mining operations at a coal mine—	11 12 13 14
	(a) a coal mine worker at the coal mine;	15
	(b) another person at the coal mine;	16
	(c) an ROC worker for the coal mine.	17
(2)	The person has the following obligations—	18
	(a) to comply with this Act and procedures applying to the person that are part of the safety and health management system for the mine;	19 20 21 22
	(b) if the person has information that other persons need to know to fulfil their obligations or duties under this Act, or to protect themselves from the risk of injury or illness—to give the information to the other persons;	23 24 25 26 27 28
	(c) to take any other reasonable and necessary course of action to ensure no-one is exposed to an unacceptable level of risk.	29 30 31

39A Additional obligations	1
(1) This section applies to each of the following persons—	2 3
(a) a coal mine worker at a coal mine;	4
(b) another person at a coal mine;	5
(c) an ROC worker for a coal mine.	6
(2) The person has the following additional obligations—	7 8
(a) to work or carry out the person’s activities in a way that does not expose the person or someone else to an unacceptable level of risk;	9 10 11 12
(b) to ensure, to the extent of the responsibilities and duties allocated to the person, that the work and activities under the person’s control, supervision, or leadership is conducted in a way that does not expose the person or someone else to an unacceptable level of risk;	13 14 15 16 17 18 19
(c) to the extent of the person’s involvement—to participate in and conform to the risk management practices of the mine;	20 21 22 23
(d) to comply with instructions given for safety and health of persons by the coal mine operator or site senior executive for the mine or a supervisor at the mine;	24 25 26 27
(e) to work at or for the coal mine only if the person is in a fit condition to carry out the work without affecting the safety and health of others;	28 29 30 31
(f) not to do anything wilfully or recklessly that might adversely affect the safety and health of someone else at the mine.	32 33 34

[s 9]

Clause 9	Amendment of s 41 (Obligations of coal mine operators)	1
	(1) Section 41(1)—	2
	<i>insert—</i>	3
	(da) to ensure the site senior executive, or acting site senior executive, for the coal mine is located at or near the coal mine when performing the duties of the site senior executive unless—	4 5 6 7 8
	(i) the duties require the site senior executive, or acting site senior executive, to be temporarily absent for not more than 14 days; or	9 10 11 12
	(ii) the site senior executive, or acting site senior executive, is temporarily absent on leave for not more than 14 days;	13 14 15
	(2) Section 41(1)(da) to (g)—	16
	<i>renumber</i> as section 41(1)(e) to (h).	17
Clause 10	Amendment of s 42 (Obligations of site senior executive for coal mine)	18 19
	(1) Section 42(c), from ‘, including’ to ‘providers’—	20
	<i>omit, insert—</i>	21
	including contractors	22
	(2) Section 42(d), ‘at the mine information’—	23
	<i>omit, insert—</i>	24
	for the mine information	25
	(3) Section 42(d)(i)—	26
	<i>omit, insert—</i>	27
	(i) identify risks arising in relation to any work to be performed, service to be provided, or work or service to be arranged, by the contractor; and	28 29 30 31

-
- | | | |
|------|---|----|
| (4) | Section 42(e)— | 1 |
| | <i>omit.</i> | 2 |
| (5) | Section 42(f), from ‘contractors’ to ‘47’— | 3 |
| | <i>omit, insert—</i> | 4 |
| | contractors | 5 |
| (6) | Section 42(h), after ‘worker at the mine’— | 6 |
| | <i>insert—</i> | 7 |
| | , or an operational ROC worker for the mine, | 8 |
| (7) | Section 42(i)— | 9 |
| | <i>insert—</i> | 10 |
| | (va) the development of a schedule of when | 11 |
| | inspections, including regular periodic | 12 |
| | inspections, must be carried out; and | 13 |
| (8) | Section 42(i)(vi), ‘and service providers’— | 14 |
| | <i>omit.</i> | 15 |
| (9) | Section 42(i)(va) and (vi)— | 16 |
| | <i>renumber</i> as section 42(i)(vi) and (vii). | 17 |
| (10) | Section 42(f) to (i)— | 18 |
| | <i>renumber</i> as section 42(e) to (h). | 19 |

Clause 11 Amendment of s 43 (Obligations of contractors) 20

- | | | |
|-----|---|----|
| (1) | Section 43(1), ‘at a coal mine’— | 21 |
| | <i>omit, insert—</i> | 22 |
| | for a coal mine | 23 |
| (2) | Section 43(1)(a), (b) and (d), ‘undertaken’— | 24 |
| | <i>omit, insert—</i> | 25 |
| | performed, service provided, or work or service | 26 |
| | arranged, | 27 |

[s 11]

- | | |
|--|----|
| (3) Section 43(1)(c), ‘undertakes work’— | 1 |
| <i>omit, insert</i> — | 2 |
| performs work, provides a service, or arranges | 3 |
| work or a service, | 4 |
| (4) Section 43(1)(e)— | 5 |
| <i>omit, insert</i> — | 6 |
| (e) if the contractor is physically present at the | 7 |
| mine—to ensure no work at the mine is | 8 |
| performed by the contractor until the | 9 |
| contractor— | 10 |
| (i) has been inducted in the mine’s safety | 11 |
| and health management system to the | 12 |
| extent it relates to the work to be | 13 |
| performed by the contractor; and | 14 |
| (ii) has received training about hazards and | 15 |
| risks at the mine to the extent they | 16 |
| relate to the work to be performed by | 17 |
| the contractor; | 18 |
| (f) to ensure no work at the mine is performed | 19 |
| by a coal mine worker engaged by the | 20 |
| contractor, or a coal mine worker arranged | 21 |
| by the contractor to perform work or | 22 |
| provide a service, until the worker— | 23 |
| (i) has been inducted in the mine’s safety | 24 |
| and health management system to the | 25 |
| extent it relates to the work to be | 26 |
| performed, or service to be provided, | 27 |
| by the worker; and | 28 |
| (ii) has received training about hazards and | 29 |
| risks at the mine to the extent they | 30 |
| relate to the work to be performed, or | 31 |
| service to be provided, by the worker; | 32 |
| (g) to ensure the fitness for use of plant at the | 33 |
| mine is not adversely affected by the work | 34 |

	performed or service provided by the contractor.	1 2
(5)	Section 43(2), definition <i>safety and health management plan</i> , paragraph (a)—	3 4
	<i>omit, insert—</i>	5
	(a) identifies the work to be undertaken, service to be provided, or work or service to be arranged, by the contractor; and	6 7 8
Clause 12	Amendment of s 44 (Obligations of designers, manufacturers, importers and suppliers of plant etc. for use at coal mines)	9 10 11
(1)	Section 44(4)(b)(iii)—	12
	<i>omit, insert—</i>	13
	(iii) the name of each coal mine operator or contractor to whom the designer, manufacturer, importer or supplier has supplied the plant; and	14 15 16 17
(2)	Section 44(4)(b)(iv), ‘, contractors and service providers’—	18
	<i>omit, insert—</i>	19
	and contractors	20
(3)	Section 44(6), ‘to a contractor or service provider’—	21
	<i>omit, insert—</i>	22
	to a contractor	23
(4)	Section 44(6), ‘, contractor or service provider’—	24
	<i>omit, insert—</i>	25
	or contractor	26

[s 13]

Clause 13	Amendment of s 46 (Obligations of manufacturers, importers and suppliers of substances for use at coal mines)	1 2 3
(1)	Section 46(2)(b)(iii)— <i>omit, insert—</i>	4 5
	(iii) the name of each coal mine operator or contractor to whom the manufacturer, importer or supplier has supplied the substance; and	6 7 8 9
(2)	Section 46(2)(b)(iv), ‘, contractors and service providers’ — <i>omit, insert—</i>	10 11
	and contractors	12
(3)	Section 46(4), ‘, contractor or service provider’ — <i>omit, insert—</i>	13 14
	or contractor	15
Clause 14	Omission of s 47 (Obligations of service providers)	16
	Section 47— <i>omit.</i>	17 18
Clause 15	Amendment of s 47A (Obligation of officers of corporations)	19 20
(1)	Section 47A(3)(b) and (d), ‘and risks’— <i>omit, insert—</i>	21 22
	, risks and critical controls	23
(2)	Section 47A(3)(f), example, ‘section 41(1)(f)’— <i>omit, insert—</i>	24 25
	section 41(1)(g)	26

Clause 16	Amendment of s 48A (Definitions for part)	1
	Section 48A(1), definition <i>employer</i> —	2
	<i>omit, insert</i> —	3
	<i>employer</i> , for a coal mine, means—	4
	(a) a person who employs or otherwise engages a coal mine worker for the coal mine; or	5 6
	(b) a person who arranges for a coal mine worker to work for the coal mine, including for example, a labour hire agency; or	7 8 9
	(c) the coal mine operator for the coal mine; or	10
	(d) the holder for the coal mine.	11
Clause 17	Amendment of s 49 (Notices by holder)	12
	Section 49(1) and (3), ‘inspector located in’—	13
	<i>omit, insert</i> —	14
	inspector for	15
Clause 18	Amendment of s 50 (Notices by coal mine operator)	16
	(1) Section 50(3), ‘inspector located in’—	17
	<i>omit, insert</i> —	18
	inspector for	19
	(2) Section 50—	20
	<i>insert</i> —	21
	(4) If coal mining operations permanently stop at the coal mine, the coal mine operator must, within 28 days after the operations permanently stop, give the inspector for the region in which the coal mine is situated notice of the date on which the operations permanently stopped.	22 23 24 25 26 27
	Maximum penalty—100 penalty units.	28

[s 19]

Clause 19	Insertion of new pt 4, div 2, sdiv 1, hdg	1
	Before section 53—	2
	<i>insert—</i>	3
	Subdivision 1 General	4
Clause 20	Amendment of s 54 (Limitations on appointment of site senior executive)	5
	Section 54(4)—	6
	<i>omit, insert—</i>	7
	(4) A coal mine operator must not appoint a person to be site senior executive for a coal mine unless the person holds—	8
	(a) for an underground mine—	9
	(i) a site senior executive notice; and	10
	(ii) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in subparagraph (i); or	11
	(b) for all or part of a surface mine—	12
	(i) a site senior executive notice; and	13
	(ii) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in subparagraph (i).	14
	Maximum penalty—500 penalty units.	15
Clause 21	Amendment of s 55 (Management structure for safe operations at coal mines)	16
	(1) Section 55(2)(ca), ‘and service providers’—	17
	<i>omit.</i>	18
	(2) Section 55(2)(ca) and (d)—	19

renumber as section 55(2)(d) and (e). 1

(3) Section 55(4), ‘subsection (2)(d)’— 2

omit, insert— 3

subsection (2)(e) 4

Clause 22 Replacement of s 56 (Competencies of supervisors) 5

Section 56— 6

omit, insert— 7

56 Appointment of supervisors 8

(1) A site senior executive for a coal mine must 9
appoint 1 or more persons to be a supervisor at the 10
mine. 11

(2) The site senior executive must not appoint a 12
person under subsection (1) unless the person— 13

(a) is competent to be a supervisor; and 14

(b) if there is a safety and health competency 15
for supervisors recognised by the 16
committee—has the relevant competency. 17

Maximum penalty—100 penalty units. 18

Clause 23 Amendment of s 57 (Acting site senior executive) 19

(1) Section 57— 20

insert— 21

(3A) A coal mine operator must not appoint a person to 22
act as site senior executive for a coal mine or a 23
separate part of a surface mine under subsection 24
(2) or (3) unless the person holds— 25

(a) a site senior executive notice; and 26

(b) the practising certificate required by the 27
board of examiners to be held by a person 28

[s 24]

	holding the board qualification mentioned in paragraph (a).	1 2
	Maximum penalty—500 penalty units.	3
(2)	Section 57(5), ‘that ends 12 weeks or less after’— <i>omit, insert</i> —	4 5
	of not more than 12 weeks starting on	6
(3)	Section 57(6) and (7), ‘subsection (5)’— <i>omit, insert</i> —	7 8
	subsection (6)	9
(4)	Section 57(3A) to (9)— <i>renumber</i> as section 57(4) to (10).	10 11
Clause 24	Amendment of s 58 (Other appointments during absences)	12 13
(1)	Section 58(3)— <i>insert</i> —	14 15
	(ba) any other person appointed under subdivision 2; or	16 17
(2)	Section 58(3)(c), ‘or (10)’— <i>omit, insert</i> —	18 19
	, (10) or (11)	20
(3)	Section 58(3)(ba) to (d)— <i>renumber</i> as section 58(3)(c) to (e).	21 22
Clause 25	Insertion of new pt 4, div 2, sdiv 2, hdg and ss 58A and 58B	23 24
	Before section 59— <i>insert</i> —	25 26
	Subdivision 2 Surface mines	27

58A Additional requirements for management of surface mines	1 2
(1) This section applies to a surface mine or a separate part of a surface mine (each <i>the mine</i>).	3 4
(2) However, this section does not apply to the mine if the only activities at the mine are—	5 6
(a) exploration activities under an exploration permit, mineral development licence or mining lease; or	7 8 9
(b) rehabilitation after coal mining operations.	10
(3) The site senior executive must appoint a person to be surface mine manager for the mine to control and manage the mine.	11 12 13
Maximum penalty—400 penalty units.	14
(4) Despite subsection (3), the site senior executive may be appointed surface mine manager for the mine but only by the coal mine operator for the mine.	15 16 17 18
(5) The site senior executive or coal mine operator must not appoint a person as surface mine manager for the mine unless the person holds both of the following board qualifications—	19 20 21 22
(a) a surface mine manager’s certificate of competency;	23 24
(b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a).	25 26 27 28
Maximum penalty—400 penalty units.	29
(6) The site senior executive or coal mine operator may appoint a person as surface mine manager for more than 1 mine at the same time only with the written approval of the chief inspector.	30 31 32 33
Maximum penalty—200 penalty units.	34

[s 25]

- (7) The site senior executive or coal mine operator may appoint more than 1 person as the surface mine manager for the mine to assume the duties of the manager at different times. 1
2
3
4
- (8) A person must not give a direction to the surface mine manager for the mine about a technical matter in relation to the mine unless the person holds both of the following board qualifications— 5
6
7
8
- (a) a surface mine manager’s certificate of competency; 9
10
- (b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a). 11
12
13
14
- Maximum penalty—200 penalty units. 15
- (9) A person must not give a direction to the surface mine manager for the mine that may adversely affect safety and health at the mine. 16
17
18
- Maximum penalty—200 penalty units. 19
- (10) The surface mine manager for the mine must appoint a person, holding both of the following board qualifications, as electrical engineering manager to control and manage the electrical engineering activities of the mine— 20
21
22
23
24
- (a) an electrical engineering manager’s certificate of competency for a surface mine; 25
26
27
- (b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a). 28
29
30
31
- Maximum penalty—200 penalty units. 32
- (11) The surface mine manager for the mine must appoint a person, holding both of the following board qualifications, as mechanical engineering 33
34
35

manager to control and manage the mechanical engineering activities of the mine—	1 2
(a) a mechanical engineering manager's certificate of competency for a surface mine;	3 4 5
(b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a).	6 7 8 9
Maximum penalty—200 penalty units.	10
(12) The surface mine manager for the mine may appoint more than 1 person as the electrical engineering manager under subsection (10), or the mechanical engineering manager under subsection (11), to assume the duties of the manager at different times.	11 12 13 14 15 16
(13) The coal mine operator for the mine must ensure that a site senior executive required to appoint a person under subsection (3), or a surface mine manager required to appoint a person under subsection (10) or (11), appoints a person under the subsection only if the person is an employee of—	17 18 19 20 21 22 23
(a) for an appointment under subsection (3)—	24
(i) the coal mine operator; or	25
(ii) an associated entity of the coal mine operator; or	26 27
(iii) an entity that employs or otherwise engages 80% or more of the coal mine workers at the coal mine; or	28 29 30
(b) for an appointment under subsection (10) or (11)—	31 32
(i) the coal mine operator; or	33

[s 25]

- (ii) an entity that employs or otherwise engages 80% or more of the coal mine workers at the coal mine. 1
2
3
- Maximum penalty—500 penalty units. 4

58B Acting managers of surface mines 5

- (1) This section applies if— 6
 - (a) a person (the *appointer*) has appointed another person (the *appointee*) under section 58A(3), (10) or (11); and 7
8
9
 - (b) the appointee— 10
 - (i) vacates office; or 11
 - (ii) is temporarily absent from duty. 12
- (2) If subsection (1)(b)(i) applies, the appointer may appoint a person to act in the office of the appointee during the vacancy. 13
14
15
- (3) If subsection (1)(b)(ii) applies, the appointer must appoint a person to act in the office of the appointee during the absence. 16
17
18
- Maximum penalty—40 penalty units. 19
- (4) The coal mine operator for the mine must ensure a person appointed under subsection (2) or (3) acts in the office of the appointee for a period of not more than 12 weeks starting on the day the appointee— 20
21
22
23
24
 - (a) vacated office; or 25
 - (b) was first temporarily absent from duty. 26
- Maximum penalty—500 penalty units. 27
- (5) However, subsection (4) does not apply if the person appointed under subsection (2) or (3) is an employee of— 28
29
30

-
- (a) for an appointment to act in an office under section 58A(3)— 1
2
- (i) the coal mine operator for the mine; or 3
- (ii) an associated entity of the coal mine operator; or 4
5
- (iii) an entity that employs or otherwise engages 80% or more of the coal mine workers at the coal mine; or 6
7
8
- (b) for an appointment to act in an office under section 58A(10) or (11)— 9
10
- (i) the coal mine operator for the mine; or 11
- (ii) an entity that employs or otherwise engages 80% or more of the coal mine workers at the coal mine. 12
13
14
- (6) The coal mine operator for the mine must ensure a person appointed under subsection (2) or (3) meets the competency requirement for the appointment. 15
16
17
18
- Maximum penalty— 19
- (a) for an appointment to act in an office under section 58A(3)—400 penalty units; or 20
21
- (b) for an appointment to act in an office under section 58A(10) or (11)—200 penalty units. 22
23
- (7) The appointer is taken to comply with the requirement to appoint a person to the office under section 58A(3), (10) or (11) for the period of an appointment under subsection (2) or (3). 24
25
26
27
- (8) In this section— 28
- competency requirement**, for an appointment under subsection (2) or (3), means— 29
30
- (a) for an appointment to act in an office under section 58A(3)—holding both of the board 31
32

[s 26]

	qualifications mentioned in section 58A(5);	1
	or	2
	(b) for an appointment to act in an office under	3
	section 58A(10)—holding both of the board	4
	qualifications mentioned in section	5
	58A(10); or	6
	(c) for an appointment to act in an office under	7
	section 58A(11)—holding both of the board	8
	qualifications mentioned in section	9
	58A(11).	10
Clause 26	Amendment of s 59 (Appointment of open-cut examiner)	11
(1)	Section 59(1)—	12
	<i>omit, insert—</i>	13
(1)	The site senior executive for a surface mine or a	14
	separate part of a surface mine must appoint a	15
	person holding both of the following board	16
	qualifications to be open-cut examiner for each	17
	surface mine excavation carried out at the mine or	18
	part of the mine—	19
	(a) an open-cut examiner’s certificate of	20
	competency;	21
	(b) the practising certificate required by the	22
	board of examiners to be held by a person	23
	holding the board qualification mentioned in	24
	paragraph (a).	25
	Maximum penalty—200 penalty units.	26
(2)	Section 59(1), as amended by subsection (1), ‘site senior	27
	executive’—	28
	<i>omit, insert—</i>	29
	surface mine manager	30
(3)	Section 59(2), ‘site senior executive’—	31
	<i>omit, insert—</i>	32

	surface mine manager	1
(4)	Section 59—	2
	<i>insert—</i>	3
(3)	In this section—	4
	<i>surface mine manager</i> , for a surface mine or a separate part of a surface mine, means the person appointed as manager for the mine or part of the mine under section 58A(3).	5 6 7 8
Clause 27	Amendment of s 59A (Acting open-cut examiner)	9
(1)	Section 59A(2), (3), (4) and (7), as amended by subsection (2), ‘site senior executive’—	10 11
	<i>omit, insert—</i>	12
	surface mine manager	13
(2)	Section 59A(4), ‘that ends 12 weeks or less after’—	14
	<i>omit, insert—</i>	15
	of not more than 12 weeks starting on	16
(3)	Section 59A(6), from ‘an’ to ‘competency.’—	17
	<i>omit, insert—</i>	18
	both of the following board qualifications—	19
	(a) an open-cut examiner’s certificate of competency;	20 21
	(b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a).	22 23 24 25
Clause 28	Insertion of new pt 4, div 2, sdiv 3, hdg	26
	Before section 60—	27
	<i>insert—</i>	28

[s 29]

Subdivision 3 Underground mines

		1
Clause 29	Amendment of s 60 (Additional requirements for management of underground mines)	2 3
(1)	Section 60(5), from ‘a first’ to ‘mine.’—	4
	<i>omit, insert—</i>	5
	both of the following board qualifications—	6
	(a) a first class certificate of competency for an underground mine;	7 8
	(b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a).	9 10 11 12
(2)	Section 60(8) to (10)—	13
	<i>omit, insert—</i>	14
	(8) The underground mine manager must appoint a person holding both of the following board qualifications to be responsible for the control and management of underground activities when the manager is not in attendance at the mine—	15 16 17 18 19
	(a) a first or second class certificate of competency or a deputy’s certificate of competency for an underground mine;	20 21 22
	(b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a).	23 24 25 26
	Maximum penalty—200 penalty units.	27
	(9) The underground mine manager must appoint a person holding both of the following board qualifications to have control of activities in 1 or more explosion risk zones—	28 29 30 31

-
- (a) a first or second class certificate of competency or a deputy's certificate of competency for an underground mine; 1
2
3
- (b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a). 4
5
6
7
- Maximum penalty—200 penalty units. 8
- (10) The underground mine manager must appoint a person, holding both of the following board qualifications, as electrical engineering manager to control and manage the electrical engineering activities of the mine— 9
10
11
12
13
- (a) an electrical engineering manager's certificate of competency for an underground mine; 14
15
16
- (b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a). 17
18
19
20
- Maximum penalty—200 penalty units. 21
- (10A) The underground mine manager must appoint a person, holding both of the following board qualifications, as mechanical engineering manager to control and manage the mechanical engineering activities of the mine— 22
23
24
25
26
- (a) a mechanical engineering manager's certificate of competency for an underground mine; 27
28
29
- (b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a). 30
31
32
33
- Maximum penalty—200 penalty units. 34
- (10B) The underground mine manager may appoint 35

-
- (b) for an appointment to act in an office under section 60(8)—holding both of the board qualifications mentioned in section 60(8); or
 - (c) for an appointment to act in an office under section 60(9)—holding both of the board qualifications mentioned in section 60(9); or
 - (d) for an appointment to act in an office under section 60(10)—holding both of the board qualifications mentioned in section 60(10); or
 - (e) for an appointment to act in an office under section 60(11)—holding both of the board qualifications mentioned in section 60(11).

Clause 31 Amendment of s 61 (Appointment of ventilation officer)

Section 61(3), from ‘a ventilation’ to ‘competency.’—

omit, insert—

both of the following board qualifications—

- (a) a ventilation officer’s certificate of competency;
- (b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a).

Clause 32 Amendment of s 61A (Acting ventilation officer)

(1) Section 61A(5), from ‘holds’ to ‘competency.’—

omit, insert—

holds both of the following board qualifications—

- (a) a ventilation officer’s certificate of competency;

[s 33]

- (b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a). 1
2
3
4
- (2) Section 61A(6), ‘that is 12 weeks or less after’— 5
omit, insert— 6
of not more than 12 weeks starting on 7

Clause 33 Amendment of s 62 (Safety and health management system) 8
9

- (1) Section 62(3), after ‘coal mine’— 10
insert— 11
including any remote operating centre for the mine, or the remote operation of plant or equipment for the mine 12
13
14
- (2) Section 62(5)— 15
insert— 16
(da) identifying critical controls; and 17
- (3) Section 62(5)(da) to (g)— 18
renumber as section 62(5)(e) to (h). 19
- (4) Section 62(6), after ‘at the coal mine’— 20
insert— 21
and ROC workers employed for the coal mine 22
- (5) Section 62(7)— 23
omit, insert— 24
- (7) The site senior executive must give a copy of a principal hazard management plan to each of the following persons if the person requests a copy of the plan— 25
26
27
28

	(a) a coal mine worker whose work at the coal mine is affected by the requirements of the plan;	1 2 3
	(b) an operational ROC worker for the coal mine whose work for the mine is affected by the requirements of the plan.	4 5 6
	Maximum penalty—100 penalty units.	7
Clause 34	Amendment of s 63 (Principal hazard management plan)	8
	Section 63(1)—	9
	<i>insert—</i>	10
	(c) include critical controls.	11
Clause 35	Amendment of s 68 (Mine record)	12
	(1) Section 68(2), before ‘7 years’—	13
	<i>insert—</i>	14
	at least	15
	(2) Section 68(4)—	16
	<i>omit, insert—</i>	17
	(4) The coal mine operator must ensure the mine record is available for inspection by each of the following persons—	18 19 20
	(a) coal mine workers at the coal mine;	21
	(b) industry safety and health representatives;	22
	(c) the site senior executive for the coal mine.	23
	(4A) Without limiting subsection (4), if a person mentioned in subsection (4)(a), (b) or (c) asks to inspect a matter kept in the mine record, the coal mine operator must ensure the matter is available for inspection as soon as practicable but not later than—	24 25 26 27 28 29

[s 36]

- (a) if the matter was recorded in the mine record within the previous 6 months—5 days after the request is made; or 1
2
3
- (b) otherwise—28 days after the request is made. 4
5
- Maximum penalty—200 penalty units. 6
- (3) Section 68(4A) to (6)— 7
renumber as section 68(5) to (7). 8

Clause 36 Replacement of ss 69 and 69A 9

Sections 69 and 69A— 10

omit, insert— 11

69 Display of directives, reports and other information 12
13

- (1) The site senior executive for a coal mine must display a copy of the following documents at the mine— 14
15
16
 - (a) each directive currently applying to the mine; 17
18
 - (b) each report of an inspection carried out at the mine; 19
20
 - (c) each publication of information under section 275AC that may be relevant to safety and health obligations at the mine. 21
22
23
- (2) For subsection (1), the document must be displayed in 1 or more conspicuous positions at the coal mine in a way likely to come to the attention of coal mine workers at the mine affected by the document. 24
25
26
27
28

69A Current or past coal mine worker entitled to training and assessment report 29
30

- (1) This section applies if a person is or was a coal 31

mine worker at a coal mine.	1
(2) The person may ask the site senior executive for the coal mine to give the person a training and assessment report for the person.	2 3 4
(3) The site senior executive must comply with the request within 30 days after the request is made.	5 6
Maximum penalty—200 penalty units.	7
(4) In this section—	8
<i>training and assessment report</i> , for a person who is or was a coal mine worker at a coal mine, means a copy of the part of the coal mine’s safety and health management system relating to records of training and assessment given to, and undertaken by, the person as a coal mine worker at the mine.	9 10 11 12 13 14
69B Site senior executive entitled to training and assessment report from previous coal mine	15 16
(1) This section applies if—	17
(a) a person is a coal mine worker at a coal mine (the <i>current coal mine</i>); and	18 19
(b) the person has previously been a coal mine worker at another coal mine (the <i>previous coal mine</i>).	20 21 22
(2) The site senior executive for the current coal mine may ask the coal mine operator for the previous coal mine to give the site senior executive a training and assessment report for the person.	23 24 25 26
(3) The coal mine operator for the previous coal mine must comply with the request within 30 days after the request is made.	27 28 29
Maximum penalty—200 penalty units.	30
(4) In this section—	31
<i>training and assessment report</i> , for a person who	32

[s 37]

was a coal mine worker at a previous coal mine, 1
means a copy of the part of the previous coal 2
mine's safety and health management system 3
relating to records of training and assessment 4
given to, and undertaken by, the person as a coal 5
mine worker at the previous coal mine. 6

**Clause 37 Amendment of pt 7, div 2, hdg (Site safety and health 7
representatives) 8**
Part 7, division 2, heading, 'Site'— 9
omit, insert— 10
Election of site 11

Clause 38 Replacement of ss 93–96 12
Sections 93 to 96— 13
omit, insert— 14
**93 Election of site safety and health 15
representatives 16**
(1) The coal mine workers at a coal mine may elect 1 17
or 2 of their number to be site safety and health 18
representatives for the coal mine. 19
(2) If there is more than 1 site senior executive at a 20
coal mine, the coal mine workers at each part of 21
the coal mine for which a site senior executive has 22
responsibility may elect 1 or 2 of their number to 23
be site safety and health representatives for each 24
part of the coal mine. 25
(3) A site safety and health representative elected 26
under this section is appointed for— 27
(a) the term decided by the coal mine workers; 28
or 29
(b) if no term is decided by the coal mine 30
workers—3 years. 31

-
- (4) A person elected under this section becomes a site safety and health representative only if the person holds the appropriate safety and health competencies recognised by the committee for a site safety and health representative.
- (5) When performing functions or exercising powers under this part, a site safety and health representative is taken to be performing duties as a coal mine worker.
- (6) An election of a site safety and health representative for a coal mine, or part of a coal mine, under this section may be held only in the circumstances mentioned in section 98A.
- 94 Further election if site safety and health representative not available**
- (1) If a site safety and health representative is not available when coal mining operations at a coal mine, or part of a coal mine, are considered unsafe by coal mine workers who are affected by the operations, the affected coal mine workers may elect 2 of their number to inspect the operations.
- (2) The method of election under subsection (1) must—
- (a) be decided by the affected coal mine workers; and
- (b) be as straightforward as practicable, having regard to the need to deal with the coal mining operations that are considered unsafe in a way that is appropriate in the circumstances.
- (3) A coal mine worker elected under subsection (1) is taken to be a site safety and health representative for the period—

[s 38]

(a)	a site safety and health representative is not available; and	1 2
(b)	the coal mining operations are considered unsafe by the affected coal mine workers.	3 4
95	Person must be qualified to act as site safety and health representative	5 6
(1)	A person must not act as a site safety and health representative unless the person holds the competencies mentioned in section 93(4). Maximum penalty—40 penalty units.	7 8 9 10
(2)	Subsection (1) does not apply to a person elected under section 94(1).	11 12
(3)	A site safety and health representative must perform the functions and exercise the powers of a site safety and health representative under this Act for safety and health purposes and for no other purpose. Maximum penalty for subsection (3)—40 penalty units.	13 14 15 16 17 18 19
96	Ceasing to be site safety and health representative	20 21
	A coal mine worker for a coal mine, or part of a coal mine, stops being a site safety and health representative if the worker—	22 23 24
(a)	tells the site senior executive for the coal mine that the worker resigns as site safety and health representative; or	25 26 27
(b)	stops being a coal mine worker at the coal mine, or part of the coal mine; or	28 29
(c)	is removed from office by a vote of a majority of coal mine workers at the coal mine, or part of the coal mine, as notified in	30 31 32

	writing to the site senior executive for the coal mine.	1 2
Clause 39	Insertion of new pt 7, div 3 and div 4, hdg	3
	After section 98—	4
	<i>insert—</i>	5
	Division 3	6
	Process for election of site safety and health representatives	7 8
	98A When election must be held	9
	An election of a site safety and health representative for a coal mine, or part of a coal mine, must be held if—	10 11 12
	(a) the office of a site safety and health representative for the coal mine, or part of the coal mine, becomes vacant or will become vacant before the election; and	13 14 15 16
	(b) a coal mine worker for the coal mine, or part of the coal mine, asks the site senior executive for the coal mine, or part of the coal mine, in writing, for an election to be conducted by an entity mentioned in section 98B(1).	17 18 19 20 21 22
	98B Who is to conduct election	23
	(1) An election for a site safety and health representative for a coal mine, or part of a coal mine, must be conducted by 1 or more of the following entities—	24 25 26 27
	(a) 1 or more involved unions for the election;	28

[s 39]

- (b) the site senior executive for the coal mine, or part of the coal mine; 1
2
 - (c) an appropriately qualified entity appointed by an entity mentioned in paragraph (a) or (b). 3
4
5
- (2) The site senior executive for the coal mine, or part of the coal mine, and any involved union for the election must use all reasonable endeavours, during the period of 7 days starting on the day of the election trigger, to agree on which of the entities mentioned in subsection (1) is to conduct the election. 6
7
8
9
10
11
12
- (3) If the site senior executive for the coal mine, or part of the coal mine, and any involved union for the election can not reach agreement under subsection (2), the election must be conducted— 13
14
15
16
 - (a) by an appropriately qualified entity appointed by the chief inspector; and 17
18
 - (b) as soon as practicable after the end of the 7-day period mentioned in subsection (2). 19
20
- (4) If an involved union for the election participates in the conduct of the election, the election must be conducted by secret ballot under— 21
22
23
 - (a) the fair rules of the involved union or, if more than 1 involved union participates in the conduct of the election, the fair rules agreed to by each of the involved unions; or 24
25
26
27
 - (b) otherwise—the process prescribed by regulation. 28
29
- (5) If an involved union for the election does not participate in the conduct of the election, the election must be conducted by secret ballot under the process prescribed by regulation. 30
31
32
33
- (6) The reasonable costs of the election are to be paid by the coal mine operator. 34
35

-
- (7) To remove any doubt, it is declared that nothing in this section compels an entity to conduct, or jointly conduct, an election of a site safety and health representative. 1
2
3
4
- (8) In this section— 5
- Commonwealth industrial association* means an industrial association under the *Fair Work Act 2009* (Cwlth), section 12. 6
7
8
- election trigger*, for an election, means the making of a request for the election by a coal mine worker under section 98A(b). 9
10
11
- involved union*, for an election, means an industrial organisation, or Commonwealth industrial association, whose membership includes a coal mine worker entitled to vote in the election. 12
13
14
15
16

98C Obligations of entity or entities conducting election 17
18

An entity conducting an election under section 98B must ensure the election is— 19
20

- (a) supervised by a person who has had formal training as a returning officer; and 21
22
- (b) conducted under fair procedures that give each elector an equal opportunity to freely vote in the election. 23
24
25

Division 4 Functions and powers of site safety and health representatives 26
27
28

[s 40]

Clause 40	Amendment of s 100 (Powers of site safety and health representative)	1 2
(1)	Section 100(a), after ‘site senior executive’— <i>insert</i> — for the mine	3 4 5
(2)	Section 100— <i>insert</i> — (c) to copy, or to obtain from the site senior executive within a stated reasonable period a copy of, a document mentioned in paragraph (b); (d) to require the site senior executive to give the site safety and health representative reasonable help to exercise the site safety and health representative’s powers under paragraphs (b) and (c).	6 7 8 9 10 11 12 13 14 15 16
(3)	Section 100— <i>insert</i> — (2) If a site safety and health representative asks to copy a document under subsection (1)(c), the site senior executive must give access to the document as soon as reasonably practicable after being asked, unless the site senior executive has a reasonable excuse. Maximum penalty—100 penalty units. (3) A site senior executive for a coal mine who is required in a stated reasonable way to help a site safety and health representative under subsection (1)(d) must comply with the requirement. Maximum penalty—100 penalty units.	17 18 19 20 21 22 23 24 25 26 27 28 29 30

Clause 41	Amendment of s 101 (Stopping of operations by site safety and health representatives)	1 2
(1)	Section 101(2), before ‘safety’— <i>insert</i> — site	3 4 5
(2)	Section 101(2), after ‘site senior executive’— <i>insert</i> — for the coal mine	6 7 8
(3)	Section 101— <i>insert</i> — (2A) The site safety and health representative must give a copy of the written report given to the site senior executive under subsection (2) to— (a) an inspector; and (b) an industry safety and health representative.	9 10 11 12 13 14 15
(4)	Section 101(4)— <i>omit, insert</i> — (4) The site safety and health representative must give a written report about any action taken under subsection (4) and the reasons for the action to each of the following persons— (a) the site senior executive for the coal mine; (b) an inspector; (c) an industry safety and health representative.	16 17 18 19 20 21 22 23 24
(5)	Section 101(2A) to (4)— <i>renumber</i> as section 101(3) to (5).	25 26
Clause 42	Amendment of s 105 (Protection of site safety and health representatives performing functions)	27 28
(1)	Section 105(a) and (b), ‘his or her’—	29

[s 43]

omit, insert— 1

the representative's 2

(2) Section 105(b), before 'safety'— 3

insert— 4

site 5

Clause 43 **Insertion of new pt 7, div 5, hdg** 6

Before section 106— 7

insert— 8

Division 5 **Obligations of site senior** 9

executives 10

Clause 44 **Amendment of s 107 (Site senior executive to display** 11
identity of site safety and health representatives) 12

(1) Section 107(1)— 13

omit, insert— 14

(1) A site senior executive for a coal mine must 15
display a notice as required under subsections (2) 16
to (4) for each site safety and health representative 17
for the mine. 18

Maximum penalty—40 penalty units. 19

(1A) The notice must— 20

(a) state the name of the site safety and health 21
representative; and 22

(b) state the preferred contact details of the 23
representative; and 24

(c) contain a recent photograph of the 25
representative. 26

(2) Section 107(3)— 27

insert— 28

	<i>Examples of conspicuous positions—</i>	1
	near the mine record, in the crib rooms	2
(3)	Section 107—	3
	<i>insert—</i>	4
	(4) In this section—	5
	<i>preferred contact details</i> , of a site safety and health representative, means the telephone number and email address by which the representative prefers to be contacted about safety and health matters.	6 7 8 9 10
(4)	Section 107(1A) to (4)—	11
	<i>renumber</i> as section 107(2) to (5).	12
Clause 45	Amendment of s 109 (Appointment of industry safety and health representatives)	13 14
(1)	Section 109(2), from ‘of a’—	15
	<i>omit, insert—</i>	16
	of both of the following board qualifications—	17
	(a) a first or second class certificate of competency or a deputy’s certificate of competency;	18 19 20
	(b) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in paragraph (a).	21 22 23 24
(2)	Section 109(3)—	25
	<i>omit, insert—</i>	26
	(3) The term of the appointment must not be more than 4 years.	27 28

[s 46]

Clause 46	Amendment of s 119 (Powers of industry safety and health representatives)	1 2
(1)	Section 119(1)(b)— <i>omit, insert—</i>	3 4
	(b) to enter any part of a coal mine at any time to carry out the representative’s functions;	5 6
(2)	Section 119(1)(d), ‘copy’— <i>omit, insert—</i> examine	7 8 9
(3)	Section 119(1)— <i>insert—</i> (da) to copy a document mentioned in paragraph (c) or (d); (db) to require the site senior executive for a coal mine to give the representative within a stated reasonable period and by a stated reasonable way, including, for example, by email, a copy of any document mentioned in paragraph (c) or (d);	10 11 12 13 14 15 16 17 18 19
(4)	Section 119(1)(e)— <i>omit, insert—</i> (e) to require the person in control or temporarily in control of a coal mine to give the representative reasonable help in a stated reasonable way in the exercise of a power under any of paragraphs (a) to (f);	20 21 22 23 24 25 26
(5)	Section 119(1)(f), ‘section 167’— <i>omit, insert—</i> section 163	27 28 29
(6)	Section 119(1)(da) to (f)— <i>renumber</i> as section 119(1)(e) to (h).	30 31

[s 49]

Clause 49	Amendment of s 138 (Warrants—procedure before entry)	1
	Section 138(2)(a), ‘himself or herself’—	2
	<i>omit, insert—</i>	3
	themselves	4
Clause 50	Replacement of ss 152 and 153	5
	Sections 152 and 153—	6
	<i>omit, insert—</i>	7
	152 Power to require personal details	8
	(1) This section applies if an officer—	9
	(a) finds a person committing an offence against this Act; or	10 11
	(b) finds a person in circumstances that lead the officer to reasonably suspect the person has just committed an offence against this Act; or	12 13 14 15
	(c) has information that leads the officer to reasonably suspect a person has just committed an offence against this Act.	16 17 18
	(2) The officer may require the person to state the person’s name and residential address.	19 20
	(3) The officer may also require the person to give evidence of the correctness of the stated name or address if, in the circumstances, it would be reasonable to expect the person to—	21 22 23 24
	(a) be in possession of evidence of the correctness of the stated name or address; or	25 26
	(b) otherwise be able to give the evidence.	27
	(4) When making a requirement under this section, the officer must give the person an offence warning for the requirement.	28 29 30
	(5) In this section—	31

offence warning, for a requirement by an officer, means a warning that, without a reasonable excuse, it is an offence for the person of whom the requirement is made not to comply with the requirement.

reasonably suspect means suspect on grounds that are reasonable in the circumstances.

153 Offence to contravene personal details requirement

(1) A person of whom a requirement is made under section 152 must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(2) A person may not be convicted of an offence against subsection (1) unless the person is found guilty of the offence in relation to which the requirement under section 152 was made.

Clause 51 Amendment of s 160 (Additional powers of chief inspector)

Section 160(a), ‘section 172’—

omit, insert—

section 167

Clause 52 Amendment of pt 9, div 5, hdg (Directives by inspectors, inspection officers and industry safety and health representatives)

Part 9, division 5, heading, from ‘by’—

omit.

Clause 53 Renumbering of pt 9, div 5, sdiv 4 (Review of directives)

Part 9, division 5, subdivision 4—

[s 54]

renumber as part 9, division 5, subdivision 8. 1

Clause 54 Replacement of pt 9, div 5, sdivs 1–3 2

Part 9, division 5, subdivisions 1 to 3— 3

omit, insert— 4

Subdivision 1 Preliminary 5

161 Definition for division 6

In this division— 7

authorised official means— 8

(a) the chief inspector; or 9

(b) any other inspector; or 10

(c) an inspection officer; or 11

(d) an industry safety and health representative. 12

Subdivision 2 Power to give directives 13

162 Directive may be given 14

An authorised official may give a directive under 15

subdivision 3 or 4. 16

Subdivision 3 Directives relating to acceptable level of risk 17
18

163 When directive may be given 19

(1) A directive may be given under this section if an 20

authorised official believes a risk from coal 21

mining operations at a coal mine— 22

(a) is at an unacceptable level; or 23

-
- (b) may reach an unacceptable level. 1
- (2) The directive may require a person who has a safety and health obligation in relation to the coal mine to do 1 or more of the following— 2
3
4
- (a) suspend coal mining operations in all or part of the coal mine; 5
6
- (b) take action stated in the directive, including, for example— 7
8
- (i) to review the safety and health management system or a principal hazard management plan to ensure the system or plan is effective; or 9
10
11
12
- (ii) to carry out a test to decide whether a risk is at an unacceptable level. 13
14
- (3) A directive to suspend coal mining operations under subsection (2)(a) because of a risk mentioned in subsection (1)(a) may be given by— 15
16
17
- (a) an inspector; or 18
- (b) an inspection officer; or 19
- (c) an industry safety and health representative. 20
- (4) A directive to suspend coal mining operations under subsection (2)(a) because of a risk mentioned in subsection (1)(b) may be given by— 21
22
23
- (a) an inspector; or 24
- (b) an industry safety and health representative. 25
- (5) A directive to take action stated in the directive under subsection (2)(b) may be given by— 26
27
- (a) an inspector; or 28
- (b) an inspection officer. 29
- (6) Despite subsection (5), only an inspector may give a directive under subsection (2)(b) that relates to— 30
31
32

[s 54]

- (a) a review of the safety and health management system or a principal hazard management plan; or
- (b) the carrying out of a test to decide whether a risk is at an unacceptable level.

Subdivision 4 Directives relating to other matters

164 Directive to ensure task performed only by coal mine worker with competency

- (1) This section applies if an inspector believes a particular task at a coal mine should be performed only by persons with a particular competency.
- (2) The inspector may give the coal mine operator for the coal mine a directive that the task be performed only by a coal mine worker with the competency.

165 Directive to isolate site to preserve evidence

- (1) This section applies if an inspector believes evidence relating to a serious accident or high potential incident at a coal mine needs to be preserved.
- (2) The inspector may give a directive to a person to isolate and protect the site of the accident or incident.

166 Directive to operate part of surface mine as separate part

- (1) Subsection (2) applies if an inspector believes part of a surface mine that was taken to be a separate part of a surface mine under section 21(4) is being operated in a way that makes it no longer a

-
- separate part of a surface mine under section 21(4). 1
2
- (2) The inspector may give a directive to the coal mine operator for the coal mine to operate the part of the surface mine so that it is a separate part of a surface mine under section 21(4). 3
4
5
6
- (3) Subsection (4) applies if an inspector believes the coal mine operator for a coal mine has not complied with a directive given under subsection (2). 7
8
9
10
- (4) The inspector may give the coal mine operator for the coal mine a directive to suspend operations in the part of the surface mine to which the directive given under subsection (2) applied. 11
12
13
14
- 167 Directive to give report to chief inspector** 15
- (1) The chief inspector may give a directive to a person who has a safety and health obligation in relation to a coal mine to give the chief inspector a report about— 16
17
18
19
- (a) risks from coal mining operations at the coal mine; or 20
21
- (b) the safety of part or all of any plant, building or structure at the coal mine; or 22
23
- (c) a serious accident or high potential incident at the coal mine. 24
25
- (2) The directive must state— 26
- (a) the objectives of the report; and 27
- (b) that the person who prepares the report must be a person approved by the chief inspector. 28
29
- (3) For subsection (2)(b), the chief inspector may approve a person only if the person— 30
31

[s 54]

- (a) has professional qualifications and experience relevant to preparing the report; and
 - (b) is not an employee of the coal mine operator for the coal mine or of a contractor for the coal mine.
- (4) A report prepared under this section is not admissible in evidence against a site senior executive for a coal mine, or any other coal mine worker or ROC worker mentioned in the report, in a criminal proceeding other than a proceeding about the falsity or misleading nature of the report.

Subdivision 5 How directives given 14

168 Contents of directive 15

- A directive given to a person under subdivision 3 or 4 must state the following matters—
- (a) the action required under the directive;
 - (b) the grounds for the directive;
 - (c) a stated reasonable period within which the person must comply with the directive;
 - (d) if the directive is given by an inspector (other than the chief inspector), an inspection officer or an industry safety and health representative—that the person has a right to have the directive reviewed by the chief inspector under subdivision 8;
 - (e) if the directive is given by the chief inspector—that the person has a right to appeal against the directive under part 14, division 2;

-
- (f) how, and the period within which, the person may apply for review of, or appeal against, the directive.

169 Directive may be given orally or by notice

- (1) A directive under subdivision 3 or 4 may be given to a person orally or by notice.
- (2) However, if a directive is given to a person orally, the directive must be confirmed by notice given to the person as soon as reasonably practicable after the directive is given.
- (3) A copy of a notice given under subsection (1) or (2) must be given to—
- (a) the site senior executive for the coal mine, or part of the coal mine, to which the directive relates; and
- (b) the person in control of the coal mine, or part of the coal mine, to which the directive relates.
- (4) Failure to comply with subsection (2) or (3) does not affect the validity of the directive.
- (5) Also, a directive is not invalid only because of—
- (a) a formal defect or irregularity in a notice given under this section unless the defect or irregularity causes or is likely to cause substantial injustice; or
- (b) a failure to use the correct name of a person in a notice given under this section if the notice sufficiently identifies the person.

170 Withdrawal of directive

- A directive given under subdivision 3 or 4 may be withdrawn by notice given by—

[s 54]

- | | |
|--|---------------------|
| (a) for a directive given by the chief inspector—the chief inspector; or | 1
2 |
| (b) for a directive given by an inspector other than the chief inspector—the inspector or another inspector; or | 3
4
5 |
| (c) for a directive given by an inspection officer—the inspection officer or an inspector; or | 6
7
8 |
| (d) for a directive given by an industry safety and health representative—the industry safety and health representative or an inspector. | 9
10
11
12 |
| <i>Note—</i> | 13 |
| See also section 160. | 14 |

Subdivision 6 Compliance with directives 15

171 Person must comply with directive 16

- | | |
|--|----------------|
| A person to whom a directive is given under subdivision 3 or 4 must comply with the directive within the period stated in the directive. | 17
18
19 |
| Maximum penalty—800 penalty units or 2 years imprisonment. | 20
21 |

Subdivision 7 Records 22

172 Authorised official must keep record of directive 23 24

- | | |
|--|----------------|
| (1) This section applies if an authorised official gives a directive under subdivision 3 or 4. | 25
26 |
| (2) The authorised official must keep an accurate record of the directive for at least 7 years after the directive is given. | 27
28
29 |

173 Directive must be entered in mine record	1
(1) This section applies if an authorised official gives a directive relating to a coal mine under subdivision 3 or 4.	2 3 4
(2) The authorised official must, as soon as reasonably practicable after giving the directive—	5 6 7
(a) enter in the mine record the directive; and	8
(b) state in the mine record the reason for the directive.	9 10
(3) The site senior executive for the coal mine must enter in the mine record the action taken to comply with the directive as soon as practicable after taking the action.	11 12 13 14
Maximum penalty—40 penalty units.	15
174 Coal mine workers must have access to directives	16 17
The site senior executive for a coal mine must make a copy of a directive given under subdivision 3 or 4 relating to the coal mine available for inspection by coal mine workers at the coal mine for at least 7 years after the directive is given.	18 19 20 21 22 23
Maximum penalty—40 penalty units.	24
174A Authorised official must keep record of report	25 26
(1) This section applies if an authorised official gives a report to a person under this Act.	27 28
(2) The authorised official must keep an accurate record of the report for at least 7 years after the report is given to the person.	29 30 31

[s 55]

	174B Authorised official must keep record of inspection of coal mine	1 2
	(1) This section applies if an authorised official inspects a coal mine under this Act.	3 4
	(2) The authorised official must—	5
	(a) make a written report about the inspection; and	6 7
	(b) give a copy of the report to the coal mine operator, and site senior executive, for the coal mine.	8 9 10
Clause 55	Amendment of s 175 (Application for review)	11
	Section 175, from ‘who’ to ‘may’—	12
	<i>omit, insert—</i>	13
	given a directive under division 5, subdivision 3 or 4 by an authorised official (other than the chief inspector) may	14 15 16
Clause 56	Amendment of s 178 (Stay of operation of directive)	17
	Section 178(6), ‘section 167’—	18
	<i>omit, insert—</i>	19
	section 163(2)(a)	20
Clause 57	Amendment of s 181 (Obstructing inspectors, officers or industry safety and health representatives)	21 22
	Section 181(1), penalty—	23
	<i>omit, insert—</i>	24
	Maximum penalty—500 penalty units.	25
Clause 58	Replacement of pt 10, div 1, hdg (Purposes of part)	26
	Part 10, division 1, heading—	27

omit, insert—

1

Division 1 Preliminary

2

Clause 59 Insertion of new s 182A

3

After section 182—

4

insert—

5

182A Definition for part

6

In this part—

7

board qualification means—

8

(a) a certificate of competency; or

9

(b) a site senior executive notice; or

10

(c) a practising certificate.

11

Clause 60 Amendment of s 185 (Functions of board of examiners)

12

(1) Section 185—

13

insert—

14

(ea) to develop and administer a scheme for the continuing professional development of holders of certificates of competency or site senior executive notices, including, for example—

15

16

17

18

19

(i) deciding the type of continuing

professional development required; and

20

21

(ii) deciding the minimum continuing

professional development particular

holders must undertake; and

22

23

24

(iii) issuing practising certificates to

holders who have completed the

required continuing professional

development; and

25

26

27

28

[s 61]

- (iv) renewing practising certificates of holders who have completed the required continuing professional development; 1
2
3
4
- (2) Section 185(ea) and (f)— 5
renumber as section 185(f) and (g). 6

- Clause 61 Insertion of new s 185A** 7
- After section 185— 8
- insert*— 9
- 185A Minister’s power to give directions in public interest** 10
11
- (1) The Minister may give the board of examiners a written direction about a matter relevant to the performance of the board’s functions under this Act if the Minister is satisfied it is necessary, and in the public interest, to give the direction. 12
13
14
15
16
 - (2) Without limiting subsection (1), the direction may be— 17
18
 - (a) to give the Minister reports and information; 19
or 20
 - (b) to apply a policy, standard or other instrument applying to a public sector unit. 21
22
 - (3) The direction can not be about any of the following— 23
24
 - (a) issuing, or refusing to issue, a board qualification; 25
26
 - (b) renewing, or refusing to renew, a board qualification; 27
28
 - (c) otherwise amending, suspending or cancelling a board qualification. 29
30
 - (4) The board of examiners must comply with the direction. 31
32

Clause 62	Replacement of s 186 (Membership and conduct of board proceedings)	1 2
	Section 186—	3
	<i>omit, insert—</i>	4
	186 Membership	5
	(1) The board of examiners is to consist of a chairperson and at least the following other persons (each a <i>member</i>)—	6 7 8
	(a) at least 1 person with demonstrated expertise in the assessment of technical or safety competencies;	9 10 11
	(b) the following inspectors—	12
	(i) the chief inspector;	13
	(ii) the chief inspector of mines under the <i>Mining and Quarrying Safety and Health Act 1999</i> ;	14 15 16
	(iii) at least 1 inspector who holds a first class certificate of competency for an underground coal mine and a practising certificate relating to the certificate of competency;	17 18 19 20 21
	(iv) at least 1 inspector who holds a first class certificate of competency for an underground mine, and a practising certificate relating to the certificate of competency, under the <i>Mining and Quarrying Safety and Health Act 1999</i> ;	22 23 24 25 26 27
	(c) at least 1 person who—	28
	(i) is employed by a coal mine operator; and	29 30
	(ii) holds a first class certificate of competency for an underground coal mine and a practising certificate	31 32 33

[s 62]

- relating to the certificate of competency; 1
2
- (d) at least 1 person who— 3
- (i) is employed by an operator under the 4
Mining and Quarrying Safety and 5
Health Act 1999; and 6
- (ii) holds a first class certificate of 7
competency for an underground mine, 8
and a practising certificate relating to 9
the certificate of competency, under the 10
Mining and Quarrying Safety and 11
Health Act 1999. 12
- (2) The chairperson— 13
- (a) must be appropriately qualified to perform 14
the functions of chairperson of the board of 15
examiners; and 16
- (b) must not be currently engaged in the mining 17
industry. 18
- (3) All members, other than the chairperson or a 19
member mentioned in subsection (1)(a), must— 20
- (a) be currently engaged in the mining industry; 21
and 22
- (b) have at least 10 years' practical experience 23
in the mining industry; and 24
- (c) hold a certificate of competency under this 25
Act or the *Mining and Quarrying Safety and* 26
Health Act 1999; and 27
- (d) hold the practising certificate required by 28
the board of examiners to be held by a 29
person holding the board qualification 30
mentioned in paragraph (c). 31
- (4) For subsection (3)(a), the following persons are 32
taken to be currently engaged in the mining 33
industry— 34

	(a) an inspector;	1
	(b) an industry safety and health representative;	2
	(c) a district workers' representative under the <i>Mining and Quarrying Safety and Health Act 1999</i> .	3 4 5
	(5) A member, other than a member mentioned in subsection (1)(b)(i) or (ii), may be appointed for a term of not more than 5 years.	6 7 8
Clause 63	Amendment of s 188 (Appointment of board of examiners)	9 10
	Section 188(1), 'section 186(3A)'—	11
	<i>omit, insert—</i>	12
	section 186(1)(b)(i) and (ii)	13
Clause 64	Amendment of s 190 (Presiding at meetings of the board of examiners)	14 15
	(1) Section 190(3), after 'nominated'—	16
	<i>insert—</i>	17
	under subsection (2)	18
	(2) Section 190(3), after 'board'—	19
	<i>insert—</i>	20
	of examiners	21
	(3) Section 190—	22
	<i>insert—</i>	23
	(4) If the chairperson does not nominate an inspector under subsection (2), the chief inspector presides.	24 25

[s 65]

Clause 65	Amendment of s 193A (Register to be kept by board of examiners)	1 2
	(1) Section 193A(1)—	3
	<i>insert</i> —	4
	(ba) practising certificates issued by the board; and	5 6
	(2) Section 193A(1)(ba) and (c)—	7
	<i>renumber</i> as section 193A(1)(c) and (d).	8
	(3) Section 193A(2)(a), ‘certificate of competency or site senior executive notice’—	9 10
	<i>omit, insert</i> —	11
	board qualification	12
	(4) Section 193A(2)(a), ‘certificate or notice’—	13
	<i>omit, insert</i> —	14
	qualification	15
	(5) Section 193A(2)(b), ‘subsection (1)(c)’—	16
	<i>omit, insert</i> —	17
	subsection (1)(d)	18
	(6) Section 193A(4)—	19
	<i>omit.</i>	20
Clause 66	Amendment of s 194A (Board of examiners may consider previous suspension, cancellation or surrender of certificate of competency or site senior executive notice)	21 22 23
	Section 194A, ‘certificate of competency or site senior executive notice’—	24 25
	<i>omit, insert</i> —	26
	board qualification	27

Clause 67	Amendment of s 195 (Obtaining certificates of competency or site senior executive notices by fraud)	1 2
(1)	Section 195, heading—	3
	<i>omit, insert—</i>	4
	195 Obtaining board qualifications by fraud	5
(2)	Section 195(1) and (3), ‘certificate of competency or site senior executive notice’—	6 7
	<i>omit, insert—</i>	8
	board qualification	9
(3)	Section 195(2)—	10
	<i>omit, insert—</i>	11
	(2) The board of examiners may cancel a board qualification by notice to the holder if the board is satisfied the holder obtained the qualification by giving false information to the board.	12 13 14 15
(4)	Section 195(3)—	16
	<i>insert—</i>	17
	(c) for a decision relating to a practising certificate held by a site senior executive—the coal mine operator for each coal mine at which the holder works;	18 19 20 21
	(d) for a decision relating to a practising certificate held by a person other than a site senior executive—the site senior executive for each coal mine at which the holder works.	22 23 24 25 26
Clause 68	Amendment of s 196 (Return of certificate of competency or site senior executive notice)	27 28
(1)	Section 196, ‘certificate of competency or site senior executive notice’—	29 30
	<i>omit, insert—</i>	31

[s 69]

	board qualification	1
(2)	Section 196, ‘certificate or notice’—	2
	<i>omit, insert—</i>	3
	qualification	4
(3)	Section 196(b), ‘an industrial magistrate’—	5
	<i>omit, insert—</i>	6
	a Magistrates Court	7
Clause 69	Amendment of s 196A (Effect on particular appointments of suspension, cancellation or surrender of certificate of competency or site senior executive notice)	8
	Section 196A, ‘certificate of competency or site senior executive notice’—	9
	<i>omit, insert—</i>	10
	board qualification	11
Clause 70	Amendment of pt 10A, hdg (Suspension and cancellation of certificates of competency and site senior executive notices by CEO)	12
	Part 10A, heading, from ‘certificates’ to ‘notices’—	13
	<i>omit, insert—</i>	14
	board qualifications	15
Clause 71	Amendment of s 197A (Grounds for suspension or cancellation)	16
	Section 197A—	17
	<i>insert—</i>	18
	(3) The only ground for suspending or cancelling a person’s practising certificate under this part is that the person has failed to complete the requirements of the board of examiners to hold	19
		20
		21
		22
		23
		24
		25
		26
		27
		28

	the certificate.	1
Clause 72	Amendment of s 197B (Notice of proposed action)	2
	Section 197B(1) and (2)(d), from ‘certificate’ to ‘notice’—	3
	<i>omit, insert—</i>	4
	board qualification	5
Clause 73	Amendment of s 197D (Decision to take proposed action)	6
(1)	Section 197D(2), ‘certificate of competency or site senior executive notice’—	7
	<i>omit, insert—</i>	8
	board qualification	9
(2)	Section 197D(2), ‘certificate or notice’—	10
	<i>omit, insert—</i>	11
	qualification	12
(3)	Section 197D(6)(a)—	13
	<i>insert—</i>	14
	(iii) for a decision relating to a practising certificate held by a site senior executive—the coal mine operator for each coal mine at which the person works;	15
	(iv) for a decision relating to a practising certificate held by a person other than a site senior executive—the site senior executive for each coal mine at which the person works; and	16
		17
		18
		19
		20
		21
		22
		23
		24
Clause 74	Insertion of new s 197E	25
	After section 197D—	26
	<i>insert—</i>	27

[s 75]

197E Automatic cancellation or suspension of practising certificate	1
	2
(1) This section applies if a person's certificate of competency or site senior executive notice is cancelled or suspended under this part or by a court.	3 4 5 6
(2) Any practising certificate, relating to the certificate of competency or site senior executive notice, held by the person is also cancelled or suspended for the same period.	7 8 9 10

Clause 75 Replacement of s 198 (Notice of accidents, incidents, deaths or diseases)	11
	12
Section 198—	13
<i>omit, insert—</i>	14
198 Notice of accidents, deaths or incidents	15
(1) If the site senior executive for a coal mine becomes aware of a serious accident or death at the coal mine, the site senior executive must as soon as possible after becoming aware—	16 17 18 19
(a) orally notify an inspector—	20
(i) about the accident or death; and	21
(ii) about the required information for the notification, to the extent the information is known to the site senior executive; and	22 23 24 25
(b) orally notify an industry safety and health representative—	26 27
(i) about the accident or death; and	28
(ii) about the required information for the notification, to the extent the information is known to the site senior executive.	29 30 31 32

-
- Maximum penalty—100 penalty units. 1
- (2) Also, if the site senior executive for a coal mine 2
becomes aware of a high potential incident at the 3
coal mine, the site senior executive must as soon 4
as possible after becoming aware orally notify an 5
industry safety and health representative— 6
- (a) about the incident; and 7
- (b) about the required information for the 8
notification, to the extent the information is 9
known to the site senior executive. 10
- Maximum penalty—100 penalty units. 11
- (3) Further, if the site senior executive for a coal mine 12
becomes aware of a serious accident, death or 13
high potential incident at the coal mine, the site 14
senior executive must as soon as practicable after 15
becoming aware— 16
- (a) notify an inspector about the accident, death 17
or incident by notice in the approved form; 18
and 19
- (b) notify an industry safety and health 20
representative about the accident, death or 21
incident by notice. 22
- Maximum penalty—100 penalty units. 23
- (4) The approved form mentioned in subsection 24
(3)(a) must make provision for particular 25
information to be provided about the accident, 26
death or incident. 27
- (5) The notice mentioned in subsection (3)(b) must 28
include the following information about the 29
accident, death or incident— 30
- (a) the precise location where the accident, 31
death or incident happened; 32
- (b) when the accident, death or incident 33
happened; 34

[s 75]

- | | |
|---|----------------------------|
| (c) the number of persons involved in the accident, death or incident; | 1
2 |
| (d) if the notification is about a death, whether or not caused by an accident—the name of the person who died; | 3
4
5 |
| (e) if the notification is about a serious accident or high potential incident— | 6
7 |
| (i) the name of any person who saw the accident or incident, or who was present when the accident or incident happened; and | 8
9
10
11 |
| (ii) the name of any person who was injured as a result of the accident or incident; | 12
13
14 |
| (f) if no one was present when a person mentioned in paragraph (d) died or a person mentioned in paragraph (e)(ii) was injured—the name of the person who found the deceased or injured person; | 15
16
17
18
19 |
| (g) a brief description of how the accident, death or incident happened. | 20
21 |
| <i>Examples of types of descriptions that may be given under paragraph (g)—</i> | 22
23 |
| • ‘A light vehicle fell into the pit after the light vehicle collided with a truck on a ramp leading into the pit.’ | 24
25
26 |
| • ‘A worker fell from the top of a storage bin into the wash plant.’ | 27
28 |
| (6) If the site senior executive does not know the required information at the time the site senior executive is required to notify a person under subsection (3) the site senior executive must— | 29
30
31
32 |
| (a) take all reasonable steps to find out the required information as soon as possible; and | 33
34
35 |

-
- (b) as soon as possible after the required information becomes known to the site senior executive, give the required information to the person. 1
2
3
4
- Maximum penalty—100 penalty units. 5
- (7) For a proceeding under subsection (1), (2), (3) or (6), it is not a defence that the giving of the required information might tend to incriminate the site senior executive. 6
7
8
9
- (8) The required information is not admissible in evidence against the site senior executive in a criminal proceeding. 10
11
12
- (9) Subsection (8) does not prevent the required information being admitted in evidence in a criminal proceeding about the falsity or misleading nature of the required information. 13
14
15
16
- (10) In this section— 17
- required information* means— 18
- (a) in relation to a notification required to be given to an inspector—the information required by the approved form mentioned in subsection (3)(a); or 19
20
21
22
- (b) in relation to a notification required to be given to an industry safety and health representative—the information required under subsection (5) in the notice mentioned in subsection (3)(b). 23
24
25
26
27

198AA Notice of reportable diseases 28

- (1) If the site senior executive for a coal mine becomes aware that a relevant worker has been diagnosed with a reportable disease, the site senior executive must, as soon as practicable after becoming aware— 29
30
31
32
33

[s 76]

(a) notify an inspector about the disease by notice in the approved form; and	1 2
(b) notify an industry safety and health representative about the disease by notice.	3 4
Maximum penalty—100 penalty units.	5
(2) If a prescribed person becomes aware that a relevant worker has been diagnosed with a reportable disease, the prescribed person must, as soon as practicable after becoming aware, notify the chief inspector by notice in the approved form.	6 7 8 9 10
Maximum penalty—100 penalty units.	11
(3) The approved form mentioned in subsections (1)(a) and (2) must make provision for stating the name and date of birth of the person diagnosed with the reportable disease.	12 13 14 15
(4) This section does not apply in the circumstances prescribed by regulation.	16 17
(5) In this section—	18
<i>prescribed person</i> means a person prescribed by regulation for subsection (2).	19 20
<i>relevant worker</i> means—	21
(a) a person who is, was or may become a coal mine worker; or	22 23
(b) a person who is, was or may become a worker under the <i>Mining and Quarrying Safety and Health Act 1999</i> .	24 25 26
<i>reportable disease</i> means a disease prescribed by regulation to be a reportable disease.	27 28
Clause 76 Insertion of new s 199A	29
After section 199—	30
<i>insert—</i>	31

199A Site senior executive must tell contractor particular matters	1
	2
(1) This section applies if—	3
(a) a contractor provides or arranges for a coal mine worker to perform work, or provide a service, at a coal mine; and	4
	5
	6
(b) the site senior executive for the coal mine becomes aware of any of the following matters—	7
	8
	9
(i) an injury or illness to the coal mine worker from coal mining operations that causes the worker to be absent from work;	10
	11
	12
	13
(ii) a high potential incident happening at the coal mine that causes or has the potential to cause a significant adverse effect on the safety or health of the coal mine worker;	14
	15
	16
	17
	18
(iii) any proposed change to the coal mine, or plant or substance used at the coal mine, that affects, or may affect, the safety and health of the coal mine worker.	19
	20
	21
	22
	23
(2) The site senior executive for the coal mine must tell the contractor about the matter as soon as practicable after the matter comes to the site senior executive’s knowledge.	24
	25
	26
	27
Maximum penalty—100 penalty units.	28

Clause 77	Amendment of s 201 (Action to be taken in relation to site of accident or incident)	29
		30
	Section 201(1)(c), from ‘forward’—	31
	<i>omit, insert—</i>	32
	give the report mentioned in paragraph (b) to an	33

[s 78]

	inspector—	1
	(i) within 30 days after the accident or incident;	2
	or	3
	(ii) if the CEO or chief inspector, by notice,	4
	gives a longer period, of not more than 12	5
	months, within which to give the	6
	report—within the longer period.	7
Clause 78	Amendment of s 216 (Offences by witnesses)	8
	Section 216(1), (2) and (3), penalty—	9
	<i>omit, insert—</i>	10
	Maximum penalty—200 penalty units.	11
Clause 79	Insertion of new ss 216A and 216B	12
	After section 216—	13
	<i>insert—</i>	14
	216A False or misleading statements to board of inquiry	15
		16
	A person must not state anything to the board of inquiry that the person knows is false or misleading in a material particular.	17
		18
		19
	Maximum penalty—500 penalty units.	20
	216B False or misleading documents to board of inquiry	21
		22
	(1) A person must not give a document to the board of inquiry that the person knows is false or misleading in a material particular.	23
		24
		25
	Maximum penalty—500 penalty units.	26
	(2) Subsection (1) does not apply to a person who, when giving the document—	27
		28

	(a) informs the board of inquiry, to the best of the person’s ability, how it is false or misleading; and	1 2 3
	(b) if the person has, or can reasonably get, the correct information—gives the correct information to the board of inquiry.	4 5 6
Clause 80	Amendment of s 217 (Contempt of board)	7
	(1) Section 217, heading, after ‘board’—	8
	<i>insert—</i>	9
	of inquiry	10
	(2) Section 217, after paragraph (a)—	11
	<i>insert—</i>	12
	(aa) impede or obstruct the board of inquiry in the exercise of its powers; or	13 14
	(3) Section 217(b) and (c), after ‘board’—	15
	<i>insert—</i>	16
	of inquiry	17
	(4) Section 217(aa) to (c)—	18
	<i>renumber</i> as section 217(b) to (d).	19
	(5) Section 217, penalty—	20
	<i>omit, insert—</i>	21
	Maximum penalty—200 penalty units.	22
Clause 81	Amendment of s 236A (Appeals against CEO’s decisions)	23
	Section 236A, from ‘certificate’ to ‘notice’—	24
	<i>omit, insert—</i>	25
	board qualification	26

[s 82]

Clause 82	Amendment of s 237 (Appeals against board of examiners' decision)	1
	Section 237, 'certificate'—	2
	<i>omit, insert</i> —	3
	board qualification	4
Clause 83	Amendment of s 243 (Who may appeal)	5
	Section 243(c), 'subdivision 4'—	6
	<i>omit, insert</i> —	7
	subdivision 8	8
Clause 84	Amendment of s 245 (Stay of operation of directive or review decision)	9
	Section 245(5), 'section 167'—	10
	<i>omit, insert</i> —	11
	section 163(2)(a)	12
Clause 85	Amendment of s 255 (Proceedings for offences)	13
	(1) Section 255(1)—	14
	<i>omit, insert</i> —	15
	(1) A charge for an offence against this Act, other than an offence against part 3A, must be heard and decided summarily.	16
	(2) Section 255(3) and (4)—	17
	<i>omit.</i>	18
	(3) Section 255(6), 'subsection (5)(b)'—	19
	<i>omit, insert</i> —	20
	subsection (3)(b)	21
	(4) Section 255(7) and (8), 'subsection (6)'—	22
		23
		24
		25
		26

	<i>omit, insert—</i>	1
	subsection (4)	2
(5)	Section 255(10), definition <i>person dissatisfied with a decision—</i>	3 4
	<i>omit.</i>	5
(6)	Section 255(5) to (10)—	6
	<i>renumber</i> as section 255(3) to (9).	7
Clause 86	Amendment of s 256B (Procedure if prosecution not brought)	8 9
	Section 256B(1)(a), ‘section 255(10)’—	10
	<i>omit, insert—</i>	11
	section 255(9)	12
Clause 87	Amendment of s 257 (Limitation on time for starting proceedings)	13 14
	Section 257(1)(a) and (b)—	15
	<i>omit, insert—</i>	16
	(a) 2 years after the offence first comes to the notice of the complainant;	17 18
	(b) if an enforceable undertaking has been given in relation to the offence, 6 months after the latest of the following to happen—	19 20 21
	(i) the enforceable undertaking is contravened;	22 23
	(ii) it comes to the notice of the CEO that the enforceable undertaking has been contravened;	24 25 26
	(iii) the CEO agrees under section 267Q to the withdrawal of the enforceable undertaking;	27 28 29

[s 88]

Clause 88	Amendment of s 258 (Court may order suspension or cancellation of certificate or notice)	1 2
(1)	Section 258(2), ‘An industrial magistrate’— <i>omit, insert—</i> A Magistrates Court	3 4 5
(2)	Section 258(3), ‘industrial magistrate’s’— <i>omit, insert—</i> court’s	6 7 8
(3)	Section 258(3), ‘Industrial Court’— <i>omit, insert—</i> District Court	9 10 11
(4)	Section 258(4), from ‘The’ to ‘person’s’— <i>omit, insert—</i> A Magistrates Court must give notice of a decision to suspend or cancel a person’s	12 13 14 15
(5)	Section 258(4)(a), ‘industrial magistrate’— <i>omit, insert—</i> court	16 17 18
Clause 89	Amendment of s 259 (Forfeiture on conviction)	19
	Section 259(1), ‘an Industrial Magistrates Court’— <i>omit, insert—</i> a Magistrates Court	20 21 22
Clause 90	Amendment of s 264 (Orders for costs)	23
(1)	Section 264(2), ‘An Industrial Magistrates Court’— <i>omit, insert—</i> A Magistrates Court	24 25 26

-
- (2) Section 264(3)— 1
omit. 2
- (3) Section 264(4) to (6)— 3
renumber as section 264(3) to (5). 4

Clause 91 Insertion of new pt 15C 5

After part 15B— 6

insert— 7

Part 15C Enforceable undertakings 8
9

267L CEO may accept enforceable undertaking 10

- (1) The CEO may accept a written undertaking (an *enforceable undertaking*) given by a person in connection with a matter relating to a contravention or alleged contravention of this Act by the person. 11
12
13
14
15
- (2) An enforceable undertaking can not be accepted for a contravention or alleged contravention that is— 16
17
18
- (a) an offence against section 48C or 48D; or 19
- (b) an offence involving a breach of a safety and health obligation causing death. 20
21
- (3) The giving of an enforceable undertaking does not constitute an admission of guilt by the person giving the undertaking in relation to the contravention or alleged contravention to which the undertaking relates. 22
23
24
25
26
- (4) The CEO must issue, and publish on a Queensland Government website, general guidelines in relation to the acceptance of enforceable undertakings under this Act. 27
28
29
30

[s 91]

- (5) The CEO may accept an enforceable undertaking in relation to a contravention or alleged contravention, other than a contravention or alleged contravention that is an offence mentioned in subsection (2)(a) or (b), before a proceeding in relation to the contravention has been finalised. 1
2
3
4
5
6
7
- (6) If the CEO accepts an enforceable undertaking before the proceeding is finalised— 8
9
- (a) the CEO must immediately notify the WHS prosecutor; and 10
11
- (b) the WHS prosecutor must take all reasonable steps to have the proceeding discontinued as soon as possible. 12
13
14

267M Notice of decision and reasons for decision 15

- (1) The CEO must give the person seeking to make an enforceable undertaking notice of the CEO's decision to accept or reject the enforceable undertaking and of the reasons for the decision. 16
17
18
19
- (2) The CEO must publish, on a Queensland Government website, notice of a decision to accept an enforceable undertaking and the reasons for the decision. 20
21
22
23

267N When enforceable undertaking is enforceable 24

An enforceable undertaking takes effect and becomes enforceable when the CEO's decision to accept the undertaking is given to the person who made the undertaking or at any later date stated by the CEO. 25
26
27
28
29

267O Compliance with enforceable undertaking 30

A person must not contravene an enforceable 31

undertaking made by the person that is in effect. 1
Maximum penalty—500 penalty units. 2

267P Contravention of enforceable undertaking 3

- (1) The CEO may apply to a Magistrates Court for an order if a person contravenes an enforceable undertaking. 4
5
6
- (2) If the court is satisfied that the person who made the enforceable undertaking has contravened the undertaking, the court, in addition to the imposition of any penalty, may make— 7
8
9
10
- (a) an order directing the person to comply with the undertaking; or 11
12
- (b) an order discharging the undertaking. 13
- (3) In addition to the orders mentioned in subsection (2), the court may make any other order the court considers appropriate in the circumstances, including orders directing the person to pay to the State— 14
15
16
17
18
- (a) the costs of the proceeding; and 19
- (b) the reasonable costs of the CEO in monitoring compliance with the enforceable undertaking in the future. 20
21
22
- (4) Nothing in this section prevents a proceeding being taken for the contravention or alleged contravention of this Act to which the enforceable undertaking relates. 23
24
25
26

Note— 27

Section 267R specifies circumstances affecting a proceeding for a contravention for which an enforceable undertaking has been given. 28
29
30

[s 92]

267Q Withdrawal or variation of enforceable undertaking	1 2
(1) A person who has made an enforceable undertaking may at any time, with the written agreement of the CEO—	3 4 5
(a) withdraw the undertaking; or	6
(b) vary the undertaking.	7
(2) However, the provisions of the undertaking can not be varied to provide for a different alleged contravention of the Act.	8 9 10
(3) The CEO must publish, on a Queensland Government website, notice of the withdrawal or variation of an enforceable undertaking.	11 12 13

267R Proceeding for alleged contravention	14
(1) Subject to this part, no proceeding for a contravention or alleged contravention of this Act may be taken against a person if an enforceable undertaking is in effect in relation to the contravention.	15 16 17 18 19
(2) No proceeding may be taken for a contravention or alleged contravention of this Act against a person who has made an enforceable undertaking in relation to the contravention and has completely discharged the enforceable undertaking.	20 21 22 23 24 25

Clause 92	Insertion of new pt 16, div 1, hdg	26	
	Before section 268—	27	
	<i>insert—</i>	28	
	Division 1	General	29

Clause 93	Insertion of new pt 16, div 2	1	
	After section 270—	2	
	<i>insert—</i>	3	
	Division 2	Sentencing for offences	4
	270A Application of division	5	
	This division applies if a court convicts a person or finds a person guilty (the <i>offender</i>) of an offence against this Act.	6 7 8	
	270B Orders generally	9	
	(1) One or more orders may be made under this division against the offender.	10 11	
	(2) Orders may be made under this division in addition to any penalty that may be imposed or any other action that may be taken in relation to the offence.	12 13 14 15	
	270C Adverse publicity orders	16	
	(1) The court may make an order (an <i>adverse publicity order</i>), in relation to the offender, requiring the offender—	17 18 19	
	(a) to take either or both of the following actions within the period stated in the order—	20 21 22	
	(i) to publicise, in the way stated in the order, the offence, its consequences, the penalty imposed and any other related matter;	23 24 25 26	
	(ii) to notify a stated person or stated class of persons, in the way stated in the order, of the offence, its consequences,	27 28 29	

[s 93]

- the penalty imposed and any other
related matter; and
- (b) to give the CEO, within 7 days after the end
of the period stated in the order, evidence
that the action or actions were taken by the
offender in accordance with the order.
- (2) The court may make an adverse publicity order on
its own initiative or on the application of the
person prosecuting the offence.
- (3) If the offender fails to give evidence to the CEO
as provided under subsection (1)(b), the CEO, or
a person authorised in writing by the CEO, may
take the action or actions stated in the order.
- (4) However, if—
- (a) the offender gives evidence to the CEO as
provided under subsection (1)(b); and
- (b) despite that evidence, the CEO is not
satisfied that the offender has taken the
action or actions stated in the order in
accordance with the order;
- the CEO may apply to the court for an order
authorising the CEO, or a person authorised in
writing by the CEO, to take the action or actions.
- (5) If the CEO, or a person authorised in writing by
the CEO, takes an action or actions under
subsection (3) or under an order under subsection
(4), the CEO is entitled to recover from the
offender, by action in a court of competent
jurisdiction, an amount in relation to the
reasonable expenses of taking the action or
actions as a debt due to the CEO.

270D Orders for restoration

- (1) The court may make an order requiring the
offender to take steps stated in the order, within

the period stated in the order, to remedy a matter 1
caused by the commission of the offence that 2
appears to the court to be within the offender's 3
power to remedy. 4

- (2) The period within which an order under this 5
section must be complied with may be extended, 6
or further extended, by order of the court but only 7
if an application for the extension is made before 8
the end of the period. 9

270E Safety and health project orders 10

- (1) The court may make an order requiring the 11
offender to undertake a stated project for the 12
general improvement of safety and health of 13
persons at coal mines and persons who may be 14
affected by coal mining operations within the 15
period stated in the order. 16
- (2) The order may state conditions that must be 17
complied with in undertaking the project. 18

270F Release on giving of court-ordered 19 undertaking 20

- (1) The court may (with or without recording a 21
conviction) adjourn the proceeding for the 22
offence for a period of not more than 2 years and 23
make an order for the release of the offender on 24
the offender giving an undertaking with stated 25
conditions (a *court-ordered undertaking*). 26
- (2) A court-ordered undertaking must state the 27
following conditions— 28
- (a) that the offender appear before the court if 29
called to appear during the period of the 30
adjournment and, if stated by the court, at 31
the time to which the further hearing is 32
adjourned; 33

[s 93]

- (b) that the offender does not commit, during the period of the adjournment, any offence against this Act;
 - (c) that the offender observes any special conditions imposed by the court.
- (3) In addition to the order mentioned in subsection (1), the court may make any other order the court considers appropriate in the circumstances, including orders directing the offender to pay to the State—
 - (a) the costs of the proceeding; and
 - (b) the reasonable costs of the CEO in monitoring compliance with the court-ordered undertaking in the future.
- (4) An offender who has given a court-ordered undertaking under this section may be called on to appear before the court by order of the court.
- (5) An order under subsection (4) must be served on the offender not less than 4 days before the time stated in the order for the appearance.
- (6) If the court is satisfied at the time to which a further hearing of a proceeding is adjourned that the offender has observed the conditions of the court-ordered undertaking, the court must discharge the offender without any further hearing of the proceeding.

270G Injunctions

The court may issue an injunction requiring the offender to cease contravening this Act.

Note—

See also part 15A.

270H Training orders

The court may make an order requiring the offender to undertake, or arrange for 1 or more coal mine workers to undertake, a stated course of training.

270I Offence to fail to comply with order

- (1) A person must comply with an order under this division, unless the person has a reasonable excuse.

Maximum penalty—500 penalty units.

- (2) This section does not apply to an order or injunction under section 270F or 270G.

Clause 94 Amendment of s 274 (Where coal mine worker exposed to immediate personal danger)

Section 274(1)(a) and (3), ‘himself or herself’—

omit, insert—

themselves

Clause 95 Amendment of s 275AA (Protection from reprisal)

Section 275AA(7)—

insert—

detriment includes—

(a) personal injury or prejudice to safety; and

(b) property damage or loss; and

(c) intimidation or harassment; and

(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and

(e) financial loss; and

[s 96]

	(f) damage to reputation, including, for example, personal, professional or business reputation.	1 2 3
Clause 96	Amendment of s 275AC (Public statements)	4
(1)	Section 275AC, heading—	5
	<i>omit, insert—</i>	6
	275AC Publication of information	7
(2)	Section 275AC(1), from ‘make’ to ‘following—’—	8
	<i>omit, insert—</i>	9
	publish information about any of the following matters—	10 11
(3)	Section 275AC(2)—	12
	<i>omit, insert—</i>	13
	(2) Also, the Minister, CEO or chief inspector may publish any of the following information about serious accidents or high potential incidents—	14 15 16
	(a) the total number of accidents or incidents that happened in a particular period;	17 18
	(b) a description of an accident or incident, including, for example, where and when an accident or incident happened;	19 20 21
	(c) the name of a coal mine at which an accident or incident happened;	22 23
	(d) the operator of a coal mine at which an accident or incident happened;	24 25
	(e) the injuries or deaths that occurred in an accident or incident;	26 27
	(f) any other information about the accident or incident the Minister, CEO or chief inspector considers appropriate.	28 29 30
(4)	Section 275AC(3), ‘issue a public statement’—	31

omit, insert— 1

publish information 2

(5) Section 275AC(4) and (5)— 3

omit, insert— 4

(4) No liability is incurred by the State or any other 5
person for the publication of, or for anything done 6
for the purpose of publishing, information under 7
this section in good faith. 8

(5) Subsection (4) applies despite section 276. 9

Clause 97 Amendment of s 275A (Disclosure of information) 10

(1) Section 275A(1)(e)— 11

omit, insert— 12

(e) in information published under section 13
275AC. 14

(2) Section 275A(2), ‘in mining’— 15

omit. 16

Clause 98 Amendment of s 280 (CEO to keep records) 17

(1) Section 280(1)(a)— 18

omit, insert— 19

(a) a database of information about serious 20
accidents and high potential incidents; and 21

(2) Section 280(2) to (5)— 22

omit, insert— 23

(2) The CEO may give a person access to the records. 24

Clause 99 Amendment of s 281 (Approved forms) 25

Section 281, after ‘inspector’— 26

[s 100]

insert— 1
and the CEO 2

Clause 100 Insertion of new pt 20, div 12 3

Part 20— 4

insert— 5

**Division 12 Transitional provisions for
Resources Safety and
Health Legislation
Amendment Act 2024** 6
7
8
9

328 Definitions for division 10

In this division— 11

former, for a provision of this Act, means the 12
provision as in force from time to time before the 13
commencement of the provision in which the term 14
is used. 15

new, for a provision of this Act, means the 16
provision as in force from the commencement of 17
the provision in which the term is used. 18

**329 Deferral of requirements relating to critical
controls** 19
20

(1) New sections 30, 47A, 62(5) and 63(1) do not 21
apply until the day that is 1 year after the 22
commencement. 23

(2) Former sections 30, 47A, 62(5) and 63(1) 24
continue to apply until that day that is 1 year after 25
the commencement. 26

330 Deferral of requirements relating to operational ROC workers	1 2
(1) New sections 42(h) and 62(3) do not apply until the day that is 6 months after the commencement.	3 4
(2) Former sections 42(h) and 62(3) continue to apply until the day that is 6 months after the commencement.	5 6 7
331 Deferral of additional requirements for management of surface mines	8 9
New sections 58A and 58B do not apply until the day that is 5 years after the commencement.	10 11
332 Appointment of open-cut examiner before commencement	12 13
(1) This section applies if, before the commencement of new section 59(2) and (3), the site senior executive for a surface mine or a separate part of a surface mine appointed a person under former section 59 to be open-cut examiner.	14 15 16 17 18
(2) The person is taken to be appointed by the surface mine manager under new section 59.	19 20
333 Deferral of requirement for electrical engineering manager for underground mine to hold board qualifications	21 22 23
(1) New section 60(10) does not apply to the appointment of an electrical engineering manager for an underground mine, or to an acting electrical engineering manager appointed under new section 60A(2) or (3), until the day that is 5 years after the commencement.	24 25 26 27 28 29
(2) If, on the day that is 5 years after the commencement, an electrical engineering manager for an underground mine, or an acting	30 31 32

[s 100]

electrical engineering manager appointed under 1
former section 60A(2) or (3), does not hold both 2
of the board qualifications required under new 3
section 60(10), the appointment of the manager or 4
acting manager is terminated. 5

- (3) Former sections 60(10) and 60A(2), (3) and (8) 6
continue to apply until the day that is 5 years after 7
the commencement. 8

**334 Deferral of requirement for mechanical 9
engineering manager for underground mine to 10
hold board qualifications 11**

- (1) New section 60(11) does not apply to the 12
appointment of a mechanical engineering 13
manager for an underground mine, or to an acting 14
mechanical engineering manager appointed under 15
new section 60A(2) or (3), until the day that is 5 16
years after the commencement. 17

- (2) If, on the day that is 5 years after the 18
commencement, a mechanical engineering 19
manager for an underground mine, or an acting 20
underground mechanical engineering manager 21
appointed under former section 60A(2) or (3), 22
does not hold both of the board qualifications 23
required under new section 60(11), the 24
appointment of the manager or acting manager is 25
terminated. 26

- (3) Former sections 60(10) and 60A(2), (3) and (8) 27
continue to apply until the day that is 5 years after 28
the commencement. 29

**335 Deferral of particular requirements to hold 30
practising certificate 31**

- (1) This section applies to the following 32
requirements— 33

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- | | |
|---|----------------------------------|
| (a) the requirement under new section 54(4)(a)(ii) and (b)(ii) for a site senior executive for a coal mine to hold a practising certificate; | 1
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3
4 |
| (b) the requirement under new section 57(4)(b) for an acting site senior executive for a coal mine to hold a practising certificate; | 5
6
7 |
| (c) the requirement under new section 59(1)(b) for an open-cut examiner for a surface mine excavation carried out at a surface mine or part of a surface mine to hold a practising certificate; | 8
9
10
11
12 |
| (d) the requirement under new section 59A(6)(b) for a person acting as an open-cut examiner for a surface mine to hold a practising certificate; | 13
14
15
16 |
| (e) the requirement under new section 60(5)(b) for an underground mine manager to hold a practising certificate; | 17
18
19 |
| (f) the requirement under new section 60(8)(b) for a person responsible for the control and management of underground activities at an underground mine when the manager is not in attendance at the mine to hold a practising certificate; | 20
21
22
23
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25 |
| (g) the requirement under new section 60(9)(b) for a person who is to have control of activities in 1 or more explosion risk zones for an underground mine to hold a practising certificate; | 26
27
28
29
30 |
| (h) the requirement under new section 60A(6) and (8) for a person acting in a position mentioned in paragraph (e), (f) or (g) to hold a practising certificate; | 31
32
33
34 |

[s 100]

- | | | |
|-----|---|----------------------------|
| (i) | the requirement under new section 61(3)(b) for a ventilation officer to hold a practising certificate; | 1
2
3 |
| (j) | the requirement under new section 61A(5)(b) for a person acting as a ventilation officer to hold a practising certificate; | 4
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7 |
| (k) | the requirement under new section 109(2)(b) for an industry safety and health representative to hold a practising certificate; | 8
9
10
11 |
| (l) | the requirement under new section 126(2) for particular persons appointed as an inspector to hold a practising certificate; | 12
13
14 |
| (m) | the requirement under new section 186(1)(b)(iii) or (iv), (c)(ii) or (d)(ii) or (3)(d) for particular members of the board of examiners to hold a practising certificate. | 15
16
17
18 |
| (2) | The requirement does not apply until 10 June 2025. | 19
20 |
| (3) | If, on 10 June 2025, the person mentioned in subsection (1) does not hold the required practising certificate, the appointment of the person to the position mentioned in subsection (1) is terminated. | 21
22
23
24
25 |
| (4) | Former sections 54(4), 57, 59(1), 60(5) and (8), 60A(6) and (8), 61(3), 61A(5), 109(2) and 126 continue to apply until 10 June 2025. | 26
27
28 |
| (5) | In this section—

<i>practising certificate</i> includes a practising certificate under the <i>Mining and Quarrying Safety and Health Act 1999</i> . | 29

30
31
32 |

336 Deferral of requirement for board of examiners to include person who has expertise in assessment of competencies	1 2 3
New section 186(1)(a) does not apply until the day that is 2 years after the commencement.	4 5
337 Deferral of requirement for chairperson of board of examiners to have particular qualifications	6 7 8
(1) New section 186(2) does not apply until the day that is 2 years after the commencement.	9 10
(2) Former section 186(2) continues to apply until the day that is 2 years after the commencement.	11 12
338 No compensation payable because of termination of appointment under division	13 14
(1) This section applies if a person's appointment to a position is terminated because of the operation of this division.	15 16 17
(2) No compensation is payable to the person because of the termination.	18 19
339 Dealing with charges of offences against Act in summary way before Magistrates Court	20 21
(1) New section 255 applies in relation to a proceeding for an offence against this Act started after the commencement, whether the offence was alleged to have been committed before or after the commencement.	22 23 24 25 26
(2) Without limiting the <i>Acts Interpretation Act 1954</i> , section 20, a proceeding for an offence started under former section 255 before an industrial magistrate before the commencement may be continued before the industrial magistrate after the commencement despite the amendment of	27 28 29 30 31 32

[s 100]

former section 255 by the <i>Resources Safety and Health Legislation Amendment Act 2024</i> .	1 2
(3) Also, a person dissatisfied with a decision of an industrial magistrate in a proceeding mentioned in subsection (2) may appeal to the Industrial Court under former section 255 despite the amendment of former section 255 by the <i>Resources Safety and Health Legislation Amendment Act 2024</i> .	3 4 5 6 7 8
340 Limitation period for starting prosecution	9
(1) New section 257 applies only in relation to a proceeding for an offence against this Act alleged to have been committed after the commencement.	10 11 12
(2) Former section 257 continues to apply in relation to a proceeding for an offence against this Act alleged to have been committed before the commencement despite the amendment of former section 257 by the <i>Resources Safety and Health Legislation Amendment Act 2024</i> .	13 14 15 16 17 18
341 Administrative region established by chief executive before commencement	19 20
(1) This section applies if—	21
(a) before the commencement, the chief executive established an administrative region for the administration of this Act under former schedule 3, definition <i>region</i> ; and	22 23 24 25 26
(b) immediately before the commencement, the administrative region was still in effect.	27 28
(2) The administrative region is taken to have been established by the CEO under new schedule 3, definition <i>region</i> .	29 30 31

Clause 101	Amendment of sch 2 (Subject matter for regulations)	1
	Schedule 2, part 2—	2
	<i>insert—</i>	3
	29B Matters relating to board qualifications.	4
Clause 102	Amendment of sch 3 (Dictionary)	5
(1)	Schedule 3, definitions <i>coal mine worker</i> , <i>obstruct</i> , <i>personal details requirement</i> and <i>service provider—</i>	6
	<i>omit.</i>	7
(2)	Schedule 3—	8
	<i>insert—</i>	9
	<i>authorised official</i> , for part 9, division 5, see section 161.	10
	<i>board of inquiry</i> means a board of inquiry established under section 202.	11
	<i>board qualification</i> see section 182A.	12
	<i>coal mine worker</i> means an individual who carries out work at a coal mine and includes the following individuals who carry out work at a coal mine—	13
	(a) an employee of the coal mine operator;	14
	(b) a contractor;	15
	(c) an employee of a contractor.	16
	<i>contractor</i> includes—	17
	(a) a person contracted to carry out work at a coal mine; and	18
	(b) a person contracted to provide a service to a coal mine; and	19
	(c) a person contracted to provide coal mine workers to a coal mine, including, for example, a labour hire agency.	20
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[s 102]

<i>critical control</i> means a risk control measure for a coal mine—	1 2
(a) that is critical to—	3
(i) prevent a material unwanted event at the coal mine; or	4 5
(ii) mitigate the consequences of a material unwanted event at the coal mine; and	6 7
(b) the absence or failure of which would significantly increase risk despite the existence of other risk control measures.	8 9 10
<i>electrical engineering manager</i> means a person appointed under section 58A(10) or 60(10) to control and manage a coal mine’s electrical engineering activities.	11 12 13 14
<i>enforceable undertaking</i> see section 267L(1).	15
<i>material unwanted event</i> , at a coal mine, means an unwanted event in relation to which the potential or real consequence to safety or health exceeds a threshold defined by the coal mine operator as warranting the highest level of attention.	16 17 18 19 20 21
<i>mechanical engineering manager</i> means a person appointed under section 58A(11) or 60(11) to control and manage a coal mine’s mechanical engineering activities.	22 23 24 25
<i>mutual recognition Act</i> means—	26
(a) the <i>Mutual Recognition Act 1992</i> (Cwlth); or	27 28
(b) the <i>Trans-Tasman Mutual Recognition Act 1997</i> (Cwlth).	29 30
<i>obstruct</i> includes assault, hinder, resist and attempt or threaten to assault, hinder or resist.	31 32
<i>offender</i> , for part 16, division 2, see section 270A.	33 34

-
- operational ROC worker***, for a coal mine, means
an ROC worker for the mine who does either or
both of the following—
- (a) provides information that is used at the mine
to make decisions about coal mining
operations at the mine but does not give
instructions, directions or make decisions
about coal mining operations at the mine;
 - (b) remotely operates plant or equipment
located at the mine under—
 - (i) the direction of the site senior
executive or other supervisors at the
mine; and
 - (ii) the safety and health management
system.
- practising certificate*** means a practising
certificate issued, or renewed, by the board of
examiners under this Act.
- Queensland Government website*** means a
website with a URL that contains ‘qld.gov.au’,
other than the website of a local government.
- remote operating centre***, for a coal mine, means
a facility located off the mine that monitors coal
mining operations at the mine and does either or
both of the following—
- (a) provides information that is used by the site
senior executive or other supervisors at the
mine to make decisions about coal mining
operations at the mine but does not involve
persons at the facility giving instructions or
directions or making decisions about coal
mining operations at the mine;
 - (b) remotely operates plant or equipment
located at the mine under the direction of the
site senior executive or other supervisors at

renumber as section 7(2) to (4).

1

Clause 105 Amendment of s 12C (Deciding applications)

2

Section 12C(1), note, ‘section 123AC(2)’—

3

omit, insert—

4

section 123S(2)

5

Clause 106 Amendment of s 15A (Persons who are not appropriate persons)

6

7

Section 15A—

8

insert—

9

- (4) Despite subsections (2) and (3), if the person is a licensed dealer, the person is an appropriate person to hold, or to continue to hold, a security sensitive authority if the only employees of the person who have or will have unsupervised access to an explosive in the course of the employee’s employment, and who do not hold security clearances, are qualified weapons employees.

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Clause 107 Amendment of s 17 (How chief inspector may deal with application)

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19

Section 17(1), note, ‘section 123AC(2)’—

20

omit, insert—

21

section 123S(2)

22

Clause 108 Amendment of s 23 (Grounds for suspending or cancelling authorities)

23

24

Section 23(1)(h), ‘section 33(2)’—

25

omit, insert—

26

section 33(3)

27

[s 109]

Clause 109	Amendment of s 33 (Employers' obligations about employees)	1
		2
(1)	Section 33—	3
	<i>insert—</i>	4
(1A)	However, if the employer is a licensed dealer who holds a security sensitive authority, an employee of the licensed dealer who is a qualified weapons employee—	5 6 7 8
(a)	is not required to hold a security clearance; and	9 10
(b)	is not required to have access to an explosive under the direct supervision of a person who holds a security clearance.	11 12 13
(2)	Section 33(1A) and (2)—	14
	<i>renumber</i> as section 33(2) and (3).	15
Clause 110	Replacement of s 37 (Notice to chief inspector)	16
	Section 37—	17
	<i>omit, insert—</i>	18
	37 Notice to chief inspector	19
(1)	This section applies if an authority holder intends to—	20 21
(a)	bring an import explosive into the State from another country; or	22 23
(b)	send an export explosive to another country.	24
(2)	The authority holder must, within the period or at the time requested under subsection (3) or (4), give the chief inspector notice in the approved form of—	25 26 27 28
(a)	the holder's intention; and	29
(b)	if the holder intends to bring an import explosive into the State from another	30 31

-
- country—the expected arrival date and arrival time for the import explosive; and
- (c) if the holder intends to send an export explosive to another country—the expected departure date and departure time for the export explosive.
- Maximum penalty—20 penalty units.
- (3) For subsection (2), the notice must be given to the chief inspector—
- (a) for an import explosive—at least 7 days before the expected arrival date for the import explosive; or
- (b) for an export explosive—at least 7 days before the expected departure date for the export explosive.
- (4) However, if the authority holder is not aware of the expected arrival date for the import explosive or the expected departure date for the export explosive in the period mentioned in subsection (3), the notice required under subsection (2) must be given to the chief inspector—
- (a) as soon as practicable after the holder becomes aware of the expected arrival date or expected departure date; and
- (b) not later than the day before the arrival date or departure date.
- (5) If any information stated in a notice given under subsection (2), or another written notice given under this subsection, changes, the holder must give the chief inspector written notice of the change—
- (a) as soon as practicable after the holder becomes aware of the change; and
- (b) not later than the day before the arrival date or departure date.

[s 111]

	Maximum penalty—20 penalty units.	1
(6)	Subsections (2) and (5) do not apply if the holder has a reasonable excuse.	2 3
(7)	In this section—	4
	<i>arrival date</i> , for an import explosive, means the day the import explosive will arrive at an airport or port in the State.	5 6 7
	<i>arrival time</i> , for an import explosive, means the time at which the import explosive will arrive at an airport or port in the State.	8 9 10
	<i>departure date</i> , for an export explosive, means the day the export explosive will be sent from an airport or port in the State.	11 12 13
	<i>departure time</i> , for an export explosive, means the time at which the export explosive will be sent from an airport or port in the State.	14 15 16
Clause 111	Amendment of s 54A (Definitions for part)	17
(1)	Section 54A(1), definitions <i>employee</i> and <i>employer</i> —	18
	<i>omit</i> .	19
(2)	Section 54A(1)—	20
	<i>insert</i> —	21
	<i>employer</i> , for an act involving explosives, means—	22 23
(a)	a person who employs or otherwise engages an individual to do the act involving explosives; or	24 25 26
(b)	a person who arranges for an individual to do the act involving explosives; or	27 28
(c)	the holder of an authority relating to the act involving explosives.	29 30

Clause 112	Replacement of ss 54C and 54D	1
	Sections 54C and 54D—	2
	<i>omit, insert—</i>	3
	54C Industrial manslaughter—employer	4
	(1) An employer for an act involving explosives commits an offence if—	5 6
	(a) an individual who does the act involving explosives—	7 8
	(i) dies in the course of doing the act involving explosives; or	9 10
	(ii) is injured in the course of doing the act involving explosives and later dies; and	11 12
	(b) the employer’s conduct causes the death of the individual; and	13 14
	(c) the employer is negligent about causing the death of the individual by the conduct.	15 16
	Maximum penalty—	17
	(a) for an individual—20 years imprisonment; or	18 19
	(b) for a body corporate—100,000 penalty units.	20 21
	<i>Note—</i>	22
	See section 119 in relation to imputing to a body corporate particular conduct of executive officers, employees or agents of the body corporate.	23 24 25
	(2) An offence against subsection (1) is a crime.	26
	54D Industrial manslaughter—senior officer	27
	(1) A senior officer of an employer for an act involving explosives commits an offence if—	28 29
	(a) an individual who does the act involving explosives—	30 31

[s 113]

	(i) dies in the course of doing the act involving explosives; or	1 2
	(ii) is injured in the course of doing the act involving explosives and later dies; and	3 4
	(b) the senior officer's conduct causes the death of the individual; and	5 6
	(c) the senior officer is negligent about causing the death of the individual by the conduct.	7 8
	Maximum penalty—20 years imprisonment.	9
	(2) An offence against subsection (1) is a crime.	10
Clause 113	Replacement of s 56 (Notification of explosives incidents)	11
	Section 56—	12
	<i>omit, insert—</i>	13
	56 Notice of explosives incidents	14
	(1) The relevant person for explosives involved in an explosives incident must, as soon as possible after the incident, notify the chief inspector of the incident in the approved form.	15 16 17 18
	Maximum penalty—170 penalty units.	19
	(2) It is not a defence in a proceeding under subsection (1) that the giving of the required information might tend to incriminate the relevant person for explosives involved in an explosives incident.	20 21 22 23 24
	(3) The required information is not admissible in evidence against the relevant person for explosives involved in an explosives incident in any criminal proceeding.	25 26 27 28
	(4) Subsection (3) does not prevent the required information being admitted in evidence in a criminal proceeding about the falsity or misleading nature of the required information.	29 30 31 32

	(5) In this section—	1
	<i>required information</i> means the information	2
	required to be included in the approved form	3
	mentioned in subsection (1).	4
Clause 114	Replacement of s 62B (Chief executive to arrange for services of staff for board of inquiry)	5
	Section 62B—	6
	<i>omit, insert—</i>	7
	62B CEO to arrange for services of staff for board of inquiry	8
	As soon as practicable after the board of inquiry is established, the CEO must, in consultation with the chairperson of the board, arrange for the services of RSHQ or other persons to be made available to the board for the conduct of the inquiry.	9
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Clause 115	Amendment of s 72 (Offences by witnesses)	17
	Section 72(1) and (2), penalty—	18
	<i>omit, insert—</i>	19
	Maximum penalty—200 penalty units.	20
Clause 116	Amendment of s 73 (False or misleading statements to inquiry)	21
	Section 73, penalty—	22
	<i>omit, insert—</i>	23
	Maximum penalty—500 penalty units.	24
		25
Clause 117	Amendment of s 74 (False or misleading documents to inquiry)	26
	Section 74(1), penalty—	27
		28

[s 118]

omit, insert— 1
Maximum penalty—500 penalty units. 2

Clause 118 Amendment of s 75 (Contempt of board) 3

- (1) Section 75(a)— 4
omit. 5
(2) Section 75(b) to (e)— 6
renumber as section 75(a) to (d). 7

Clause 119 Amendment of s 80A (Functions of inspectors) 8

Section 80A(1)(g), ‘the department’— 9
omit, insert— 10
RSHQ 11

Clause 120 Amendment of s 81 (Powers of inspector) 12

Section 81(1)(a) and (2)(c), ‘Minister’— 13
omit, insert— 14
CEO 15

Clause 121 Amendment of s 88 (Warrants—procedure before entry) 16

Section 88(2)(a), ‘himself or herself’— 17
omit, insert— 18
themselves 19

Clause 122 Amendment of s 89 (General powers after entering places) 20
21

Section 89(3), penalty— 22
omit, insert— 23

	Maximum penalty—100 penalty units.	1
Clause 123	Replacement of s 96 (Power to require name and address)	2
		3
	Section 96—	4
	<i>omit, insert—</i>	5
	96 Power to require personal details	6
	(1) This section applies if an inspector—	7
	(a) finds a person committing an offence against this Act; or	8
		9
	(b) finds a person in circumstances that lead the inspector to reasonably suspect the person has just committed an offence against this Act; or	10
		11
		12
		13
	(c) has information that leads the inspector to reasonably suspect a person has just committed an offence against this Act.	14
		15
		16
	(2) The inspector may require the person to state the person’s name and residential address.	17
		18
	(3) The inspector may also require the person to give evidence of the correctness of the stated name or address if, in the circumstances, it would be reasonable to expect the person to—	19
		20
		21
		22
	(a) be in possession of evidence of the correctness of the stated name or address; or	23
		24
	(b) otherwise be able to give the evidence.	25
	(4) When making a requirement under this section, the inspector must give the person an offence warning for the requirement.	26
		27
		28
	(5) In this section—	29
	<i>offence warning</i> , for a requirement by an inspector, means a warning that, without a reasonable excuse, it is an offence for the person	30
		31
		32

[s 124]

	of whom the requirement is made not to comply with the requirement.	1 2
	<i>reasonably suspect</i> means suspect on grounds that are reasonable in the circumstances.	3 4
	96A Offence to contravene personal details requirement	5 6
	(1) A person of whom a requirement is made under section 96 must comply with the requirement unless the person has a reasonable excuse.	7 8 9
	Maximum penalty—100 penalty units.	10
	(2) A person may not be convicted of an offence against subsection (1) unless the person is found guilty of the offence in relation to which the requirement under section 96 was made.	11 12 13 14
Clause 124	Amendment of s 99 (False or misleading information)	15
	Section 99(1), penalty—	16
	<i>omit, insert—</i>	17
	Maximum penalty—100 penalty units.	18
Clause 125	Amendment of s 100 (Power to require production of documents)	19 20
	Section 100(2), penalty—	21
	<i>omit, insert—</i>	22
	Maximum penalty—100 penalty units.	23
Clause 126	Replacement of s 102 (Power to give direction about contravention)	24 25
	Section 102—	26
	<i>omit, insert—</i>	27

-
- 102 Power to give direction about contravention** 1
- (1) This section applies if an inspector reasonably 2
suspects a person— 3
- (a) has contravened, or is contravening, this 4
Act; or 5
- (b) is involved in an activity that is likely to 6
result in a contravention of this Act. 7
- (2) The inspector may give the person a written 8
notice (a *remedial action notice*) to take steps 9
reasonably necessary to remedy the contravention 10
or avoid the likely contravention. 11
- (3) The remedial action notice must state the 12
following— 13
- (a) that the inspector believes the person— 14
- (i) has contravened, or is contravening, 15
this Act; or 16
- (ii) is involved in an activity that is likely 17
to result in a contravention of this Act; 18
- (b) the provision of this Act the inspector 19
believes is being, has been, or is likely to be, 20
contravened; 21
- (c) the reasons for the belief; 22
- (d) that the person must take steps reasonably 23
necessary to remedy the contravention, or 24
avoid the likely contravention, within a 25
stated reasonable period. 26
- (4) The remedial action notice must include, or be 27
accompanied by, an information notice about the 28
decision to give the notice. 29
- (5) If the remedial action notice relates to a vehicle or 30
thing, it may be given by securely attaching it to 31
the vehicle or thing in a conspicuous position. 32
- (6) A person to whom a remedial action notice has 33

[s 127]

	been given must comply with the notice unless the person has a reasonable excuse.	1 2
	Maximum penalty—the maximum penalty stated in the notice for the contravention of the provision by an individual.	3 4 5
(7)	If the remedial action notice states steps the person may take to remedy the contravention, or avoid the likely contravention, the subject of the notice, the person is taken to have complied with the notice if all the steps have been taken.	6 7 8 9 10
(8)	Subsection (7) does not prevent the person from complying with the notice in another way.	11 12
(9)	A person must not remove a remedial action notice from a vehicle or thing before the steps stated in the notice are taken.	13 14 15
	Maximum penalty for subsection (9)—100 penalty units.	16 17
(10)	In this section— <i>reasonably suspects</i> means suspects on grounds that are reasonable in the circumstances.	18 19 20
Clause 127	Amendment of s 105 (Obstruction of inspectors)	21
(1)	Section 105(1), penalty— <i>omit, insert—</i> Maximum penalty—500 penalty units.	22 23 24
(2)	Section 105(4)— <i>omit, insert—</i> (4) In this section— <i>obstruct</i> includes assault, hinder, resist and attempt or threaten to assault, hinder or resist.	25 26 27 28 29

Clause 128	Amendment of s 105E (Appointment conditions and limit on powers)	1
	Section 105E(3), ‘Minister’—	2
	<i>omit, insert</i> —	3
	CEO	4
Clause 129	Replacement of pt 6, div 3, hdg (Additional power of Minister)	5
	Part 6, division 3, heading—	6
	<i>omit, insert</i> —	7
	Division 3	8
	Seized things to be forfeited to the State	9
Clause 130	Amendment of s 118 (Proceeding for offence)	10
	(1) Section 118, heading—	11
	<i>omit, insert</i> —	12
	118 Proceedings for offences	13
	(2) Section 118(1)—	14
	<i>omit, insert</i> —	15
	(1) A charge of an offence against this Act, other than an offence against part 4A, must be heard and decided summarily.	16
	(3) Section 118—	17
	<i>insert</i> —	18
	(4A) An authorisation under subsection (3) is sufficient authority to continue a proceeding if the court amends the charge, warrant or summons.	19
	(4) Section 118(6)(a) and (b)—	20
	<i>omit, insert</i> —	21

[s 131]

	(a) 2 years after the offence first comes to the notice of the complainant;	1 2
	(b) if an enforceable undertaking has been given in relation to the offence, within 6 months after the latest of the following to happen—	3 4 5
	(i) the enforceable undertaking is contravened;	6 7
	(ii) it comes to the notice of the CEO that the enforceable undertaking has been contravened;	8 9 10
	(iii) the CEO agrees under section 123F to the withdrawal of the enforceable undertaking;	11 12 13
(5)	Section 118(6A), ‘Subsection (6)’— <i>omit, insert—</i> Subsection (7)	14 15 16
(6)	Section 118(4A) to (7)— <i>renumber</i> as section 118(5) to (10).	17 18
Clause 131	Amendment of s 118C (Procedure if prosecution not brought)	19 20
	Section 118C(1)(a), ‘section 118(7)’— <i>omit, insert—</i> section 118(8)	21 22 23
Clause 132	Insertion of new s 121A	24
	After section 121— <i>insert—</i> 121A Court may order suspension or cancellation of authority	25 26 27 28
	(1) This section applies if a person convicted of an	29

	offence against this Act is the holder of an authority or a security clearance.	1 2
	(2) A Magistrates Court, on application by the complainant during the proceeding for the offence, may suspend or cancel the authority or security clearance of the person convicted.	3 4 5 6
	(3) A person dissatisfied with the Magistrates Court's decision to suspend or cancel the person's authority or security clearance who wants to appeal against the decision, must appeal to the District Court.	7 8 9 10 11
	(4) The Magistrates Court must give notice of the decision to suspend or cancel the authority or security clearance to the chief inspector.	12 13 14
Clause 133	Amendment of s 122 (Recovery of costs from convicted person)	15 16
	Section 122(1)(b), 'the department's'—	17
	<i>omit, insert—</i>	18
	RSHQ's	19
Clause 134	Renumbering of s 123A (Treatment of partnerships)	20
	Section 123A—	21
	<i>renumber</i> as section 123W.	22
Clause 135	Insertion of new pt 8, divs 1AA and 1AB	23
	Part 8—	24
	<i>insert—</i>	25
	Division 1AA Enforceable undertakings	26

[s 135]

- 123A CEO may accept enforceable undertaking** 1
- (1) The CEO may accept a written undertaking (an *enforceable undertaking*) given by a person in connection with a matter relating to a contravention or alleged contravention of this Act by the person. 2
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6
- (2) An enforceable undertaking can not be accepted for a contravention or alleged contravention that is— 7
8
9
- (a) an offence against section 54C or 54D; or 10
- (b) an offence causing death. 11
- (3) The giving of an enforceable undertaking does not constitute an admission of guilt by the person giving the undertaking in relation to the contravention or alleged contravention to which the undertaking relates. 12
13
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15
16
- (4) The CEO must issue, and publish on a Queensland Government website, general guidelines in relation to the acceptance of enforceable undertakings under this Act. 17
18
19
20
- (5) The CEO may accept an enforceable undertaking in relation to a contravention or alleged contravention, other than a contravention or alleged contravention that is an offence mentioned in subsection (2)(a) or (b), before a proceeding in relation to the contravention has been finalised. 21
22
23
24
25
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27
- (6) If the CEO accepts an enforceable undertaking before the proceeding is finalised— 28
29
- (a) the CEO must immediately notify the WHS prosecutor; and 30
31
- (b) the WHS prosecutor must take all reasonable steps to have the proceeding discontinued as soon as possible. 32
33
34

123B Notice of decision and reasons for decision	1
(1) The CEO must give the person seeking to make an enforceable undertaking notice of the CEO's decision to accept or reject the enforceable undertaking and of the reasons for the decision.	2 3 4 5
(2) The CEO must publish, on a Queensland Government website, notice of a decision to accept an enforceable undertaking and the reasons for the decision.	6 7 8 9
123C When enforceable undertaking is enforceable	10
An enforceable undertaking takes effect and becomes enforceable when the CEO's decision to accept the undertaking is given to the person who made the undertaking or at any later date stated by the CEO.	11 12 13 14 15
123D Compliance with enforceable undertaking	16
A person must not contravene an enforceable undertaking made by the person that is in effect.	17 18
Maximum penalty—500 penalty units.	19
123E Contravention of enforceable undertaking	20
(1) The CEO may apply to a Magistrates Court for an order if a person contravenes an enforceable undertaking.	21 22 23
(2) If the court is satisfied that the person who made the enforceable undertaking has contravened the undertaking, the court, in addition to the imposition of any penalty, may make—	24 25 26 27
(a) an order directing the person to comply with the undertaking; or	28 29
(b) an order discharging the undertaking.	30

[s 135]

- (3) In addition to the orders mentioned in subsection 1
(2), the court may make any other order the court 2
considers appropriate in the circumstances, 3
including orders directing the person to pay to the 4
State— 5
- (a) the costs of the proceeding; and 6
- (b) the reasonable costs of the CEO in 7
monitoring compliance with the enforceable 8
undertaking in the future. 9
- (4) Nothing in this section prevents a proceeding 10
being taken for the contravention or alleged 11
contravention of this Act to which the enforceable 12
undertaking relates. 13
- Note—* 14
- Section 123G specifies circumstances affecting a 15
proceeding for a contravention for which an enforceable 16
undertaking has been given. 17

**123F Withdrawal or variation of enforceable 18
undertaking 19**

- (1) A person who has made an enforceable 20
undertaking may at any time, with the written 21
agreement of the CEO— 22
- (a) withdraw the undertaking; or 23
- (b) vary the undertaking. 24
- (2) However, the provisions of the undertaking can 25
not be varied to provide for a different alleged 26
contravention of the Act. 27
- (3) The CEO must publish, on a Queensland 28
Government website, notice of the withdrawal or 29
variation of an enforceable undertaking. 30

123G Proceeding for alleged contravention 31

- (1) Subject to this division, no proceeding for a 32

contravention or alleged contravention of this Act 1
may be taken against a person if an enforceable 2
undertaking is in effect in relation to the 3
contravention. 4

(2) No proceeding may be taken for a contravention 5
or alleged contravention of this Act against a 6
person who has made an enforceable undertaking 7
in relation to the contravention and has 8
completely discharged the enforceable 9
undertaking. 10

Division 1AB Sentencing for offences 11

123H Application of division 12

This division applies if a court convicts a person 13
or finds a person guilty (the *offender*) of an 14
offence against this Act. 15

123I Orders generally 16

- (1) One or more orders may be made under this 17
division against the offender. 18
- (2) Orders may be made under this division in 19
addition to any penalty that may be imposed or 20
any other action that may be taken in relation to 21
the offence. 22

123J Adverse publicity orders 23

- (1) The court may make an order (an *adverse* 24
publicity order), in relation to the offender, 25
requiring the offender— 26
- (a) to take either or both of the following 27
actions within the period stated in the 28
order— 29

[s 135]

- (i) to publicise, in the way stated in the order, the offence, its consequences, the penalty imposed and any other related matter; 1
2
3
4
 - (ii) to notify a stated person or stated class of persons, in the way stated in the order, of the offence, its consequences, the penalty imposed and any other related matter; and 5
6
7
8
9
- (b) to give the CEO, within 7 days after the end of the period stated in the order, evidence that the action or actions were taken by the offender in accordance with the order. 10
11
12
13
- (2) The court may make an adverse publicity order on its own initiative or on the application of the person prosecuting the offence. 14
15
16
- (3) If the offender fails to give evidence to the CEO as provided under subsection (1)(b), the CEO, or a person authorised in writing by the CEO, may take the action or actions stated in the order. 17
18
19
20
- (4) However, if— 21
 - (a) the offender gives evidence to the CEO as provided under subsection (1)(b); and 22
23
 - (b) despite that evidence, the CEO is not satisfied that the offender has taken the action or actions stated in the order in accordance with the order; 24
25
26
27
- the CEO may apply to the court for an order authorising the CEO, or a person authorised in writing by the CEO, to take the action or actions. 28
29
30
- (5) If the CEO, or a person authorised in writing by the CEO, takes an action or actions under subsection (3) or under an order under subsection (4), the CEO is entitled to recover from the offender, by action in a court of competent jurisdiction, an amount in relation to the 31
32
33
34
35
36

reasonable expenses of taking the action or 1
actions as a debt due to the CEO. 2

123K Orders for restoration 3

- (1) The court may make an order requiring the 4
offender to take steps stated in the order, within 5
the period stated in the order, to remedy a matter 6
caused by the commission of the offence that 7
appears to the court to be within the offender’s 8
power to remedy. 9
- (2) The period within which an order under this 10
section must be complied with may be extended, 11
or further extended, by order of the court but only 12
if an application for the extension is made before 13
the end of the period. 14

123L Safety and health project orders 15

- (1) The court may make an order requiring the 16
offender to undertake a stated project for the 17
general improvement of safety and health of 18
persons who may be affected by explosives within 19
the period stated in the order. 20
- (2) The order may state conditions that must be 21
complied with in undertaking the project. 22

**123M Release on giving of court-ordered 23
undertaking** 24

- (1) The court may (with or without recording a 25
conviction) adjourn the proceeding for the 26
offence for a period of not more than 2 years and 27
make an order for the release of the offender on 28
the offender giving an undertaking with stated 29
conditions (a *court-ordered undertaking*). 30
- (2) A court-ordered undertaking must state the 31
following conditions— 32

[s 135]

- (a) that the offender appear before the court if called to appear during the period of the adjournment and, if stated by the court, at the time to which the further hearing is adjourned;
 - (b) that the offender does not commit, during the period of the adjournment, any offence against this Act;
 - (c) that the offender observes any special conditions imposed by the court.
- (3) In addition to the order mentioned in subsection (1), the court may make any other order the court considers appropriate in the circumstances, including orders directing the offender to pay to the State—
- (a) the costs of the proceeding; and
 - (b) the reasonable costs of the CEO in monitoring compliance with the court-ordered undertaking in the future.
- (4) An offender who has given a court-ordered undertaking under this section may be called on to appear before the court by order of the court.
- (5) An order under subsection (4) must be served on the offender not less than 4 days before the time stated in the order for the appearance.
- (6) If the court is satisfied at the time to which a further hearing of a proceeding is adjourned that the offender has observed the conditions of the court-ordered undertaking, the court must discharge the offender without any further hearing of the proceeding.

123N Injunctions

The court may issue an injunction requiring the offender to cease contravening this Act.

	<i>Note—</i>	1
	See also part 6, division 4.	2
	123O Training orders	3
	The court may make an order requiring the offender to undertake, or arrange for 1 or more persons handling explosives to undertake, a stated course of training.	4 5 6 7
	123P Offence to fail to comply with order	8
	(1) A person must comply with an order under this division, unless the person has a reasonable excuse.	9 10 11
	Maximum penalty—500 penalty units.	12
	(2) This section does not apply to an order or injunction under section 123M or 123N.	13 14
Clause 136	Amendment of s 123AB (Definitions for division)	15
	Section 123AB, definition <i>relevant application</i> , ‘section 123AA(1)’—	16 17
	<i>omit, insert—</i>	18
	section 123Q(1)	19
Clause 137	Amendment of s 123AF (When biometric information must be destroyed if authority or security clearance given)	20 21 22
	(1) Section 123AF(2)(a), after ‘expires’—	23
	<i>insert—</i>	24
	or is cancelled or surrendered	25
	(2) Section 123AF(2)(b), ‘section 123AD’—	26
	<i>omit, insert—</i>	27

[s 138]

	section 123T	1
Clause 138	Renumbering of ss 123AA–123AF	2
	Sections 123AA to 123AF—	3
	<i>renumber</i> as section 123Q to 123V.	4
Clause 139	Insertion of new s 124A	5
	After section 124—	6
	<i>insert</i> —	7
	124A Recovery of fees	8
	(1) A fee payable under this Act and not paid may be recovered by the CEO—	9 10
	(a) in summary proceedings under the <i>Justices Act 1886</i> ; or	11 12
	(b) by action for a debt in a court of competent jurisdiction.	13 14
	(2) A fee may also be recovered in a proceeding for an offence against this Act.	15 16
	(3) An order made in a proceeding under subsection (2) is enforceable under the <i>Justices Act 1886</i> as an order for payment of money made by a magistrate under that Act.	17 18 19 20
	(4) If an order is made in a proceeding under subsection (2)—	21 22
	(a) the order may be filed in the registry of a Magistrates Court; and	23 24
	(b) on being filed, is taken to be an order made by a Magistrates Court and may be enforced accordingly.	25 26 27

Clause 140	Amendment of s 126 (Disclosure by doctors and psychologists of certain information)	1
	Section 126(2), ‘his or her’—	2
	<i>omit, insert</i> —	3
	the doctor’s or psychologist’s	4
Clause 141	Amendment of s 126A (Protection from reprisal)	5
	(1) Section 126A(1), penalty—	6
	<i>omit, insert</i> —	7
	Maximum penalty—1,000 penalty units.	8
	(2) Section 126A(7)—	9
	<i>insert</i> —	10
	<i>detriment</i> includes—	11
	(a) personal injury or prejudice to safety; and	12
	(b) property damage or loss; and	13
	(c) intimidation or harassment; and	14
	(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and	15
	(e) financial loss; and	16
	(f) damage to reputation, including, for example, personal, professional or business reputation.	17
Clause 142	Amendment of s 126C (Public statements)	18
	(1) Section 126C, heading—	19
	<i>omit, insert</i> —	20
	126C Publication of information	21
	(2) Section 126C(2), from ‘make’ to ‘following—’	22

[s 142]

<i>omit, insert—</i>	1
publish information about any of the following matters—	2 3
(3) Section 126C(3)—	4
<i>omit, insert—</i>	5
(3) Also, the person may publish any of the following information about explosives incidents—	6 7
(a) the total number of incidents that happened in a particular period;	8 9
(b) a description of an incident, including, for example, where and when an incident happened;	10 11 12
(c) the holder of an authority in relation to which an incident happened;	13 14
(d) the injuries or deaths that occurred in an incident;	15 16
(e) any other information about an incident the person considers appropriate.	17 18
(4) Section 126C(4), ‘issue a public statement’—	19
<i>omit, insert—</i>	20
publish information	21
(5) Section 126C—	22
<i>insert—</i>	23
(5) No liability is incurred by the State or any other person for the publication of, or for anything done for the purpose of publishing, information under this section in good faith.	24 25 26 27
(6) Subsection (5) applies despite section 127.	28

Clause 143	Amendment of s 126D (Chief inspector may issue safety and security alerts)	1	
	Section 126D(3)(b), ‘the department’s website’—	2	
	<i>omit, insert—</i>	3	
	a Queensland Government website	4	
Clause 144	Amendment of s 132 (Disclosure of information)	6	
	(1) Section 132(1)(e)—	7	
	<i>omit, insert—</i>	8	
	(e) in information published under section 126C; or	9	
		10	
	(2) Section 132(2)(b), ‘explosives’—	11	
	<i>omit, insert—</i>	12	
	safety and health	13	
Clause 145	Amendment of s 134 (Approval of forms)	14	
	(1) Section 134, heading, ‘Approval of’—	15	
	<i>omit, insert—</i>	16	
	Approved	17	
	(2) Section 134, after ‘inspector’—	18	
	<i>insert—</i>	19	
	and the CEO	20	
Clause 146	Insertion of new pt 10, div 8	21	
	Part 10—	22	
	<i>insert—</i>	23	
	Division 8	Transitional and validation	24
		provisions for Resources	25
		Safety and Health	26

[s 146]

Legislation Amendment Act 2024	1 2
160 Definitions for division	3
In this division—	4
<i>former</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	5 6 7
<i>new</i> , for a provision of this Act, means the provision as in force from the commencement.	8 9
161 Notice given to chief inspector about import or export of explosive before commencement	10 11
(1) This section applies if—	12
(a) before the commencement, an authority holder gave the chief inspector a notice under former section 37 about an import explosive or an export explosive; and	13 14 15 16
(b) immediately before the commencement, the import or export of the explosive was not complete.	17 18 19
(2) The notice is taken to have been given by the authority holder under new section 37(2).	20 21
(3) To remove any doubt, it is declared that new section 37(5) applies to the authority holder from the commencement.	22 23 24
162 Notice limiting powers of inspector given by Minister before commencement	25 26
(1) This section applies if—	27
(a) before the commencement, the Minister gave a notice limiting the powers of an inspector under former section 81(2)(c); and	28 29 30

(b)	immediately before the commencement, the notice was in effect.	1 2
(2)	The notice is taken to have been given by the CEO under new section 81(2)(c).	3 4
163	Direction given by Minister to authorised officer before commencement	5 6
(1)	This section applies if—	7
(a)	before the commencement, the Minister gave a direction to an authorised officer under former section 105E(3); and	8 9 10
(b)	immediately before the commencement, the direction was in effect.	11 12
(2)	The direction is taken to have been given by the CEO under new section 105E(3).	13 14
164	Validation of security sensitive authority issued to Queensland Police Service contrary to s 15A	15 16 17
(1)	This section applies if—	18
(a)	before the commencement, the chief inspector made a decision under section 17(1)(a) to issue a security sensitive authority to the Queensland Police Service; and	19 20 21 22 23
(b)	the Queensland Police Service was not an appropriate person to hold, or continue to hold, the security sensitive authority under section 15A(2) because an employee of the Queensland Police Service—	24 25 26 27 28
(i)	had or would have had unsupervised access to an explosive in the course of the employee’s employment; and	29 30 31
(ii)	did not hold a security clearance.	32

[s 146]

- (2) Each of the following things is taken to be, and
always to have been, as valid as it would have
been if each employee of the Queensland Police
Service did not have or would not have had
unsupervised access to an explosive in the course
of the employee's employment and each
employee of the Queensland Police Service held a
security clearance—
- (a) the making of the decision to issue the
security sensitive authority;
- (b) the security sensitive authority;
- (c) anything done under the security sensitive
authority whether before or after the
commencement;
- (d) an omission of the chief inspector to
suspend or cancel the security sensitive
authority under section 23(1)(d) because the
Queensland Police Service was not an
appropriate person to hold, or continue to
hold, the security sensitive authority under
section 15A(2).

**165 Validation of security sensitive authority
issued to government entity or
Commonwealth entity contrary to s 17**

- (1) This section applies if—
- (a) before the commencement, the chief
inspector made a decision under section
17(1)(a) to issue a security sensitive
authority to a government entity or a
Commonwealth entity; and
- (b) each executive officer of the government
entity or the Commonwealth entity did not
hold a security clearance as required under
section 17(2)(c).
- (2) Each of the following things is taken to be, and

-
- always to have been, as valid as it would have
been if each executive officer of the government
entity or the Commonwealth entity did hold a
security clearance as required under section
17(2)(c)—
- (a) the making of the decision to issue the
security sensitive authority;
 - (b) the security sensitive authority;
 - (c) anything done under the security sensitive
authority whether before or after the
commencement;
 - (d) an omission of the chief inspector to
suspend or cancel the security sensitive
authority under section 23(1)(k) because
each executive officer of the government
entity or the Commonwealth entity did hold
a security clearance as required under
section 17(2)(c).

166 Limitation period for starting prosecution

- (1) New section 118(7) applies only in relation to a
proceeding for an offence against this Act alleged
to have been committed after the commencement.
- (2) Former section 118(6) continues to apply in
relation to a proceeding for an offence against this
Act alleged to have been committed before the
commencement despite the amendment of former
section 118(6) by the *Resources Safety and
Health Legislation Amendment Act 2024*.

Clause 147 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *employee*—
omit.
- (2) Schedule 2—

[s 147]

<i>insert—</i>	1
<i>board of inquiry</i> means a board of inquiry established under section 60.	2 3
<i>Commonwealth entity</i> means—	4
(a) an entity established under an Act or another law of the Commonwealth for a public or Commonwealth purpose; or	5 6 7
(b) part of an entity mentioned in paragraph (a).	8
<i>enforceable undertaking</i> see section 123A(1).	9
<i>licensed dealer</i> see the <i>Weapons Act 1990</i> , schedule 2.	10 11
<i>offender</i> , for part 8, division 1AB, see section 123H.	12 13
<i>qualified weapons employee</i> has the meaning given by the <i>Weapons Act 1990</i> , section 70(2).	14 15
<i>Queensland Government website</i> means a website with a URL that contains ‘qld.gov.au’, other than the website of a local government.	16 17 18
(3) Schedule 2, definition <i>appropriately qualified</i> , example, ‘department’—	19 20
<i>omit, insert—</i>	21
employing office established under the <i>Resources Safety and Health Queensland Act 2020</i>	22 23
(4) Schedule 2, definition <i>biometric information</i> , ‘section 123AB’—	24 25
<i>omit, insert—</i>	26
section 123R	27
(5) Schedule 2, definition <i>destroy</i> , ‘section 123AB’—	28
<i>omit, insert—</i>	29
section 123R	30

-
- (6) Schedule 2, definition *relevant application*, ‘section 123AA(1)’— 1
2
omit, insert— 3
section 123Q(1) 4
- (7) Schedule 2, definition *take*, ‘section 123AB’— 5
omit, insert— 6
section 123R 7

Part 4 **Amendment of Mining and Quarrying Safety and Health Act 1999** 8
9
10

Clause 148 Act amended 11
This part amends the *Mining and Quarrying Safety and Health Act 1999*. 12
13

Clause 149 Amendment of s 9 (Meaning of *mine*) 14
Section 9(1)(b) and (2), ‘, adjacent to, or contiguous with,’— 15
omit, insert— 16
or adjacent to 17

Clause 150 Amendment of s 10 (Meaning of *operations*) 18
(1) Section 10(1), ‘exploring for, winning, or winning and treating’— 19
20
omit, insert— 21
exploring for, winning or treating 22

(2) Section 10(1)(c), ‘winning, or winning and treating,’— 23
omit, insert— 24
winning or treating 25

[s 151]

- (3) Section 10(2)(d)(i), ‘, adjacent to, or contiguous with,’— 1
omit, insert— 2
or adjacent to 3
- (4) Section 10(2)(d)(ii), ‘, adjacent to or contiguous with,’— 4
omit, insert— 5
or adjacent to, 6

Clause 151 Amendment of s 11 (Meaning of *quarry*) 7

- (1) Section 11(2)(a), ‘, is adjacent to, or contiguous with,’— 8
omit, insert— 9
or is adjacent to 10
- (2) Section 11(2)(c)— 11
omit, insert— 12
- (c) to extract, but not crush or shape— 13
- (i) any type of gravel; or 14
Examples of gravel— 15
road gravel or river gravel 16
- (ii) river sand; or 17

Clause 152 Replacement of s 23 (Meaning of *supervisor*) 18

Section 23— 19
omit, insert— 20

23 Meaning of *supervisor* 21

A *supervisor* at a mine is a person appointed 22
under section 51 to— 23

- (a) implement and monitor the mine’s safety 24
and health management system; and 25

	(b) give directions to other mine workers at the mine in accordance with the safety and health management system.	1 2 3
Clause 153	Amendment of s 27 (Risk management)	4
	(1) Section 27(3)—	5
	<i>insert</i> —	6
	(ca) provide for critical controls; and	7
	(2) Section 27(3)(ca) to (f)—	8
	<i>renumber</i> as section 27(3)(d) to (g).	9
Clause 154	Amendment of s 30 (Obligations for safety and health)	10
	(1) Section 30(2)—	11
	<i>insert</i> —	12
	(fa) designer, constructor or erector of earthworks at a mine;	13 14
	(2) Section 30(2)(h)—	15
	<i>omit</i> .	16
	(3) Section 30(2)(fa) and (g)—	17
	<i>renumber</i> as section 30(2)(g) and (h).	18
Clause 155	Replacement of s 36 (Obligations of persons generally)	19
	Section 36—	20
	<i>omit, insert</i> —	21
	36 Obligations of persons generally	22
	(1) This section applies to each of the following persons who may affect the safety and health of others at a mine or as a result of operations at a mine—	23 24 25 26
	(a) a worker at the mine;	27

[s 155]

- (b) another person at the mine; 1
- (c) an ROC worker for the mine. 2
- (2) The person has the following obligations— 3
 - (a) to comply with this Act and procedures 4
applying to the person that are part of the 5
safety and health management system for 6
the mine; 7
 - (b) if the person has information that other 8
persons need to know to fulfil their 9
obligations or duties under this Act, or to 10
protect themselves from the risk of injury or 11
illness—to give the information to the other 12
persons; 13
 - (c) to take any other reasonable and necessary 14
course of action to ensure no-one is exposed 15
to an unacceptable level of risk. 16

- 36A Additional obligations** 17
 - (1) This section applies to each of the following 18
persons— 19
 - (a) a worker at a mine; 20
 - (b) another person at a mine; 21
 - (c) an ROC worker for a mine. 22
 - (2) The person has the following additional 23
obligations— 24
 - (a) to manage the risk of injury or illness to 25
themselves or any other person in the person's 26
own work and activities, so that the risk is at 27
an acceptable level; 28
 - (b) to ensure, to the extent of the responsibilities 29
and duties allocated to the person, that the 30
risk of injury or illness to any person is 31
managed in the work and activities under the 32

	person’s control, supervision, or leadership, so that the risk is at an acceptable level;	1 2
(c)	to the extent of the person’s involvement—to participate in and conform to the risk management practices of the mine;	3 4 5 6
(d)	to comply with instructions given for safety and health of persons by the operator or site senior executive for the mine or a supervisor at the mine;	7 8 9 10
(e)	to work at or for the mine only if the person is in a fit condition to carry out the work without affecting the safety and health of others;	11 12 13 14
(f)	to not do anything wilfully or recklessly that might adversely affect the safety and health of someone else at the mine.	15 16 17
Clause 156	Amendment of s 38 (Obligations of operators)	18
(1)	Section 38(1)—	19
	<i>insert—</i>	20
(da)	to ensure the site senior executive, or acting site senior executive, for the mine is located at or near the mine when performing the duties of site senior executive unless—	21 22 23 24
(i)	the duties require the site senior executive, or acting site senior executive, to be temporarily absent for not more than 14 days; or	25 26 27 28
(ii)	the site senior executive, or acting site senior executive, is temporarily absent on leave for not more than 14 days;	29 30 31
(2)	Section 38(1)(da) to (f)—	32
	<i>renumber</i> as section 38(1)(e) to (g).	33

[s 157]

- (3) Section 38(3) and (4), ‘to (f)’— 1
omit, insert— 2
to (g) 3

Clause 157 Amendment of s 39 (Obligations of site senior executive for mine) 4
5

- (1) Section 39(1)(c), from ‘, including’ to ‘providers’— 6
omit, insert— 7
including contractors 8
- (2) Section 39(1)(d), ‘a contractor at the mine’— 9
omit, insert— 10
a contractor for the mine 11
- (3) Section 39(1)(d)(i)— 12
omit, insert— 13
(i) identify risks arising in relation to any work 14
to be performed, service to be provided, or 15
work or service to be arranged, by the 16
contractor; and 17
- (4) Section 39(1)(e)— 18
omit. 19
- (5) Section 39(1)(f), ‘and service providers within the meaning of 20
section 40 or 44’— 21
omit. 22
- (6) Section 39(1)(h), after ‘worker at the mine’— 23
insert— 24
, or operational ROC worker for the mine, 25
- (7) Section 39(1)(i)— 26
insert— 27

	(va) the development of a schedule of when inspections, including regular periodic inspections, must be carried out; and	1 2 3
(8)	Section 39(1)(i)(vi), ‘and service providers’— <i>omit.</i>	4 5
(9)	Section 39(1)(i)(va) and (vi)— <i>renumber</i> as section 39(1)(i)(vi) and (vii).	6 7
(10)	Section 39(1)(f) to (i)— <i>renumber</i> as section 39(1)(e) to (h).	8 9
(11)	Section 39(2), ‘Subsection (1)(c) to (f) and (h)(i)’— <i>omit, insert—</i> Subsection (1)(c), (d), (e) and (g)(i)	10 11 12
(12)	Section 39(3), ‘subsection (1)(c) to (f) and (h)(i)’— <i>omit, insert—</i> subsection (1)(c), (d), (e) and (g)(i)	13 14 15
Clause 158	Amendment of s 40 (Obligations of contractors)	16
(1)	Section 40(1), ‘contractor at a mine’— <i>omit, insert—</i> contractor for a mine	17 18 19
(2)	Section 40(1)(a), (b) and (d), ‘undertaken’— <i>omit, insert—</i> performed, service provided, or work or service arranged,	20 21 22 23
(3)	Section 40(1)(c), ‘undertakes work’— <i>omit, insert—</i> performs work, provides a service, or arranges work or a service,	24 25 26 27
(4)	Section 40(1)(e)—	28

[s 158]

<i>omit, insert—</i>	1
(e) if the contractor is physically present at the mine—to ensure no work at the mine is performed by the contractor until the contractor—	2 3 4 5
(i) has been inducted in the mine’s safety and health management system to the extent it relates to the work to be performed by the contractor; and	6 7 8 9
(ii) has received training about hazards and risks at the mine to the extent they relate to the work to be performed by the contractor;	10 11 12 13
(f) to ensure no work at the mine is performed by a worker engaged by the contractor, or a worker arranged by the contractor to perform work or provide a service, until the worker—	14 15 16 17 18
(i) has been inducted in the mine’s safety and health management system to the extent it relates to the work to be performed, or service to be provided, by the worker; and	19 20 21 22 23
(ii) has received training about hazards and risks at the mine to the extent they relate to the work to be performed, or service to be provided, by the worker;	24 25 26 27
(g) to ensure the fitness for use of plant at the mine is not adversely affected by the work performed or service provided by the contractor.	28 29 30 31
(5) Section 40(3)(a), definition <i>safety and health management plan</i> , paragraph (a)—	32 33
<i>omit, insert—</i>	34

	(a) identifies the work to be undertaken, service to be provided, or work or service to be arranged, by the contractor; and	1 2 3
Clause 159	Amendment of s 41 (Obligations of designers, manufacturers, importers and suppliers of plant etc. for use at mines)	4 5 6
	(1) Section 41(4)(b)(iii)— <i>omit, insert—</i>	7 8
	(iii) the name of each operator or contractor to whom the designer, manufacturer, importer or supplier has supplied the plant; and	9 10 11
	(2) Section 41(4)(b)(iv), ‘, contractors and service providers’— <i>omit, insert—</i>	12 13
	and contractors	14
Clause 160	Amendment of s 43 (Obligations of manufacturers, importers and suppliers of substances for use at mines)	15 16
	(1) Section 43(2)(b)(iii)— <i>omit, insert—</i>	17 18
	(iii) the name of each operator or contractor to whom the manufacturer, importer or supplier has supplied the substance; and	19 20 21
	(2) Section 43(2)(b)(iv), ‘, contractors and service providers’— <i>omit, insert—</i>	22 23
	and contractors	24
	(3) Section 43(4), ‘, contractor or service provider’— <i>omit, insert—</i>	25 26
	or contractor	27

	operator must, within 28 days after the operations	1
	permanently stop, give an inspector for the region	2
	in which the mine is situated notice of the date on	3
	which the operations permanently stopped.	4
	Maximum penalty—100 penalty units.	5
Clause 165	Amendment of s 49 (Appointment of site senior executive)	6
	(1) Section 49(3)(c), ‘winning, or winning and treating,’—	7
	<i>omit, insert—</i>	8
	winning or treating	9
	(2) Section 49(4), ‘a site senior executive notice.’—	10
	<i>omit, insert—</i>	11
	both of the following board qualifications—	12
	(a) a site senior executive notice;	13
	(b) the practising certificate required by the	14
	board of examiners to be held by a person	15
	holding the board qualification mentioned in	16
	paragraph (a).	17
		18
Clause 166	Amendment of s 50 (Management structure for safe operations at mines)	19
	(1) Section 50(2)(ca), ‘and service providers’—	20
	<i>omit.</i>	21
	(2) Section 50(2)(ca) and (d)—	22
	<i>renumber</i> as section 50(2)(d) and (e).	23
		24
Clause 167	Replacement of s 51 (Competencies of supervisors)	25
	Section 51—	26
	<i>omit, insert—</i>	27

[s 168]

	51 Appointment of supervisors	1
	The site senior executive for a mine must not appoint a person to be a supervisor at the mine unless the person—	2 3 4
	(a) is competent to be a supervisor; and	5
	(b) if there is a safety and health competency for supervisors recognised by the committee—has the relevant competency.	6 7 8
	Maximum penalty—100 penalty units.	9
Clause 168	Amendment of s 52 (Appointment of another site senior executive during temporary absence)	10 11
	Section 52, heading—	12
	<i>omit, insert—</i>	13
	52 Acting site senior executive	14
Clause 169	Amendment of s 53 (Additional requirements for management of underground mines)	15 16
	Section 53(3)—	17
	<i>omit, insert—</i>	18
	(3) If 20 or more persons work underground in a mine—	19 20
	(a) the site senior executive must not appoint a person as an underground mine manager unless the person has both of the following board qualifications—	21 22 23 24
	(i) a first class certificate of competency for an underground mine;	25 26
	(ii) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in subparagraph (i); and	27 28 29 30

	(b) the operator must not appoint the site senior executive as underground mine manager unless the site senior executive holds both of the following board qualifications—	1 2 3 4
	(i) a first class certificate of competency for an underground mine;	5 6
	(ii) the practising certificate required by the board of examiners to be held by a person holding the board qualification mentioned in subparagraph (i).	7 8 9 10
	Maximum penalty—400 penalty units.	11
Clause 170	Amendment of s 54 (Appointment of another underground mine manager during temporary absence)	12 13
	Section 54, heading—	14
	<i>omit, insert—</i>	15
	54 Acting underground mine manager	16
Clause 171	Amendment of s 55 (Safety and health management system)	17 18
	(1) Section 55(3), after ‘mine’—	19
	<i>insert—</i>	20
	including any remote operating centre, or the remote operation of plant or equipment, for the mine	21 22 23
	(2) Section 55(5)—	24
	<i>insert—</i>	25
	(da) identifying critical controls; and	26
	(3) Section 55(5)(da) to (g)—	27
	<i>renumber</i> as section 55(5)(e) to (h).	28
	(4) Section 55—	29

[s 172]

insert—

- (6) The site senior executive must make available for inspection, by workers employed at the mine, and ROC workers employed for the mine, a copy of the safety and health management system.

Maximum penalty—100 penalty units.

Clause 172 Insertion of new s 56A

Before section 57—

insert—

56A Changes in management structure to be reported to inspector

- (1) The site senior executive for a mine must give notice of any change in the management structure at the mine to an inspector for the region in which the mine is situated within 14 days after the change happens.

Maximum penalty—50 penalty units.

- (2) Subsection (1) does not apply to a site senior executive for a mine that is an opal or gem mine, if no more than 4 workers are employed at the mine.

Clause 173 Amendment of s 59 (Mine record)

- (1) Section 59(2), before ‘7 years’—

insert—

at least

- (2) Section 59(4), ‘, relating to the previous 6 months at least, is available at all reasonable times’—

omit, insert—

is available

-
- (3) Section 59(4)(b)— 1
omit, insert— 2
 (b) district workers’ representatives; 3
 (c) the site senior executive for the mine. 4
- (4) Section 59— 5
insert— 6
 (4A) Without limiting subsection (4), if a person 7
 mentioned in subsection (4)(a), (b) or (c) asks to 8
 inspect a matter kept in the mine record, the 9
 operator must ensure the matter is available for 10
 inspection as soon as practicable but not later 11
 than— 12
 (a) if the matter was recorded in the mine 13
 record within the previous 6 months—5 14
 days after the request is made; or 15
 (b) otherwise—28 days after the request is 16
 made. 17
 Maximum penalty—200 penalty units. 18
- (5) Section 59(4A) to (6)— 19
renumber as section 59(5) to (7). 20

- Clause 174 Replacement of s 60 (Display of reports and directives)** 21
Section 60— 22
omit, insert— 23
 60 Display of reports, directives and other 24
 information 25
 (1) The site senior executive for a mine must display 26
 a copy of the following documents at the mine— 27
 (a) each directive currently applying to the 28
 mine; 29

[s 174]

(b) each report of an inspection carried out at the mine;	1 2
(c) each publication of information under section 254C that may be relevant to safety and health obligations at the mine.	3 4 5
(2) For subsection (1), the document must be displayed in 1 or more conspicuous positions at the mine in a way likely to come to the attention of workers at the mine affected by the document.	6 7 8 9
60A Current or past worker entitled to training and assessment report	10 11
(1) This section applies if a person is or was a worker at a mine.	12 13
(2) The person may ask the site senior executive for the mine to give the person a training and assessment report for the person.	14 15 16
(3) The site senior executive must comply with the request within 30 days after the request is made. Maximum penalty—200 penalty units.	17 18 19
(4) In this section— <i>training and assessment report</i> , for a person who is or was a worker at a mine, means a copy of the part of the mine’s safety and health management system relating to records of training and assessment given to, and undertaken by, the person as a worker at the mine.	20 21 22 23 24 25 26
60B Site senior executive entitled to training and assessment report from another mine	27 28
(1) This section applies if— (a) a person is a worker at a mine (the <i>current mine</i>); and	29 30 31

	(b) the person has previously been a worker at another mine (the <i>previous mine</i>).	1 2
	(2) The site senior executive for the current mine may ask the operator for the previous mine to give the site senior executive a training and assessment report for the person.	3 4 5 6
	(3) The operator for the previous mine must comply with the request within 30 days after the request is made.	7 8 9
	Maximum penalty—200 penalty units.	10
	(4) In this section— <i>training and assessment report</i> , for a person who was a worker at a previous mine, means a copy of the part of the previous mine’s safety and health management system relating to records of training and assessment given to, and undertaken by, the person as a worker at the previous mine.	11 12 13 14 15 16 17
Clause 175	Amendment of s 63 (Guidelines)	18
	(1) Section 63(3), ‘Queensland government website’— <i>omit, insert—</i> Queensland Government website	19 20 21
	(2) Section 63(4)— <i>omit.</i>	22 23
Clause 176	Amendment of s 93 (Powers of site safety and health representative)	24 25
	(1) Section 93— <i>insert—</i> (c) to copy, or to require the site senior executive to give the site safety and health representative within a stated reasonable	26 27 28 29 30

[s 177]

	period a copy of, a document mentioned in paragraph (b);	1 2
	(d) to require the site senior executive to give the site safety and health representative reasonable help to exercise the site safety and health representative's powers under paragraphs (b) and (c).	3 4 5 6 7
(2)	Section 93—	8
	<i>insert—</i>	9
	(2) If a site safety and health representative asks to copy a document under subsection (1)(c), the site senior executive must give access to the document as soon as reasonably practicable after being asked, unless the site senior executive has a reasonable excuse.	10 11 12 13 14 15
	Maximum penalty—100 penalty units.	16
	(3) A site senior executive for a mine who is required in a stated reasonable way to help a site safety and health representative under subsection (1)(d) must comply with the requirement.	17 18 19 20
	Maximum penalty—100 penalty units.	21
Clause 177	Amendment of s 94 (Stopping operations by site safety and health representatives)	22 23
	Section 94(4)—	24
	<i>omit, insert—</i>	25
	(4) The site safety and health representative must give a written report to each of the following persons about any action taken under subsection (3) and the reasons for the action—	26 27 28 29
	(a) the site senior executive;	30
	(b) an inspector;	31
	(c) a district workers' representative.	32

Clause 178	Amendment of s 97 (Protection of site safety and health representatives performing functions)	1
	Section 97, ‘his or her’—	2
	<i>omit, insert—</i>	3
	the representative’s	4
Clause 179	Amendment of s 98 (Site safety and health committees)	5
	(1) Section 98(1) and (2), before ‘safety and health committee’—	6
	<i>insert—</i>	7
	site	8
	(2) Section 98(3), ‘committee’—	9
	<i>omit, insert—</i>	10
	site safety and health committee	11
Clause 180	Amendment of s 104 (Provision for help to representatives and committees)	12
	(1) Section 104(c), ‘committee members’—	13
	<i>omit, insert—</i>	14
	members of site safety and health committees	15
	(2) Section 104, penalty—	16
	<i>omit, insert—</i>	17
	Maximum penalty—100 penalty units.	18
Clause 181	Amendment of s 106 (Site senior executive to display identity of site safety and health representatives)	19
	(1) Section 106(1)—	20
	<i>omit, insert—</i>	21
	(1) The site senior executive for a mine must display	22
	a notice as required by subsections (2) to (5) for	23
	each site safety and health representative for the	24

[s 182]

	mine.	1
	Maximum penalty—40 penalty units.	2
(1A)	The notice must—	3
	(a) state the name of the site safety and health representative; and	4 5
	(b) state the preferred contact details of the representative; and	6 7
	(c) contain a recent photograph of the representative.	8 9
(2)	Section 106(3)—	10
	<i>insert—</i>	11
	<i>Examples of conspicuous positions—</i>	12
	near the mine record, in the crib rooms	13
(3)	Section 106—	14
	<i>insert—</i>	15
	(5) In this section—	16
	<i>preferred contact details</i> , of a site safety and health representative, means the telephone number and email address by which the representative prefers to be contacted about safety and health matters.	17 18 19 20 21
(4)	Section 106(1A) to (5)—	22
	<i>renumber</i> as section 106(2) to (6).	23
Clause 182	Amendment of s 116 (Powers of district workers’ representatives)	24 25
(1)	Section 116(1)(b)—	26
	<i>omit, insert—</i>	27
	(b) to enter any part of a mine at any time to carry out the representative’s functions;	28 29
(2)	Section 116(1)(d), ‘copy’—	30

<i>omit, insert—</i>	1
examine	2
(3) Section 116(1)—	3
<i>insert—</i>	4
(da) to copy a document mentioned in paragraph (c) or (d);	5 6
(db) to require the site senior executive for a mine to give the representative within a stated reasonable period and by a stated reasonable way, including, for example, by email, a copy of a document mentioned in paragraph (c) or (d);	7 8 9 10 11 12
(4) Section 116(1)(e)—	13
<i>omit, insert—</i>	14
(e) to require the person in control or temporarily in control of a mine to give the representative reasonable help in a stated reasonable way in the exercise of a power under any of paragraphs (a) to (f);	15 16 17 18 19
(5) Section 116(1)(f), ‘section 164’—	20
<i>omit, insert—</i>	21
section 160(2)(a)	22
(6) Section 116(1)(da) to (f)—	23
<i>renumber</i> as section 116(1)(e) to (h).	24
(7) Section 116(2), ‘subsection (1)(e)’—	25
<i>omit, insert—</i>	26
subsection (1)(g)	27
(8) Section 116(3)—	28
<i>omit, insert—</i>	29
(3) If a district workers’ representative asks a person to give access to a document to enable the	30 31

[s 183]

	representative to examine the document under subsection (1)(c) or (d), or to copy the document under subsection (1)(e), the person must give access to the document as soon as reasonably practicable after being asked, unless the person has a reasonable excuse.	1 2 3 4 5 6
	Maximum penalty—100 penalty units.	7
Clause 183	Amendment of s 123 (Qualifications for appointment as inspector)	8 9
	Section 123—	10
	<i>insert—</i>	11
	(2) The CEO must not appoint under subsection (1) a person who holds a certificate of competency or site senior executive notice unless the person also holds the practising certificate required by the board of examiners to be held by a person holding that board qualification.	12 13 14 15 16 17
Clause 184	Amendment of s 135 (Warrants—procedure before entry)	18
	Section 135(2)(a), ‘himself or herself’—	19
	<i>omit, insert—</i>	20
	themselves	21
Clause 185	Replacement of ss 149 and 150	22
	Sections 149 and 150—	23
	<i>omit, insert—</i>	24
	149 Power to require personal details	25
	(1) This section applies if an officer—	26
	(a) finds a person committing an offence against this Act; or	27 28

-
- (b) finds a person in circumstances that lead the officer to reasonably suspect the person has just committed an offence against this Act; or
- (c) has information that leads the officer to reasonably suspect a person has just committed an offence against this Act.
- (2) The officer may require the person to state the person's name and residential address.
- (3) The officer may also require the person to give evidence of the correctness of the stated name or address if, in the circumstances, it would be reasonable to expect the person to—
- (a) be in possession of evidence of the correctness of the stated name or address; or
- (b) otherwise be able to give the evidence.
- (4) When making a requirement under this section, the officer must give the person an offence warning for the requirement.
- (5) In this section—
- offence warning*, for a requirement by an officer, means a warning that, without a reasonable excuse, it is an offence for the person of whom the requirement is made not to comply with the requirement.
- reasonably suspect* means suspect on grounds that are reasonable in the circumstances.
- 150 Offence to contravene personal details requirement**
- (1) A person of whom a requirement is made under section 149 must comply with the requirement unless the person has a reasonable excuse.
- Maximum penalty—100 penalty units.

[s 186]

	(2) A person may not be convicted of an offence against subsection (1) unless the person is found guilty of the offence in relation to which the requirement under section 149 was made.	1 2 3 4
Clause 186	Amendment of s 157 (Additional powers of chief inspector) Section 157(a), ‘section 169’— <i>omit, insert—</i> section 164	5 6 7 8 9
Clause 187	Amendment of pt 9, div 5, hdg (Directives by inspectors, inspection officers and district workers’ representatives) Part 9, division 5, heading, from ‘by’— <i>omit.</i>	10 11 12 13
Clause 188	Renumbering of pt 9, div 5, sdiv 4 (Review of directives) Part 9, division 5, subdivision 4— <i>renumber</i> as part 9, division 5, subdivision 8.	14 15 16
Clause 189	Replacement of pt 9, div 5, sdivs 1–3 Part 9, division 5, subdivisions 1 to 3— <i>omit, insert—</i>	17 18 19
	Subdivision 1 Preliminary	20
	158 Definition for division	21
	In this division—	22
	<i>authorised official</i> means—	23
	(a) the chief inspector; or	24
	(b) any other inspector; or	25

-
- (c) an inspection officer; or 1
 - (d) a district workers' representative. 2

Subdivision 2 Power to give directives 3

159 Directive may be given 4

An authorised official may give a directive under 5
subdivision 3 or 4. 6

Subdivision 3 Directives relating to acceptable level of risk 7 8

160 When directive may be given 9

- (1) A directive may be given under this section if an 10
authorised official believes a risk from operations 11
at a mine— 12
 - (a) is at an unacceptable level; or 13
 - (b) may reach an unacceptable level. 14
- (2) The directive may require a person who has a 15
safety and health obligation in relation to the mine 16
to do 1 or more of the following— 17
 - (a) suspend operations in all or part of the mine; 18
 - (b) take action stated in the directive, including, 19
for example— 20
 - (i) to review the safety and health 21
management system to ensure the 22
system is effective; or 23
 - (ii) to carry out a test to decide whether a 24
risk is at an unacceptable level. 25
- (3) A directive to suspend operations under 26
subsection (2)(a) because of a risk mentioned in 27

[s 189]

subsection (1)(a) may be given by—	1
(a) an inspector; or	2
(b) an inspection officer; or	3
(c) a district workers’ representative.	4
(4) A directive to suspend operations under subsection (2)(a) because of a risk mentioned in subsection (1)(b) may be given by—	5 6 7
(a) an inspector; or	8
(b) a district workers’ representative.	9
(5) A directive to take action stated in the directive under subsection (2)(b) may be given by—	10 11
(a) an inspector; or	12
(b) an inspection officer.	13
(6) Despite subsection (5), only an inspector may give a directive under subsection (2)(b) that relates to—	14 15 16
(a) a review of the safety and health management system; or	17 18
(b) the carrying out of a test to decide whether a risk is at an unacceptable level.	19 20
 Subdivision 4 Directives relating to other matters	 21 22
 161 Directive to ensure task performed only by worker with competency	 23 24
(1) This section applies if an inspector believes a particular task at a mine should be performed only by persons with a particular competency.	25 26 27
(2) The inspector may give the operator for the mine a directive that the task be performed only by a	28 29

worker with the competency.	1
162 Directive to isolate site to preserve evidence	2
(1) This section applies if an inspector believes evidence relating to a serious accident or high potential incident at a mine needs to be preserved.	3 4 5
(2) The inspector may give a directive to a person to isolate and protect the site of the accident or incident.	6 7 8
163 Directive about separate part of mine	9
(1) Subsection (2) applies if an inspector believes part of a mine that was taken to be a separate part of a mine under section 21(4) is being operated in a way that makes it no longer a separate part of a mine under section 21(4).	10 11 12 13 14
(2) The inspector may give a directive to the operator for the mine to operate the part of the mine so that it is a separate part of a mine under section 21(4).	15 16 17
(3) Subsection (4) applies if an inspector believes the operator for a mine has not complied with a directive given under subsection (2).	18 19 20
(4) The inspector may give the operator for the mine a directive to suspend operations in the part of the mine to which the directive given under subsection (2) applied.	21 22 23 24
164 Directive to give report to chief inspector	25
(1) The chief inspector may give a directive to a person who has a safety and health obligation in relation to a mine to give the chief inspector a report about—	26 27 28 29
(a) risks from operations at the mine; or	30

[s 189]

- (b) the safety of part or all of any plant, building or structure at the mine; or 1
2
 - (c) a serious accident or high potential incident at the mine. 3
4
- (2) The directive must state— 5
 - (a) the objectives of the report; and 6
 - (b) that the person who prepares the report must be a person approved by the chief inspector. 7
8
- (3) For subsection (2)(b), the chief inspector may approve a person only if the person— 9
10
 - (a) has professional qualifications and experience relevant to preparing the report; and 11
12
13
 - (b) is not an employee of the operator for the mine or of a contractor at the mine. 14
15
- (4) A report prepared under this section is not admissible in evidence against a site senior executive for a mine, or any other worker or ROC worker mentioned in the report, in a criminal proceeding other than a proceeding about the falsity or misleading nature of the report. 16
17
18
19
20
21

Subdivision 5 How directives given 22

165 Contents of directive 23

- A directive given to a person under subdivision 3 or 4 must state the following matters— 24
25
- (a) the action required under the directive; 26
 - (b) the grounds for the directive; 27
 - (c) a stated reasonable period within which the person must comply with the directive; 28
29

-
- (d) if the directive is given by an inspector (other than the chief inspector), an inspection officer or a district workers' representative—that the person has a right to have the directive reviewed by the chief inspector under subdivision 8; 1
2
3
4
5
6
 - (e) if the directive is given by the chief inspector—that the person has a right to appeal against the directive under part 13, division 2; 7
8
9
10
 - (f) how, and the period within which, the person may apply for review of, or appeal against, the directive. 11
12
13

166 Directive may be given orally or by notice 14

- (1) A directive under subdivision 3 or 4 may be given to a person orally or by notice. 15
16
- (2) However, if a directive is given to a person orally, the directive must be confirmed by notice to the person as soon as reasonably practicable after the directive is given. 17
18
19
20
- (3) A copy of a notice given under subsection (1) or (2) must be given to— 21
22
 - (a) the site senior executive for the mine, or part of the mine, to which the directive relates; and 23
24
25
 - (b) the person in control of the mine, or part of the mine, to which the directive relates. 26
27
- (4) Failure to comply with subsection (2) or (3) does not affect the validity of the directive. 28
29
- (5) Also, a directive is not invalid only because of— 30
 - (a) a formal defect or irregularity in a notice given under this section unless the defect or 31
32

[s 189]

irregularity causes or is likely to cause substantial injustice; or	1 2
(b) a failure to use the correct name of a person in a notice given under this section if the notice sufficiently identifies the person.	3 4 5
167 Withdrawal of directive	6
A directive given under subdivision 3 or 4 may be withdrawn by notice given by—	7 8
(a) for a directive given by the chief inspector—the chief inspector; or	9 10
(b) for a directive given by an inspector other than the chief inspector—the inspector or another inspector; or	11 12 13
(c) for a directive given by an inspection officer—the inspection officer or an inspector; or	14 15 16
(d) for a directive given by a district workers' representative—the district workers' representative or an inspector.	17 18 19
<i>Note—</i>	20
See also section 157.	21
Subdivision 6 Compliance with directives	22
168 Person must comply with directive	23
A person to whom a directive is given under subdivision 3 or 4 must comply with the directive within the period stated in the directive.	24 25 26
Maximum penalty—800 penalty units or 2 years imprisonment.	27 28

Subdivision 7 Records	1
169 Authorised official must keep record of directive	2 3
(1) This section applies if an authorised official gives a directive under subdivision 3 or 4.	4 5
(2) The authorised official must keep an accurate record of the directive for at least 7 years after the directive is given.	6 7 8
170 Directive must be entered in mine record	9
(1) This section applies if an authorised official gives a directive relating to a mine under subdivision 3 or 4.	10 11 12
(2) The authorised official must, as soon as reasonably practicable after giving the directive—	13 14 15
(a) enter in the mine record the directive; and	16
(b) state in the mine record the reason for the directive.	17 18
(3) The site senior executive for the mine must enter in the mine record the action taken to comply with the directive as soon as practicable after taking the action.	19 20 21 22
Maximum penalty—40 penalty units.	23
171 Workers must have access to directives	24
The site senior executive for a mine must make a copy of a directive given under subdivision 3 or 4 relating to the mine available for inspection by workers at the mine for at least 7 years after the directive is given.	25 26 27 28 29
Maximum penalty—40 penalty units.	30

[s 190]

171A Authorised official must keep record of report 1
2

- (1) This section applies if an authorised official gives a report to a person under this Act. 3
4
- (2) The authorised official must keep an accurate record of the report for at least 7 years after the report is given to the person. 5
6
7

171B Authorised official must keep record of inspection of mine 8
9

- (1) This section applies if an authorised official inspects a mine under this Act. 10
11
- (2) The authorised official must— 12
- (a) make a written report about the inspection; 13
and 14
- (b) give a copy of the report to the operator, and site senior executive, for the mine. 15
16

Clause 190 Amendment of s 172 (Application for review) 17

Section 172, from ‘who’ to ‘may’— 18
omit, insert— 19
given a directive under subdivision 3 or 4 by an authorised official (other than the chief inspector) 20
may 21
22

Clause 191 Amendment of s 174 (Review of directive) 23

Section 174(5), ‘time’— 24
omit, insert— 25
period 26

Clause 192	Amendment of s 175 (Stay of operation of directive)	1
	Section 175(6), ‘section 164’—	2
	<i>omit, insert—</i>	3
	section 160(2)(a)	4
Clause 193	Amendment of s 178 (Obstructing inspectors, officers or district workers’ representatives)	5
	Section 178(1), penalty—	6
	<i>omit, insert—</i>	7
	Maximum penalty—500 penalty units.	8
Clause 194	Amendment of s 180 (Functions of the board of examiners)	10
	(1) Section 180, heading, ‘the’—	11
	<i>omit.</i>	12
	(2) Section 180—	13
	<i>insert—</i>	14
	(ea) to develop and administer a scheme for the continuing professional development of holders of certificates of competency or site senior executive notices, including, for example—	15
	(i) deciding the type of continuing professional development required; and	16
	(ii) deciding the minimum continuing professional development particular holders must undertake; and	17
	(iii) issuing practising certificates to holders who have completed the required continuing professional development; and	18
		19
		20
		21
		22
		23
		24
		25
		26
		27
		28
		29

[s 195]

- (iv) renewing practising certificates of holders who have completed the required continuing professional development; 1
2
3
4
- (3) Section 180(ea) and (f)— 5
renumber as section 180(f) and (g). 6

- Clause 195 Insertion of new s 180A** 7
- After section 180— 8
- insert—* 9
- 180A Minister’s power to give directions in public interest** 10
11
- (1) The Minister may give the board of examiners a written direction about a matter relevant to the performance of the board’s functions under this Act if the Minister is satisfied it is necessary, and in the public interest, to give the direction. 12
13
14
15
16
 - (2) Without limiting subsection (1), the direction may be— 17
18
 - (a) to give the Minister reports and information; 19
or 20
 - (b) to apply a policy, standard or other instrument applying to a public sector unit. 21
22
 - (3) The direction can not be about any of the following— 23
24
 - (a) issuing, or refusing to issue, a board qualification; 25
26
 - (b) renewing, or refusing to renew, a board qualification; 27
28
 - (c) otherwise amending, or suspending or cancelling a board qualification. 29
30
 - (4) The board of examiners must comply with the direction. 31
32

Clause 196	Amendment of s 181A (Board of examiners may consider previous suspension, cancellation or surrender of certificate of competency or site senior executive notice)	1 2 3
	Section 181A, ‘certificate of competency or site senior executive notice’—	4 5
	<i>omit, insert</i> —	6
	board qualification	7
Clause 197	Amendment of s 182 (Obtaining certificates of competency or site senior executive notices by fraud)	8 9
	(1) Section 182, heading—	10
	<i>omit, insert</i> —	11
	182 Obtaining board qualifications by fraud	12
	(2) Section 182(1), (2) and (3), ‘certificate of competency or site senior executive notice’—	13 14
	<i>omit, insert</i> —	15
	board qualification	16
	(3) Section 182(3)—	17
	<i>insert</i> —	18
	(c) for a decision relating to a practising certificate held by a site senior executive—the operator for each mine at which the holder works;	19 20 21 22
	(d) for a decision relating to a practising certificate held by a person other than a site senior executive—the site senior executive for each mine at which the holder works.	23 24 25 26
Clause 198	Amendment of s 183 (Return of certificate of competency or site senior executive notice)	27 28
	(1) Section 183, ‘certificate of competency or site senior executive notice’—	29 30

[s 199]

omit, insert— 1

board qualification 2

(2) Section 183, ‘certificate or notice’— 3

omit, insert— 4

board qualification 5

(3) Section 183(b), ‘an industrial magistrate’— 6

omit, insert— 7

a Magistrates Court 8

Clause 199 Amendment of s 184 (Effect on particular appointments of suspension, cancellation or surrender of certificate of competency or site senior executive notice) 9
10
11

Section 184, ‘certificate of competency or site senior executive notice’— 12
13

omit, insert— 14

board qualification 15

Clause 200 Amendment of s 185 (Register to be kept by board of examiners) 16
17

(1) Section 185(1)— 18

insert— 19

(ba) practising certificates issued by the board; 20

and 21

(2) Section 185(1)(ba) and (c)— 22

renumber as section 185(1)(c) and (d). 23

(3) Section 185(2)(a), ‘certificate of competency or site senior executive notice’— 24
25

omit, insert— 26

board qualification 27

(4) Section 185(2)(a), ‘certificate or notice’— 28

	<i>omit, insert—</i>	1
	qualification	2
(5)	Section 185(2)(b), ‘subsection (1)(c)’—	3
	<i>omit, insert—</i>	4
	subsection (1)(d)	5
(6)	Section 185(4)—	6
	<i>omit.</i>	7
Clause 201	Amendment of pt 10A, hdg (Suspension and cancellation of certificates of competency and site senior executive notices by CEO)	8
	Part 10A, heading, from ‘certificates’ to ‘notices’—	9
	<i>omit, insert—</i>	10
	board qualifications	11
		12
		13
Clause 202	Amendment of s 186 (Grounds for suspension or cancellation)	14
	Section 186—	15
	<i>insert—</i>	16
	(3) The only ground for suspending or cancelling a person’s practising certificate under this part is that the person has failed to complete the requirements of the board of examiners to hold the certificate.	17
		18
		19
		20
		21
		22
Clause 203	Amendment of s 187 (Notice of proposed action)	23
	Section 187(1) and (2)(d), from ‘certificate’ to ‘notice’—	24
	<i>omit, insert—</i>	25
	board qualification	26

[s 204]

Clause 204	Amendment of s 189 (Decision to take proposed action)	1
(1)	Section 189(2), ‘certificate of competency or site senior executive notice’—	2
	<i>omit, insert—</i>	3
	board qualification	4
(2)	Section 189(2), ‘certificate or notice’—	5
	<i>omit, insert—</i>	6
	qualification	7
(3)	Section 189(6)(a)—	8
	<i>insert—</i>	9
	(iii) for a decision relating to a practising certificate held by a site senior executive—the operator for each mine at which the holder works;	10
	(iv) for a decision relating to a practising certificate held by a person other than a site senior executive—the site senior executive for each mine at which the holder works;	11
	and	12
		13
		14
		15
		16
		17
		18
		19
Clause 205	Insertion of new s 190	20
	After section 189—	21
	<i>insert—</i>	22
	190 Automatic cancellation or suspension of practising certificate	23
		24
(1)	This section applies if a person’s certificate of competency or site senior executive notice is cancelled or suspended under this part or by a court.	25
		26
		27
		28
(2)	Any practising certificate, relating to the certificate of competency or site senior executive notice, held by the person is also cancelled or	29
		30
		31

	suspended for the same period.	1
Clause 206	Replacement of s 195 (Notice of accidents, incidents, deaths or diseases)	2
	Section 195—	3
	<i>omit, insert—</i>	4
	195 Notice of accidents, deaths or incidents	5
	(1) If the site senior executive for a mine becomes aware of a serious accident or death at the mine, the site senior executive must, as soon as possible after becoming aware—	6
	(a) orally notify an inspector—	7
	(i) about the accident or death; and	8
	(ii) about the required information, to the extent the information is known to the site senior executive; and	9
	(b) orally notify a district workers' representative—	10
	(i) about the accident or death; and	11
	(ii) about the required information, to the extent the information is known to the site senior executive.	12
	Maximum penalty—100 penalty units.	13
	(2) If the site senior executive for a mine becomes aware of a serious accident, death or high potential incident at the mine, the site senior executive must, as soon as practicable after becoming aware, notify both of the following persons in the approved form—	14
	(a) an inspector;	15
	(b) a district workers' representative.	16
	Maximum penalty—100 penalty units.	17

[s 206]

- (3) The approved form mentioned in subsection (2) must make provision for particular information to be provided about the serious accident, death or incident. 1
2
3
4
- (4) If the site senior executive does not know the required information at the time the site senior executive is required to notify a person under subsection (2), the site senior executive must— 5
6
7
8
- (a) take all reasonable steps to find out the required information as soon as possible; 9
10
and 11
- (b) as soon as possible after the required information becomes known to the site senior executive, give the required information to the person. 12
13
14
15
- Maximum penalty—100 penalty units. 16
- (5) For a proceeding under subsection (1), (2) or (4), it is not a defence that the giving of the required information might tend to incriminate the site senior executive. 17
18
19
20
- (6) The required information is not admissible in evidence against the site senior executive in a criminal proceeding. 21
22
23
- (7) Subsection (6) does not prevent the required information being admitted in evidence in a criminal proceeding about the falsity or misleading nature of the required information. 24
25
26
27
- (8) In this section— 28
- required information* means the information required by the approved form mentioned in subsection (2). 29
30
31

195AA Notice of reportable diseases 32

- (1) If the site senior executive for a mine becomes 33

-
- aware that a relevant worker has been diagnosed with a reportable disease, the site senior executive must, as soon as practicable after becoming aware—
- (a) notify an inspector about the disease by notice in the approved form; and
- (b) notify a district workers’ representative about the disease by notice.
- Maximum penalty—100 penalty units.
- (2) If a prescribed person becomes aware that a relevant worker has been diagnosed with a reportable disease, the person must, as soon as practicable after becoming aware, notify the chief inspector by notice in the approved form.
- Maximum penalty—100 penalty units.
- (3) The approved form mentioned in subsections (1)(a) and (2) must make provision for stating the name and date of birth of the person diagnosed with the reportable disease.
- (4) This section does not apply in the circumstances prescribed by regulation.
- (5) In this section—
- prescribed person*** means a person prescribed by regulation for subsection (2).
- relevant worker*** means—
- (a) a person who is, was or may become a worker; or
- (b) a person who is, was or may become a coal mine worker under the *Coal Mining Safety and Health Act 1999*.
- reportable disease*** means a disease prescribed by regulation to be a reportable disease.

[s 207]

Clause 207	Insertion of new s 196A	1
	After section 196—	2
	<i>insert—</i>	3
	196A Site senior executive must tell contractor particular matters	4
		5
	(1) This section applies if—	6
	(a) a contractor provides or arranges for a worker to perform work, or provide a service, at a mine; and	7 8 9
	(b) the site senior executive for the mine becomes aware of any of the following matters—	10 11 12
	(i) an injury or illness to the worker from operations that causes the worker to be absent from work;	13 14 15
	(ii) a high potential incident happening at the mine that causes or has the potential to cause a significant adverse effect on the safety or health of the worker;	16 17 18 19 20
	(iii) any proposed change to the mine, or plant or substance used at the mine, that affects, or may affect, the safety and health of the worker.	21 22 23 24
	(2) The site senior executive for the mine must tell the contractor about the matter as soon as practicable after the matter comes to the site senior executive's knowledge.	25 26 27 28
	Maximum penalty—100 penalty units.	29
Clause 208	Amendment of s 198 (Action to be taken in relation to site of accident or incident)	30 31
	(1) Section 198(1)(c)—	32

<i>omit, insert—</i>	1
(c) give the report mentioned in paragraph (b) to an inspector—	2 3
(i) if the report is about a serious accident—	4 5
(A) within 30 days after the accident; or	6 7
(B) if the CEO or chief inspector by notice gives a longer period, of not more than 12 months, within which to give the report—within the longer period; or	8 9 10 11 12
(ii) if the report is about a high potential incident—within the period required by the inspector.	13 14 15
(2) Section 198—	16
<i>insert—</i>	17
(1A) Subsection (1)(c)(ii) does not apply if the inspector does not request the report.	18 19
(3) Section 198(1A) to (4)—	20
<i>renumber</i> as section 198(2) to (5).	21

Clause 209	Amendment of s 213 (Offences by witnesses)	22
	Section 213(1), (2) and (3), penalty—	23
	<i>omit, insert—</i>	24
	Maximum penalty—200 penalty units.	25

Clause 210	Insertion of new ss 213A and 213B	26
	After section 213—	27
	<i>insert—</i>	28

[s 211]

213A False or misleading statements to board of inquiry 1
2

A person must not state anything to the board of inquiry that the person knows is false or misleading in a material particular. 3
4
5

Maximum penalty—500 penalty units. 6

213B False or misleading documents to board of inquiry 7
8

(1) A person must not give a document to the board of inquiry that the person knows is false or misleading in a material particular. 9
10
11

Maximum penalty—500 penalty units. 12

(2) Subsection (1) does not apply to a person who, when giving the document— 13
14

(a) informs the board of inquiry, to the best of the person’s ability, how it is false or misleading; and 15
16
17

(b) if the person has, or can reasonably get, the correct information—gives the correct information to the board of inquiry. 18
19
20

Clause 211 Amendment of s 214 (Contempt of board) 21

(1) Section 214, heading, after ‘board’— 22

insert— 23

of inquiry 24

(2) Section 214, after paragraph (a)— 25

insert— 26

(aa) impede or obstruct the board of inquiry in the exercise of its powers; or 27
28

(3) Section 214(aa) to (c)— 29

renumber as section 214(b) to (d). 30

-
- (4) Section 214, penalty— 1
omit, insert— 2
Maximum penalty—200 penalty units. 3

Clause 212 Amendment of s 216A (Appeals against CEO’s decisions) 4

- Section 216A(a), ‘certificate of competency or site senior 5
executive notice’— 6
omit, insert— 7
board qualification 8

**Clause 213 Amendment of s 217 (Appeals against board of 9
examiners’ decision)** 10

- Section 217, ‘certificate of competency’— 11
omit, insert— 12
board qualification 13

Clause 214 Amendment of s 234 (Proceedings for offences) 14

- (1) Section 234(1)— 15
omit, insert— 16
(1) A charge of an offence against this Act, other than 17
an offence against part 3A, must be heard and 18
decided summarily. 19
(2) Section 234(3) and (4)— 20
omit. 21
(3) Section 234(6), ‘subsection (5)(b)’— 22
omit, insert— 23
subsection (3)(b) 24
(4) Section 234(7) and (8), ‘subsection (6)’— 25
omit, insert— 26

[s 215]

	subsection (4)	1
(5)	Section (10), definition <i>person dissatisfied with a decision</i> — <i>omit.</i>	2 3
(6)	Section 234(5) to (10)— <i>renumber</i> as section 234(3) to (9).	4 5
Clause 215	Amendment of s 235B (Procedure if prosecution not brought)	6 7
	Section 235B(1)(a), ‘section 234(10)’— <i>omit, insert</i> —	8 9
	section 234(9)	10
Clause 216	Amendment of s 236 (Limitation on time for starting proceedings)	11 12
	Section 236(1)(a) and (b)— <i>omit, insert</i> —	13 14
	(a) 2 years after the offence first comes to the notice of the complainant;	15 16
	(b) if an enforceable undertaking has been given in relation to the offence, 6 months after the latest of the following to happen—	17 18 19
	(i) the enforceable undertaking is contravened;	20 21
	(ii) it comes to the notice of the CEO that the enforceable undertaking has been contravened;	22 23 24
	(iii) the CEO agrees under section 246Q to the withdrawal of the enforceable undertaking;	25 26 27

Clause 217	Amendment of s 237 (Court may order suspension or cancellation of certificate or notice)	1
		2
	(1) Section 237(2), ‘The industrial magistrate’—	3
	<i>omit, insert—</i>	4
	A Magistrates Court	5
	(2) Section 237(3), ‘industrial magistrate’s’—	6
	<i>omit, insert—</i>	7
	court’s	8
	(3) Section 237(3), ‘Industrial Court’—	9
	<i>omit, insert—</i>	10
	District Court	11
	(4) Section 237(4), from ‘The industrial magistrate’ to ‘the person’s’—	12
		13
	<i>omit, insert—</i>	14
	A Magistrates Court must give notice of a decision to suspend or cancel a person’s	15
		16
	(5) Section 237(4)(a), ‘industrial magistrate’—	17
	<i>omit, insert—</i>	18
	court	19
Clause 218	Amendment of s 238 (Forfeiture on conviction)	20
	Section 238(1), ‘an Industrial Magistrates Court’—	21
	<i>omit, insert—</i>	22
	a Magistrates Court	23
Clause 219	Amendment of s 243 (Orders for costs)	24
	(1) Section 243(2), ‘An Industrial Magistrates Court’—	25
	<i>omit, insert—</i>	26
	A Magistrates Court	27

[s 220]

- (2) Section 243(3)— 1
omit. 2
- (3) Section 243(4) to (6)— 3
renumber as section 243(3) to (5). 4

Clause 220 Insertion of new pt 14C 5

After part 14B— 6

insert— 7

Part 14C Enforceable undertakings 8
9

246L CEO may accept enforceable undertaking 10

- (1) The CEO may accept a written undertaking (an *enforceable undertaking*) given by a person in connection with a matter relating to a contravention or alleged contravention of this Act by the person. 11
12
13
14
15
- (2) An enforceable undertaking can not be accepted for a contravention or alleged contravention that is— 16
17
18
- (a) an offence against section 45C or 45D; or 19
- (b) an offence involving a breach of a safety and health obligation causing death. 20
21
- (3) The giving of an enforceable undertaking does not constitute an admission of guilt by the person giving the undertaking in relation to the contravention or alleged contravention to which the undertaking relates. 22
23
24
25
26
- (4) The CEO must issue, and publish on a Queensland Government website, general guidelines in relation to the acceptance of enforceable undertakings under this Act. 27
28
29
30

-
- (5) The CEO may accept an enforceable undertaking 1
in relation to a contravention or alleged 2
contravention, other than a contravention or 3
alleged contravention that is an offence 4
mentioned in subsection (2)(a) or (b), before a 5
proceeding in relation to the contravention has 6
been finalised. 7
- (6) If the CEO accepts an enforceable undertaking 8
before the proceeding is finalised— 9
- (a) the CEO must immediately notify the WHS 10
prosecutor; and 11
- (b) the WHS prosecutor must take all 12
reasonable steps to have the proceeding 13
discontinued as soon as possible. 14

246M Notice of decision and reasons for decision 15

- (1) The CEO must give the person seeking to make an 16
enforceable undertaking notice of the CEO's 17
decision to accept or reject the enforceable 18
undertaking and of the reasons for the decision. 19
- (2) The CEO must publish, on a Queensland 20
Government website, notice of a decision to 21
accept an enforceable undertaking and the reasons 22
for the decision. 23

246N When enforceable undertaking is enforceable 24

An enforceable undertaking takes effect and 25
becomes enforceable when the CEO's decision to 26
accept the undertaking is given to the person who 27
made the undertaking or at any later date stated by 28
the CEO. 29

246O Compliance with enforceable undertaking 30

A person must not contravene an enforceable 31

[s 220]

undertaking made by the person that is in effect. 1
Maximum penalty—500 penalty units. 2

246P Contravention of enforceable undertaking 3

- (1) The CEO may apply to a Magistrates Court for an order if a person contravenes an enforceable undertaking. 4
5
6
- (2) If the court is satisfied that the person who made the enforceable undertaking has contravened the undertaking, the court, in addition to the imposition of any penalty, may make— 7
8
9
10
- (a) an order directing the person to comply with the undertaking; or 11
12
- (b) an order discharging the undertaking. 13
- (3) In addition to the orders mentioned in subsection (2), the court may make any other order the court considers appropriate in the circumstances, including orders directing the person to pay to the State— 14
15
16
17
18
- (a) the costs of the proceeding; and 19
- (b) the reasonable costs of the CEO in monitoring compliance with the enforceable undertaking in the future. 20
21
22
- (4) Nothing in this section prevents a proceeding being taken for the contravention or alleged contravention of this Act to which the enforceable undertaking relates. 23
24
25
26

Note— 27

Section 246R specifies circumstances affecting a proceeding for a contravention for which an enforceable undertaking has been given. 28
29
30

246Q Withdrawal or variation of enforceable undertaking	1 2
(1) A person who has made an enforceable undertaking may at any time, with the written agreement of the CEO—	3 4 5
(a) withdraw the undertaking; or	6
(b) vary the undertaking.	7
(2) However, the provisions of the undertaking can not be varied to provide for a different alleged contravention of the Act.	8 9 10
(3) The CEO must publish, on a Queensland Government website, notice of the withdrawal or variation of an enforceable undertaking.	11 12 13
246R Proceeding for alleged contravention	14
(1) Subject to this part, no proceeding for a contravention or alleged contravention of this Act may be taken against a person if an enforceable undertaking is in effect in relation to the contravention.	15 16 17 18 19
(2) No proceeding may be taken for a contravention or alleged contravention of this Act against a person who has made an enforceable undertaking in relation to the contravention and has completely discharged the enforceable undertaking.	20 21 22 23 24 25
Clause 221 Insertion of new pt 15, div 1, hdg	26
Before section 247—	27
<i>insert—</i>	28
Division 1 General	29

[s 222]

Clause 222	Insertion of new pt 15, div 2	1
	After section 249—	2
	<i>insert—</i>	3
	Division 2	
	Sentencing for offences	4
	249A Application of division	5
	This division applies if a court convicts a person	6
	or finds a person guilty (the <i>offender</i>) of an	7
	offence against this Act.	8
	249B Orders generally	9
	(1) One or more orders may be made under this	10
	division against the offender.	11
	(2) Orders may be made under this division in	12
	addition to any penalty that may be imposed or	13
	any other action that may be taken in relation to	14
	the offence.	15
	249C Adverse publicity orders	16
	(1) The court may make an order (an <i>adverse</i>	17
	<i>publicity order</i>), in relation to the offender,	18
	requiring the offender—	19
	(a) to take either or both of the following	20
	actions within the period stated in the	21
	order—	22
	(i) to publicise, in the way stated in the	23
	order, the offence, its consequences,	24
	the penalty imposed and any other	25
	related matter;	26
	(ii) to notify a stated person or stated class	27
	of persons, in the way stated in the	28
	order, of the offence, its consequences,	29

-
- the penalty imposed and any other
related matter; and
- (b) to give the CEO, within 7 days after the end
of the period stated in the order, evidence
that the action or actions were taken by the
offender in accordance with the order.
- (2) The court may make an adverse publicity order on
the court's own initiative or on the application of
the person prosecuting the offence.
- (3) If the offender fails to give evidence to the CEO
as provided under subsection (1)(b), the CEO, or
a person authorised in writing by the CEO, may
take the action or actions stated in the order.
- (4) However, if—
- (a) the offender gives evidence to the CEO as
provided under subsection (1)(b); and
- (b) despite that evidence, the CEO is not
satisfied that the offender has taken the
action or actions stated in the order in
accordance with the order;
- the CEO may apply to the court for an order
authorising the CEO, or a person authorised in
writing by the CEO, to take the action or actions.
- (5) If the CEO, or a person authorised in writing by
the CEO, takes an action or actions under
subsection (3) or under an order under subsection
(4), the CEO is entitled to recover from the
offender, by action in a court of competent
jurisdiction, an amount in relation to the
reasonable expenses of taking the action or
actions as a debt due to the CEO.

249D Orders for restoration

- (1) The court may make an order requiring the
offender to take steps stated in the order, within

[s 222]

the period stated in the order, to remedy a matter 1
caused by the commission of the offence that 2
appears to the court to be within the offender's 3
power to remedy. 4

- (2) The period within which an order under this 5
section must be complied with may be extended, 6
or further extended, by order of the court but only 7
if an application for the extension is made before 8
the end of the period. 9

249E Safety and health project orders 10

- (1) The court may make an order requiring the 11
offender to undertake a stated project for the 12
general improvement of safety and health of 13
persons at mines and persons who may be 14
affected by operations within the period stated in 15
the order. 16
- (2) The order may state conditions that must be 17
complied with in undertaking the project. 18

249F Release on giving of court-ordered 19 undertaking 20

- (1) The court may (with or without recording a 21
conviction) adjourn the proceeding for the 22
offence for a period of not more than 2 years and 23
make an order for the release of the offender on 24
the offender giving an undertaking with stated 25
conditions (a *court-ordered undertaking*). 26
- (2) A court-ordered undertaking must state the 27
following conditions— 28
- (a) that the offender appear before the court if 29
called to appear during the period of the 30
adjournment and, if stated by the court, at 31
the time to which the further hearing is 32
adjourned; 33

-
- (b) that the offender does not commit, during the period of the adjournment, any offence against this Act;
- (c) that the offender observes any special conditions imposed by the court.
- (3) In addition to the order mentioned in subsection (1), the court may make any other order the court considers appropriate in the circumstances, including orders directing the offender to pay to the State—
- (a) the costs of the proceeding; and
- (b) the reasonable costs of the CEO in monitoring compliance with the court-ordered undertaking in the future.
- (4) An offender who has given a court-ordered undertaking under this section may be called on to appear before the court by order of the court.
- (5) An order under subsection (4) must be served on the offender not less than 4 days before the time stated in the order for the appearance.
- (6) If the court is satisfied at the time to which a further hearing of a proceeding is adjourned that the offender has observed the conditions of the court-ordered undertaking, the court must discharge the offender without any further hearing of the proceeding.

249G Injunctions

The court may issue an injunction requiring the offender to cease contravening this Act.

Note—

See also part 14A.

[s 223]

249H Training orders

The court may make an order requiring the
offender to undertake, or arrange for 1 or more
workers to undertake, a stated course of training.

249I Offence to fail to comply with order

(1) A person must comply with an order under this
division, unless the person has a reasonable
excuse.

Maximum penalty—500 penalty units.

(2) This section does not apply to an order or
injunction under section 249F or 249G.

Clause 223 Amendment of s 253 (Where worker exposed to immediate personal danger)

Section 253(1)(a) and (3), ‘himself or herself’—

omit, insert—

themselves

Clause 224 Amendment of s 254A (Protection from reprisal)

Section 254A(7)—

insert—

detriment includes—

(a) personal injury or prejudice to safety; and

(b) property damage or loss; and

(c) intimidation or harassment; and

(d) adverse discrimination, disadvantage or
adverse treatment about career, profession,
employment, trade or business; and

(e) financial loss; and

	(f) damage to reputation, including, for example, personal, professional or business reputation.	1 2 3
Clause 225	Amendment of s 254C (Public statements)	4
(1)	Section 254C, heading—	5
	<i>omit, insert—</i>	6
	254C Publication of information	7
(2)	Section 254C(1), from ‘make’ to ‘following—’	8
	<i>omit, insert—</i>	9
	publish information about any of the following matters—	10 11
(3)	Section 254C(2)—	12
	<i>omit, insert—</i>	13
	(2) Also, the Minister, CEO or chief inspector may publish any of the following information about serious accidents or high potential incidents—	14 15 16
	(a) the total number of accidents or incidents that happened in a particular period;	17 18
	(b) a description of an accident or incident, including, for example, where and when an accident or incident happened;	19 20 21
	(c) the name of a mine at which an accident or incident happened;	22 23
	(d) the operator of a mine at which an accident or incident happened;	24 25
	(e) the injuries or deaths that occurred in an accident or incident;	26 27
	(f) any other information about the accident or incident the Minister, CEO or chief inspector considers appropriate.	28 29 30
(4)	Section 254C(3), ‘issue a public statement’—	31

[s 226]

omit, insert— 1

publish information 2

(5) Section 254C(4) and (5)— 3

omit, insert— 4

(4) No liability is incurred by the State or any other 5
person for the publication of, or for anything done 6
for the purpose of publishing, information under 7
this section in good faith. 8

(5) Subsection (4) applies despite section 256. 9

Clause 226 Amendment of s 255 (Disclosure of information) 10

(1) Section 255(1)(e)— 11

omit, insert— 12

(e) in information published under section 13
254C. 14

(2) Section 255(2), ‘in mining’— 15

omit. 16

Clause 227 Amendment of s 260 (CEO to keep records) 17

(1) Section 260(1)(a)— 18

omit, insert— 19

(a) a database of information about serious 20
accidents and high potential incidents; and 21

(2) Section 260(2) to (5)— 22

omit, insert— 23

(2) The CEO may give a person access to the records. 24

Clause 228 Amendment of s 261 (Approved forms) 25

Section 261, after ‘inspector’— 26

insert— 1
and the CEO 2

Clause 229 Amendment of s 262 (Regulation-making power) 3

(1) Section 262(2)— 4

insert— 5

(ia) matters relating to board qualifications; 6

(2) Section 262(2)(ia) to (m)— 7

renumber as section 262(2)(j) to (n). 8

Clause 230 Insertion of new pt 20, div 8 9

Part 20— 10

insert— 11

Division 8 Transitional provisions for 12
Resources Safety and 13
Health Legislation 14
Amendment Act 2024 15

295 Definitions for division 16

In this division— 17

former, for a provision of this Act, means the 18
provision as in force from time to time before the 19
commencement. 20

new, for a provision of this Act, means the 21
provision as in force from the commencement. 22

296 Deferral of requirements relating to critical 23
controls 24

(1) New sections 27, 44A and 55(5) do not apply until 25
the day that is 1 year after the commencement. 26

[s 230]

- (2) Former sections 27, 44A and 55(5) continue to apply until that day that is 1 year after the commencement. 1
2
3

297 Deferral of requirements relating to operational ROC workers 4
5

- (1) New sections 39(1)(g) and 55(3) do not apply until the day that is 6 months after the commencement. 6
7
8
- (2) Former sections 39(1)(h) and 55(3) continue to apply until that day that is 6 months after the commencement. 9
10
11

298 Deferral of particular requirements to hold practising certificate 12
13

- (1) This section applies to the following requirements— 14
15
- (a) the requirement under new section 49(4)(b) for a site senior executive to hold a practising certificate; 16
17
18
- (b) the requirement under new section 53(3)(a)(ii) or (b)(ii) for an underground mine manager to hold a practising certificate; 19
20
21
22
- (c) the requirement under new section 123(2) for an inspector to hold a practising certificate. 23
24
25
- (2) The requirement does not apply until 10 June 2025. 26
27
- (3) If, on 10 June 2025, the person mentioned in subsection (1) does not hold the required practising certificate, the appointment of the person to the position mentioned in subsection (1) is terminated. 28
29
30
31
32

(4) Former sections 49(4), 53(3) and 123 continue to apply until 10 June 2025.	1 2
299 No compensation payable because of termination of appointment under division	3 4
(1) This section applies if a person's appointment to a position is terminated because of the operation of this division.	5 6 7
(2) No compensation is payable to the person because of the termination.	8 9
300 Dealing with charges of offences against Act in summary way before Magistrates Court	10 11
(1) New section 234 applies in relation to a proceeding for an offence against this Act started after the commencement, whether the offence was alleged to have been committed before or after the commencement.	12 13 14 15 16
(2) Without limiting the <i>Acts Interpretation Act 1954</i> , section 20, a proceeding for an offence started under former section 234 before an industrial magistrate before the commencement may be continued before the industrial magistrate after the commencement despite the amendment of former section 234 by the <i>Resources Safety and Health Legislation Amendment Act 2024</i> .	17 18 19 20 21 22 23 24
(3) Also, a person dissatisfied with a decision of an industrial magistrate in a proceeding mentioned in subsection (2) may appeal to the Industrial Court under former section 234 despite the amendment of former section 234 by the <i>Resources Safety and Health Legislation Amendment Act 2024</i> .	25 26 27 28 29 30
301 Limitation period for starting prosecution	31
(1) New section 236 applies only in relation to a	32

[s 231]

proceeding for an offence against this Act alleged 1
to have been committed after the commencement. 2

- (2) Former section 236 continues to apply in relation 3
to a proceeding for an offence against this Act 4
alleged to have been committed before the 5
commencement despite the amendment of former 6
section 236 by the *Resources Safety and Health 7*
Legislation Amendment Act 2024. 8

302 Administrative region established by chief 9
executive before commencement 10

- (1) This section applies if— 11
- (a) before the commencement, the chief 12
executive established an administrative 13
region for the administration of this Act 14
under former schedule 2, definition *region*; 15
and 16
- (b) immediately before the commencement, the 17
administrative region was still in effect. 18
- (2) The administrative region is taken to have been 19
established by the CEO under new schedule 2, 20
definition *region*. 21

Clause 231 Amendment of sch 2 (Dictionary) 22

- (1) Schedule 2, definitions *hard rock*, *holder*, *obstruct*, *service 23*
provider, *treatment* and *worker*— 24
omit. 25
- (2) Schedule 2— 26
insert— 27
- authorised official*, for part 9, division 5, see 28
section 158. 29
- board of inquiry* means a board of inquiry 30
established under section 199. 31

-
- board qualification** means— 1
- (a) a certificate of competency; or 2
 - (b) a site senior executive notice; or 3
 - (c) a practising certificate. 4
- contractor** includes— 5
- (a) a person contracted to carry out work at a mine; and 6
7
 - (b) a person contracted to provide a service to a mine; and 8
9
 - (c) a person contracted to provide workers to a mine, including, for example, a labour hire agency. 10
11
12
- critical control** means a risk control measure for a mine— 13
14
- (a) that is critical to— 15
 - (i) prevent a material unwanted event at the mine; or 16
17
 - (ii) mitigate the consequences of a material unwanted event at the mine; and 18
19
 - (b) the absence or failure of which would significantly increase risk despite the existence of other risk control measures. 20
21
22
- enforceable undertaking** see section 246L(1). 23
- hard rock** means— 24
- (a) rock that must be broken, including, for example, by drilling and blasting, ripping, or crushing by machinery, to enable it to be extracted; or 25
26
27
28
 - (b) gravel that is extracted and crushed or shaped to produce a product; or 29
30
 - (c) river sand that is extracted and crushed or shaped to produce a product. 31
32

[s 231]

- holder**, for a mine, means the holder under the *Mineral Resources Act 1989* of a prospecting permit, exploration permit, mineral development licence, mining lease or mining claim for the mine.
- material unwanted event**, at a mine, means an unwanted event in relation to which the potential or real consequence to safety or health exceeds a threshold defined by the operator as warranting the highest level of attention.
- mutual recognition Act** means—
- (a) the *Mutual Recognition Act 1992* (Cwlth);
or
 - (b) the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth).
- obstruct** includes assault, hinder, resist and attempt or threaten to assault, hinder or resist.
- offender**, for part 15, division 2, see section 249A.
- operational ROC worker**, for a mine, means an ROC worker for the mine who does either or both of the following—
- (a) provides information that is used at the mine to make decisions about operations at the mine but does not give instructions, directions or make decisions about operations at the mine;
 - (b) remotely operates plant or equipment located at the mine under—
 - (i) the direction of the site senior executive or other supervisors at the mine; and
 - (ii) the safety and health management system.

-
- practising certificate*** means a practising certificate issued, or renewed, by the board of examiners under this Act. 1
2
3
- Queensland Government website*** means a website with a URL that contains ‘qld.gov.au’, other than the website of a local government. 4
5
6
- remote operating centre***, for a mine, means a facility located off the mine that monitors operations at the mine and does either or both of the following— 7
8
9
10
- (a) provides information that is used by the site senior executive or other supervisors at the mine to make decisions about operations at the mine but does not involve persons at the facility giving instructions or directions or making decisions about operations at the mine; 11
12
13
14
15
16
17
- (b) remotely operates plant or equipment located at the mine under the direction of the site senior executive or other supervisors at the mine and under the safety and health management system. 18
19
20
21
22
- ROC worker***, for a mine, means a person who works at a remote operating centre for the mine. 23
24
- site safety and health committee*** means a site safety and health committee established under section 98. 25
26
27
- treat*** means any process that is carried out with the objective of preparing material won in operations for its end purpose that takes place at either of the following places— 28
29
30
31
- (a) land the subject of a prospecting permit, exploration permit, mineral development licence, mining lease or mining claim; 32
33
34
- (b) a quarry. 35

[s 232]

	<i>worker</i> means an individual who carries out work	1
	at a mine and includes the following individuals	2
	who carry out work at a mine—	3
	(a) an employee of the operator;	4
	(b) a contractor;	5
	(c) an employee of a contractor.	6
(3)	Schedule 2, definition <i>region</i> , ‘chief executive’—	7
	<i>omit, insert—</i>	8
	CEO	9
(4)	Schedule 2, definition <i>supplier</i> , ‘, contractor or service	10
	provider’—	11
	<i>omit, insert—</i>	12
	or contractor	13

Part 5	Amendment of Petroleum and	14
	Gas (Production and Safety)	15
	Act 2004	16

Clause 232	Act amended	17
	This part amends the <i>Petroleum and Gas (Production and</i>	18
	<i>Safety) Act 2004.</i>	19
Clause 233	Amendment of s 670 (What is an <i>operating plant</i>)	20
	Section 670(5)(d), before ‘delivery’—	21
	<i>insert—</i>	22
	production,	23

Clause 234	Amendment of s 705D (Reporting of particular accidents and prescribed high potential incidents)	1 2
(1)	Section 705D, heading, from ‘particular’— <i>omit, insert—</i> designated accident or incident	3 4 5
(2)	Section 705D(2)— <i>omit, insert—</i> (2) The operator must, as soon as possible after becoming aware that a designated accident or incident has happened, notify the site senior executive under the Coal Mining Safety and Health Act for the coal mine the subject of the coal or oil shale mining lease about the accident or incident, either orally or by notice.	6 7 8 9 10 11 12 13 14
(3)	Section 705D(4)— <i>omit.</i>	15 16
(4)	Section 705D(5), definition <i>designated accident or incident</i> , paragraph (b)— <i>omit, insert—</i> (b) an incident the operator of the plant is required to report to the chief inspector under section 706, to the extent the incident affects, or is likely to affect, the safety and health of coal mine workers.	17 18 19 20 21 22 23 24
(5)	Section 705D(5)— <i>renumber</i> as section 705D(4).	25 26
Clause 235	Replacement of s 706 (Requirement to report prescribed incident)	27 28
	Section 706— <i>omit, insert—</i>	29 30

[s 235]

706 Requirement to report prescribed incident	1
(1) A regulation may prescribe the types of incidents happening at an operating plant or relating to a gas related device (each a <i>prescribed incident</i>) that must be notified to the chief inspector.	2 3 4 5
(2) If a prescribed incident happens at an operating plant, the operator of the plant must notify the chief inspector.	6 7 8
Maximum penalty—100 penalty units.	9
(3) If a prescribed incident happens at a business other than at an operating plant and the prescribed incident relates to a gas related device, the person carrying on the business must notify the chief inspector.	10 11 12 13 14
Maximum penalty—100 penalty units.	15
(4) The notification under subsection (2) or (3) must be made—	16 17
(a) by telephone as soon as possible after becoming aware of the prescribed incident, using the telephone number notified on a Queensland Government website for the purpose; and	18 19 20 21 22
(b) in the approved form within 2 business days after the prescribed incident.	23 24
(5) The approved form mentioned in subsection (4)(b) must make provision for particular information to be provided about the prescribed incident.	25 26 27 28
(6) The telephone notification mentioned in subsection (4)(a) must include the required information to the extent the required information is known to the operator mentioned in subsection (2) or the person mentioned in subsection (3).	29 30 31 32 33
(7) If the operator mentioned in subsection (2) or the person mentioned in subsection (3) does not know	34 35

-
- the required information at the time the operator 1
or person is required to notify the chief inspector 2
under subsection (4)(b), the operator or person 3
must— 4
- (a) take all reasonable steps to find out the 5
required information as soon as possible; 6
and 7
- (b) as soon as possible after the required 8
information becomes known to the operator 9
or person, give the required information to 10
the chief inspector. 11
- Maximum penalty—100 penalty units. 12
- (8) For a proceeding under subsection (2), (3) or (7), 13
it is not a defence that the giving of the required 14
information might tend to incriminate the 15
operator or the person. 16
- (9) The required information is not admissible in 17
evidence against the operator or person in a 18
criminal proceeding. 19
- (10) Subsection (9) does not prevent the required 20
information being admitted in evidence in a 21
criminal proceeding about the falsity or 22
misleading nature of the required information. 23
- (11) The operator or person is taken to have complied 24
with subsection (2) or (3) if— 25
- (a) the *Coal Mining Safety and Health Act* 26
1999, section 198 applies to the operator or 27
person; and 28
- (b) the operator or person has complied with 29
that section. 30
- (12) In this section— 31
- required information*** means the information 32
required by the approved form mentioned in 33
subsection (4)(b). 34

[s 236]

Clause 236	Amendment of s 708C (Protection from reprisal)	1
(1)	Section 708C(1), penalty—	2
	<i>omit, insert—</i>	3
	Maximum penalty—1,000 penalty units.	4
(2)	Section 708C(7)—	5
	<i>insert—</i>	6
	detriment includes—	7
	(a) personal injury or prejudice to safety; and	8
	(b) property damage or loss; and	9
	(c) intimidation or harassment; and	10
	(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and	11 12 13
	(e) financial loss; and	14
	(f) damage to reputation, including, for example, personal, professional or business reputation.	15 16 17
Clause 237	Amendment of s 722 (Contempt of board)	18
	Section 722(a)—	19
	<i>omit, insert—</i>	20
	(a) impede or obstruct a board of inquiry in the exercise of its powers; or	21 22
Clause 238	Amendment of s 724 (Types of gas device)	23
(1)	Section 724(3)—	24
	<i>insert—</i>	25
	(d) a limited capacity biogas system.	26
(2)	Section 724(5)—	27

insert—

1

limited capacity biogas system means a system of
devices that produces, stores and uses not more
than the amount of biogas prescribed by
regulation.

2
3
4
5

Clause 239 Amendment of s 731AA (Approval of gas devices for supply, installation and use)

6
7

(1) Section 731AA(2), after ‘gas device’—

8

insert—

9

(type B)

10

(2) Section 731AA—

11

insert—

12

(3) An approval under subsection (1)(a) in relation to
a gas device (type A) that has been given by a
person who holds a gas device approval authority
for the gas device, stops having effect only if the
approval is cancelled or suspended by the person
with the written consent of the chief inspector.

13
14
15
16
17
18

Clause 240 Amendment of s 731AB (Who may apply)

19

Section 731AB, ‘gas device approval authority for a gas
device’—

20
21

omit, insert—

22

type of gas device approval authority prescribed
by regulation

23
24

Clause 241 Amendment of s 734AC (Access to register)

25

(1) Section 734AC(1)(a)—

26

omit.

27

(2) Section 734AC(1)(b), after ‘register’—

28

[s 242]

insert— 1

under section 734AB 2

(3) Section 734AC(1)(b) and (c)— 3

renumber as section 734AC(1)(a) and (b). 4

(4) Section 734AC— 5

insert— 6

(1A) The chief inspector may publish the register in the 7
way the chief inspector considers appropriate. 8

(5) Section 734AC(2), ‘residential address’— 9

omit, insert— 10

contact details 11

(6) Section 734AC(1A) and (2)— 12

renumber as section 734AC(2) and (3). 13

Clause 242 Amendment of s 739 (Production or display of identity card) 14
15

Section 739(1)(a), ‘his or her’— 16

omit, insert— 17

the inspector’s or authorised officer’s 18

Clause 243 Amendment of s 744 (Inspector’s additional entry power for emergency or incident) 19
20

Section 744(2)(a), ‘himself or herself’— 21

omit, insert— 22

themselves 23

Clause 244 Amendment of s 752 (Warrants—procedure before entry) 24

Section 752(2)(a), ‘himself or herself’— 25

omit, insert— 26

	themselves	1
Clause 245	Replacement of ss 754–756	2
	Sections 754 to 756—	3
	<i>omit, insert—</i>	4
	754 General powers	5
	(1) This section applies to—	6
	(a) an inspector for performing the functions of the inspector under section 736(1); or	7 8
	(b) an authorised officer for performing the functions of the authorised officer under section 736(2) or (3).	9 10 11
	(2) The inspector or authorised officer may—	12
	(a) search any part of the place; or	13
	(b) inspect, measure, test, photograph or film any part of the place or anything at the place; or	14 15 16
	(c) take a thing, or a sample of or from a thing, at the place for analysis or testing; or	17 18
	(d) copy a document at the place; or	19
	(e) take into or onto the place any persons, equipment and materials the inspector or authorised officer requires for exercising a power under this division; or	20 21 22 23
	(f) require a person at the place, to give the inspector or authorised officer reasonable help to exercise the inspector’s or authorised officer’s powers under any of paragraphs (a) to (e); or	24 25 26 27 28
	(g) require a person at the place, to answer questions by the inspector or authorised officer to help the inspector or authorised officer ascertain whether this Act is being or	29 30 31 32

[s 246]

	has been complied with, or for the purpose of conducting an investigation under this Act.	1 2 3
(3)	When making a requirement mentioned in subsection (2)(f) or (g), the inspector or authorised officer must warn the person it is an offence to fail to comply with the requirement unless the person has a reasonable excuse.	4 5 6 7 8
	755 Failure to help inspector or authorised officer	9
	A person required to give reasonable help under section 754(2)(f) must comply with the requirement, unless the person has a reasonable excuse.	10 11 12 13
	Maximum penalty—100 penalty units.	14
	756 Failure to answer questions	15
(1)	A person of whom a requirement is made under section 754(2)(g) must not fail to comply with a requirement to answer a question unless the person has a reasonable excuse.	16 17 18 19
	Maximum penalty—500 penalty units.	20
(2)	It is a reasonable excuse for an individual not to comply with the requirement if complying with the requirement might tend to incriminate the individual or make the individual liable to a penalty.	21 22 23 24 25
(3)	However, subsection (2) does not apply if the requirement relates to an incident.	26 27
Clause 246	Replacement of s 757 (Power to require name and address)	28 29
	Section 757—	30
	<i>omit, insert—</i>	31

757 Power to require personal details

- | | |
|---|----------------------------|
| | 1 |
| (1) This section applies if an inspector or authorised officer— | 2
3 |
| (a) finds a person committing an offence against this Act; or | 4
5 |
| (b) finds a person in circumstances that lead the inspector or authorised officer to reasonably suspect the person has just committed an offence against this Act; or | 6
7
8
9 |
| (c) has information that leads the inspector or authorised officer to reasonably suspect a person has just committed an offence against this Act. | 10
11
12
13 |
| (2) The inspector or authorised officer may require the person to state the person’s name and residential address. | 14
15
16 |
| (3) The inspector or authorised officer may also require the person to give evidence of the correctness of the stated name or address if, in the circumstances, it would be reasonable to expect the person to— | 17
18
19
20
21 |
| (a) be in possession of evidence of the correctness of the stated name or address; or | 22
23 |
| (b) otherwise be able to give the evidence. | 24 |
| (4) When making a requirement under this section, the inspector or authorised officer must give the person an offence warning for the requirement. | 25
26
27 |
| (5) In this section— | 28 |
| <i>offence warning</i> , for a requirement by an inspector or authorised officer, means a warning that, without a reasonable excuse, it is an offence for the person of whom the requirement is made not to comply with the direction or requirement. | 29
30
31
32
33 |
| <i>reasonably suspect</i> means suspect on grounds | 34 |

[s 247]

that are reasonable in the circumstances. 1

757A Offence to contravene personal details requirement 2
3

(1) A person of whom a requirement is made under section 757 must comply with the requirement unless the person has a reasonable excuse. 4
5
6

Maximum penalty—100 penalty units. 7

(2) A person may not be convicted of an offence against subsection (1) unless the person is found guilty of the offence in relation to which the requirement under section 757 was made. 8
9
10
11

Clause 247 Replacement of ss 761 and 762 12

Sections 761 and 762— 13

omit, insert— 14

761 Power to require attendance of persons before inspector or authorised officer to answer questions 15
16
17

(1) An inspector or authorised officer may require a person to attend before the inspector or authorised officer and to answer questions— 18
19
20

(a) relevant to the discharge of the person's safety and health obligations under this Act; 21
22
or 23

(b) on safety and health matters relevant to activities involving petroleum or fuel gas; or 24
25

(c) to ascertain whether this Act is being complied with; or 26
27

(d) relevant to any action carried out by the inspector or authorised officer under this Act. 28
29
30

(2) A requirement made of a person under this section 31

-
- to attend before an inspector or authorised officer 1
must— 2
- (a) be made by notice given to the person; and 3
- (b) state a reasonable time and place for the 4
person’s attendance. 5
- (3) When making a requirement under this section, 6
the inspector or authorised officer must warn the 7
person it is an offence to fail to comply with the 8
requirement unless the person has a reasonable 9
excuse. 10

**762 Failure to comply with requirement about 11
attendance 12**

- (1) A person of whom a requirement is made under 13
section 761 must not, unless the person has a 14
reasonable excuse— 15
- (a) fail to attend before the inspector or 16
authorised officer at the time and place 17
stated in the notice; or 18
- (b) when attending before the inspector or 19
authorised officer fail to comply with a 20
requirement to answer a question. 21
- Maximum penalty—500 penalty units. 22
- (2) It is a reasonable excuse for an individual not to 23
comply with a requirement to answer a question if 24
complying with the requirement might tend to 25
incriminate the individual or make the individual 26
liable to a penalty. 27
- (3) However, subsection (2) does not apply if the 28
requirement relates to an incident. 29

762A Use of particular evidence in proceedings 30

- (1) Subsection (2) applies in relation to an answer 31
given by an individual in response to a 32

[s 248]

	requirement under section 754(2)(g) or 761(1).	1
(2)	Neither the answer nor any information, document or other thing obtained as a direct or indirect result of the answer is admissible in any proceeding against the individual, other than a proceeding in which the falsity or misleading nature of the answer is relevant.	2 3 4 5 6 7
(3)	If a document, produced in response to a requirement under section 754(2)(f), is the personal property of an individual of whom the requirement is made and the document might incriminate the individual or make the individual liable to a penalty—	8 9 10 11 12 13
(a)	the document is admissible in a proceeding against the individual for an offence under this Act; but	14 15 16
(b)	neither the document nor anything obtained as a direct or indirect result of the individual producing the document is admissible in any other proceeding against the individual for an offence.	17 18 19 20 21
Clause 248	Amendment of s 799I (Definitions for part)	22
(1)	Section 799I(1), definitions <i>employer</i> and <i>worker</i> —	23
	<i>omit.</i>	24
(2)	Section 799I(1)—	25
	<i>insert</i> —	26
	<i>employer</i> , for an operating plant or gas work, means—	27 28
(a)	a person who employs or otherwise engages a person to carry out work in relation to the operating plant or gas work; or	29 30 31
(b)	a person who arranges for a person to carry out work in relation to the operating plant or	32 33

	gas work, including, for example, a labour hire agency; or	1 2
	(c) for an operating plant—the operator of the operating plant; or	3 4
	(d) for gas work—the holder of a gas work licence, gas work authorisation or gas device approval authority relating to the gas work.	5 6 7 8
	<i>worker</i> means—	9
	(a) in relation to an operating plant—an individual who is employed, otherwise engaged or arranged to carry out work at the operating plant; or	10 11 12 13
	(b) in relation to gas work—an individual who is employed, otherwise engaged or arranged to carry out work at the place where the gas work is carried out.	14 15 16 17
Clause 249	Amendment of s 817 (Who may apply for internal review)	18
	Section 817(2)(b) and (c)—	19
	<i>omit, insert—</i>	20
	(b) if the original decision to which the application relates was made by an inspector, other than the chief inspector, or an authorised officer (safety and health)—the chief inspector; or	21 22 23 24 25
	(c) if the original decision to which the application relates was made by the CEO or the chief inspector—the CEO; or	26 27 28
Clause 250	Insertion of new ch 13, pt 2, div 1, hdg	29
	Before section 837—	30
	<i>insert—</i>	31

[s 251]

	Division 1	General	
			1
Clause 251	Amendment of s 837 (Proceedings for offences)		2
	(1) Section 837(1)—		3
	<i>omit, insert—</i>		4
	(1) A charge for an offence against this Act, other than an offence against chapter 11, part 1AA, must be heard and decided summarily.		5 6 7
	(2) Section 837(6), after paragraph (a)—		8
	<i>insert—</i>		9
	(aa) if an enforceable undertaking has been given in relation to the offence, 6 months after the latest of the following to happen—		10 11 12
	(i) the enforceable undertaking is contravened;		13 14
	(ii) it comes to the notice of the CEO that the enforceable undertaking has been contravened;		15 16 17
	(iii) the CEO agrees under section 841J to the withdrawal of the enforceable undertaking;		18 19 20
	(3) Section 837(6)(aa) and (b)—		21
	<i>renumber</i> as section 837(6)(b) and (c).		22
	(4) Section 837(6A) to (8)—		23
	<i>renumber</i> as section 837(7) to (10).		24
Clause 252	Amendment of s 837C (Procedure if prosecution not brought)		25 26
	Section 837C(1)(a), ‘section 837(8)’—		27
	<i>omit, insert—</i>		28
	section 837(10)		29

Clause 253	Insertion of new s 839A	1
	After section 839—	2
	<i>insert—</i>	3
	839A Court may order suspension or cancellation of authority	4
		5
	(1) This section applies if a person convicted of an offence against this Act is the holder of any of the following authorities—	6
		7
		8
	(a) a gas work licence;	9
	(b) a gas work authorisation;	10
	(c) a gas device approval authority.	11
	(2) A Magistrates Court, on application by the complainant during the proceeding for the offence, may suspend or cancel the authority held by the person convicted.	12
		13
		14
		15
	(3) A person dissatisfied with the Magistrates Court’s decision to suspend or cancel the person’s authority who wants to appeal against the decision, must appeal to the District Court.	16
		17
		18
		19
	(4) The Magistrates Court must give notice of the decision to suspend or cancel the person’s authority to the chief inspector.	20
		21
		22
Clause 254	Amendment of s 840A (Costs of investigation)	23
	Section 840A(1), ‘the department’s reasonable costs’—	24
	<i>omit, insert—</i>	25
	to the department or RSHQ the reasonable costs,	26
	incurred by the department or RSHQ,	27
Clause 255	Insertion of new s 841AA and new ch 13, pt 2, div 2	28
	After section 841—	29
	<i>insert—</i>	30

[s 255]

841AA Recovery of fees	1
(1) A fee payable under this Act and not paid may be recovered by the CEO—	2 3
(a) in summary proceedings under the <i>Justices Act 1886</i> ; or	4 5
(b) by action for a debt in a court of competent jurisdiction.	6 7
(2) A fee may also be recovered in a proceeding for an offence against this Act.	8 9
(3) An order made in a proceeding under subsection (2) is enforceable under the <i>Justices Act 1886</i> as an order for payment of money made by a magistrate under that Act.	10 11 12 13
(4) An order made in a proceeding under subsection (2)—	14 15
(a) may be filed in the registry of a Magistrates Court; and	16 17
(b) on being filed, is taken to be an order made by a Magistrates Court and may be enforced accordingly.	18 19 20

Division 2 Sentencing for offences 21

841AB Application of division 22

This division applies if a court convicts a person
or finds a person guilty (the *offender*) of an
offence against this Act. 23
24
25

841AC Orders generally 26

- (1) One or more orders may be made under this
division against the offender. 27
28
- (2) Orders may be made under this division in 29

addition to any penalty that may be imposed or 1
any other action that may be taken in relation to 2
the offence. 3

841AD Adverse publicity orders 4

- (1) The court may make an order (an *adverse* 5
publicity order), in relation to the offender, 6
requiring the offender— 7
- (a) to take either or both of the following 8
actions within the period stated in the 9
order— 10
- (i) to publicise, in the way stated in the 11
order, the offence, its consequences, 12
the penalty imposed and any other 13
related matter; 14
- (ii) to notify a stated person or stated class 15
of persons, in the way stated in the 16
order, of the offence, its consequences, 17
the penalty imposed and any other 18
related matter; and 19
- (b) to give the CEO, within 7 days after the end 20
of the period stated in the order, evidence 21
that the action or actions were taken by the 22
offender in accordance with the order. 23
- (2) The court may make an adverse publicity order on 24
its own initiative or on the application of the 25
person prosecuting the offence. 26
- (3) If the offender fails to give evidence to the CEO 27
as provided under subsection (1)(b), the CEO, or 28
a person authorised in writing by the CEO, may 29
take the action or actions stated in the order. 30
- (4) However, if— 31
- (a) the offender gives evidence to the CEO as 32
provided under subsection (1)(b); and 33

[s 255]

(b) despite that evidence, the CEO is not 1
satisfied that the offender has taken the 2
action or actions stated in the order in 3
accordance with the order; 4

the CEO may apply to the court for an order 5
authorising the CEO, or a person authorised in 6
writing by the CEO, to take the action or actions. 7

(5) If the CEO, or a person authorised in writing by 8
the CEO, takes an action or actions under 9
subsection (3) or under an order under subsection 10
(4), the CEO is entitled to recover from the 11
offender, by action in a court of competent 12
jurisdiction, an amount in relation to the 13
reasonable expenses of taking the action or 14
actions as a debt due to the CEO. 15

841AE Orders for restoration 16

(1) The court may make an order requiring the 17
offender to take steps stated in the order, within 18
the period stated in the order, to remedy a matter 19
caused by the commission of the offence that 20
appears to the court to be within the offender's 21
power to remedy. 22

(2) The period within which an order under this 23
section must be complied with may be extended, 24
or further extended, by order of the court but only 25
if an application for the extension is made before 26
the end of the period. 27

841AF Safety and health project orders 28

(1) The court may make an order requiring the 29
offender to undertake a stated project for the 30
general improvement of safety and health of 31
persons who may be affected by activities 32
involving petroleum or fuel gas within the period 33
stated in the order. 34

-
- (2) The order may state conditions that must be 1
complied with in undertaking the project. 2

**841AG Release on giving of court-ordered 3
undertaking 4**

- (1) The court may (with or without recording a 5
conviction) adjourn the proceeding for the 6
offence for a period of not more than 2 years and 7
make an order for the release of the offender on 8
the offender giving an undertaking with stated 9
conditions (a *court-ordered undertaking*). 10
- (2) A court-ordered undertaking must state the 11
following conditions— 12
- (a) that the offender appear before the court if 13
called to appear during the period of the 14
adjournment and, if stated by the court, at 15
the time to which the further hearing is 16
adjourned; 17
- (b) that the offender does not commit, during 18
the period of the adjournment, any offence 19
against this Act; 20
- (c) that the offender observes any special 21
conditions imposed by the court. 22
- (3) In addition to the order mentioned in subsection 23
(1), the court may make any other order that the 24
court considers appropriate in the circumstances, 25
including orders directing the offender to pay to 26
the State— 27
- (a) the costs of the proceeding; and 28
- (b) the reasonable costs of the CEO in 29
monitoring compliance with the 30
court-ordered undertaking in the future. 31
- (4) An offender who has given a court-ordered 32
undertaking under this section may be called on to 33
appear before the court by order of the court. 34

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- (5) An order under subsection (4) must be served on the offender not less than 4 days before the time stated in the order for the appearance. 1
2
3
- (6) If the court is satisfied at the time to which a further hearing of a proceeding is adjourned that the offender has observed the conditions of the court-ordered undertaking, the court must discharge the offender without any further hearing of the proceeding. 4
5
6
7
8
9

841AH Injunctions 10

The court may issue an injunction requiring the offender to cease contravening this Act. 11
12

Note— 13

See also chapter 13, part 3. 14

841AI Training orders 15

The court may make an order requiring the offender to undertake, or arrange for 1 or more persons undertaking activities involving petroleum or fuel gas to undertake, a stated course of training. 16
17
18
19
20

841AJ Offence to fail to comply with order 21

- (1) A person must comply with an order under this division, unless the person has a reasonable excuse. 22
23
24

Maximum penalty—500 penalty units. 25

- (2) This section does not apply to an order or injunction under section 841AG or 841AH. 26
27

Clause 256 Insertion of new ch 13, pt 4 28

After section 841D— 29

insert—

Part 4 Enforceable undertakings

841E CEO may accept enforceable undertaking

- (1) The CEO may accept a written undertaking (an *enforceable undertaking*) given by a person in connection with a matter relating to a contravention or alleged contravention by the person of this Act.
- (2) An enforceable undertaking can not be accepted for a contravention or alleged contravention that is—
 - (a) an offence against section 799K or 799L; or
 - (b) an offence involving a breach of an obligation causing death.
- (3) The giving of an enforceable undertaking does not constitute an admission of guilt by the person giving it in relation to the contravention or alleged contravention to which the undertaking relates.
- (4) The CEO must issue, and publish on a Queensland Government website, general guidelines in relation to the acceptance of enforceable undertakings under this Act.
- (5) The CEO may accept an enforceable undertaking in relation to a contravention or alleged contravention, other than a contravention or alleged contravention mentioned in subsection (2)(a) or (b), before a proceeding in relation to the contravention has been finalised.
- (6) If the CEO accepts an enforceable undertaking before the proceeding is finalised—
 - (a) the CEO must immediately notify the WHS prosecutor; and

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- (b) the WHS prosecutor must take all reasonable steps to have the proceeding discontinued as soon as possible.

841F Notice of decision and reasons for decision

- (1) The CEO must give the person seeking to make an enforceable undertaking written notice of the CEO's decision to accept or reject the enforceable undertaking and of the reasons for the decision.
- (2) The CEO must publish, on a Queensland Government website, notice of a decision to accept an enforceable undertaking and the reasons for the decision.

841G When enforceable undertaking is enforceable

An enforceable undertaking takes effect and becomes enforceable when the CEO's decision to accept the undertaking is given to the person who made the undertaking or at any later date stated by the CEO.

841H Compliance with enforceable undertaking

A person must not contravene an enforceable undertaking made by the person that is in effect.

Maximum penalty—500 penalty units.

841I Contravention of enforceable undertaking

- (1) The CEO may apply to a Magistrates Court for an order if a person contravenes an enforceable undertaking.
- (2) If the court is satisfied that the person who made the enforceable undertaking has contravened the undertaking, the court, in addition to the imposition of any penalty, may make 1 or both of

-
- the following orders— 1
- (a) an order directing the person to comply with 2
the undertaking; 3
 - (b) an order discharging the undertaking. 4
- (3) In addition to the orders mentioned in subsection 5
(2), the court may make any other order that the 6
court considers appropriate in the circumstances, 7
including orders directing the person to pay to the 8
State— 9
- (a) the costs of the proceeding; and 10
 - (b) the reasonable costs of the CEO in 11
monitoring compliance with the enforceable 12
undertaking in the future. 13
- (4) Nothing in this section prevents a proceeding 14
being taken for the contravention or alleged 15
contravention of this Act to which the enforceable 16
undertaking relates. 17
- Note—* 18
- Section 841K specifies circumstances affecting a 19
proceeding for a contravention for which an enforceable 20
undertaking has been given. 21

**841J Withdrawal or variation of enforceable 22
undertaking 23**

- (1) A person who has made an enforceable 24
undertaking may at any time, with the written 25
agreement of the CEO— 26
 - (a) withdraw the undertaking; or 27
 - (b) vary the undertaking. 28
- (2) However, the provisions of the undertaking can 29
not be varied to provide for a different alleged 30
contravention of the Act. 31
- (3) The CEO must publish, on a Queensland 32
Government website, notice of the withdrawal or 33

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variation of an enforceable undertaking. 1

841K Proceeding for alleged contravention 2

(1) Subject to this part, no proceeding for a 3
contravention or alleged contravention of this Act 4
may be taken against a person if an enforceable 5
undertaking is in effect in relation to the 6
contravention. 7

(2) No proceeding may be taken for a contravention 8
or alleged contravention of this Act against a 9
person who has made an enforceable undertaking 10
in relation to the contravention and has 11
completely discharged the enforceable 12
undertaking. 13

Clause 257 Amendment of s 842 (Requirements for making an application) 14
15

(1) Section 842, heading, ‘an’— 16
omit. 17

(2) Section 842(5), definition *relevant person*, paragraph (a)(i)— 18
omit, insert— 19

(i) section 622, 728 or 731AB; or 20

Clause 258 Amendment of s 843 (Request to applicant about application) 21
22

(1) Section 843(1)(b) and (c), ‘or another stated officer of the 23
department’— 24
omit, insert— 25

, a stated officer of the department, or a stated staff 26
member of the employing office, 27

(2) Section 843(7)— 28
insert— 29

	<i>employing office</i> see the <i>Resources Safety and Health Queensland Act 2020</i> , section 29(1).	1 2
(3)	Section 843(7), definition <i>relevant person</i> , paragraph (a)(i)— <i>omit, insert—</i>	3 4
	(i) section 622, 728 or 731AB; or	5
Clause 259	Amendment of s 844 (Amending applications)	6
	Section 844(5), definition <i>relevant person</i> , paragraph (a)(i)— <i>omit, insert—</i>	7 8
	(i) section 622, 728 or 731AB; or	9
Clause 260	Amendment of s 848 (Power to correct or amend)	10
(1)	Section 848(3) and (4)— <i>omit, insert—</i>	11 12
	(3) Also, an official may, at any time, amend a condition of an authority if the authority holder agrees in writing to the amendment.	13 14 15
	(4) The chief executive must record in the register the details of an amendment made under subsection (1) or (3), other than an amendment made to a gas work licence, gas work authorisation or gas device approval authority.	16 17 18 19 20
	(4A) The chief inspector must record in the register kept under section 734AB an amendment made under subsection (1) or (3) to a gas work licence, gas work authorisation or gas device approval authority.	21 22 23 24 25
(2)	Section 848(5), ‘subsections (1) and (4)’— <i>omit, insert—</i>	26 27
	subsections (1) and (3)	28
(3)	Section 848(4A) to (6)—	29

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renumber as section 848(5) to (7). 1

Clause 261 Replacement of s 851A (Public statements) 2

Section 851A— 3

omit, insert— 4

851A Public statements by chief executive 5

- (1) The chief executive may make or issue a public statement identifying, and giving information about, the following matters—
 - (a) the commission of offences against this Act and the persons who commit the offences; 9 10
 - (b) investigations conducted under this Act; 11
 - (c) action taken by authorised officers to enforce this Act. 12 13
- (2) The statement may identify particular offences and persons. 14 15
- (3) The chief executive must not issue a public statement under this section unless the chief executive is satisfied it is in the public interest to do so. 16 17 18 19
- (4) No liability is incurred by the State for anything done in good faith for the purpose of issuing a public statement under this section. 20 21 22
- (5) No liability is incurred by a person for publishing, in good faith, information that has been included in a public statement under this section. 23 24 25
- (6) In this section— 26
liability includes liability in defamation. 27

851B Publication of information by Minister, CEO or chief inspector 28 29

- (1) The Minister, CEO or chief inspector may publish 30

information about the following matters—	1
(a) the commission of offences against this Act and the persons who commit the offences;	2 3
(b) investigations conducted under this Act;	4
(c) action taken by inspectors or authorised officers to enforce this Act.	5 6
(2) Also, the Minister, CEO or chief inspector may publish the following information relating to relevant incidents—	7 8 9
(a) the total number of relevant incidents that happened in a particular period;	10 11
(b) a description of a relevant incident, including, for example, where and when a relevant incident happened;	12 13 14
(c) the details of the holder of an authority issued under this Act in relation to which a relevant incident happened;	15 16 17
(d) the injuries or deaths that occurred in a relevant incident;	18 19
(e) any other information about a relevant incident the Minister, CEO or chief inspector considers appropriate.	20 21 22
(3) The Minister, CEO or chief inspector must not publish information under this section unless satisfied that it is in the public interest to do so.	23 24 25
(4) No liability is incurred by the State or any other person for the publication of, or for anything done for the purpose of publishing, information under this section in good faith.	26 27 28 29
(5) Subsection (4) applies despite section 856.	30
(6) In this section—	31
<i>liability</i> includes liability in defamation.	32
<i>relevant incident</i> means—	33

[s 262]

	(a) a designated accident or incident under section 705D(4); or	1 2
	(b) a prescribed incident under section 706(1).	3
Clause 262	Amendment of s 856 (Protection from liability for particular persons)	4 5
	Section 856(1)(c), after ‘department’—	6
	<i>insert</i> —	7
	or RSHQ	8
Clause 263	Amendment of s 858 (Approved forms)	9
	(1) Section 858—	10
	<i>insert</i> —	11
	(1A) The CEO may approve forms for use —	12
	(a) under chapter 9; and	13
	(b) in relation to safety and health fees payable under a regulation.	14 15
	(2) Section 858(2)—	16
	<i>omit, insert</i> —	17
	(2) The chief inspector may approve forms for use under chapters 7 to 10 and section 818.	18 19
	(3) Section 858(1A) to (4)—	20
	<i>renumber</i> as section 858(2) to (5).	21
Clause 264	Amendment of sch 2 (Dictionary)	22
	(1) Schedule 2, definitions <i>gas system</i> and <i>prescribed incidents</i> —	23
	<i>omit.</i>	24
	(2) Schedule 2—	25
	<i>insert</i> —	26

<i>enforceable undertaking</i> see section 841E(1).	1
<i>gas system</i> means a system that—	2
(a) consists of the following things in any combination—	3 4
(i) gas devices;	5
(ii) containers;	6
(iii) fittings;	7
(iv) flues;	8
(v) pipes;	9
(vi) devices that produce fuel gas; and	10
(b) either—	11
(i) is used with, or designed or intended to be used with, fuel gas; or	12 13
(ii) is used, or designed or intended to be used, to produce fuel gas for use in gas devices.	14 15 16
<i>Examples of gas systems—</i>	17
• an existing system of interconnected domestic gas devices installed in a dwelling house	18 19
• a gas device, and associated pipe work, added to an existing system	20 21
• a gas-fired industrial boiler installation	22
• pipes and fittings installed without a gas device in a dwelling house	23 24
• an electrolyser, and associated pipe work, used to produce fuel gas for use in a gas device	25 26
<i>offender</i> , for chapter 13, part 2, division 2, see section 841AB.	27 28
<i>prescribed incident</i> see section 706(1).	29
<i>Queensland Government website</i> means a website with a URL that contains ‘qld.gov.au’, other than the website of a local government.	30 31 32

[s 265]

- (3) Schedule 2, definition *gas related device*— 1
insert— 2
(f) a device used to produce fuel gas. 3

Part 6 **Amendment of Resources** 4
Safety and Health Queensland 5
Act 2020 6

Clause 265 Act amended 7
This part amends the *Resources Safety and Health* 8
Queensland Act 2020. 9

Clause 266 Amendment of s 67 (CEO may disclose information to 10
particular entities) 11

(1) Section 67(3), definition *prescribed confidentiality provision*, 12
paragraph (d)— 13
omit. 14

(2) Section 67(3), definition *prescribed entity*, after paragraph 15
(a)— 16
insert— 17
(aa) the chief executive of a department or 18
another entity responsible for administering 19
a law of the Commonwealth or a State about 20
safety and health; or 21

(3) Section 67(3), definition *prescribed entity*, paragraphs (aa) to 22
(c)— 23
renumber as paragraphs (b) to (d). 24

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