



Resources Safety & Health
Queensland

Compliance and Enforcement Policy

MARCH 2021

INTRODUCTION

Resources Safety and Health Queensland (RSHQ) is the independent regulator of worker safety and health in Queensland's petroleum and gas, mining, quarrying and explosives sectors. Our vision is zero serious harm across the state's resources sector.

Purpose

RSHQ is established by the *Resources Safety and Health Queensland Act 2020 (the Act)*. Under the Act, RSHQ is responsible for administering and enforcing the Resources Safety Acts below and furthering their purposes.

Resources Safety Act	Regulation	Administering Inspectorate
<i>Coal Mining Safety and Health 1999</i>	Coal Mining Safety and Health Regulation 2017	Coal Mines Inspectorate
<i>Mining and Quarrying Safety and Health Act 1999</i>	Mining and Quarrying Safety and Health Regulation 2017	Mineral Mines and Quarries Inspectorate
<i>Petroleum and Gas (Production and Safety) Act 2004</i>	Petroleum and Gas (Safety) Regulation 2018, Petroleum and Gas (General Provisions) Regulation 2017	Petroleum and Gas Inspectorate
<i>Explosives Act 1999</i>	Explosives Regulation 2017	Explosives Inspectorate
<i>Resources Safety and Health Queensland Act 2020</i>	No provision	Resources Safety and Health Queensland

This policy outlines the principles and practices that underpin our compliance and enforcement actions, which are a critical part of preventing serious harm to workers and the community across the Queensland resources industry.

It also provides guidance when determining a regulatory response and, when applied, will be informed by consideration of the specific circumstances of each matter.

Objectives

Our objective is to protect the safety and health of resource industry workers and the Queensland community from serious harm by ensuring that:

- the risk of injury or illness resulting from regulated/ authorised activities is at an acceptable level
- obligation-holders receive the support, guidance, and information necessary to discharge their safety and health obligations
- industry, workers and the community have confidence in Queensland's resources safety and health framework.

Regulatory values

In our decision-making and actions, RSHQ will uphold the following values:

Risk-based approach

We focus on the areas of greatest risk within the resources industry to minimise serious harm. We investigate all complaints.

Serious compliance matters that are supported by evidence are prioritised. Data driven analytics supports our risk-based approach.

Transparency

Industry, workers and other stakeholders must have a clear understanding of what to expect from us, and what we expect from them. We will communicate on these matters with clarity and integrity and measure and report on safety and health outcomes.

Consistency

Industry, workers and the community see that we take a consistent approach to compliance. This does not mean we operate inflexibly, rather that we apply our values and principles consistently to the facts and circumstances of each case.

Independence

We will act with impartiality and without fear or favour.

Accountability

We take responsibility for our role in Queensland's resources safety and health framework.

Proportionality

Our compliance and enforcement decisions will be proportionate to the conduct. Our decisions are informed by evidence, having regard to the level of potential or actual harm, the magnitude of the matter and behaviour of those involved.

Fairness

In exercising our powers, we afford persons and organisation's natural justice and procedural fairness.

COMPLIANCE PRINCIPLES AND PRACTICE: OUR APPROACH

Most of the time, organisations and people do the right thing. A small minority may occasionally do things that put resource industry workers or the broader community at unacceptable levels of risk or cause serious harm.

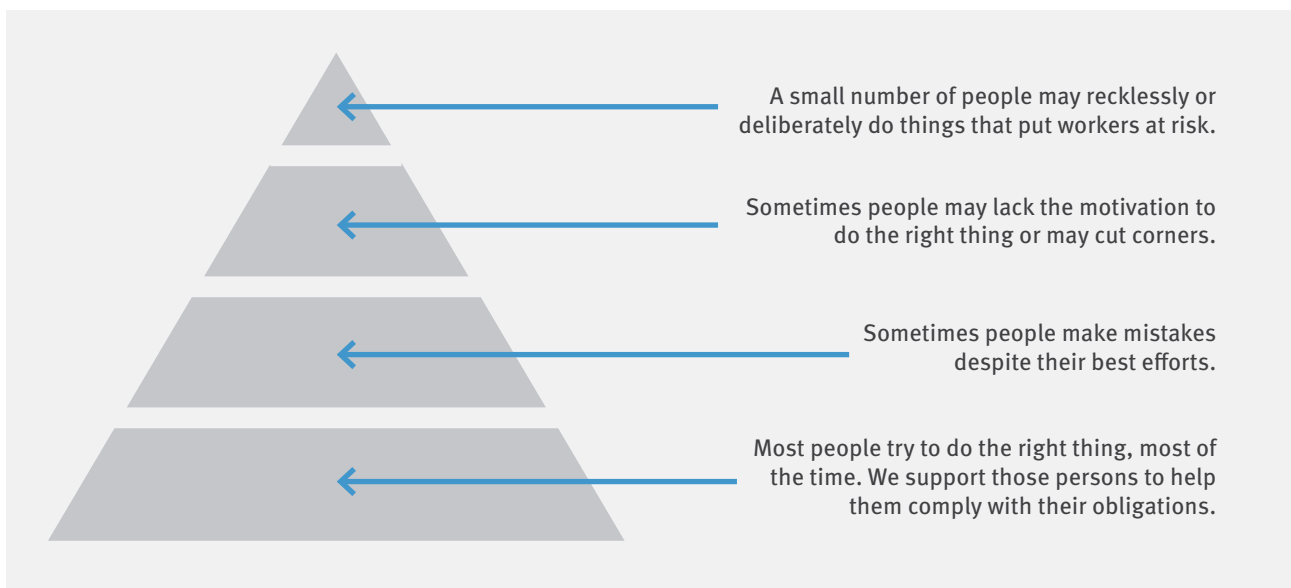


Figure 1: Compliance attitudes and behaviours

Principles

We achieve our regulatory objectives through compliance and enforcement actions that are systems-focused and proportionate to the risk and/or circumstances.

When deciding what compliance action to take, we take into consideration:

- the nature of the particular risk
- whether the non-compliance is systemic and/or recurrent
- the nature of the non-compliant behaviour, considering evidence of:
 - disengagement with, or resistance to, safety and health regulation
 - the extent to which the non-compliance was deliberate, negligent or accidental.

It is important to understand the broad characteristics of the different compliance actions that we may take in a given case. Our compliance activities may exhibit one or a combination of the following responses:

- **Educational:** Actions are taken to ensure relevant parties have the information, advice and support they need to achieve an acceptable level of risk in their activities and operations. We strive to raise awareness and disseminate information with a view to improving safety and health performance.
- **Corrective:** In some cases, we take interventionist action to ensure that risk is at an acceptable level.
- **Deterrent:** We take action to deter substandard safety and health practices and incentivise behaviours that are conducive to improved safety and health. This action may be directed at specific persons, or industry in general.
- **Punitive:** Where it is in the public interest, we pursue punitive action in respect of recurrent, recalcitrant or gross non-compliance.

We balance these principles and characteristics in determining which actions are most appropriate for a given case. This is reflected in the diagram below, which depicts how we identify a regulatory response that is appropriate and effective.

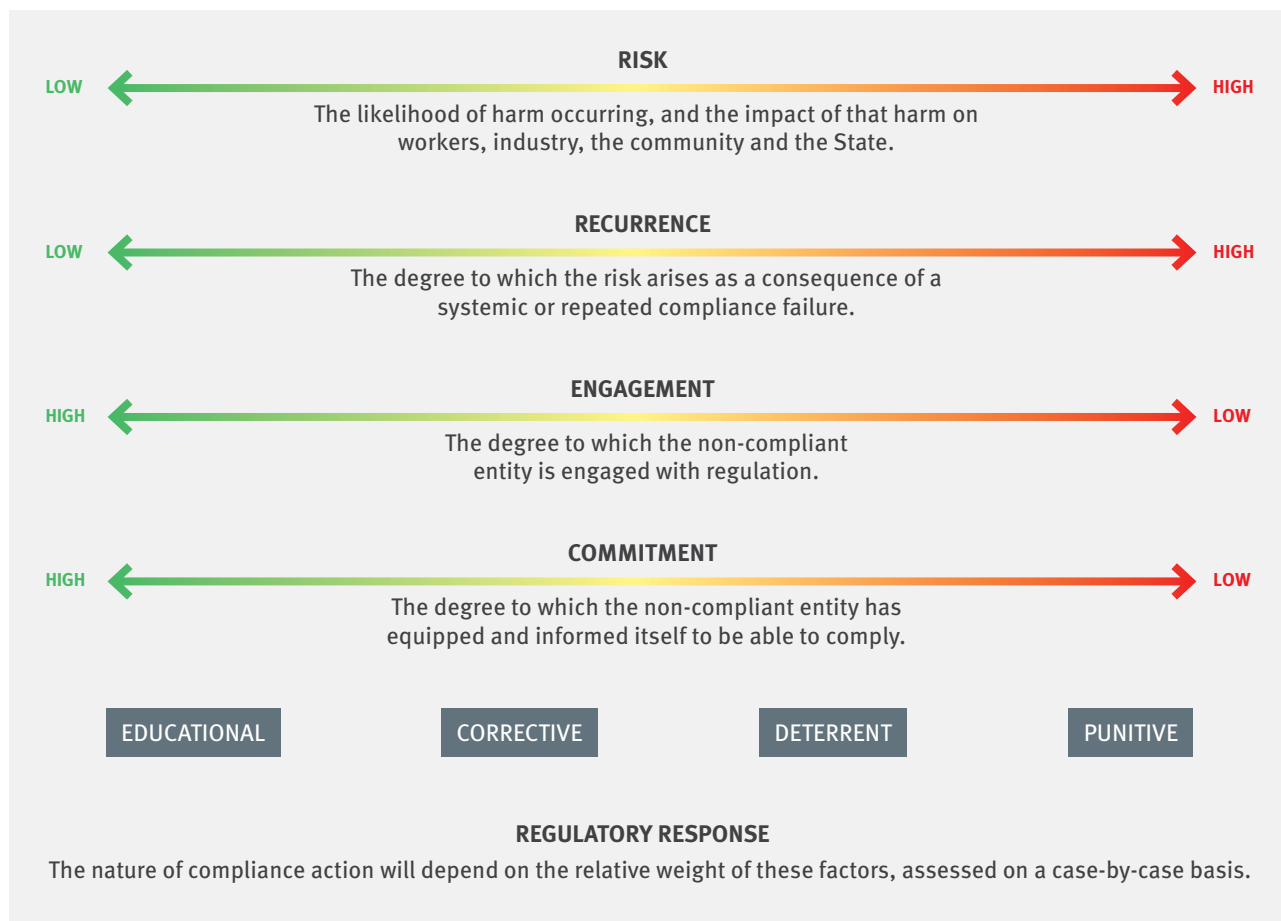


Figure 2: Identifying an appropriate and effective regulatory response

Compliance toolkit

We use a range of compliance tools to effectively and appropriately respond to particular risks and harms.

Inspections, audits and engagements

Educational, deterrent, corrective

Inspections, audits and engagement are the core of our regulatory work. We tailor the frequency and scope of this work as we become aware of particular risks, harms and incidents of non-compliance. These proactive activities can be a deterrent to non-compliance.

Interactions between inspectors and persons or organisations involved in regulated activities are opportunities to provide guidance, advice and observe positive safety practices done by workers.

We engage with industry through workshops, seminars, conferences and other forums. Engagement is a key part of our work to build safety and health capacity across industry and the sharing of good practices.

Investigations

Educational, deterrent

Investigations may follow from an incident, complaint, inspection or audit.

We carry out an investigation when the circumstances of a particular case indicate that it is an appropriate response, or an appropriate part of a broader response.

We conduct investigations consistent with the principles and values in this policy.

Inspections

Inspectorate advice

Educational, corrective

We provide information, offer advice, issue notices, directives or make recommendations to support responsible persons and organisations in developing and implementing effective safety and health systems, discharging regulatory obligations and achieving an acceptable level of risk.

This may be appropriate whether or not a person's or organisation's actions or systems breach the law. If left unchecked, it could result in increased risk or serious harm.

Alternatively, we may take this approach where we observe there are ways of further reducing worker exposure to risk; or in cases of low-risk, technical non-compliance.

We encourage non-compliant individuals to take responsibility for improving safety and health outcomes.

Statutory powers to require action

Corrective, deterrent

RSHQ has statutory powers to require persons or organisations to undertake certain actions. These include but are not limited to directives, compliance directions, amending licence conditions and dangerous situation notices.

In exercising these powers, we are able to address deficiencies by requiring an immediate or specific response – which may include reviewing and modifying systems, practices and plant.

In situations, where risk is at an unacceptable level, powers are available to suspend operations. The relevant operation will not be allowed to recommence until risk is at an acceptable level. Suspensions not only mandate correction of the non-compliance but also have a significant deterrent effect.

These powers are a means for requiring persons or organisations to focus their attention and resources on remedying problems. Failure to comply with requirements can lead to an escalation of compliance activity.

Suspending and cancelling licences, permits and approval authorities

Corrective, deterrent, punitive

We may seek the suspension or cancellation of a statutory licence, permit, certificate of competency or authority holder. Particularly if the holder demonstrates an inability, unwillingness or repeated failures to comply with the law, or that they are unfit to hold the authority.

Statutory penalties

Corrective, deterrent, punitive

We may use statutory powers to impose penalties. These include issuing penalty infringement notices, civil penalties or imposing fines, if a person or company has committed a clear breach of a statutory obligation.

Public statements

Educational, deterrent

We publish information and investigation reports for certain incidents that occur in the resources industry. Reports provide a factual account of the incident and compliance actions we have taken.

These reports seek to raise awareness about risks to the safety and health of workers and the community, promote good safety practices and deter behaviours that endanger the safety and health of people.

Refer to the [Public Statements Policy](#).

Prosecutions

Punitive, deterrent

The Work Health and Safety Prosecutor established under the *Work Health and Safety Act 2011* is the decision-maker about whether to prosecute serious offences under the Resources Safety Acts.

The Industrial Manslaughter offence, contained in the Resources Safety Acts, is applicable to the Queensland resources industry.

Prosecution is pursued when it is in the public interest to do so and there is sufficient evidence as to be capable of securing a conviction. This may include cases of the most serious and egregious conduct.

Further information

Data obtained by the regulator from compliance activities and other means is analysed to identify trends and emerging issues. The data analysis informs future inspections, audits and engagement efforts that contribute to the zero serious harm aspiration in the resources industry.

Our inspectors will work with the petroleum and gas, quarries, mining and explosive industry sectors to ensure that workers and the community are not exposed to unacceptable levels of risk.

Further information on this policy is available at www.rshq.qld.gov.au or email help@rshq.qld.gov.au.



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