



Resources Safety & Health
Queensland

Performance report 2020- 2021

Regulator performance framework

This publication has been compiled by Resources Safety and Health Queensland
© State of Queensland, 2021

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 4.0 International (CC BY 4.0) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.

You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

Note: Some content in this publication may have different licence terms as indicated.

For more information on this licence, visit <https://creativecommons.org/licenses/by/4.0/>.

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

Interpreter statement:



The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding this document, you can contact us within Australia on 13QGOV (13 74 68) and we will arrange an interpreter to effectively communicate the report to you.

Introduction

Resources Safety and Health Queensland (RSHQ) was established on 1 July 2020 as an independent statutory body, by the *Resources Safety and Health Queensland Act 2020*. RSHQ is responsible for regulating worker safety and health in Queensland's resources industries by administering safety and health legislation under the following Acts:

- *Coal Mining Safety and Health Act 1999*
- *Explosives Act 1999*
- *Mining and Quarrying Safety and Health Act 1999*
- *Petroleum and Gas (Production and Safety) Act 2004*.

RSHQ's vision is zero serious harm across the state's resources sector. As a risk-based regulator, RSHQ focuses its resources and effort on protecting workers and communities from bad things or harms. We define serious harm as a fatality, an injury requiring hospital admission, or an occupational disease such as mine dust lung disease. RSHQ's mission is to regulate, educate and assist industry in meeting its obligations to protect and promote the safety and health of persons from risks associated with mining, quarrying, explosives and petroleum and gas. Refer to RSHQ's 2020-2021 Annual Report (<https://www.rshq.qld.gov.au/about-us/resources/publications/annual-report>) for more information about how we do this.

Regulator performance framework

The Queensland Government's Regulator Performance Framework¹ identifies model practices that seek to minimise regulatory burden and provide opportunities to reduce unnecessary compliance costs on regulated parties. As a Queensland Government regulator, RSHQ is required to publicly report annually on regulatory performance, including demonstrating the extent to which it is translating the model practices into business practices and outlining plans for future improvement.

¹ *The Queensland Government Guide to Better Regulation*, Queensland Treasury, May 2019, p. 27.

Regulatory practices aligned with model practices

The following tables outline the five model practices and their supporting principles. For each model practice, information is provided to demonstrate alignment of RSHQ's regulatory practices in 2020-2021², including improvement actions during this period.

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden	RSHQ's regulatory practices and actions
<ul style="list-style-type: none"> A proportionate approach is applied to compliance activities, engagement, and regulatory enforcement actions Regulators do not unnecessarily impose on regulated entities Regulatory approaches are updated and informed by intelligence gathering so that effort is focused towards risk 	<ul style="list-style-type: none"> The <i>RSHQ Compliance and Enforcement Policy</i> (released March 2021) outlines the principles and practices that underpin our compliance and enforcement actions and provides guidance when determining a regulatory response. We balance these principles and characteristics in determining which actions are most appropriate for a given case. The diagram (right) depicts how we identify a regulatory response that is systems-focused, proportionate, and effective. Depending on the factors outlined in the diagram, appropriate compliance actions may exhibit one or a combination of education, corrective, deterrent, or punitive characteristics. <p>The diagram illustrates the factors influencing the regulatory response. It consists of four horizontal scales, each with a green arrow pointing left (Low) and a red arrow pointing right (High). The scales are:</p> <ul style="list-style-type: none"> RISK: The likelihood of harm occurring, and the impact of that harm on workers, industry, the community and the State. (Low to High) RECURRENCE: The degree to which the risk arises as a consequence of a systemic or repeated compliance failure. (Low to High) ENGAGEMENT: The degree to which the non-compliant entity is engaged with regulation. (High to Low) COMMITMENT: The degree to which the non-compliant entity has equipped and informed itself to be able to comply. (High to Low) <p>Below these scales, four boxes represent the REGULATORY RESPONSE: EDUCATIONAL, CORRECTIVE, DETERRENT, and PUNITIVE. A note at the bottom states: "The nature of compliance action will depend on the relative weight of these factors, assessed on a case-by-case basis."</p>

² 2020-2021 refers to the reporting year 1 July 2020 to 30 June 2021.

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden	RSHQ's regulatory practices and actions
	<p><i>Improvement actions</i></p> <p>Our approach to regulatory action is assisted by data analysis and industry risk profiles which refine focus on known risks; or identify previously unknown risks (e.g., discovery of abandoned magazines containing explosives, baseline review of occupational health). Where appropriate, we use this analysis to improve regulatory guidance and legislation for industry. For example:</p> <ul style="list-style-type: none"> • Amendment of regulations to strengthen safety and health protections for resources workers, including lowering exposure limits for respirable crystalline silica in mineral mines and quarries and introducing mandatory respiratory health surveillance for mineral mine and quarry workers. • Legislative amendments and the introduction of a recognised standard for underground explosion barriers to provide a technical standard for selection, installation, maintenance and use of explosion barriers in underground coal mine roadways, to assist in reducing the risk of propagation of an explosion to an acceptable level and deliver better safety outcomes for coal mine workers. • Following serious harm incidents in commercial kitchens (mainly because of unlicensed gas work), a gas safety inspection campaign was carried out focussing on the gas safety compliance in takeaway food outlets and restaurants with commercial kitchens. The main safety message is '<i>NO DIY gas work</i>'.

2. Consult and engage meaningfully with stakeholders	RSHQ's regulatory practices and actions
<ul style="list-style-type: none"> • Formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and Government decision making circumstances 	<ul style="list-style-type: none"> • RSHQ carries out extensive consultation and engagement with stakeholders and industry groups, across all resource sectors. This includes ensuring stakeholders are appropriately involved in development of policy, legislation, or initiatives. RSHQ regularly presents or attends key forums and conferences, taking a leading role in safety and health technological or industry advancements in the resources sector.

2. Consult and engage meaningfully with stakeholders	RSHQ's regulatory practices and actions
<ul style="list-style-type: none"> Engagement is undertaken in ways that helps regulators develop a genuine understanding of the operating environment of regulated entities Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework 	<ul style="list-style-type: none"> For a comprehensive summary of consultation and engagement activities and events during the 2020-21 financial year, refer to RSHQ's Annual Report (2020-2021)³ which can be located on RSHQ's website (https://www.rshq.qld.gov.au/about-us/resources/publications/annual-report). RSHQ maintains many cooperative and collaborative relationships with stakeholders. For example, our Safety in Mines Testing and Research Station (Simtars), has a key active role in the Level 1 emergency response exercise which aims to collectively improve industries with response capability. Simtars works with other stakeholders including the Queensland Mines Rescue Service, Industry Safety and Health Representatives, the University of Queensland's Sustainable Minerals Institute, the Office of the Commissioner for Resources Safety and Health, relevant inspectorates, and Queensland coal mines. <p><i>Notable planned activities</i></p> <ul style="list-style-type: none"> A code of practice for hydrogen (as an emerging industry) is currently being developed. Activities included the release of a public discussion paper in October 2021 and a webinar with industry and stakeholders to allow for feedback and consultation. Over 100 stakeholders participated in the webinar and 19 industry and stakeholder submissions were provided towards the development of the code of practice. The code will provide a consolidated compliance framework for existing requirements that are currently not well-defined for hydrogen applications and projects. The Safegas V5 Roadmap is currently being developed for a real time gas monitoring system used in underground coal mines, following the Safegas V4 upgrade. It incorporates industry discussion paper feedback received during 2020-2021 as well as outcomes from a subsequent industry workshop undertaken in November 2021. This work will inform the next planned stages, including design and functional specification and development (including user interface enhancement). These enhancements will ensure the product remains contemporary and meets stakeholder needs.

³ Refer to 'Fast Figures' section, pages 18-21 of the RSHQ Annual Report 2020-21.

3. Provide appropriate information and support to assist compliance	RSHQ's regulatory practices and actions
<ul style="list-style-type: none"> • Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience • Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance • Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g., small business) or require specialist advice 	<ul style="list-style-type: none"> • Simtars is an accredited Registered Training Organisation and consults with inspectorates, the Board of Examiners, industry, unions, and universities to inform the design of training and assessment strategies. We are supporting the next generation of mining professionals by delivering a suite of statutory training programs to statutory position holders including; explosion risk zone/deputy, first class mine manager, ventilation officer (coal) and ventilation officer (metalliferous). • Queensland's resources industries span a broad stakeholder base and include workers in many remote and regional locations. Initiatives assisting greater accessibility during 2020-21 include: <ul style="list-style-type: none"> ○ Partnering with Heart of Australia to deliver health assessment to remote and regional Queensland coal, mineral mine, and quarry workers, with the construction of the first-of-its-kind mobile health unit commencing in August 2020. The service will have the functionality to support the early detection of mine dust lung disease through chest X-ray screening, spirometry, and where required, follow-up investigation using high-resolution computed tomography and complex lung function testing. The service will commence in early 2022. ○ The Mine Dust Health Support Service – a collaboration between the Office of Industrial Relations, WorkCover Queensland and RSHQ – helped a further 156 individuals access lung screening, compensation, and information. ○ Releasing ResHealth – a new digital occupational health surveillance system – that allows coal mine workers, doctors, and employers to engage directly with an online platform to complete health assessments. ResHealth will continue to enhance RSHQ's individual and group health surveillance by enabling easier access to quality health data and enhance health outcomes for current and former mine and quarry workers. • RSHQ issues a range of publications to inform and advise regulated entities about improving safety and health outcomes. In 2020-21, these included: <ul style="list-style-type: none"> ○ 12 periodicals detailing incidents that occurred at Queensland Coal Mines, Mineral Mines and Quarries and recommending controls for implementation by sites with similar hazards. These are available for use by sites to share learnings with coal, mineral mine, and quarry workers at toolbox talks, return to

3. Provide appropriate information and support to assist compliance	RSHQ's regulatory practices and actions
	<p>work sessions and other safety forums.</p> <ul style="list-style-type: none"> ○ Safety alerts and safety bulletins outlining learnings from accidents, investigations, and incidents. ○ Notifications regarding changes to requirements for matters including reduced exposure limits for respirable dust and respirable crystalline silica and competencies for ventilation officers and site senior executives (SSEs). <ul style="list-style-type: none"> ● We provided a service for the safe collection and disposal of explosives, ammunition, flares, and fireworks. This resulted in the collection and safe disposal of hundreds of tonnes of items, without unnecessary regulatory burden.

4. Commit to continuous improvement	RSHQ's regulatory practices and actions
<ul style="list-style-type: none"> ● Regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators to ensure it is appropriately risk based, leverages technological innovation and remains the best approach to achieving policy outcomes ● To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community ● Staff have the necessary training and 	<ul style="list-style-type: none"> ● RSHQ is committed to continuous improvement, which is one of our eight core values. See page 9 of RSHQ's Annual Report 2020-2021 (https://www.rshq.qld.gov.au/about-us/resources/publications/annual-report). <p>Some of the initiatives commenced or undertaken in 2020-21 include:</p> <ul style="list-style-type: none"> ● Initiating the Modernising Regulatory Enforcement and Strengthening Safety and Health Culture Project, with the primary objective to progress legislative proposals that modernise regulatory enforcement and strengthen the safety and health culture of the resources sector. ● Progressing amendment regulations to strengthen safety and health protections for resources workers, including improvements for methane gas management and requirements for explosion barriers in underground coal mines; lowering exposure limits for respirable coal dust and respirable crystalline silica in mines; introducing mandatory respiratory health surveillance for mineral mine and quarry workers; strengthening explosives security clearance requirements; and provisions to operationalise the gas device approval authority framework.

4. Commit to continuous improvement	RSHQ's regulatory practices and actions
<p>support to effectively, efficiently and consistently perform their duties</p>	<ul style="list-style-type: none"> Adapting our work practices where appropriate, including: <ul style="list-style-type: none"> paperless gas compliance certificates for gasfitters. In 2022, gas work licence holders will be able to use paperless certificates to verify safety compliance via handheld and other devices. a new on-line explosives security clearance system with automated continuous monitoring links to security agencies. The system went live in early 2020 and in 2020–2021, 3,810 security clearances were processed. In the field, the process of regulatory compliance assurance for our explosives inspectorate has been streamlined by the introduction of a cloud-based inspection and audit tool that enables inspectors to digitally record their work and automatically upload the results to our databases. Simtars completed an assessment process for obtaining cristobalite accreditation with the National Association of Testing Authorities (NATA). This additional accreditation will extend the existing suite of crystalline silica analyses and demonstrate to industry Simtars' competence, reliability, and commitment to quality assurance. Simtars continues to provide technical input to develop our competency base and dataset to support research programs and ultimately improve worker health outcomes. Progressing work to improve incident reporting following the findings and recommendations from the review of all fatal accidents in Queensland mines and quarries from 2000 to 2019 – a report issued by Dr Sean Brady in December 2019 (Brady Review). This includes: <ul style="list-style-type: none"> undertaking initiatives to engage, communicate with and monitor respective industries with the goal of improving reporting of high potential incidents (HPIs), quality of investigations undertaken, and effectiveness of controls implemented. the establishment of the Central Assessment and Performance Unit to receive, triage and manage incidents reported by industry, be a single point of incident reporting contact for industry and provide key insights and data analysis in relation to industry safety trends and performance. <p>Upcoming improvements</p> <ul style="list-style-type: none"> The Resources Medical Advisory Committee has been established to provide independent, strategic medical advice to the Minister for Resources and RSHQ. This will include consideration of current opportunities for improvement, as well as emerging occupational health hazards and issues affecting resource sector workers. Simtars is in the final stages of building and commissioning a respirable dust chamber in collaboration with the

4. Commit to continuous improvement	RSHQ's regulatory practices and actions
	<p>National Institute of Occupational Safety and Health in the USA. The respirable dust chamber will be based on the 'Marple' design and will establish a facility in Australia equivalent to those available in the USA and UK. The chamber will provide a unique respirable dust measurement facility for the Australian mining and allied industries. It is seen as an important verification and reference tool for regulators, original equipment manufacturers and other researchers.</p>

5. Be transparent and accountable in actions	RSHQ's regulatory practices and actions
<ul style="list-style-type: none"> Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions Indicators of regulator performance are publicly available 	<ul style="list-style-type: none"> RSHQ's Annual Report 2020-2021 has been published on the RSHQ website summarising performance indicator results and activities conducted by inspectorates, including inspections, audits, compliance directives and complaints received from workers. The Annual report was provided to key industry stakeholder groups. See (https://www.rshq.qld.gov.au/about-us/resources/publications/annual-report). Planned and actual inspection and audit numbers are published quarterly on the RSHQ website allowing industry to see this performance measure. See (https://www.rshq.qld.gov.au/about-us/resources/publications/compliance-data). RSHQ provides a service commitment (including targets for decision timeframes) to stakeholders on licence and permit applications. We also accommodate urgent requests based on industry and stakeholder needs.